

ARIZONA STATE SENATE

48TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON GOVERNMENT

DATE: February 18, 2008

TIME: 1:30 P.M.

ROOM: SHR3

CHAIRMAN: Senator Harper

VICE CHAIRMAN: Senator Blendu

ANALYST: Bill Boyd

INTERN: Jameson Lynch

ASSISTANT

ANALYST: Justin Weaver

COMMITTEE

SECRETARY: Shelley Ponce

ATTENDANCE

BILLS

<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 1076	DP
Senator Flake	X			SB 1182	FAILED
Senator Garcia	X			SB 1235	DPA
Senator L. Gray	X			SB 1237	DPA
Senator Pesquiera	X			SB 1253	DP
Senator Blendu, Vice Chairman	X			SB 1387	HELD
Senator Harper, Chairman	X			SB 1398	DP
				SB 1452	DP
				SB 1462	DP

GOVERNOR'S APPOINTMENTS

<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
Major General David Rataczak	Adjutant General, Department of Emergency and Military Affairs	CONFIRMATION

Chairman Harper called the meeting to order at 1:31 p.m., and attendance was taken.

APPROVAL OF MINUTES

Senator Harper moved the minutes of February 11, 2008 be approved. Without objection, the minutes were approved as distributed.

EXECUTIVE NOMINATIONS

Major General David Rataczak, Adjutant General, Department of Emergency and Military Affairs –CONFIRMATION RECOMMENDED

Jameson Lynch, Government Committee Intern, explained the Major General's background and the department he currently oversees.

Senator Harper stated "In the past I have been an advocate for using the National Guard on the Border, I still am. I felt like there have been some that have been opposed to using the National Guard on the Border and I have done everything I can to advocate my position. At this point there is one candidate for President that, rather than advocating that the Federal Government will secure the Border, they are saying that the Border Governors will verify that the Border is secure. That leaves me to believe that it will fall on the responsibility of the States, the Border States. At this time I think it is important to have continuity in command if that is going to be our responsibility."

Major General David Rataczak gave an overview of his background and answered questions posed by the Committee members.

Senator Blendu moved the Committee on Government recommend to the full Senate the CONFIRMATION of Major General David Rataczak as the Adjutant General of the Department of Emergency and Military Affairs. The motion CARRIED by a roll call vote of 6-0-1 (Attachment 1).

In explanation of her vote, Senator Gray stated "This will be the exception to the rule in voting. In my committee I have not brought forth any nominations until we do have an agreement on the budget. I will make an exception this one time hopefully and I vote 'aye'."

CONSIDERATION OF BILLS

SB 1076 – sign walkers; municipal regulation. – DO PASS (see below)

Jameson Lynch, Government Committee Intern, explained SB 1076 and the 2-line Burton Cahill amendment dated 01/25/08 at 10:30 a.m. (Attachment B).

Senator Harper announced that the committee will finish discussing this bill later in this meeting.

SB 1235 – state expenditures; searchable database; transparency – DO PASS AMENDED

Jameson Lynch, Government Committee Intern, explained SB 1235 and the following amendments:

2-line Harper amendment dated 02/14/08 at 9:10 a.m. (Attachment C)

12-line Harper amendment dated 02/15/08 at 2:47 p.m. (Attachment D)

Senator O'Halleran, bill sponsor, further explained SB 1235 and answered questions posed by the committee.

Barry Aarons, Senior Management Assistant - Intergovernmental Liaison, Americans for Tax Reform, testified in support of SB 1235.

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

Senator Blendu moved SB 1235 be returned with a DO PASS recommendation.

Senator Blendu moved the 12-line Harper amendment dated 02/15/08 at 2:47 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Blendu moved the 2-line Harper amendment dated 02/14/08 at 9:10 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Blendu moved SB 1235 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 2).

In explanation of her vote, Senator Burton Cahill stated "I would just like to commend Senator O'Halleran. It is not often that we have such a kumbaya bill come through this committee and I believe that all of us by our votes are demonstrating that we do believe in transparency and this is going to be a very good thing for the people of Arizona and with that I vote 'aye'."

SB 1076 – sign walkers; municipal regulation. – DO PASS (see below)

Jim Torgeson, President, Jet Media Promotions, representing himself, testified in support of SB 1076.

Dale Wiebusch, Director of Systems Advocacy, League of Arizona Cities and Towns, testified in opposition to SB 1076.

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

Senator Harper announced that the committee will finish discussing this bill later in this meeting.

SB 1237 – county development fees; schools – DO PASS AMENDED (see below)

Bill Boyd, Government Committee Analyst, explained SB 1237 and the 4-line Harper amendment dated 02/15/08 at 9:37 a.m. (Attachment E).

Tom Dorn, Arizona Charter Schools Association, testified in support of SB 1237.

Lynn Robershotte, Superintendent of EDUPRIZE Schools, Arizona Charter School Association, testified in support of SB 1237.

Mark Barnes, Pinal County Board of Supervisors, distributed “Coolidge High School Complex” (Attachment F) and explained some problems with the amendment.

Spencer Kamps, Deputy Director, Home Builders Association of Central Arizona, testified in support of SB 1237.

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

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association, testified in support of SB 1237.

Senator Harper announced that the committee would finish discussing this bill later in this meeting.

SB 1253 – state employees; living donor leave. – DO PASS

Jameson Lynch, Government Committee Intern, explained SB 1253.

Senator Burns, bill sponsor, further explained SB 1253.

Senator Gray moved SB 1253 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 3).

SB 1387 – real estate disclosure; training ranges – HELD

Senator Harper announced that SB 1387 would be HELD.

SB 1182 – notaries public; prohibited acts – FAILED (see below)

Justin Weaver, Government Committee Assistant Analyst, explained SB 1182 and the 27-line Harper amendment dated 02/14/08 at 11:24 a.m. (Attachment G).

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

Patrick Ertz, Guardian Financial Planning Services, Inc, testified in opposition to SB 1182.

Gene Palma, Director of Business Services, Secretary of State’s Office, testified in support of SB 1182.

Senator Harper announced that the committee would finish discussing this bill later in the meeting.

SB 1076 – sign walkers; municipal regulation. – DO PASS

Senator Blendu moved SB 1076 be returned with a DO PASS recommendation.

Senator Burton Cahill moved her 2-line amendment dated 01/25/08 at 10:30 a.m. be ADOPTED. The motion FAILED by voice vote. Chairman in doubt asked for a raise of hands. The motion FAILED by a count of hands 3-4-0.

Senator Harper stated that the motion on the table was SB 1076 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 4).

In explanation of her vote, Senator Burton Cahill stated “I believe that this issue is one, not of political free speech by rather one of local government’s ability to control commercial speech on public property. That is the way I am interpreting this issue and based on the fact that I believe that local government is the best government. I have said that for a long time. I believe in cities and I believe that we at the state should not mandate their control of commercial happenings on public property. I have heard the word aesthetics tossed around and I have heard free speech being limited tossed around and political speech being limited, but I believe that this issue is one of commercial rights on public land and so with that I have to vote ‘no’.”

SB 1237 – county development fees; schools – DO PASS AMENDED

Senator Blendu moved SB 1237 be returned with a DO PASS recommendation.

Senator Blendu moved the 4-line Harper amendment dated 02/15/08 at 9:37 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Blendu moved SB 1237 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 5).

In explanation of her vote, Senator Burton Cahill stated “What I am seeing here is that there are costs associated to new school construction that our counties have to bear and I am not necessarily sure that the mechanism that we are employing at the moment is the best one. I also see that if this piece of legislation goes through we are still going to have counties not being adequately reimbursed and so in the hopes that people will get together and find a more reasonable way to address this issue and because I really do believe that my job as a legislator is not only to represent the people of my district, but rather to look at what is best to move Arizona forward. I think there are some flaws that this issue is even being discussed, but I do not believe that this is the way to resolve that and so I vote ‘no’.”

SB 1182 – notaries public; prohibited acts – FAILED

Senator Blendu moved SB 1182 be returned with a DO PASS recommendation.

Senator Blendu moved the 27-line Harper amendment dated 02/14/08 at 11:24 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Blendu moved to reconsider the 27-line Harper amendment dated 02/14/08 at 11:24 a.m. that was ADOPTED.

Senator Blendu moved the 27-line Harper amendment dated 02/14/08 at 11:24 a.m. be ADOPTED.

Senator Blendu moved the following verbal amendment to the amendment:

Page 1, line 13 and 26, strike second “or”, insert “to”

The motion CARRIED by voice vote.

Senator Blendu moved the 27-line Harper amendment dated 02/14/08 at 11:24 a.m. be ADOPTED AS AMENDED. The motion CARRIED by voice vote.

Senator Blendu moved SB 1182 be returned with an AS AMENDED, DO PASS recommendation. The motion FAILED with a roll call vote of 2-5-0 (Attachment 6).

In explanation of his vote, Senator Flake stated "I feel like the amendment helps it, but I still feel that it is getting way too restrictive for somebody just to notarize a signature, especially in small towns where a lot of people are relatives and I vote 'no'."

In explanation of his vote, Senator Harper stated "This is the Secretary of State's bill and it is one of those bills where, once it is passed there will be a whole bunch of people to figure out what happened and be very mad and we would be the ones that they could blame. Senator Blendu ran this bill for the Secretary of State and this is no reflection on Senator Blendu but it has its problems. I did tell the Secretary of State that I would support the bill so I will vote 'aye' and I'm glad it is failing."

SB 1398 – public private partnerships; written agreements – DO PASS

Justin Weaver, Government Committee Assistant Analyst, explained SB 1398.

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

Senator Johnson, bill sponsor, further explained SB 1398 and answered questions posed by the committee.

Senator Blendu moved SB 1398 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 7).

In explanation of her vote, Senator Burton Cahill stated "I support the transparency of this. What I am concerned about is, as I said earlier, making sure that we all have the information that we need to make logical and grounded decisions based on facts. I am afraid that there might be facts going by that I wouldn't see. I would like to work with the sponsor of the bill and see if we cannot amend this. I do not want to have sales people in the private sector down here trying to coerce my support but on the other hand I certainly would not be comfortable in having information out there that I had not requested and not having that available to me. If we could work on that I would support this at this time to move it forward and see if we cannot tweak this just a little bit. I vote 'aye'."

SB 1452 – homeowners' associations; foreclosures; voting rights – DO PASS

Bill Boyd, Government Committee Analyst, explained SB 1452.

Senator Gould, bill sponsor, further explained SB 1452.

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

Senator Blendu moved SB 1452 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 8).

SB 1462 – misleading public officials; violation – DO PASS

Justin Weaver, Government Committee Assistant Analyst, explained SB 1462.

Senator Gould, bill sponsor, further explained SB 1462.

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

**Senator Blendu moved SB 1462 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 “The only thing I have a problem, you know the out-and-out lie that both of you have experienced and I have experienced I have no problem with whatsoever. Withholding information is kind of in the eye of the beholder and a good lobbyist, there are some in this room, a good lobbyist will tell you both sides of the story. A good lobbyist will do that but many times lobbyists do not. They only tell you their side of the story. In my mind that is probably what you are talking about is withholding information. That could be a little severe and so hard to prove. I am going to vote ‘yes’ on it because I think this is not a bad idea, but I think it has some things to work out.”

In explanation of her vote, Senator Gray stated “I have gone through all the bills that we have on committee today and for some reason this is the only bill that a lobbyist has signed onto, in opposition or support. I am surprised they did not weigh in on this. I will vote ‘aye’ to keep it moving for awhile.”

In explanation of his vote, Senator Blendu stated “I have constantly seen us search for substitutes for honesty and integrity and there are not any. We should not kid ourselves about that. We have laws against robbing banks and people still rob banks. Words are just, laws are just words on a piece of paper. I just do not think there is a substitute for honesty and integrity. I will vote ‘aye’ to keep this moving.”

There being no further business, the meeting was adjourned at 3:46 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>)