

# ARIZONA STATE SENATE

48TH LEGISLATURE  
FIRST REGULAR SESSION

## MINUTES OF COMMITTEE ON APPROPRIATIONS

**DATE:** February 20, 2007

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

**ROOM:** SHR109

**CHAIRMAN:** Senator Burns

**VICE CHAIRMAN:** Senator Allen

**ANALYST:** Timothy Grubbs

**INTERN:** John Dennis

**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 Aboud	X			SB 1003	DPA/SE
Senator Aguirre	X			SB 1012	DP
Senator Flake	X			SB 1104	DPA
Senator Garcia	X			SB 1115	HELD
Senator Hale	X			SB 1132	DPA
Senator Harper	X			SB 1187	DPA/SE
Senator Huppenthal	X			SB 1192	DP
Senator Johnson	X			SB 1193	DPA
Senator Waring	X			SB 1246	HELD
Senator Allen, Vice Chairman	X			SB 1264	DPA
Senator Burns, Chairman	X			SB 1267	FAILED
				SB 1317	DP
				SB 1528	DPA
				SB 1546	DP
				SB 1587	DP
				SB 1604	HELD
				SB 1607	HELD
				SB 1619	FAILED
				SB 1625	DPA

Chairman Burns called the meeting to order at 1:35 p.m., and attendance was noted.

## **APPROVAL OF MINUTES**

**Senator Burns moved the minutes of February 13, 2007 be approved. Without objection, the minutes were approved as distributed.**

## **CONSIDERATION OF BILLS**

Senator Burns announced that the following bills would be HELD.

**SB 1115 – appropriation; public safety training facility – HELD**

**SB 1246 - urban revenue sharing; tax credit – HELD**

**SB 1604 - major event reimbursement fund – HELD**

**SB 1264 – appropriation; independent living; visually impaired – DO PASS AMENDED**

**Ryan DeMenna, Senate Research Committee Assistant Analyst**, explained SB 1264 and the following amendments:

4-line Burns amendment dated 02/19/07 at 3:57 p.m. (Attachment A);

2-line Burns amendment dated 02/19/07 at 1:51 p.m. (Attachment B).

**Senator Linda Gray, bill sponsor**, further explained SB 1264.

**Mary Hartle-Smith, Vision Loss Solutions**, testified in support of SB 1264.

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

**Senator Allen moved SB 1264 be returned with a DO PASS recommendation.**

**Senator Allen moved the 4-line Burns amendment dated 02/19/07 at 3:57 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Allen moved the 2-line Burns amendment dated 02/19/07 at 1:51 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Allen moved SB 1264 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 11-0-0 (Attachment 1).**

**SB 1317 – lifespan respite care program – DO PASS**

**Amber O’Dell, Public Safety & Human Services Committee Analyst**, explained SB 1317.

**Senator Allen moved SB 1317 be returned with a DO PASS recommendation.**

Senator Allen, bill sponsor, further explained SB 1317.

**Dick White, Co-Chair/East Valley Interfaith, Valley Interfaith Project**, testified in support of SB 1317.

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

**The motion CARRIED with a roll call vote of 11-0-0 (Attachment 2).**

In explanation of her vote, Senator Aboud stated “You know we took care of my Mom for 13 years and we were taught, as care givers, that respite care is like putting the oxygen mask on when you are on an airplane and there is an emergency, putting the oxygen on the adult before you put it on the child because you always need the adult to be available to take care of the child. Without these family care givers taking care of their loved ones, they have heart attacks they die, they do all kinds of things that make them unable to take care of their loved one and respite care is that bridge that enables them to maintain that care and I vote ‘aye’.”

In explanation of her vote, Senator Allen stated “I am very heart warmed to hear the ayes on this committee. My friend was diagnosed at 54 with early Alzheimer’s and my childhood girlfriend really did keep him far too long at home because she had nobody to help her and she did have a heart attack, to the point where she could no longer function and it almost killed her and with that I vote ‘aye’.”

**SB 1132 – homeland security force – DO PASS AMENDED**

**Chad Nitsch, Government Committee Analyst**, explained a power point presentation “Star Defense Forces” (Attachment D) and explained SB 1132.

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

Mr. Nitsch explained the following amendments:

- 3-line Harper amendment dated 01/25/07 at 9:00 a.m. (Attachment E);
- 2-line Harper amendment dated 02/19/07 at 4:38 p.m. (Attachment F).

**Senator Harper moved SB 1132 be returned with a DO PASS recommendation.**

**Senator Harper moved the 3-line Harper amendment dated 01/25/07 at 9:00 a.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Harper moved the 2-line Harper amendment dated 02/19/07 at 4:38 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Harper moved SB 1132 be returned with an AS AMENDED, DO PASS recommendation.**

**Ed Flinn, Director of Joint Programs, Department of Emergency and Military Affairs (DEMA)**, answered questions posed by the Committee.

**The motion CARRIED with a roll call vote of 7-4-0 (Attachment 3).**

In explanation of her vote, Senator Aboud stated “I think the nature of the poorly written language around not being able to speak, a married person or non married person, 29 days out of the month

and cannot talk to the media about their sexual orientation, whether it is heterosexual, homosexual, bisexual, any sexual, just makes this bill too unworkable and I vote 'no'."

In explanation of her vote, Senator Aguirre stated "I do appreciate Senator Harper, with good intentions of protecting our state but I believe that I explained very well that the State of Arizona already has the capacity to respond to an emergency. In recent legislation that we passed in which Senator Harper helped me with that along with Senator Huppenthal and that established the procedures where the Governor will call in an emergency and we can mobilize all these volunteers throughout the state under the guidance of our state of course. To respond to this emergency that Senator Harper is highlighting in his bill I do not think that this bill is necessary at this point and my vote is 'no'."

In explanation of his vote, Senator Huppenthal stated "There are a lot of resources that the Governor can call on but one of the key things is having them trained and having them near by to respond to an immediate emergency. We saw with the Katrina event that it was immediate, you needed resources there immediately and for a lot of reasons these resources that were in other states were not going to respond for a long time. People died as a result of not having immediate resources available. I am concerned a little bit about the distraction over sexual orientation, I wish that had been finessed in a better way and we have standards that are already in place in the military and I wish that that had been done with a little more finesse. I think this is an extremely important bill and I think it is extremely important that the Governor have a lot more resources available to he or she in very short order and I vote 'aye'."

#### **SB 1012 - national guard; uniform allowances – DO PASS**

**Chad Nitsch, Government Committee Analyst**, explained SB 1012 and the 4-line Garcia amendment dated 02/19/07 at 1:36 p.m. (Attachment G).

Senator Waring, bill sponsor, further explained SB 1012.

**Mike Krouse, Executive Director, Arizona National Guard Association**, testified in support of SB 1012.

**Senator Waring moved SB 1012 be returned with a DO PASS recommendation.**

**Senator Garcia moved his 4-line Garcia amendment dated 02/19/07 at 1:36 p.m. be ADOPTED. The motion FAILED by voice vote.**

**The motion CARRIED with a roll call vote of 10-0-1(Attachment 4).**

#### **SB 1104 – information security and privacy office – DO PASS AMENDED**

**Jacob Agron, Government Committee Intern**, explained SB 1104 and the 13-line Burns amendment dated 02/15/07 at 10:39 a.m. (Attachment H).

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

**Senator Allen moved SB 1104 be returned with a DO PASS recommendation.**

**Senator Allen moved the 13-line Burns amendment dated 02/15/07 at 10:39 a.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Allen moved SB 1104 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 9-0-2(Attachment 5).**

**SB 1546 - condominium recovery fund – DO PASS**

**Leah Birk, Commerce & Economic Development Committee Analyst, explained SB 1546.**

**Senator Chevront, sponsor, further explained SB 1546.**

**Tom Farley, Lobbyist, Arizona Association of Realtors & Valley Partnership, testified in support of SB 1546.**

**Senator Burns announced the individuals who registered their position on the bills. (Attachment C).**

**Senator Allen moved SB 1546 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 9-0-2 (Attachment 6).**

**SB1187 – appropriation; Yuma welcome center – DO PASS AMENDED/STRIKE EVERYTHING**

**Chad Nitsch, Government Committee Analyst, explained the 2-page Burns strike everything amendment dated 02/15/07 at 11:07 a.m. (Attachment I) and the 4-page Burns amendment to the strike everything amendment dated 02/19/07 at 2:00 p.m. (Attachment J).**

**Gretchen Jacobs, Attorney, Decru and Network Appliance, testified in support of the strike everything amendment.**

**Senator Burns announced the individuals who registered their position on the presentation (Attachment C).**

**Senator Allen moved SB 1187 be returned with a DO PASS recommendation.**

**Senator Allen moved the 2-page Burns strike everything amendment dated 02/15/07 at 11:07 a.m. be ADOPTED.**

**Senator Allen moved the 4-page Burns amendment to the striker dated 02/19/07 at 2:00 p.m. be ADOPTED.**

**Senator Allen moved the 2-page Burns strike everything amendment dated 02/15/07 at 11:07 a.m. be ADOPTED AS AMENDED. The motion CARRIED by voice vote.**

**Senator Allen moved SB 1187 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-1-2 (Attachment 7).**

**SB 1192 - appropriation; code talkers monument – DO PASS**

**Jacob Agron, Government Committee Intern**, explained SB 1192.

Senator Allen announced the individuals who registered their position on the bills. (Attachment C).

Senator Johnson, bill sponsor, further explained SB 1192.

**Senator Johnson moved SB 1192 be returned with a DO PASS recommendation.  
The motion CARRIED with a roll call vote of 9-1-1 (Attachment 8).**

In explanation of her vote, Senator Aguirre stated “Several concerns were brought up, I think this is a very well intended bill and Senator Johnson and I signed up for the bill because I believe in this memorial. When I learned that a Kokopah Tribe member in my district was a code talker, I was concerned that we are not honoring of those that I think the intention is to honor all the code talker Native Americans. I am voting ‘aye’ but I hope that this discussion can continue before the floor.

In explanation of his vote, Senator Hale stated “A couple of points: one is, I think this is very well intended, a bill that is very well intended. I think it is high time there is recognition given to this group and others who may have utilized their native language to win the war, the second world war. Also, is indicative of the need to continue native languages all over for Native American people. There is a place for Native American language and there is a monument that was dedicated when Jake was a speaker over at Window Rock. I spoke there and I said you know what, on the one hand I go down to the state and they say English Only and then on the other hand they come up here and they say we are very glad that your language was used to win the war. I said so what is it really. I do not know if you recall that Jake at the time I said this is what they meant when they said white man speak with forked tongue. It just reminded me of that and I just wanted to point that out and secondly is I will vote in favor of the bill because I think it is well intended but I would like to see resolution of the contribution issue and then also expanding it to include Native American code talkers because they also contributed. If we go in that direction then the contribution language would change as a result and for those reasons for the moment I will vote ‘aye’.”

In explanation of her vote, Senator Allen stated “Several issues have been raised here that make me uncomfortable with this bill. I am hopeful and agree with much of what Senator Hale said. I think that there are some things that need to be worked on but for now I will vote ‘aye’.”

**SB 1003 – exchange teachers; technical correction – DO PASS AMENDED/STRIKE EVERYTHING**

**Sabrina Vasquez, Education Committees Intern**, explained the 23-line Burns strike everything amendment dated 02/14/07 at 5:55 p.m. (Attachment K).

**Senator Bee, bill sponsor**, further explained the strike everything amendment.

Senator Burns announced the individuals who registered their position on the bills. (Attachment C).

**Senator Allen moved SB 1003 be returned with a DO PASS recommendation.**

**Senator Allen moved the 23-line Burns strike everything amendment dated 02/14/07 at 5:55 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Allen moved SB 1003 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 10-0-1 (Attachment 9).**

In explanation of his vote, Senator Flake stated "For Senator Aboud's information my wife was chosen to Girl's State from the big school of Mesa. I was not chosen to Boy's State from the little school of Snowflake. Therefore Girl's State got equal time in my home and then some. I vote 'aye'."

In explanation of his vote, Senator Hale stated "I just want to thank you for including Indian Nations in focusing on State government. Thank you very much for that and with that I vote 'aye'."

In explanation of his vote, Senator Harper stated "My wife also was chosen to Girl's State when she lived in California and I will vote 'aye'."

**SB 1528 – teachers; fingerprinting – DO PASS AMENDED**

**Dawn Nazary, Education Committees Analyst,** explained SB 1528 and the 2-page Burns amendment dated 02/15/07 at 12:21 p.m. (Attachment L).

**Senator Chuck Gray, bill sponsor,** further explained SB 1528.

**Senator Allen moved SB 1528 be returned with a DO PASS recommendation.**

Senator Burns announced the individuals who registered their position on the bills. (Attachment C).

**Senator Allen moved the 3-page unidentified amendment.**

**Senator Allen WITHDREW the 3-page unidentified amendment as the wrong one.**

**Senator Allen moved the 2-line Burns amendment dated 02/15/07 at 12:21 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Allen moved SB 1528 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 10-0-1 (Attachment 10).**

In explanation of her vote, Senator Aboud stated "I am looking forward to seeing the amendment that would catch the fellow that slipped through although he did get caught so with that I vote 'aye'."

**SB 1625 – schools; reading instruction; teacher training – DO PASS AMENDED**

**Dawn Nazary, Education Committees Analyst,** explained SB 1625 and the following amendments:  
4-page Burns amendment dated 02/15/07 at 12:23 p.m. (Attachment M);  
4-page Garcia amendment dated 02/19/07 at 10:44 a.m. (Attachment N).

Senator Johnson, bill sponsor, further explained SB 1625.

**Senator Johnson moved SB 1625 be returned with a DO PASS recommendation.**

**Senator Johnson moved the 4-page Burns amendment dated 02/15/07 at 12:23 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Garcia moved his 4-page substitute amendment dated 02/19/07 at 10:44 a.m. be ADOPTED. The motion FAILED by voice vote.**

**The motion for the 4-page Burns amendment CARRIED by voice vote.**

**Senator Johnson moved SB 1625 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-4 (Attachment 11).**

Senator Burns announced the individuals who registered their position on the bills. (Attachment C).

**SB 1267 – DNA testing; arrest – FAILED**

**Christina Estes-Werther, Judiciary Committee Analyst,** explained SB 1267 and the following amendments:

3-page Burns amendment dated 02/19/07 at 4:15 p.m. (Attachment O);

12-line Burns amendment dated 02/16/07 at 2:55 p.m. (Attachment P) (with unanimous approval due to late distribution).

**Senator Chuck Gray, bill sponsor,** further explained SB 1267.

**Senator Allen moved SB 1267 be returned with a DO PASS recommendation.**

**Senator Allen moved the 3-page Burns amendment dated 02/19/07 at 4:15 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Allen moved the 12-line Burns amendment dated 02/16/07 at 2:55 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Allen moved SB 1267 be returned with an AS AMENDED, DO PASS recommendation. The motion FAILED with a roll call vote of 4-4-3 (Attachment 12).**

In explanation of her vote, Senator Johnson stated “I am really struggling with the privacy issues here in this bill and it is probably going to pass but I am going to vote ‘no’.”

In explanation of her vote, Senator Allen stated “I too am struggling with the privacy. I believe you have the votes to get it out of here. I just, I guess maybe I am living too long in this world that it just seems like we have no privacy left. I understand what you are trying to do and why but I vote ‘no’.”

Senator Aboud requested her vote be changed to “no.”

**SB 1619 - prisoners; restitution payments – FAILED**

Heather Owens, Judiciary Committee Intern, explained SB 1619.

**Senator Waring moved SB 1619 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 3-5-3 (Attachment 13).**

In explanation of her vote, Senator Aboud stated “This privacy issue is too much, I have to vote ‘no’.”

**SB 1193 – DWR; general adjudications support; appropriation – DO PASS AMENDED**

**Megan Gnagy, Natural Resources and Rural Affairs Committee Analyst**, explained SB 1193 and the 2-page Burns amendment dated 02/19/07 at 3:50 p.m. (Attachment Q).

Senator Flake, bill sponsor, distributed “ADWR’S Adjudication Support Role and the Need for Additional Funding” (Attachment R) and further explained SB 1193.

**Lyn White, Manager Government Relations, Phelps Dodge**, testified in support of SB 1193.

Senator Burns announced the individuals who registered their position on the bills. (Attachment C).

**Senator Allen moved SB 1193 be returned with a DO PASS recommendation.**

**Senator Allen moved the 2-page Burns amendment dated 02/19/07 at 3:50 p.m. be ADOPTED. The motion CARRIED by voice vote.**

**Senator Allen moved SB 1193 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 10-0-1(Attachment 14).**

In explanation of his vote, Senator Hale stated “Before I was appointed my present seat, I was Chair of the Navajo Nation Water Rights Commission and our charge was basically the charge that the Department of Water Resources has which is to overlook litigation, coordinate the litigation and engage in negotiation process. In that process I learned that a lot of the conflicts that you now see and the uncertainty in the extent of water rights of all the water users in the basin and all the basins that have Indian Nations interest involved. It is due to the fact that at the beginning no allocation of water was ever done to Indian people or for Indian people’s use. Even though in 1908 in what is called the Winter’s Doctrine the United States Supreme Court said that Indian Nations have water rights that has appropriation and priority date as the date the Reservation was created. From the point where the Reservations were created to the present what has happened in that process is that through the Colorado River Compact where water in the Colorado River was allocated to the seven different states including Arizona, the states that were given those allocations just made those allocations of water to different users without ever first giving allocations to Indian Nations. As a result, what has happened is that there has been a cloud put on the amount of water rights given to other users other than Indian Nations and that is what the process is now. Trying to resolve that, how do you go back and undo that and then determine the extent of the water rights of Indian Nations, Indian people. That is just a little background for edification and thank you very much and with that I know how expensive it can get for water litigation and I support some sort of negotiation trying to resolve those rights and with that I vote ‘aye’.”

## **SB 1587 - transportation; innovative partnerships program – DO PASS**

**Dallas Gold, Transportation Committee Analyst**, explained SB 1587.

**Senator Gould, bill sponsor**, further explained SB 1587.

Senator Burns announced the individuals who registered their position on the bills. (Attachment C).

**Senator Allen moved SB 1587 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-3-0 (Attachment 15).**

In explanation of her vote, Senator Aboud stated “I think I have already said it. It is an interesting idea very early in the process. I would need a lot more information before I could support it right now so for now I will vote ‘no’.”

In explanation of her vote, Senator Aguirre stated “I thank Senator Aboud for a lot of the questions and I think this is a process that will take us a little more time to answer a lot of the questions the bill addresses. I am going to vote ‘aye’, because I do like the concept of this and would like to see it moved forward.

In explanation of his vote, Senator Flake stated “Transportation is one of big items, the real costly items that we have got facing us. If we do not use a little ingenuity why we are going to, we have only one alternative and that is, that bad word that bad word that Mr. Gould used that he is not ready to do yet and that is tax, additional tax. We have got to have a revenue stream or we have got to have some other way of meeting our transportation needs and I applaud him for bringing this to the table. It may not amount to anything but we better start looking for something to come out of the woodwork because if we do not find a way to do it there is only one way to do and that is additional tax, either on sales tax or on gas tax. In my opinion we are not only going to have a year like we had last year where we have \$300 million plus, we are not going to have years even like we have this year with our rainy day fund full and it has got to be a constant stream in order to do it. So let us start looking for all the alternatives and I vote ‘aye’.”

In explanation of his vote, Senator Hale stated “I appreciate the fact that this was brought forward and I think it is a good idea to start talking about these types of issues and I appreciate the fact that Senator Gould has consented to include in the definition of government, Indian Nation Government, so I think there is a real potential for partnership there and with that I vote ‘aye’.”

In explanation of his vote, Senator Huppenthal stated “Over the next four years we in Maricopa County are likely to add another \$40 billion to \$50 billion worth of economic activity and it is going to land right in a relatively fixed transportation infrastructure and freeways are interesting because they do not progressively take more and more traffic. When they gridlock their ability to even hold, to transport the current volumes plunges way down. You actually end up with less capacity not more as it gets progressively loaded and the damage to your economy is something that if we want to have a vision for keeping this prosperity moving we have got to add a lot of infrastructure in a relatively short period of time. What Senator Gould has done is fashioned a bill that has the capability of doing that. One of the things that I am sure Senator Gould has reflected on, but it is simply these private entities have the ability to move much faster than governmental entities do in getting these projects moving down the pipeline and getting constructed. That speed is critically important for taking advantage of the whole process. We not only need this bill but we are going to need quite a bit more but I think this is a valuable piece of the foundation and I vote ‘aye’.”

In explanation of her vote, Senator Johnson stated “I am really struggling here, I understand the extreme problem we have in our transportation area, but I am so very opposed to toll roads and even though this does bring forth a lot of areas to look at here and I will certainly be watching this as it goes through the process in hopes that maybe down the road I can support it but for now I have got to vote ‘no’.”

In explanation of her vote, Senator Allen stated “I am going to support Senator Gould as we go forward but there is some uncertainty and I have to go home and tell my husband I voted for a potential toll road, for now I am going to vote ‘yes’.”

**SB1607 – state forester – HELD**

Senator Burns announced that SB 1607 would be HELD.

There being no further business, the meeting was adjourned at 5:25 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>)