

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

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Minutes of Meeting
Wednesday, February 10, 2010
House Hearing Room 3 -- 9:00 a.m.

Chairman Weiers called the meeting to order at 9:02 a.m. and the secretary called the roll.

Members Present

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|----------------|---------------|--------------------------|
| Ms. Fleming | Mr. Patterson | Mr. Gowan, Vice-Chairman |
| Mrs. McGuire | Mr. Seel | Mr. Weiers JP, Chairman |
| Mr. Montenegro | Mr. Stevens | |

Members Absent

None

Committee Action

| | |
|------------------------|------------------------|
| HB2195 – DP (8-0-0-0) | HB2602 – DP (7-1-0-0) |
| HB2198 – DPA (8-0-0-0) | HB2603 – DP (7-0-0-1) |
| HB2526 – DP (8-0-0-0) | HCM2008 – DP (8-0-0-0) |

CONSIDERATION OF BILLS:

HB2602 - county recorder records; access – DO PASS

Vice-Chairman Gowan moved that HB2602 do pass.

Thomas Adkins, Majority Research Analyst, stated that HB2602 grants law enforcement officers performing official duties access to confidential records maintained by county recorders (Attachment 1).

Chairman Weiers announced the names of those who signed up in support of HB2602 but did not speak:

James Mann, Arizona Fraternal Order of Police
Bryan Ginter, representing self
Norman Moore, representing Fraternal Order of Police
Bryan Soller, State Vice President, Arizona State Fraternal Order of Police
Shelly Baker, Arizona Association of County Recorders
Don Isaacson, representing Fraternal Order of Police

Terrie Gent, Colonel, USAF-Retired, representing self
Nicole Stickler, Executive Director, Arizona Association of Counties

Chairman Weiers announced the names of those who signed up as neutral on HB2602 but did not speak:

Katie Hobbs, Director of Government Relations, Sojourner Center

Jen Sweeney, Government Affairs Director, Arizona Association of Counties, in support of HB2602, advised that this legislation was brought forward by the County Recorders. She related that certain groups of people can petition the courts to have their public records protected, i.e., their personal information redacted. She explained that a law enforcement officer in Pima County petitioned the court some time ago to have his records protected; that officer is now being investigated for illegally acquiring property. The investigating officer asked the Pima County Recorder for the unredacted copies of the information relating to that property and was told by the Recorder that would be violating the original court order which sealed the records. If the investigator asks the judge who originally sealed the records to unseal the records, notice would be given to the officer that the record is going to be unsealed, which defeats the purpose of the investigation. This legislation asks that law enforcement officers, in the course of an official investigation, be added to the list of people who have access to unredacted information

Ms. Fleming expressed concern about other agencies requesting information. Ms. Sweeney said she does not believe any other group will be added.

In response to Mr. Seel, Ms. Sweeney said she does not believe there will be a lot of official requests.

Discussion ensued on the process required to obtain information. Ms. Sweeney explained that in order to obtain records, some entities require that a person go in and fill out the required form, which leaves an audit trail of people who request this kind of information.

Mr. Stevens queried whether Ms. Sweeney would be in favor of mandating the same process for requesting redacted information in all counties. Ms. Sweeney said she would have to consult the counties.

Mr. Patterson stated that he believes the intent of the bill is good; however, it seems to be a very broad approach to one case. He said he still has concerns and suggested that this legislation include a one-year sunset. Ms. Sweeney agreed that it is a unique response. Mr. Patterson commented that “bad” officers are rare but it has happened. His concern is that with a badge any officer can get any information, so there is the potential for abuse if an officer is involved in criminal activity. Ms. Sweeney stated that if there are many requests for records because of this legislation, it will trigger an official investigation.

Mr. Patterson queried whether the language could be narrowed to specify that the request come from the top, such as a supervisor, instead of an officer with a badge. Ms. Sweeney said that may not be practical in terms of how the investigation is run.

In response to Mrs. McGuire, Ms. Sweeney advised that anyone can scrutinize records. Only those people listed in Section M of the statute are allowed access to redacted records. Mrs. McGuire said she is trying to figure out a mechanism for oversight as brought up by Mr. Patterson.

Chairman Weiers asked Ms. Sweeney if she would be willing to work on this if the bill is held one week. Ms. Sweeney replied that, given the timeline, she prefers to move forward with the bill in this Committee. She noted that the proposal is also scheduled to be heard in the Government Committee.

In answer to Mr. Montenegro, Ms. Sweeney advised that records are sealed for protected people and would not be available. Given the nature of their jobs, certain information is protected relating to law enforcement officers and their families.

In response to Mr. Stevens, Ms. Sweeney revealed there are under 50,000 people statewide whose records are redacted.

Mr. Patterson declared that he would like to continue to work on the bill. Mr. Montenegro said he would be willing to move this forward if acceptable language can be reached. Mr. Patterson again expressed his preference for a one-year sunset provision. Vice-Chairman Gowan said he would be willing to work on an amendment to be offered in the Government Committee. Chairman Weiers said he prefers to move this out of Committee with assurances that Messrs. Gowan, Montenegro, Patterson and Ms. Sweeney will all work on an amendment.

Question was called on the motion that HB2602 do pass. The motion carried by a roll call vote of 7-1-0-0 (Attachment 2).

HCM2008 – honor and remember flag – DO PASS

Vice-Chairman Gowan moved that HCM2008 do pass.

Nicholas Calderon, Majority Intern, said that HCM2008 expresses the Legislature's support for the ratification of the Honor and Remember Flag (Attachment 3). The bill requests that the U.S. Congress enact H.R. 1034 to designate the Honor and Remember Flag as an official symbol to honor fallen members of the United States Armed Forces.

Question was called on the motion that HCM2008 do pass. The motion carried by a roll call vote of 8-0-0-0 (Attachment 4).

HB2603 – state lottery; special game; veterans – DO PASS

Vice-Chairman Gowan moved that HB2603 do pass.

Nicholas Calderon, Majority Intern, explained that HB2603 requires the Arizona State Lottery Commission to establish a special lottery game, the proceeds of which must be deposited in a subaccount of the Arizona Veterans Donation Fund for the benefit of veterans in Arizona (Attachment 5).

Mr. Patterson said that he wants to continue to support veterans; however, his concern is how this legislation may affect other lottery dollars going for other purposes, such as the Heritage Fund.

Chairman Weiers advised that this is not starting a new lottery game; it is replacing one of the scratch tickets with an Arizona Veterans Cemetery scratch ticket. He noted that several other states already do this. He said this will raise approximately \$1 million to \$1½ million annually to keep veterans' cemeteries open and to give families a place to go closer to home instead of having to drive many miles to visit the graves of loved ones.

Ms. Fleming queried whether there are any other games that support organizations, such as the Elks. Chairman Weiers replied that any organization can run its own raffles; he does not want to open up the situation where everyone wants to be included in the lottery. He said the language was narrowly crafted, taking into consideration the cost of maintaining the cemetery.

Persons who signed up in support of HB2603 but did not speak:
Bryan Ginter, representing self

Question was called on the motion that HB2603 do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 6).

HB2195 – veterans' services; military installation fund – DO PASS

Vice-Chairman Gowan moved that HB2195 do pass.

Thomas Adkins, Majority Research Analyst, stated that HB2195 authorizes the Arizona Department of Commerce (ADOC), rather than the Department of Veterans' Services (DVS), to acquire real estate, property rights and related infrastructure and transfer it to the State Land Department (SLD) for the preservation and enhancement of Arizona military installations (Attachment 7).

Vice-Chairman Gowan announced the names of those who signed up in support of HB2195 but did not speak:

Terrie Gent, Colonel, USAF-Retired, representing self

Vice-Chairman Gowan announced the names of those who signed up in opposition to HB2195 but did not speak:

Bryan Ginter, representing self

In response to Mr. Montenegro, Mr. Stevens said this bill is a good idea. Mr. Patterson stated support of the bill. He related that his district includes all of Davis-Monthan Air Force Base which at one time was in the middle of the desert and now is increasingly facing urban encroachment. City and county planning has taken into consideration preserving the integrity of the base and its ability to operate, and this bill will help Davis-Monthan as well as other critical installations.

Mrs. McGuire asked whether there is identical legislation in the Senate. Chairman Weiers said the language mirrors the Senate bill.

Question was called on the motion that HB2195 do pass. The motion carried by a roll call vote of 8-0-0-0 (Attachment 8).

HB2198 – military family relief fund – DO PASS AMENDED

Vice-Chairman Gowan moved that HB2198 do pass.

Thomas Adkins, Majority Research Analyst, stated that HB2198 modifies the eligibility requirements of applicants to use the Military Family Relief Fund to include the family of any service member who was deployed from Arizona after September 11, 2001 (Attachment 9). In addition, the bill grants the Military Family Relief Advisory Committee greater discretion in awarding Fund monies.

Vice-Chairman Gowan moved that the Weiers two-line amendment dated 2/9/10 to HB2198 be adopted (Attachment 10).

Mr. Adkins explained that the two-line amendment raises the annual tax credit cap on donations to the fund from \$1 million to \$2 million (Attachment 10).

Vice-Chairman Gowan announced the names of those who signed up in support of HB2198 but did not speak:

Bryan Ginter, representing self

Terrie Gent, Colonel, USAF-Retired, representing self

In response to Mr. Seel, Chairman Weiers answered that the cap is not higher because it is not necessary since the entire \$1 million is not being used now. People are willing to donate and without raising the cap, the checks have to be sent back. This will allow greater outreach and will help more families.

Question was called on the motion that the Weiers two-line amendment dated 2/9/10 to HB2198 be adopted (Attachment 10). The motion carried.

Vice-Chairman Gowan moved that HB2198 as amended do pass. The motion carried by a roll call vote of 8-0-0-0 (Attachment 11).

HB2526, tax exemption; trap and skeet – DO PASS

Vice-Chairman Gowan moved that HB2526 do pass.

Nicholas Calderon, Majority Intern, explained that HB2526 exempts trap and skeet shooting clubs who provide shooting training and hold competitions from taxation provided that the property and buildings are used for educational purposes and not used or held for profit (Attachment 12).

Representative Frank Antenori, sponsor, advised that HB2526 contains some specific defined requirements in order to be eligible for the local property tax exemption; it does not include all shooting clubs. The exemption is contingent on the following: the club must be one that teaches, trains, sponsors, coaches or hosts. The reason for the bill is that the Tucson Trap and Skeet Club is trying to build a trap and skeet training facility for U.S. Olympic athletes to train in Arizona year-round as well as providing a tournament facility. Other organizations would also benefit from the facility, such as the Boy Scouts, 4-H, training for the disabled and hunter safety training. The intent of this bill is to try to obtain a property tax exemption under the category of education facility resulting in an economic benefit to the area.

Mr. Patterson queried whether this exemption is new or whether others receive this exemption. Representative Antenori replied that this is new; only educational facilities such as public, charter and private schools are granted an exemption to the property tax.

In response to Vice-Chairman Gowan, Representative Antenori advised that the economic benefit would be far greater than the amount of property tax loss to the county.

Lee Bachman, President, Tucson Trap & Skeet Club, testified in support of HB2526. He advised that the Club is a 501(c)(3) charitable corporation, sponsors many nonprofit programs and hosts many tournaments. He read a letter dated August 6, 2009 in which the Executive Director of USA Shooting stated that with the expanded international capability, he looks forward to having team training and competition opportunities in Tucson with more active use during the winter months when shooting in Colorado is limited due to weather, and would like to see the club develop the capability to host national and even international events.

Mr. Bachman said the goal of the expansion is to develop an outstanding facility for instruction and competition that Arizona can be proud of.

Ms. Fleming asked about the Club's fiscal contribution. Mr. Bachman deferred the question to Michael Braegelmann, Treasurer of the Club.

In response to Mr. Seel's query relating to the proportion of activities directly related to education, Mr. Bachman advised that gun safety is the number one concern and priority.

Chairman Weiers asked whether this is shotgun only, with no rifle or pistol shooting. Mr. Bachman answered in the affirmative.

Michael Braegelmann, Treasurer, Tucson Trap & Skeet Club, in support of HB2526, spoke about the economic benefits that the Club provides to the Tucson area and listed the many events the Club hosts each year. The Club throws three-and-one-half million clay targets a year and has been designated a mega-target club by the shooting sports industry. He advised that participants come from all over the U.S., as well as from Canadian provinces and Mexico. The Tucson Trap & Skeet Club brings in \$6.5 million annually to the local Tucson economy and the goal is to double the economic impact to the area when the Olympic shooting facility is completed. He advised that they currently pay \$17,000 a year in property tax and will pay about \$24,000 to \$25,000 a year when the new facility is completed. He would like to remove that burden to local

members; the property tax exemption will allow the Club to retain current fees and bring an Olympic training center to Tucson.

Chairman Weiers commented that for an extremely small amount of money, the benefits dramatically outweigh the costs.

Question was called on the motion that HB2526 do pass. The motion carried by a roll call vote of 8-0-0-0 (Attachment 13).

Without objection, the meeting adjourned at 10:35 a.m.

Joanne Bell, Committee Secretary
February 16, 2010

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