

# ARIZONA STATE SENATE

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## 48TH LEGISLATURE FIRST REGULAR SESSION

### MINUTES OF COMMITTEE ON GOVERNMENT

**DATE:** February 5, 2007

**TIME:** 1:30 P.M.

**ROOM:** SHR3

**CHAIRMAN:** Senator Harper

**VICE CHAIRMAN:** Senator Blendu

**ANALYST:** Chad Nitsch

**INTERN:** Jacob Agron

**COMMITTEE  
SECRETARY:** Shelley Ponce

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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 Burton Cahill	X			SB 1062	DPA
Senator Flake	X			SB 1085	DP
Senator Garcia	X			SB 1125	HELD
Senator L. Gray	X			SB 1169	DPA
Senator Pesquiera	X			SB 1254	DPA
Senator Blendu, Vice Chairman	X			SB 1300	DPA/SE
Senator Harper, Chairman	X			SB 1328	DPA
				SB 1353	DP
				SB 1444	DP
				SB 1544	DP

Chairman Harper called the meeting to order at 1:30 p.m., and attendance was taken.

## **APPROVAL OF MINUTES**

**Senator Harper moved the minutes of January 29, 2007 be approved. Without objection, the minutes were approved as distributed.**

## **CONSIDERATION OF BILLS**

### **SB 1254 – homeowners' associations; commercial signs – DO PASS AMENDED**

**Chad Nitsch, Government Committee Analyst**, explained SB 1254 and the 4-line Harper amendment dated 02/02/07 at 3:11 p.m. (Attachment A).

**Senator Leff, bill sponsor**, further explained SB 1254.

**Michelle Ahlmer, Executive Director, Arizona Retailers Association**, testified in support of SB 1254 and the amendment.

**Marcus Osborn, Manager of Government and Public Affairs, Yum Brand Restaurants**, testified in support of SB 1254.

Senator Harper read the names of individuals who registered their position on the bill (Attachment B).

**Senator Blendu moved SB 1254 be returned with a DO PASS recommendation.**

**Senator Blendu moved the 4-line Harper amendment dated 02/02/07 at 3:11 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Blendu moved SB 1254 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by roll call vote of 7-0-0 (Attachment 1).**

### **SB 1169 – county recorders; social security numbers – DO PASS AMENDED**

**Chad Nitsch, Government Committee Analyst**, explained SB 1169 and the 2-line Harper amendment dated 02/02/07 at 9:14 a.m. (Attachment C).

**Senator Leff, bill sponsor**, further explained SB 1169.

**Helen Purcell, County Recorder, Recorders Association**, answered questions posed by the Committee.

Senator Harper read the names of individuals who registered their position on the bill (Attachment B).

**Senator Blendu moved SB 1169 be returned with a DO PASS recommendation.**

**Senator Blendu moved the 2-line Harper amendment dated 02/02/07 at 9:14 a.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Blendu moved SB 1169 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by roll call vote of 5-2-0 (Attachment 2).**

In explanation of her vote, Senator Burton Cahill stated "I would like to have us find out what the system would cost for the smaller counties and I understand a surcharge is a surcharge but if you have your base amount for the software and it comes out to that base amount divided by how many units you are going to use it for, may well make that more expensive for that smaller county. Somebody said the economy of scale and I just think that we need to: one, make sure that our citizens are protected, but that also means making sure that our counties are protected and I mean that financially. If there is a cost and we are making sure that everybody is covered, we need to make sure that the other levels of government are covered, the county is covered and that we actually pony up for the cost on that. I am going to vote 'yes' to support this bill but I want to find out what the cost is going to be and how we can make this as painless as possible for the counties."

In explanation of his vote, Senator Flake stated "I feel much the same. I am surprised that Arizona Association of Counties is not on top of this but I am going to vote 'yes' and move it along and if there are things that need to be worked out in the mean time maybe even appropriations may be that something we should do. It is an important bill, I vote 'yes'."

In explanation of his vote, Senator Blendu stated "I think the cost of not doing it far out weighs any cost of doing it and if some county cannot afford to do it then we need to figure it out. I think our primary job is protecting our citizens and I think we need to figure it out so I vote 'aye'."

**SB 1328 – recorded liens; invalid documents – DO PASS AMENDED**

**Jacob Agron, Government Committee Intern**, explained SB 1328 and the 11-line Harper amendment dated 02/02/07 at 9:11 a.m. (Attachment D).

**Senator Leff, bill sponsor**, further explained SB 1328.

Senator Harper read the names of individuals who registered their position on the bill (Attachment B).

**Senator Blendu moved SB 1328 be returned with a DO PASS recommendation.**

**Senator Blendu moved the 11-line Harper amendment dated 02/02/07 at 9:11 a.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Blendu moved SB 1328 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by roll call vote of 7-0-0 (Attachment 3).**

**SB 1062 – homeowners' associations; for sale signs – DO PASS AMENDED**

**Jacob Agron, Government Committee Intern**, explained SB 1062 and the following amendments:

5-line Harper amendment dated 02/02/07 at 3:56 p.m. (Attachment E)

9-line Harper amendment dated 02/02/07 at 4:04 p.m. (Attachment F)

5-line Harper amendment dated 02/02/07 at 4:08 p.m. (Attachment G)

16-line Harper amendment dated 02/02/07 at 4:26 p.m. (Attachment H)

Senator Harper announced that the 5-line Harper amendment dated 02/02/07 at 4:08 p.m. and the 16-line Harper amendment dated 02/02/07 at 4:26 p.m. would not be offered.

**Tom Farley, Arizona Association of Realtors**, testified in support of SB 1062 and the 9-line Harper amendment dated 02/02/07 at 4:04 p.m.

**Pat Haruff, Coalition of Home Owners for Rights and Education (CHORE)**, testified in opposition to the 5-line Harper amendment dated 02/02/07 at 3:56 p.m.

**Spencer Kamps, Deputy Director, Home Builders Assoc of Central Arizona**, testified in support of SB 1062 and answered questions posed by the Committee.

**Kevin B. DeMenna, Community Associations Institute (CAI)**, testified in opposition to SB 1062.

Senator Harper read the names of individuals who registered their position on the bill (Attachment B).

**Senator Blendu moved SB 1062 be returned with a DO PASS recommendation.**

**Senator Blendu moved the 9-line Harper amendment dated 02/02/07 at 4:04 p.m. be ADOPTED. The motion CARRIED by voice vote.**

Senator Harper asked Senator Tibshraeny if he wanted the 5-line Harper amendment dated 02/02/07 at 3:56 p.m. to be offered, to which Senator Tibshraeny said no.

**Senator Blendu moved SB 1062 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by roll call vote of 7-0-0 (Attachment 4).**

In explanation of her vote, Senator Gray stated "I had taken a picture over the weekend of a home that had a for sale sign on it, for the Committee members, and if I had not highlighted that 8X12 or 15 inch sign I do not think anyone would have seen it in driving through a community and so I think that is too small to try to sell a home, so with this amendment I will vote 'aye'."

In explanation of her vote, Senator Burton Cahill stated "I would like us to look, a little further into how the overlay would be on the two existing laws. The existing law and this law, I guess I still have some concerns, but for now I am going to vote 'yes' and let this continue and will do my homework a little bit further between now and when this goes to the Floor.

In explanation of his vote, Senator Harper stated "I personally am uncomfortable with the size limit on amendment number two. I believe the realtor, Gary Swallows, is a constituent of mine so I hope the sponsor will continue to work with us on the size, so I am going to vote 'aye' on the bill.

**SB 1300 – homeowners' associations; cable vehicle parking – DO PASS AMENDED/STRIKE EVERYTHING**

**Jacob Agron, Government Committee Intern**, explained the Harper 2-page strike everything amendment to SB 1300 dated 02/01/07 at 3:31 p.m. (Attachment I).

**Susan Anable, Manager Government Relations, Cox Communications**, testified in support of the strike everything amendment and answered questions posed by the Committee.

At Senator Harper's request, the following verbatim testimony of Susan Anable is included for the record:

Susan Anable: "We do have a handful of employees that today live in Sun City that have take home vehicles that could, to the Chairman's point, if there was a CCNR restriction, would not be able to take home their vehicles."

Senator Harper: "Now you had done a poll of the employees to find out. Did you get their names or do you know where they live?"

Susan Anable: "Mr. Chairman, we had done some internal informal polling of our employees simply to find out, number one, how many employees have had problems with their HOA, generally, and then we were also trying to determine how many employees may live in some of these 55 and older communities and we do have, at least what we have turned up so far, less than ten. But we do have a number that do live in these communities."

Senator Harper: "That live in Sun City and normally take home a truck?"

Susan Anable: "Yes."

Senator Harper: "If you would get me that information I would appreciate it."

**Pat Haruff, Coalition of Home Owners for Rights and Education (CHORE)**, testified in opposition to exemption of 55 and older communities in the strike everything amendment.

Senator Harper read the names of individuals who registered their position on the bill (Attachment B).

**Kevin B. DeMenna, Community Associations Institute (CAI)**, testified in opposition to the strike everything amendment.

**Senator Blendu moved SB 1300 be returned with a DO PASS recommendation.**

**Senator Blendu moved the Harper 2-page strike everything amendment dated 02/01/07 at 3:31 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Blendu moved SB 1300 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by roll call vote of 4-3-0 (Attachment 5).**

**SB 1353 – governmental mall; monuments; memorials; maintenance – DO PASS (also see page 6)**

**Chad Nitsch, Government Committee Analyst**, explained SB 1353.

Senator Harper announced that because several constables were present from out of town the Committee would discuss SB 1085 and come back to SB 1353.

**SB 1085 – constable ethics standards and training – DO PASS (see also below)**

**Chad Nitsch, Government Committee Analyst**, explained SB 1085 and the 3-line Harper amendment dated 02/02/07 at 1:19 p.m. (Attachment J).

Senator Harper announced that because the sponsor of SB 1444 had arrived, the Committee would discuss SB 1444 and come back to SB 1085.

**SB 1444 – performance based incentives program – DO PASS**

**Jacob Agron, Government Committee Intern**, explained SB 1444.

**Senator Huppenthal, bill sponsor**, further explained SB 1444.

Senator Harper read the names of individuals who registered their position on the bill (Attachment B).

**Senator Blendu moved SB 1444 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 6).**

**SB 1085 – constable ethics standards and training – DO PASS (cont.)**

Senator Harper announced that the Committee would now continue with SB 1085.

Senator Harper announced that the 3-line Harper amendment dated 02/02/07 at 1:19 p.m. would not be offered.

**Chad Nitsch, Government Committee Analyst**, gave a brief overview of SB 1085.

**Vince Roberts, chief constable, Pima County Constables**, testified in support of SB 1085.

**Dennis Lusk, Judge, Constable Ethics Committee**, testified in support of SB 1085.

Senator Harper read the names of individuals who registered their position on the bill (Attachment B).

**Senator Blendu moved SB 1085 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 7).**

**SB 1353 – governmental mall; monuments; memorials; maintenance – DO PASS (cont.)**

Senator Harper announced that the Committee would now continue with SB 1353.

**Chad Nitsch, Government Committee Analyst**, gave a brief overview of SB 1353.

**Alan Ecker, Program Associate, Arizona Department of Administration (ADOA)**, further explained SB 1353.

**Senator Blendu moved SB 1353 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 8).**

## **SB 1125 – state personnel rules; peace officers – HELD**

**Chad Nitsch, Government Committee Analyst**, explained SB 1125 and the 3-line Gray amendment dated 02/02/07 at 10:46 a.m. (Attachment K).

Senator Harper read the names of individuals who registered their position on the bill (Attachment B).

**Dale Norris, Arizona Police Association**, testified in support of SB 1125 and answered questions.

Senator Harper announced that SB 1125 would be HELD.

## **SB 1544 – municipal planning; fee disclosure – DO PASS**

**Chad Nitsch, Government Committee Analyst**, explained SB 1544.

**Scot Mussi, Deputy Director of Legislative Affairs, Home Builders Association of Central Arizona**, testified in support of SB 1544.

Senator Harper read the names of individuals who registered their position on the bill (Attachment B).

**Dale Wiebusch, Director of Systems Advocacy, League of Arizona Cities and Towns**, testified in opposition to SB 1544.

**Senator Blendu moved SB 1544 be returned with a DO PASS recommendation.  
The motion CARRIED with a roll call vote of 6-0-1 (Attachment 9).**

In explanation of his vote, Senator Flake stated “I think 10 days is a little short, if you are all computerized that is fine, but that is not always the case. I would hate to have to see some of my 18 incorporated cities have to put on extra staff just to get this done. I think maybe 30 days would give time for the information they need instead of ten days. As long as I can see this amended to a little longer period down the line, I vote ‘aye’.”

In explanation of her vote, Senator Pesquiera stated “I would also like to see an amendment in regard to the time available from ten days to maybe 30 days. On that, to pass this through I vote ‘aye’.”

In explanation of his vote, Senator Blendu stated “I agree, I think we not only need the time for reporting but we also have to have a reasonable amount of time for requests and what you were asking. I mean it was none of your business, if you are a builder, what happened in 1950 maybe. There ought to be a reason for that, but we have a process for that. But just to walk in and somebody to come up with that expense, just because you want it. So I would like to know some time frame on what they are requesting, a reasonable amount of time and I am going to depend on them to work that out and I will vote ‘yes’ to get it out of here but before I vote ‘yes’ on the Floor I would like for that to be worked out between the both of you and I vote “aye’.”

There being no further business, the meeting was adjourned at 3:16 p.m.

Respectfully submitted,

Shelley Ponce  
Committee Secretary

(Audio recordings and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azsenate.gov>)