

ARIZONA HOUSE OF REPRESENTATIVES
Forty-ninth Legislature – Second Regular Session

COMMITTEE ON GOVERNMENT

Minutes of Meeting
Tuesday, January 19, 2010
House Hearing Room 4 -- 2:00 p.m.

Chairman Crump called the meeting to order at 2:03 p.m. and attendance was noted by the secretary.

Members Present

Mr. Antenori	Mr. Driggs	Mrs. Tovar
Mr. Campbell CH	Mr. Gowan	Mr. Montenegro, Vice-Chairman
Mr. Chabin	Mr. Nichols	Mr. Crump, Chairman

Members Absent

None

Committee Action

HB2019 – DP (5-4-0-0)	HB2110 – DP (9-0-0-0)
HB2060 – DP (6-3-0-0)	HB2145 – DP (8-0-0-1)
HB2074 – DP (8-0-0-1)	HCR2001 – DP (6-3-0-0)

CONSIDERATION OF BILLS

HB2019 – legislators; voting required; salary loss. – DO PASS

Vice-Chairman Montenegro moved that HB2019 do pass.

Michelle Hindman, Committee Analyst, explained that HB2019 states that if a Member of the Legislature fails to vote on a roll call vote of a bill, memorial or resolution on Third Read or Final Passage, the Member must forfeit his/her legislative subsistence in an amount equal to the legislative salary for that day (Attachment 1).

Representative Jerry Weiers, Sponsor, stated that legislators are elected by constituents to vote, and if a Member walks out during a vote to avoid being on record or does not show up, that Member should not get paid for that day, especially during these difficult budget times. If the Member has a legitimate excuse for not voting, the Member's salary would not be forfeited.

Mr. Campbell indicated that a viable excuse to a Member may not seem viable to the Speaker and there could be political reasons. He asked if the bill could result in political gamesmanship.

Representative Weiers disagreed, stating that he is not aware of any business that allows someone not to go to work when they do not want to, not call in or not have an excuse and still be paid.

Mr. Campbell remarked that there is already a built-in performance review, which is the election every two years. If constituents do not like a legislator's actions, they can vote the person out of office.

In response to questions, Representative Weiers acknowledged that voting information is already on the Legislature's website, but submitted that this bill allows for much easier access so a novice can track a Member's voting record. Mr. Campbell stated that if the intention is to redesign the legislative website, he will request a fiscal note. Representative Weiers answered that it could probably be done with the current website, but it could be made easier to navigate.

Mr. Gowan stated that the Members have a duty to vote on bills after discussion. Mr. Driggs agreed, but indicated that trying to quantify legislators' roles by saying they are only paid to vote does not take into account attendance at stakeholder meetings, answering constituent emails, etc., yet there is no incentive for carrying out those duties. Also, the bill does not address the situation of a Member who votes on half of the bills during the day and leaves early due to illness without having a chance to consult with the Speaker. Representative Weiers responded that representatives can be sent in place of a Member to meetings or parades, etc., but no one can vote for a Member. As far as being sick, a valid excuse should be whatever the Speaker and President agree is valid. If there is no opportunity to talk to the Speaker or President, a provision can be added to the bill to allow a Member to be excused after the fact.

Mr. Chabin mentioned that sometimes Members leave during a vote in order not to embarrass a respected colleague by voting against his/her bill. Representative Weiers answered that there is not one Member in the Senate or House that he does not respect, but he does not respect them more than he respects his constituents who voted him into office. He does not believe he is representing his district by hiding during a vote.

Vice-Chairman Montenegro announced the names of those who signed up in opposition to HB2019 but did not speak:

Seth Apfel, representing self

Ramon Garcia, representing self

Question was called on the motion that HB2019 do pass. The motion carried by a roll call vote of 5-4-0-0 (Attachment 2).

HB2110 – state library and archives amendments – DO PASS

Vice-Chairman Montenegro moved that HB2110 do pass.

Michelle Hindman, Committee Analyst, explained that HB2110 makes several substantive and conforming changes to the statutes governing the Arizona State Library, Archives and Public Records (ASLAPR) (Attachment 3).

Representative John McComish, Sponsor, stated that one of the good things accomplished last year was to move the ASLAPR under the direction of the Secretary of State's Office. This bill contains clean-up language in relation to that move. He added that Duane Huffman at the Department of Health Services (DHS) and the Department of Administration have concerns, which he plans to address on the Floor.

Ken Bennett, Secretary of State, stated his support for the bill and that he is pleased to be in the first year of working out this transition. A recent article indicated that the Secretary of State's Office and ASLAPR did not take any budget cuts, which is not the case. The combined agencies are operating on about \$1.7 million less than the budgets of one-and-a-half to two years ago, but everyone is working well together to find economies of scale. He noted that most of the reporting requirements are already in statute elsewhere but have not been clarified since the agencies were combined. The provision relating to the director of the ASLAPR calling a convention of county librarians twice a year was included because meetings are actually held about six times per year when the statute only requires meetings once per year. The program related to the Polly Rosenbaum Building should be a good pilot as to how an agency, by having the responsibility and stewardship, can operate a building in a more economical manner. In response to a question, he conveyed that cuts in this fiscal year were made in the February adjustment and continued in this current year; \$1.4 million to the ASLAPR and just shy of \$300,000 to the Secretary of State's Office.

Duane Huffman, Chief Legislative Liaison, Arizona Department of Health Services (DHS), neutral on HB2110, revealed concern about Section 25 of the bill, which allows the ASLAPR to assess a civil penalty to the DHS for not complying with the provisions regarding transmittal of vital records, which he plans to work on with Mr. McComish.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2110 but did not speak:

Jim Drake, Assistant Secretary of State, Secretary of State's Office

Kristen Boilini, Lobbyist, Arizona Library Association

Jessica Stall, Arizona Library Association

GladysAnn Wells, Director/State Librarian, ASLAPR

Question was called on the motion that HB2110 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 4).

HB2060 – public conservation monies; transfer - DO PASS

Vice-Chairman Montenegro moved that HB2060 do pass.

Christopher Stapley, Assistant Analyst, explained that HB2060 transfers \$20 million from the FY 2008-2009 appropriation for the Public Conservation Account of the Land Conservation Fund to compensate for FY 2008-2009 budget reductions, reversions and agency expenditure suspensions (Attachment 5).

Mr. Nichols, Sponsor, said this is a repeat of last year's bill, which did not get enough votes in the House. If the bill passes out of Committee, he will have a Floor amendment to adjust some

amounts, working with Representative Andy Tobin, to focus more on state parks, museums and similar places from which money was taken to balance the budget.

Sandy Bahr, Conservation Director, Sierra Club - Grand Canyon Chapter, testified in opposition stating that because there has been no constitutional change since last Session, this bill is still unconstitutional. It does not further the purposes of the Growing Smarter measure that went before the voters in 1998, and even though there is a provision to continue it longer, there is no guarantee that will happen because the next Legislature could delete that. This legislation violates the voter protection provision in the Constitution and will be harmful to conservation, as well as the Trust and Trust beneficiaries. Further, the Sierra Club did not support the Growing Smarter measure; the Legislature referred it to the ballot specifically to undercut a citizen initiative, so the Legislature should live with that decision. She added that if people are interested in working on funding for parks, she is willing to help, and she has made suggestions, but anything that is done should remain within the Constitution and the wishes of the voters.

Mr. Nichols countered that the Rules attorneys reviewed last year's bill and deemed it constitutional and in proper form. Anything that is passed can be taken to court if someone believes it is unconstitutional. He believes the legislation furthers the purposes of the measure, and the money will be replenished with the amendment that will be offered on the Floor. He added that he appreciates Ms. Bahr's offer to help find ways to keep state parks open, but this legislation provides a method to obtain money immediately for state parks, and he and Mr. Campbell are working on something that will, hopefully, continue funding in the future.

Vice-Chairman Montenegro announced the names of those who signed up in opposition to HB2060 but did not speak:

Magill Weber, Government Relations Associate, The Nature Conservancy

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2060 but did not speak:

Bas Aja, Director, Government Relations, Arizona Cattlemen's Association

Vice-Chairman Montenegro announced the names of those who signed up as neutral on HB2060 but did not speak:

Vanessa Hickman, Arizona State Land Department

Question was called on the motion that HB2060 do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 6).

HCR2001 – sovereignty; tenth amendment – DO PASS

Vice-Chairman Montenegro moved that HCR2001 do pass.

Christopher Stapley, Assistant Analyst, explained that HCR2001 specifies that the State of Arizona is expressing the intent to claim sovereignty under the Tenth Amendment to the United States Constitution (Attachment 7).

Representative Judy Burges, Sponsor, related that this bill was held up in the Senate last year. For years, the federal government has been reaching down into states' rights. Every so often it is

necessary to tell the government at the Congressional level that it is usurping the state's rights and Arizona is a sovereign state.

Mr. Campbell raised the issue of state government usurping the rights of local governments and asked if the state should send a postcard to the Legislature to follow these rules as well. Ms. Burges responded that perhaps the towns, cities and counties should send the state a postcard saying the state has overstepped its rights. Many times people approach legislators because they are not happy with what is happening at the local level. Legislators do not necessarily like to do the things they do, but sometimes it has to be done to resolve issues.

Mr. Nichols submitted that there is a distinct difference between the cities' and counties' relationship to the state versus the state's relationship to the federal government. A lengthy discussion followed on the issue, as well as the purpose of the Tenth Amendment and mandates imposed upon the state by the federal government like the REAL ID Act, No Child Left Behind, etc.

Ms. Burges commented that today's federal mandates and funding and unfunded requirements compel states to serve the federal government, which is a total reversal of the structure that was originally intended.

Vice-Chairman Montenegro announced the names of those who signed up in opposition to HCR2001 but did not speak:

Seth Apfel, Volunteer, representing self

Ramon Garcia, representing self

Question was called on the motion that HCR2001 do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 8).

HB2074 – board of athletic training; continuation. – DO PASS

Vice-Chairman Montenegro moved that HB2074 do pass.

Stephanie Johnson, Majority Research Intern, explained that HB2074 continues the Arizona Board of Athletic Training (Board) until July 1, 2020 (Attachment 9).

Vice-Chairman Montenegro, Sponsor, stated that a Committee of Reference hearing was held during the interim and the Members decided that it is important to continue this Board.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2074 but did not speak:

John Parsons, Arizona Athletic Trainers' Association

Tamara Valovich Mcleod, Associate Professor, Athletic Training, Arizona Athletic Trainers' Association

Matt Webber, representing self

Barton Anderson, Athletic Trainer/Assistant Professor, Arizona Athletic Trainers' Association

Scott Horton, Certified Athletic Trainer, Arizona Athletic Trainers' Association

Alison Snyder, Athletic Training Educator, Self; Arizona Athletic Trainers' Association

Scott Linaker, Chair, Board of Athletic Training

Michael Nesbitt, representing self
Randall Cohen, Athletic Trainer, representing self
Wendy Hammon, Executive Director, Board of Athletic Training
John Neel, Owner, FITLIFE Health Systems; Arizona Athletic Trainers' Association

Question was called on the motion that HB2074 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 10).

HB2145 – county planning and zoning – DO PASS

Vice-Chairman Montenegro moved that HB2145 do pass.

Stephanie Johnson, Majority Research Intern, explained that HB2145 amends the monthly meeting requirements of county planning and zoning commissions and temporarily suspends the comprehensive plan adoption requirement (Attachment 11).

Representative Bill Konopnicki, Sponsor, related that an omnibus county bill was passed last year, which had a few incorrect items, but the key pieces of this legislation are that county planning and zoning commissions will not be required to meet every month unless there is new business and a suspension of counties' need to develop a comprehensive plan until 2015. In response to questions, he related that in some cases, the cost is \$25,000 to \$75,000 per year to develop a comprehensive plan when counties do not have the money to make payroll; however, he will draft a Floor amendment to allow counties to do so in the event it is necessary.

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association, spoke in favor of HB2145. He indicated that a county could still file amendments and make changes to the comprehensive plan as instances arise, but the bill places a freeze on a complete rewriting so counties do not have to hire consultants, hold stakeholder meetings, etc. Counties can readopt the present plan for the next 10 years; however, some interested parties want to revisit this in five years, after the economic cycle has picked up, so there is a holding pattern for five years.

Question was called on the motion that HB2145 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 12).

Without objection, the meeting adjourned at 3:36 p.m.

Linda Taylor, Committee Secretary
January 21, 2010

(Original minutes, attachments and audio on file in the Chief Clerk's Office; video archives available at <http://www.azleg.gov>)