

# ARIZONA STATE SENATE

48TH LEGISLATURE  
SECOND REGULAR SESSION

## MINUTES OF COMMITTEE ON APPROPRIATIONS

**DATE:** April 15, 2008

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

**ROOM:** SHR109

**CHAIRMAN:** Senator Burns

**VICE CHAIRMAN:** Senator Allen

**ANALYST:** Katy Yanez

**ASSISTANT**

**ANALYST:** Jake 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 Aboud	X			HB 2247	DP
Senator Aguirre			X	HB 2258	HELD
Senator Flake	X			HB 2700	FAILED
Senator Garcia	X			HCR 2044	DPA
Senator Hale	X				
Senator Harper	X				
Senator Huppenthal	X				
Senator Johnson	X				
Senator Waring	X				
Senator Allen, Vice Chairman	X				
Senator Burns, Chairman	X				

Chairman Burns called the meeting to order at 2:17 p.m., and attendance was noted.

## **APPROVAL OF MINUTES**

**Senator Burns moved the minutes of April 8, 2008 be approved. Without objection, the minutes were approved as distributed.**

## **CONSIDERATION OF BILLS**

### **HB 2258 – civil air patrol; hangar space (now: civil air patrol; funding) – HELD**

Senator Burns announced HB 2258 would be HELD.

### **HCR 2044 – voter-protection; temporary budgetary suspension – DO PASS AMENDED**

**Katy Yanez, Senate Appropriations Committee Analyst**, explained HCR 2044 and the following amendments:

4-line Burns amendment dated 04/14/08 at 2:04 p.m. (Attachment A)

3-line Garcia amendment dated 04/10/08 at 9:14 a.m. (Attachment B).

**Senator Allen moved HCR 2044 be returned with a DO PASS recommendation.**

**Senator Allen moved the 4-line Burns amendment dated 04/14/08 at 2:04 p.m. be ADOPTED. The motion CARRIED by a voice vote.**

**Senator Garcia moved his 3-line amendment dated 04/10/08 at 9:14 a.m. be ADOPTED. The motion CARRIED by a voice vote.**

**Senator Allen moved HCR 2044 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-3-2 (Attachment 1).**

In explanation of his vote, Senator Flake stated “I have a list of people who have urged me to vote no on this and yet I do not think any of them understand that this goes to the vote of the people. They think we are doing this, we are not doing anything except sending them back to the people which, if we are having as hard of a time balancing a budget as we are with only one-third of the budget that we can work on. I think we have a responsibility to go back to the people and say ok, you passed this, you passed it in good years when things were going well, we are having bad years and we do not have the ability to make the cuts that are necessary to balance the budget. We are going back to you for permission to do this. We are not cutting anything, we are asking for permission to be able to look at it. I think that is totally reasonable and I think it is something that we not only have the right to do but that we should be doing, ask the people to have the ability to do what we are asked to do and that is put out a budget, put out a balanced budget and I vote ‘yes’.”

In explanation of his vote, Senator Hale stated “I think we are taking the action that we should be responsible for. I know that this is putting out to the voters for a decision. However, it reflects on our ability to do what we are constitutionally mandated to do with regard to the budget. That is to live within our means, take a look at what our revenues are and then come up with a budget that is in line with that revenue. We have not been able to do that. Yet we have this constitutional mandate. We

try to negotiate and I have sat through some of those meetings and the first thing I heard in one of these meetings where we are supposed to try to look for some solution to this problem that we have. First thing to happen was, bonding is not on the table. When we fail to take into consideration those available options like bonding or tax increases, we are saying to the voters, we cannot do it. The thing that you have done in the past, we are going to ask you to overturn that decision. I do not think that is the proper way to do it. We are under mandate to come up with a balanced budget within what we have and not tap into whatever it is that we have already by the voters dedicated to other purposes, so with that I vote 'no'."

In explanation of his vote, Senator Harper stated "I would like to recap what we are putting out with the amendments. 'We are merely asking the voters if they would allow us, at a time when revenue has decreased 1% and we have not cut any taxes within the previous three years, would they allow us to suspend the mandated voting in citizen's initiatives. It is a very reasonable question to put before the voters and I thank Senator Garcia for coming up with the negotiating point and I gladly vote 'aye'."

In explanation of his vote, Senator Huppenthal stated "If you are going to do a 4% budget cut people have an inherent sense of fairness that if everything gets cut 4% across the board, they have a sense that it was done fairly. Now, you cannot always do that but you try to do that as well as you can and I think the one protection that is not in here that we still would need to get in here is a communication to them that whatever that across the board cut is, that their programs are not going to get cut more than that across the board cut. I think that would be the people, if you were a citizen on the street and you said geez there is a short fall at the state level, we do not want to take the whole cut out of healthcare and we do not want to take the full cut out of education, we do not want to take the whole cut out of our state employees and we do not want to take the whole cut out of this group, but that you spread it out. They can inherently believe that is fair. I think that is the one point what we need to still address on the amendments and so I would encourage everybody to think about that a bit. To move this forward to the next stage of negotiations I will vote 'aye'."

In explanation of her vote, Senator Johnson stated "I, like Senator Flake, have received a lot of emails in regards to voting no on this and I too do not believe, I have not had a chance to get back at most of these people, I do not believe they understand that it is going to the ballot for people to vote on. When I think that for many years that I have been down here, our budget has increased, our economy has increased, our budget has increased more than our economy but we have grown at 6% to 7% a year. We have had good increases and now we are in some pretty dire circumstances and we absolutely have to do something to address this and I believe that taking this back to the people for their ability to vote and see if they want to let us have that ability is the correct thing to do and I vote 'aye'."

In explanation of her vote, Senator Allen stated "I had hoped that the amendments would be a little more, answering the questions. This year I have stopped voting bills out of committees hoping that they will be better down the road and I am very uncomfortable with the way this bill is written and I do not have a lot of assurances that it is going to get better and because of that I am a 'no'."

In explanation of his vote, Senator Burns stated "I am voting 'aye.' I want to move this forward if possible so that we can certainly continue the debate. I think even if the bill fails this year we need to have this discussion. Certainly more of a discussion than we have had so far in the committee and hopefully that will take place as the bill gets moving. I would make one comment however, on the issue of us having the ability to solve the problem currently by using bonding, our current growth here

in the State of Arizona, population and inflation has been growing at about 6%. Our revenue growth is about 7%, so the 7% growth in revenue which averages out over a period of time, amounts to about \$700 million. The amount of spending that we have on auto-pilot that is controlled by formulas and so forth is in the range of \$500 million to \$600 million. We just passed a bill to spend another \$40 million a year for ELL. If we are to put into place bonding, bonding requires debt payment, debt service. There is, we have reached the point basically where the automatic spending is matching our revenue growth. I do not think we can continue to operate that way. I do not think that is a responsible fiscal management of the people's money. We just cannot continue to do it. We have to have some flexibility when the economy dips to make adjustments so that we can stay in balance. Our spending growth in the last three years has increased by 14% per year. It certainly is not that we are under spending. We have over spent considerably and so we need the ability to make corrections mid-stream, if you will, when problems come up. I hope that we can, if this is not the answer then I hope that someplace out there, there is an answer that will make it possible to do a much better job of managing our folk's money and I vote 'aye'."

### **HB 2247 – Indian affairs commission; legislative day – DO PASS**

**Jake Agron, Senate Appropriations Assistant Analyst**, explained HB 2247.

**Representative Tom, bill sponsor**, further explained HB 2247.

Senator Burns noted the names of individuals who registered their position on the bill (Attachment C).

**Senator Allen moved HB 2247 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 9-0-2 (Attachment 2).**

### **HB 2700 – 9/11 monument; modification – FAILED**

**Bill Boyd, Senate Government Committee Analyst**, explained HB 2700.

**Representative Kavanagh, bill sponsor**, further explained HB 2700.

**Shelley Cohn, member, 9/11 Memorial Commission**, distributed "Talking Points: 9-11 Memorial Bill" (Attachment D) and testified in opposition to HB 2700.

**Viana Bruce, member, 9/11 Memorial Commission**, testified in opposition to HB 2700.

**Steve Speisman, representing himself**, testified in opposition to HB 2700.

**Tom Smith, Chairman, Governmental Mall Commission**, distributed "Enclosure 1" (Attachment E), "Moving Memories Arizona 9-11 Memorial" (Attachment F) and testified in support of HB 2700.

Senator Burns noted the names of individuals who registered their position on the bill (Attachment C).

**Senator Allen moved HB 2700 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 5-5-1 (Attachment 3).**

In explanation of her vote, Senator Aboud stated "I have to confess; when I signed on to this bill I did not know a lot of the history around it. I am sorry I signed onto it. What I have learned so much in

this hearing, I totally moved by. I am moved by the quality of the participants on the commission. I am moved by the integrity of the process, the inclusion, not only of the opinions of committee members, of the public, but that this was, this is a decision that was made all around the state with input from so many members of our community. Many of the phrases that folks are finding objectionable represent ideas I actually had on that day shortly afterwards. To take them off would be to not allow a representation of something that I thought and that I felt personally. I would be really sad if this was just a political decision. This is a decision that in a lot of way strikes at so much of what our core is as a country, not the event that happened, the event was a tragedy. We all agree with that, it is addressing issues of freedom of speech and what roll does art play in that freedom of speech. It is very clear that so many, you know you ask 100 people what their opinion was of phrasing or the memorial and you would get so many different replies. For me the work that the commission did with the intensity of feeling and the personal involvement that you had, I have no right to say to you that what I think or feel is more important than what you personally went through because of the connection that you had to loved ones at that time. I appreciate the effort that you put into that commission, your commitment to it and you dedication and I think what it represents is your commitment to your loved ones as well as to your country and for that I thank you on behalf of who I represent, but I thank you for your effort. You could easily have gone home and not served, because you did serve your community, but you could have gone home and just taken your own feelings. Instead you turned it into a public experience where you shared who you were and what your losses were to your family and your community and I really appreciate that. I honor you now with my vote of 'no'."

In explanation of his vote, Senator Hale stated "I see this as an example of he who holds the pen writes the history. I think we have to be honest about our history. To write it only the way we want it we are bound to repeat our mistakes and I vote 'no'."

In explanation of her vote, Senator Johnson stated "A lot of what Senator Hale has said is very accurate. To me history is still being written on this tragedy and it is still an ongoing controversy. I think back to the fact that there never would have been a 9-11 Commission if it had not been for the Jersey Girls. The girls that were, the women that were the wives of the men that were killed or the mothers of the sons that were killed there that pressed and pressed and pressed to get a commission finally convened. To me it is appalling that it took as long as it did to get that 9-11 Commission going, but you know, there are many of us that feel that there has been a cover up and there are a lot of statements on that 9-11 Memorial that reflect a lot of our views that we have about it. I think all of those need to be represented and I vote 'no'."

There being no further business, the meeting was adjourned at 4:56 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>)