

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

COMMITTEE ON GOVERNMENT

Minutes of Meeting
Tuesday, March 16, 2010
House Hearing Room 4 -- 2:00 p.m.

Vice-Chairman Montenegro called the meeting to order at 3:03 p.m. and attendance was noted by the secretary.

Members Present

Mr. Campbell CH
Mr. Chabin
Mr. Driggs

Mr. Gowan
Mr. Quelland
Mrs. Tovar

Mr. Montenegro, Vice-Chairman
Mrs. Burges, Chairman

Members Absent

Mr. Nichols (excused)

Committee Action

SB1100 – DP (6-0-0-3)
SB1128 – DP (5-3-0-1)
SB1136 – DPA (7-0-0-2)
SB1140 – DP (7-0-0-2)
SB1153 – DPA (5-3-0-1)

SB1183 – DP (8-0-0-1)
SB1206 – DP (8-0-0-1)
SCR1005 – HELD
SCR1025 – DP (8-0-0-1)

Vice-Chairman Montenegro welcomed Representative Doug Quelland as a new Member of the Committee replacing Mr. Antenori, and Representative-Elect Ted Vogt sitting in on the meeting who will be sworn into office in the afternoon.

CONSIDERATION OF BILLS

SCR1005 – Ronald Reagan day – HELD

Vice-Chairman Montenegro announced that SCR1005 will be held.

SB1100 – county audits; public record exemption – DO PASS

Chairman Burges moved that SB1100 do pass.

Stephanie Johnson, Majority Research Intern, explained that SB1100 exempts working papers and audit files in an examination and audit of a county officer from the public records statutes (Attachment 1).

Morgan Day, representing Maricopa County, spoke in favor of SB1100. She testified that SB1100 protects files and records that should not be open to the public during an audit.

Chairman Burges announced the names of those who signed up in support of SB1100 but did not speak:

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association

John Kaites, representing Maricopa County

Jen Sweeney, Government Affairs Director, Arizona Association of Counties

Craig Sullivan, Deputy Director, County Supervisors Association

Chairman Burges announced the names of those who signed up in opposition to SB1100 but did not speak:

Lydia Guzman, representing self

Question was called on the motion that SB1100 do pass. The motion carried by a roll call vote of 6-0-0-3 (Attachment 2).

SB1128 – state support for youth programs – DO PASS

Chairman Burges moved that SB1128 do pass.

Stephanie Johnson, Majority Research Intern, explained that SB1128 prohibits discrimination against youth organizations in regard to the use of public assets and provides a definition for *youth organization* (Attachment 3).

Michelle Hindman, Majority Research Analyst, responded to questions concerning the purpose of the bill and the language on page 2, lines 13 through 17, relating to sexual orientation.

Chairman Burges announced the names of those who signed up in opposition to SB1128 but did not speak:

Seth Apfel, representing self

Question was called on the motion that SB1128 do pass. The motion carried by a roll call vote of 5-3-0-1 (Attachment 4).

SB1136 – technical correction; guardians(now: subdividers; public reports; internet advertisement) – DO PASS AMENDED

Chairman Burges moved that SB1136 do pass.

Chairman Burges moved that the Driggs five-line amendment to SB1136 dated 3/15/10 (Attachment 5) be adopted.

Michelle Hindman, Majority Research Analyst, explained that SB1135 requires a disclosure statement regarding the availability of public reports on Internet advertisements of lots or parcels in subdivisions (Attachment 6). The amendment expands the disclosure requirements to include

print advertisement in a magazine or newspaper and clarifies that the public report may be found on the Arizona Department of Real Estate's website (Attachment 5).

Question was called on the motion that the Driggs five-line amendment to SB1136 dated 3/15/10 (Attachment 5) be adopted. The motion carried.

Chairman Burges moved that SB1136 as amended do pass. The motion carried by a roll call vote of 7-0-0-2 (Attachment 7).

SB1140 – counties; boards of adjustment – DO PASS

Chairman Burges moved that SB1140 do pass.

Christopher Stapley, Majority Assistant Research Analyst, explained that SB1140 clarifies that there shall be one or more Boards of Adjustment in each county (Attachment 8).

Michael Racy, Lobbyist, Pima County, spoke in favor of SB1140. He related that thirteen counties in Arizona have one Board of Adjustment with three or five members. Pima County has five, five-member Boards of Adjustment, one in each supervisorial district, which is unwieldy, cumbersome and expensive. This bill will allow the County to have a single five-member Board of Adjustment.

Chairman Burges announced the names of those who signed up in support of SB1140 but did not speak:

Todd Madeksza, Director of Legislative Affairs, The County Supervisors Association

Jen Sweeney, Government Affairs Director, Arizona Association of Counties

Richard Bohan, Legislative Liaison, Maricopa County Board of Supervisors

Heather Bernacki, Government Relations Associate, American Planning Association-Arizona Chapter

Question was called on the motion that SB1140 do pass. The motion carried by a roll call vote of 7-0-0-2 (Attachment 9).

SB1153 – state preemption; knives – DO PASS AMENDED

Chairman Burges moved that SB1153 do pass.

Chairman Burges moved that the Burges 10-page amendment to SB1153 dated 3/12/10 (Attachment 10) be adopted.

Christopher Stapley, Majority Assistant Research Analyst, explained that SB1153 prohibits a political subdivision from enacting a local rule or ordinance regulating knife or knife components (Attachment 11). The amendment clarifies that a school governing board is allowed to prescribe and enforce policies and procedures that prohibit a person from carrying or possessing a weapon on school grounds unless the person is a peace officer or obtains specific authorization from the school administrator (Attachment 10).

Mr. Campbell asked if a knife includes a sword, machete or an axe. Mr. Stapley responded that the bill does not provide specific examples.

Doug Ritter, Chairman, Knife Rights, Incorporated, spoke in support of SB1153. He opined that knives are essential tools used daily by millions of honest Americans. Knife Rights chose Arizona to launch a national knife law preemption campaign because of the state's tradition of individual rights and it has always been a knife-friendly state. This bill will serve as model legislation for other states to enact to protect knife owners.

Mr. Chabin surmised that the bill will prohibit any municipality, community college or university from implementing sites where no weapons are allowed even if past circumstances compel passage of local ordinances to prohibit weapons.

Senator Chuck Gray, sponsor, related that he was approached by Mr. Ritter and Gun Rights to sponsor this legislation. The intent is to make the laws regarding knives uniform throughout the state. There is already a preemption law in statute for guns that requires anyone who wants to change gun laws to obtain approval by the Legislature. The bill says the state reserves the right to pass legislation relative to knives similarly as it does with guns. He responded to questions from Mr. Chabin about the ability of municipalities, courts and community colleges to prohibit knives in public areas and courtrooms.

Ms. Hindman advised that the amendment applies to K-12.

Discussion followed concerning current laws regarding possession of knives.

Todd Rathner, Legislative Consultant, Knife Rights Incorporated; State Rifle and Pistol Association, in favor of SB1153, stated that parts of A.R.S. 13-3108 refer to deadly weapons and allows courthouses, public buildings and numerous public entities to regulate whether or not someone can take a deadly weapon into a building, so a courthouse, city hall, city council or town office will continue to regulate whether or not someone brings in a deadly weapon, as long as a method of checking is provided. He referenced Section B of the bill.

Chairman Burges announced the names of those who signed up in support of SB1153 but did not speak:

Gary Christensen, Arizona State Rifle & Pistol Association
John Wentling, Vice President, Arizona Citizens Defense League
Dave Kopp, President, Arizona Citizens Defense League
Matthew Dogali, State Lobbyist, The National Rifle Association
Henry Scutoski, representing self
Steve Jones, President, Copper State Cutlery Association
Frank Christensen, President, Arizona Knife Collectors Association
Alan Gottlieb, President, Citizens Committee for the Right To Keep and Bear Arms
Alan Romania, Chairman, Kachina Rescue Association
Sandy Froman, representing self
Suzanne Gilstrap, representing Arizona Sportsmen for Wildlife

Chairman Burges announced the names of those who signed up in opposition to SB1153 but did not speak:

John Thomas, Arizona Association of Chiefs of Police

Dale Wiebusch, Legislative Associate, League of Arizona Cities and Towns

Alisa Lyons, Arizona Community College Presidents' Council

Chairman Burges announced the names of those who signed up as neutral on SB1153 but did not speak:

Gretchen Jacobs, Attorney, Arizona School Risk Retention Trust

Question was called on the motion that the Burges 10-page amendment to SB1153 dated 3/12/10 (Attachment 10) be adopted. The motion carried.

Chairman Burges moved that SB1153 as amended do pass. The motion carried by a roll call vote of 5-3-0-1 (Attachment 12).

SB1183 – public accommodation; bilingual accommodation – DO PASS

Chairman Burges moved that SB1183 do pass.

Michelle Hindman, Majority Research Analyst, explained that SB1183 modifies the statutes governing the responsibilities of a person who offers a service at a place of public accommodation (Attachment 13).

Mr. Quelland asked if it is currently illegal not to offer bilingual accommodations, statewide or federal. Ms. Hindman responded that she does not believe it is illegal; the intent of the bill is to clarify what services a person is to provide.

Senator John Huppenthal, sponsor, stated that an optometrist in Glendale had a patient who did not speak English and asked if her eight-year-old son could provide interpretation services. The doctor declined because of Health Insurance Portability and Accountability Act (HIPAA) laws and malpractice issues, but provided her with the card of an optometrist with interpretation services. The woman filed a complaint with the Civil Rights Division of the Attorney General's Office, which began a nightmare odyssey for the doctor. This bill provides a proactive defense for medical professionals by making it clear that they are not obligated to provide interpretation services.

Dr. John Schrolucke, representing self, spoke in favor of SB1183. He conveyed that having a minor child interpret for a patient violates HIPAA laws and opens the door for a potential lawsuit. He has an office policy that someone must be 18 years or older to interpret, and if such a person is not available, he will bring someone in at the patient's earliest convenience, or refer the patient to one of two doctors who must provide Spanish interpreters, so he believed all bases were covered. He had a settlement of \$1,700 because his attorney said he would be better off financially not to go into litigation. The settlement stated that he had to take a one-hour class on discrimination, put all intake forms in Spanish, provide an interpreter for free, and if the practice is sold to an heir or anyone else, they have to abide by those rules. The practice could also be investigated at any time. Fortunately, the case was dismissed, but he and his wife decided to go

further by getting clarification so this does not happen to anyone else that does not receive federal funding (those who do so are required to provide interpreters).

Chairman Burges asked if he had the option of turning the patient down. Dr. Schrolucke opined that he did not turn the patient down; he tried to continue care with another provider that could provide the services of an interpreter.

Jennifer Boucek, Legislative Liaison, Attorney General's Office, neutral on SB1183, stated that an attorney will discuss the case and relate how the bill will affect the Office going forward.

Michael Walker, Litigation Chief, Arizona Civil Rights Division, Attorney General's Office, neutral on SB1183, apologized to Dr. Schrolucke for the bureaucratic confusion. He stated that the Civil Rights Division has hundreds of charges of discrimination filed every year, of which over 90 percent are dismissed. By statute, the Office conducts an investigation and does offer mediation programs, but it is not always possible to accommodate those requests. In circumstances mediation requests can be accommodated, there is a conciliation process where the parties are invited to reach a neutral agreement, but in Dr. Schrolucke's case, the system broke down.

He continued that the Office is neutral on the bill because he believes it is consistent with federal law, which has two corollary provisions. Title 3 that the Arizona public accommodation statute is patterned after does not require the provision of interpreters, but Title 6 states that a recipient of any financial assistance is required to provide interpreters in certain circumstances. Any person who files a charge alleging discrimination solely because an interpreter was not provided is dismissed, as was Dr. Schrolucke's case, which did go through a conciliation process. The doctor was represented by counsel so there was a lot of give and take, but the charge was ultimately dismissed. He added that he will gladly work with the Committee on SB1183 because there may be some confusion since it covers the entire Arizona Civil Rights Act. He responded to questions concerning Title 6 and the potential impact of the bill to citizens with limited English.

Chairman Burges announced the names of those who signed up in opposition to SB1183 but did not speak:

Seth Apfel, representing self

Lydia Guzman, representing self

Alessandra Meetze, Executive Director, Arizona Civil Liberties Union of Arizona

Question was called on the motion that SB1183 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 14).

Senator Huppenthal stated that he believes a different statutory framework is needed so these types of complaints are engaged for immediate review within a week, which Members may want to consider for follow-up legislation in the future.

SB1206 – counties; planning; development; districts; administration – DO PASS

Chairman Burges moved that SB1206 do pass.

Michelle Hindman, Majority Research Analyst, explained that SB1206 reorganizes the statutes on county planning and zoning (Attachment 15).

Todd Madeksza, Director of Legislative Affairs, The County Supervisors Association, spoke in support of SB1206. He stated that this same bill was heard last year; it is simply a reorganization of the county planning and zoning statutes.

Chairman Burgess announced the names of those who signed up in support of SB1206 but did not speak:

Jen Sweeney, Government Affairs Director, Arizona Association of Counties

Heather Bernacki, Government Relations Associate, American Planning Association, Arizona Chapter

Michael Racy, lobbyist, Pima County

Question was called on the motion that SB1206 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 16).

SCR1025 – Colorado River Indian tribes library – DO PASS

Chairman Burges moved that SCR1025 do pass.

Christopher Stapley, Majority Assistant Research Analyst, explained that SCR1025 honors the Colorado River Indian Tribes Library and its staff for their contributions to Arizona (Attachment 17).

Representative Lynn Pancrazi, sponsor, urged the Members to support SCR1025. She stated that the Colorado River Indian Tribe is in her district and the library is amazing.

Question was called on the motion that SCR1025 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 18).

Without objection, the meeting adjourned at 4:24 p.m.

Linda Taylor, Committee Secretary
March 25, 2010

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