

ARIZONA STATE SENATE

48TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON GOVERNMENT

DATE: April 7, 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			HB 2150	DPA
Senator Flake	X			HB 2159	DP
Senator Garcia	X			HB 2193	DPA
Senator L. Gray	X			HB 2221	DPA/SE
Senator Pesquiera	X			HB 2235	DP
Senator Blendu, Vice Chairman	X			HB 2440	DP
Senator Harper, Chairman	X			HB 2600	DP
				HB 2615	DPA
				HB 2640	FAILED
				HB 2652	DP
				HB 2701	DP
				HB 2723	DPA
				HB 2726	DPA
				HCM 2003	DPA/SE
				HJR 2001	DPA

Chairman Harper called the meeting to order at 1:50 p.m., and attendance was taken.

APPROVAL OF MINUTES

Senator Harper moved the minutes of March 31, 2008 be approved. Without objection, the minutes were approved as distributed.

CONSIDERATION OF BILLS

HCM 2003 – opposing a North American Union – DO PASS AMENDED/STRIKE EVERYTHING

Justin Weaver, Government Committee Assistant Analyst, explained the 2-page Harper strike everything amendment dated 04/03/08 at 9:53 a.m. (Attachment A).

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

Senator Blendu moved HCM 2003 be returned with a DO PASS recommendation.

Senator Blendu moved the 2-page Harper strike everything amendment dated 04/03/08 at 9:53 a.m. be ADOPTED.

Senator Johnson, bill sponsor, further explained the strike everything amendment.

The motion CARRIED by voice vote.

Senator Blendu moved HCM 2003 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-0 (Attachment 1).

HB 2235 – administrative rules oversight committee – DO PASS

Jameson Lynch, Government Committee Intern, explained HB 2235.

Representative DeSimone, bill sponsor, further explained HB 2235.

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

Senator Blendu moved HB 2235 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 2).

HB 2150 – retiree accumulated sick leave – DO PASS AMENDED

Jameson Lynch, Government Committee Intern, explained HB 2150 and the 9-line Harper amendment dated 04/03/08 at 3:51 p.m. (Attachment C).

Representative Paton, bill sponsor, further explained HB 2150.

Senator Harper announced that the committee would return to HB 2150 after the next bill.

HJR 2001 – statutory hall; Barry Goldwater – DO PASS AMENDED

Justin Weaver, Government Committee Assistant Analyst, explained HJR 2001.

Representative Driggs, bill sponsor, further explained HJR 2001.

Representative John Shadegg, United States House of Representatives, District 3, testified in support of HJR 2001.

Marshall Trimble, Official State Historian, representing himself, testified in support of HJR 2001.

Senator Blendu moved HJR 2001 be returned with a DO PASS recommendation.

Senator Blendu moved the 3-line Harper amendment dated 04/04/08 at 3:47 p.m. (Attachment D) be ADOPTED. The motion CARRIED with a voice vote.

Senator Blendu moved HJR 2001 be returned with a DO PASS, AS AMENDED recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 3).

In explanation of his vote, Senator Flake stated “I think if this is what it takes to get a Congressman back to the Legislature, I think we ought to do this more often. You know we used to do this a couple of times a year in bringing all the Congressmen who would come and I was on that committee that met with the Congressmen and we had an opportunity to mount our grievances and our pats on the back. It was a very good thing and I think we ought to do it again. Welcome, Marshall, coming back here and I wish you had brought your guitar and I vote ‘aye’.”

In explanation of her vote, Senator Gray stated “I especially appreciate the history lesson. Even though I live about a mile from Greenway Roadway, I did not know the story about the miners and what happened to them and I think Barry Goldwater is more fitting to be there having lived here all his life and even though they were transported out to the middle of nowhere, that was not Nowhere, Arizona it was the middle of nowhere in New Mexico and with that I will vote ‘aye’.”

HB 2150 – retiree accumulated sick leave – DO PASS AMENDED (Cont.)

Alan Ecker, Program Associate, Arizona Department of Administration, testified in support of HB 2150.

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

Senator Blendu moved HB 2150 be returned with a DO PASS recommendation.

Senator Blendu moved the 9-line Harper amendment dated 04/03/08 at 3:51 p.m. (Attachment C) be ADOPTED. The motion CARRIED with a voice vote.

Senator Blendu moved HB 2150 be returned with a DO PASS, AS AMENDED recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 4).

HB 2159 – state government; technical correction (now: disciplinary records; open to inspection) – DO PASS

Bill Boyd, Government Committee Analyst, explained HB 2159.

Representative Adams, bill sponsor, further explained HB 2159.

Alan Ecker, Program Associate, Arizona Department of Administration, testified in opposition to HB 2159.

Jeffrey Kros, Legislative Director, League of Cities and Towns, testified in opposition to HB 2159.

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

Senator Blendu moved HB 2159 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-0 (Attachment 5).

In explanation of his vote, Senator Blendu stated “You know I viewed this as an opportunity for fishing and that is the indiscriminate searching, if you will, through people’s personnel records. I view it the same way for the police, where defense attorneys have no reason to get those records but they just go in there in hopes of finding something. I view that with the same lens so I am hopeful that an amendment will take care of that and I vote ‘aye’.”

In explanation of her vote, Senator Burton Cahill stated “This makes me think back to all the administrative classes I took in my master’s degree and all the administrative law and all the personnel law and I am going to vote ‘no’ at this point, but I am going to vote ‘no’ with the hopes that we actually can. I would love to sit down and have some discussion and have some dialogue and see if we cannot find a way to resolve the issues that this bill has. To me it is a shame that a bill could get to this point and still have these kind of issues to be resolved. So I am going to vote ‘no’ but that does not mean I do not want to play. OK?”

HB 2600 – state contract; performance management software – DO PASS

Bill Boyd, Government Committee Analyst, explained HB 2600.

Representative Adams, bill sponsor, further explained HB 2600.

John Kelly, Principal, SAS Institute, testified in support of HB 2600.

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

Senator Blendu moved HB 2600 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 6).

In explanation of her vote, Senator Burton Cahill stated “I have listened to many discussions regarding what GITA should do, what GITA should not do, what software we should buy, what software we should not buy. There never seems to be an appropriation attached and I just cannot in good conscience vote for this, so, ‘no’.”

HB 2723 – community facilities districts; counties; limited areas. (now: special districts; excise tax) – DO PASS AMENDED

Bill Boyd, Government Committee Analyst, explained HB 2723 and the following amendments:
3-line Harper amendment dated 04/04/08 at 10:40 a.m. (Attachment E)
4-page Blendu amendment dated 04/04/08 at 2:37 p.m. (Attachment F)

Representative Tobin, bill sponsor, further explained HB 2723.

Senator Blendu 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 HB 2723.

Clarinda Vail, Tusayan Taxpayers Association, testified in support of HB 2723.

Senator Blendu announced that he would not offer his 4-page amendment dated 04/04/08 at 2:37 p.m.

Senator Blendu moved HB 2723 be returned with a DO PASS recommendation.

Senator Blendu moved the 3-line Harper amendment dated 04/04/08 at 10:40 a.m. be ADOPTED. The motion CARRIED with a voice vote.

Senator Blendu moved HB 2723 be returned with a DO PASS, AS AMENDED recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 7).

In explanation of his vote, Senator Garcia stated “I am going to vote ‘aye’ for the bill. I do not know whether I am going to be an ‘aye’ on the floor or not.”

In explanation of her vote, Senator Gray stated “I still have some concerns with the possibility of who is voting and the election that they are going to have. Although, I think if there was a conflicting issue for something that is going to the ballot, that might hurt what is going to the ballot and so to keep this moving I will vote ‘aye’ today.”

HB 2701 – county graffiti abatement; procedures – DO PASS

Bill Boyd, Government Committee Analyst, explained HB 2701.

Representative Burns, bill sponsor, further explained HB 2701.

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

Senator Blendu moved HB 2701 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 8).

HB 2193 – cities and towns; technical correction (now: publication; county minutes) – DO PASS AMENDED

Justin Weaver, Government Committee Assistant Analyst, explained HB 2193 and the 15-line Harper amendment dated 04/04/08 at 3:59 p.m. (Attachment G).

Representative Nelson, bill sponsor, further explained HB 2193.

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

Senator Blendu moved HB 2193 be returned with a DO PASS recommendation.

Senator Blendu moved the 15-line Harper amendment dated 04/04/08 at 3:59 p.m. be ADOPTED. The motion CARRIED with a voice vote.

Senator Blendu moved HB 2193 be returned with a DO PASS, AS AMENDED recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 9).

HB 2615 – solar energy systems; permits (now: solar construction permits) – DO PASS AMENDED

Bill Boyd, Government Committee Analyst, explained HB 2615 and the 2-page Harper amendment dated 04/04/08 at 2:20 p.m. (Attachment H).

Representative Mason, bill sponsor, further explained HB 2615.

Thomas Alston, Solar Alliance, testified in support of HB 2615.

Jeff Schlegel, Southwest Energy Efficiency Project (SWEEP), testified in support of HB 2615.

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

Senator Blendu moved HB 2615 be returned with a DO PASS recommendation.

Senator Blendu moved the 2-page Harper amendment dated 04/04/08 at 2:20 p.m. be ADOPTED. The motion CARRIED with a voice vote.

Senator Blendu moved HB 2615 be returned with a DO PASS, AS AMENDED recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 10).

HB 2221 – county subdivisions; notification – DO PASS AMENDED/STRIKE EVERYTHING

Jameson Lynch, Government Committee Intern, explained the 7-page Harper strike everything amendment dated 04/03/08 at 8:25 a.m. (Attachment I) and the 3-line Harper amendment to the strike everything amendment dated 04/04/08 at 1:32 p.m. (Attachment J).

Senator Harper announced that the two Executive Nominations on the agenda would not be heard today and would be put on the agenda for the Thursday, April 10, 2008 meeting.

Spencer Kamps, Deputy Director, Home Builders Association of Central Arizona, testified in support of HB 2221.

Jeffrey Kros, Legislative Director, League of Cities and Towns, testified in opposition to HB 2221.

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

Senator Blendu moved HB 2221 be returned with a DO PASS recommendation.

Senator Blendu moved the 7-page Harper strike everything amendment dated 04/03/08 at 8:25 a.m. be ADOPTED.

Senator Blendu moved the 3-line Harper amendment to the strike everything amendment dated 04/04/08 at 1:32 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Blendu moved the 7-page Harper strike everything amendment dated 04/03/08 at 8:25 a.m. AS AMENDED, be ADOPTED. The motion CARRIED by voice vote.

Senator Blendu moved HB 2221 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 11).

In explanation of her vote, Senator Burton Cahill stated "I think that there are many reasons why people choose to live in the communities they choose to live in. A lot of times it has to do with travel, commute time, it has to do with the price of the home, it has to do with the parks, it has to do with the schools, it has to do with a lot of amenities. I think that at times it has to do with a philosophy of the community and there may be people who choose to live in a community because they are more aggressive on green building. I think that this piece of legislation takes that possibility away and so I have to vote against this. I vote 'no'."

HB 2440 – condominiums; planned communities; political petitions – DO PASS

Jameson Lynch, Government Committee Intern, explained HB 2440.

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

Senator Blendu moved HB 2440 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 12).

HB 2640 – public officers; financial disclosure – FAILED

Jameson Lynch, Government Committee Intern, explained HB 2640.

Kevin Tyne, Assistant Secretary of State, Secretary of State's office, registered as neutral, but stated concern about unfunded mandates.

Senator Blendu moved HB 2640 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 0-7-0 (Attachment 13).

In explanation of his vote, Senator Flake stated "I think this is too much. I think this would be a ream of paperwork that is just unreasonable and I vote 'no'."

In explanation of her vote, Senator Gray stated "I think this does go too far and there is not funding this year especially to require the Secretary of State to put up to 1,600 of these on their website so I am going to vote 'no'."

HB 2652 – homeland security councils; coordinating; advisory – DO PASS

Jameson Lynch, Government Committee Intern, explained HB 2652.

Tim Grubbs, Legislative Liaison/Finance Manager, Arizona Department of Homeland Security, testified in support of HB 2652.

Senator Blendu moved HB 2652 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 14).

HB 2726 – emergency management; compensation; determination (now: condominium statutes; applicability) – DO PASS AMENDED

Justin Weaver, Government Committee Assistant Analyst, explained HB 2726 and the 5-line Harper amendment dated 04/04/08 at 3:56 p.m. (Attachment K).

Pat Haruff, Coalition of Home Owners for Rights and Education (CHORE), testified in support of HB 2726 and in opposition to the amendment.

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

Anne Stewart, spokesperson, The Sun City Formula Registry, testified in support of HB 2726 and in opposition to the amendment.

Senator Blendu moved HB 2726 be returned with a DO PASS recommendation.

Senator Blendu moved the 5-line Harper amendment dated 04/04/08 at 3:56 p.m. be ADOPTED. The motion CARRIED with a voice vote.

Senator Blendu moved HB 2726 be returned with a DO PASS, AS AMENDED recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 15).

There being no further business, the meeting was adjourned at 3:58 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>)