

# ARIZONA STATE SENATE

## 46TH LEGISLATURE SECOND REGULAR SESSION

### MINUTES OF COMMITTEE ON GOVERNMENT

**DATE:** March 30, 2004

**TIME:** 1:30 p.m.

**ROOM:** SHR 3

**CHAIRMAN:** Senator Tibshraeny

**VICE CHAIRMAN:** Senator Hellon

**ANALYST:** Nadine Sapien

**COMMITTEE  
SECRETARY:** Nancy L. DeMichele

**INTERN:** Pam Gallagher

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#### ATTENDANCE

#### BILLS

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<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Cheuvront	X			HB 2007	FAILED
Senator Garcia	X			HB 2062	DPA
Senator Hale	X			HB 2310	DP
Senator Harper	X			HB 2374	DPA
Senator Mead	X			HB 2478	DPA
Senator Mitchell	X			HB 2502	DP
Senator Waring	X			HB 2559	DP
Senator Hellon, Vice Chairman	X			HB 2584	DP
Senator Tibshraeny, Chairman	X			HB 2678	FAILED
				HCR 2036	FAILED

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#### GOVERNOR'S APPOINTMENTS

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<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
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#### PRESENTATIONS

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Chairman Tibshraeny called the meeting to order at 1:40 p.m., and roll call was taken.

## **APPROVAL OF MINUTES**

**Chairman Tibshraeny moved the minutes of March 23, 2004 be approved. Without objection, the minutes were approved as distributed.**

## **CONSIDERATION OF BILLS**

### **HB 2007 – geographic and historic names board – FAILED**

Senator Tibshraeny explained that lengthy testimony was taken at the Committee meeting on March 23, and today he announced that representative spokespersons from each side would be given the opportunity to testify.

**Pam Gallagher, Government Committee Intern**, explained HB 2007 and HCR 2036. She explained the following amendments to HB 2007.

- The 2-line Tibshraeny amendment dated 3/19/04 at 3:12 p.m.
- The 6-line Mead amendment dated 3/22/04 at 11:23 a.m.
- The 8-line Garcia amendment dated 3/22/04 at 4:48 p.m.
- The 9-line Hale amendment dated 3/29/04 at 1:30 p.m.

Ms. Gallagher stated that the Mead amendment is also being proposed to HCR 2036.

**Tim Norton, Chair, Arizona State Board on Geographic and Historic Names, representing himself**, testified in support of HB 2007 and HCR 2036.

**Lloyd Clark, Arizona Historical Society Delegate, representing himself**, testified in support of HB 2007 and HCR 2036.

**Martha McNamara, representing herself**, testified in opposition to HB 2007 and HCR 2036.

**Johnny Lozano, representing himself**, testified in opposition to HB 2007 and HCR 2036. He distributed a handout (Attachment A).

**Jesse Ari, retired Realtor, representing himself**, testified in opposition to HB 2007 and HCR 2036.

**Jacob Moore, Special Assistant, Salt River Pima Maricopa Indian Community**, testified in opposition to HB 2007 and HCR 2036.

**Raphael Bear, President, Fort McDowell Yavapai Nation, representing himself**, testified in opposition to HB 2007 and HCR 2036.

**Representative Hanson, sponsor of the two measures**, responded to questions from the Committee.

**Les Ryan, on behalf of the Friends of Piestewa**, distributed a handout (Attachment B).

Individuals who registered their position on the bill are listed in Attachment C.

**Senator Hellon moved HB 2007 be returned with a DO PASS recommendation.**

**Senator Hellon moved the 2-line Tibshraeny amendment dated 3/19/04 at 3:12 p.m. be ADOPTED (Attachment D). The motion CARRIED by a voice vote.**

**Senator Hellon moved the 6-line Mead amendment dated 3/22/04 at 11:23 a.m. be ADOPTED (Attachment E). The motion CARRIED by a voice vote.**

**Senator Hellon moved the 8-line Garcia amendment dated 3/22/04 at 4:48 p.m. be ADOPTED (Attachment F). The motion CARRIED by a voice vote.**

**Senator Hellon moved the 9-line Hale amendment dated 3/29/04 at 1:30 p.m. be ADOPTED (Attachment G). The motion CARRIED by a voice vote.**

**Senator Hellon moved HB 2007 be returned with an AS AMENDED, DO PASS recommendation. The motion FAILED by a roll call vote of 4-5-0 (Attachment 1).**

**HCR 2036 – geographic names board; referendum (now: geographic and historic names board) – FAILED**

Senator Mead announced he would not be offering the 6-line Mead amendment, dated 3/22/04 at 11:09 a.m. to HCR 2036 (Attachment H).

Individuals who registered their position on the bill are listed in Attachment C.

**Senator Hellon moved HCR 2036 be returned with a DO PASS recommendation. The motion FAILED by a roll call vote of 3-6-0 (Attachment 2).**

**HB 2559 – fire districts; fire code – DO PASS**

**Nadine Sapien, Government Committee Analyst, explained HB 2559.**

Individuals who registered their position on the bill are listed in Attachment C.

**Senator Chevront moved HB 2559 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 7-1-1 (Attachment 3).**

**HB 2584 – veterans' services; persons under disability – DO PASS**

**Nadine Sapien, Government Committee Analyst, explained HB 2584.**

Senator Tibshraeny explained HB 2584 is the same bill that passed out of this Committee previously. Ms. Sapien clarified that SB 1240 is the identical companion bill that is now in the House of Representatives awaiting hearings. She noted that HB 2584 is also assigned to the Senate Finance Committee and will be heard on April 5.

**Representative Hanson, bill sponsor, further explained HB 2584.**

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment C).

**Senator Chevront moved HB 2584 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 8-0-1 (Attachment 4).**

**HB 2062 – municipal corporations; property sale (now: property exchanges; municipalities) – DO PASS AMENDED**

**Nadine Sapien, Government Committee Analyst**, explained HB 2062. She explained the following proposed amendments:

- The 3-line Hellon amendment dated 3/26/04 at 8:15 a.m.
- The 10-line Mead amendment dated 3/26/04 at 9:46 a.m.

**Representative Jayne, bill sponsor**, further explained HB 2062 and stated he supports both amendments.

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment C).

**Senator Chevront moved HB 2062 be returned with a DO PASS recommendation.**

**Senator Chevront moved the 10-line Mead amendment dated 3/26/04 at 9:46 a.m. be ADOPTED (Attachment I). The motion CARRIED by a voice vote.**

**Senator Chevront moved the 3-line Hellon amendment dated 3/26/04 at 8:15 a.m. be ADOPTED (Attachment J). The motion CARRIED by a voice vote.**

**Senator Chevront moved HB 2062 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by a roll call vote of 8-0-1 (Attachment 5).**

**HB 2502 – governmental procurement; set aside program – DO PASS**

**Pam Gallagher, Government Committee Intern**, explained HB 2502.

**Representative Thompson, bill sponsor**, further explained HB 2502.

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment C).

**Senator Hellon moved HB 2502 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 9-0-0 (Attachment 6).**

**HB 2310 – animal mistreatment; procedures – DO PASS**

**Pam Gallagher, Government Committee Intern**, explained HB 2310. She explained the 8-line Hellon amendment dated 3/29/04 at 12:17 p.m.

**Representative McClure, bill sponsor**, further explained HB 2310 and clarified a correction that was made on this measure.

**Mark Barnes, Pinal County Board of Supervisors**, testified in support of HB 2310 and the Hellon amendment.

Senator Hellon announced she would not offer her amendment at this time (Attachment K). Senator Tibshraeny suggested that the parties work together to resolve any concerns.

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment C).

**Senator Hellon moved HB 2310 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 9-0-0 (Attachment 7).**

### **HB 2478 – homeowners’ associations; political signs – DO PASS AMENDED**

**Nadine Sapien, Government Committee Analyst**, explained HB 2478. She explained the following proposed amendments:

- The 9-line Harper amendment dated 3/26/04 at 9:58 a.m.
- The 11-line Harper amendment dated 3/26/04 at 8:42 a.m.
- The 5-line Mitchell amendment dated 3/29/04 at 2:32 p.m.

**Representative Prezelski, bill sponsor**, further explained HB 2478.

**Pat Haruff, President, Coalition of Homeowners for Rights and Education (CHORE)**, testified in support of HB 2478. She stated CHORE supports the Mitchell amendment, but opposes the two Harper amendments.

**Linda Lang, Executive Director, Arizona Association of Community Managers**, testified in support of HB 2478 and the Mitchell amendment. She stated they have concerns with the Harper amendments. She stated she was testifying on behalf of **Jeff Sandquist**, who had to leave this meeting to attend other hearings.

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment C).

**Lawrence Scruggs, representing himself**, testified in support of HB 2478.

**Senator Hellon moved HB 2478 be returned with a DO PASS recommendation.**

**Senator Hellon moved the 9-line Harper amendment dated 3/26/04 at 9:58 a.m. be ADOPTED (Attachment L). The motion FAILED by a voice vote. Division was called. The motion FAILED by a division of 6-3.**

**Senator Hellon moved the 11-line Harper amendment dated 3/26/04 at 8:42 a.m. be ADOPTED (Attachment M). The motion FAILED by a voice vote.**

**Senator Hellon moved the 5-line Mitchell amendment dated 3/29/04 at 2:32 p.m. be ADOPTED (Attachment N). The motion CARRIED by a voice vote.**

**Senator Hellon moved HB 2478 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by a roll call vote of 7-2-0 (Attachment 8).**

**HB 2374 – homeowners’ associations; proxies – DO PASS AMENDED**

**Nadine Sapien, Government Committee Analyst**, explained HB 2374. She explained the following proposed amendments:

- The 23-line Harper amendment dated 3/26/04 at 9:49 a.m.
- The 2-page Mead amendment dated 3/29/04 at 9:57 a.m.

Ms. Sapien stated that the two amendments are in conflict.

Senator Tibshraeny announced that HB 2374 was heard at a previous meeting, and was held at that time to work on amendments.

**Representative Chuck Gray, bill sponsor**, further explained the two amendments.

**John Lamer, homeowner representing himself**, testified in support of HB 2374 and the Mead amendment.

**Pat Haruff, President, Coalition of Homeowners for Rights and Education (CHORE)**, originally testified in support to HB 2374. She stated CHORE is now neutral to HB 2374 because the bill has since been changed and CHORE cannot support it at this time.

**Anne Stewart, representing herself and a spokesperson for the Sun City Formula Registry**, testified in support of HB 2374 and the Harper amendment. She stated she is in opposition to the Mead amendment.

**James Treece, Director of The Sun City Taxpayers Association, representing himself**, testified as neutral to HB 2374. He stated he supports the concept of a bill, but this bill has defects.

**Susan Charlton, attorney, Diamond Ventures**, testified in opposition to HB 2374.

Senator Tibshraeny announced the individuals who registered their position on the bill (Attachment C).

**Senator Hellon moved HB 2374 be returned with a DO PASS recommendation.**

**Senator Hellon moved the 2-page Mead amendment dated 3/29/04 at 9:57 a.m. be ADOPTED (Attachment O). The motion CARRIED by a voice vote.**

Ms. Sapien explained that the Harper amendment was in conflict.

**Senator Tibshraeny moved to RECONSIDER the action on the 2-page Mead amendment dated 3/29/04 at 9:57 a.m. The motion FAILED by a voice vote.**

The Harper amendment was not offered (Attachment P), since it was in conflict with the Mead amendment.

**Senator Hellon moved HB 2374 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by a roll call vote of 7-2-0 (Attachment 9).**

**HB 2678 – eminent domain - FAILED**

**Nadine Sapien, Government Committee Analyst,** explained HB 2678.

**Leon Woodward, owner, U. S. Parking Systems, representing himself,** testified in support of HB 2678.

**Representative Farnsworth, bill sponsor,** further explained HB 2678.

**Paul Barnes, designated lobbyist, Neighborhood Coalition of Greater Phoenix,** testified in opposition to HB 2678.

**Pat Haruff, President, Coalition of Homeowners for Rights and Education (CHORE),** testified in support of HB 2374. She distributed a handout (Attachment Q).

**Kevin Adam, Legislative Coordinator, League of Arizona Cities and Towns,** testified in opposition to HB 2678.

**Senator Hellon moved HB 2678 be returned with a DO PASS recommendation. The motion FAILED by a roll call vote of 4-5-0 (Attachment 10).**

There being no further business, the meeting adjourned at 4:20 p.m.

Respectfully submitted,

Nancy L. DeMichele  
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)