

ARIZONA HOUSE OF REPRESENTATIVES  
Fiftieth Legislature – First Regular Session

**COMMITTEE ON GOVERNMENT**

Minutes of Meeting  
Tuesday, February 1, 2011  
House Hearing Room 4 -- 2:00 p.m.

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

**Members Present**

Mr. Arredondo	Ms. Hobbs	Mrs. Ugenti
Mr. Forese	Mr. Meyer	Mr. Urie, Vice-Chairman
Mr. Gowan	Mr. Montenegro	Mrs. Burges, Chairman

**Members Absent**

None

**Committee Action**

HB2015 - DPA S/E (8-0-0-1)	HB2316 - DP (8-1-0-0)
HB2067 - DP (9-0-0-0)	HB2422 - DPA (9-0-0-0)
HB2152 - DP (9-0-0-0)	HB2471 - DP (6-3-0-0)
HB2274 - DP (9-0-0-0)	HB2537 - DP (6-3-0-0)
HB2315 - DP (9-0-0-0)	

**CONSIDERATION OF BILLS**

**HB2537 - immigration legislation challenges - DO PASS**

**Vice-Chairman Urie moved that HB2537 do pass.**

Michelle Hindman, Assistant Director of Research, stated that HB2537 allows the Speaker of the House of Representatives and the President of the Senate to direct counsel to initiate a legal proceeding or appear on behalf of the Legislature in any challenge in state or federal court to SB1070 (Attachment 1).

Speaker Kirk Adams, sponsor, stated that the purpose of expediting HB2537 is to meet the deadline for adding additional arguments to the cases involving SB1070, which are two weeks hence.

Mr. Meyer stated that HB2537 is a bill sponsored by Speaker Adams, giving himself additional power; he asked Speaker Adams if he believes that is a conflict of interest. Speaker Adams

stated that the presiding officers of both the House of Representatives and the Senate have significant ability to engage in the courts. He explained that the provision in HB2537 is very limited and specific only to litigation involving SB1070. Mr. Meyer asked what is the estimated cost associated with HB2537, and what is the source to meet that cost. Speaker Adams stated that as has been past practice, outside financial support will be solicited. He stated that the legal defense fund set up by Governor Brewer has received hundreds of thousands of dollars in contributions from all over the country from individuals interested in defending the legality of SB1070.

Jaime Farrant, Policy Director, Border Action Network, testified in opposition to HB2537, stating that it seeks to establish a special set of rules and procedures in regards to SB1070. He stated that the bill has the potential to be very costly to taxpayers and does not address the fund that the Speaker referenced, therefore it could further indebt the state.

Vice-Chairman Urie announced the names of those who signed up in opposition to HB2537 but did not speak:

Martin Quezada, representing self

Lydia Guzman, representing self

Haryaksha Knauer, representing self

**Question was called on the motion that HB2537 do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 2).**

### **HB2274 - intergovernmental agreements; separate legal entity - DO PASS**

**Vice-Chairman Urie moved that HB2274 do pass.**

Michelle Hindman, Assistant Director of Research, stated that HB2274 allows any Indian tribe to join other local governments and special taxing districts and form a separate legal entity pursuant to statute (Attachment 3).

Representative Frank Pratt, sponsor, explained that HB2274 is follow-up legislation to HB2653 from 2010, which corrects an omission from the original legislation.

Jim Hartdegen, Electrical District 3, testified in support of HB2274, stating that when HB2653 was passed in 2010, the Indian Community was not included in the provisions within the legislation, which was an unintentional oversight. He stated that HB2274 corrects that omission.

Vice-Chairman Urie announced the names of those who signed up in support of HB2274 but did not speak:

Grant Ward, General Manager, Santa Cruz Water and Power Districts Association, and Electrical District 3 of Pinal County

Gretchen Kitchel, Senior Public Affairs Representative, Arizona Public Service

Jacqueline Walker, City of Kingman

Nick Simonetta, Central Arizona Irrigation and Drainage District

Russell Smoldon, Lobbyist, Salt River Project

Chris Udall, Executive Director, Agri-Business Council of Arizona

Doug Cole, Lobbyist, Electrical District 2 of Pinal County

Paul Orme, Attorney, Electrical Districts 3, 4 and 5 of Pinal County  
William Stacy, General Manager, Electrical District 3  
Brian Betcher, General Manager, Maricopa-Stanfield Irrigation District  
Brett Benedict, Director of Financial Services, representing self  
Cliff Cauthen, General Manager, Hohokam Irrigation District  
Paul Jepson, Assistant to the City Manager, City of Maricopa  
Todd Madeksza, Director of Legislative Affairs, County Supervisors Association  
Jay Moyes, Moyes Sellers Ltd  
Tom Jones, Chief Executive Officer, Grand Canyon State Electric Cooperative Association

**Question was called on the motion that HB2274 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 4).**

**HB2015 - justice court jurisdiction; county parks - DO PASS AMENDED S/E**  
**S/E: same subject**

**Vice-Chairman Urie moved that HB2015 do pass.**

**Vice-Chairman Urie moved that the Burges two-page strike-everything amendment dated 1/26/11 (Attachment 5) be adopted.**

Stephanie Johnson, Assistant Majority Research Analyst, stated that HB2015 adds a county park to the place where an offense is committed within the precinct of a justice of the peace court (Attachment 6).

Ms. Johnson stated that the proposed strike-everything amendment to HB2015 includes a county park with a body of water located in two counties and where the precinct includes some part of the county park into the precinct of a justice of the peace court (Attachment 5).

Chairman Burges, sponsor, stated that HB2015 is an agency bill that was brought to her by Maricopa County, which is requesting jurisdiction.

Richard Bohan, Legislative Liaison, Maricopa County Board of Supervisors, testified in support of HB2015, stating that the bill addresses a jurisdictional problem that Maricopa County has been facing. He explained that the Lake Pleasant park borders both Maricopa and Yavapai counties. He stated that Maricopa County has police jurisdiction over the entire park, and many citations are being written north of the Maricopa County line. The Maricopa County Board of Supervisors is asking that, for citations written in the park, regardless of which county they are written in, the hearings be held in Maricopa County justice courts.

Chairman Burges asked if Yavapai County is in agreement with the bill. Mr. Bohan answered in the affirmative.

Mr. Urie asked if San Tan Valley is included in the change. Mr. Bohan answered in the negative, stating that the Lake Pleasant park jurisdictional problem needs to be addressed first, then the San Tan Valley Park, when it is more operational.

Mr. Forese requested statistics regarding the number of law infractions and court cases that the bill addresses. Mr. Bohan stated that the numbers vary depending on the season, but for all citations written north of the Maricopa County line, the issuing officer may travel 50 miles one way to attend the court hearings in Yavapai County courts.

Vice-Chairman Urie announced the names of those who signed up in support of HB2015 but did not speak:

Ray Churay, Deputy Director, Maricopa County Sheriff's Office

Jack LaSota, Lobbyist, Maricopa County

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association

Jen Sweeney, Government Affairs Director, Arizona Association of Counties

Vice-Chairman Urie announced the names of those who signed up as neutral on HB2015 but did not speak:

Kristina Fretwell, Maricopa County Justice Courts

**Question was called on the motion that the Burges two-page strike-everything amendment dated 1/26/11 (Attachment 5) be adopted. The motion carried.**

**Vice Chairman Urie moved that HB2015 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 7).**

### **HB2067 - board of supervisors; powers - DO PASS**

**Vice-Chairman Urie moved that HB2067 do pass.**

James Craig, Majority Intern, stated that HB2067 grants a county board of supervisors the power to make contracts with government agencies to provide constable services (Attachment 8).

Mr. Arredondo asked if this bill refers to an elected official. Mr. Craig stated that he did not know and deferred to Jen Sweeney.

Chairman Burges, sponsor, stated that HB2067 is an agency bill.

Jen Sweeney, Government Affairs Director, Arizona Association of Counties, testified in support of HB2067, stating that constables are not allowed to enter into intergovernmental agreements with other governmental agencies; only the board of supervisors can do that, so the ability to do so must be placed under the appropriate statute. Ms. Sweeney stated that the County Sheriff's Office has some concerns because it shares the same fee structure with the constables. She explained that a Floor amendment might be offered to make a clarification regarding that concern.

Mr. Arredondo asked the constables' position on the bill. Ms. Sweeney stated that the constables brought the bill to the Arizona Association of Counties, so they are in support.

Mr. Meyer asked if a constable is given the right by the County Supervisor to subcontract with the courts or with the Sheriff's Office. Ms. Sweeney replied in the negative. She explained that,

for example, the Board of Supervisors and Pima County could enter into an intergovernmental agreement (IGA) with the City of Tucson to allow the justice court constables within Pima County to serve the processes and do the work that the county needs to have done but they are going through the justice courts. Mr. Meyer asked if there is a fee schedule set for that work now and if HB2067 would allow the constables to come in and underbid that fee schedule. Ms. Sweeney answered in the affirmative and clarified that constable salaries are not linked to the fee structure set in statute

Vice-Chairman Urie announced the names of those who signed up in support of HB2067 but did not speak:

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association

Philip Hazlett, President, Arizona Constables Association

**Question was called on the motion that HB2067 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 9).**

### **HB2152 - county officers; administration - DO PASS**

**Vice-Chairman Urie moved that HB2152 do pass.**

James Craig, Majority Intern, stated that HB2152 removes the requirement of county officers to file appointments of deputies and employees with the county recorder and repeals statute requiring county recorders to maintain a blotter (Attachment 10).

Jen Sweeney, Government Affairs Director, Arizona Association of Counties, testified in support of HB2152, stating that the Arizona Association is not eliminating public information by getting rid of the blotter, but it now has an index which stores all of the information that was contained in the blotter, electronically. She stated that the requirement that county officers file appointments of deputies and employees with the county recorder is an outdated practice, so the removal of the requirement is to reflect current practice.

Vice-Chairman Urie announced the names of those who signed up in support of HB2152 but did not speak:

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association

Richard Bohan, Legislative Liaison, Maricopa County Board of Supervisors

**Question was called on the motion that HB2152 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 11).**

### **HB2315 - Indian affairs commission; continuation - DO PASS**

**Vice-Chairman Urie moved that HB2315 do pass.**

Stephanie Johnson, Assistant Majority Research Analyst, stated that HB2315 continues the Arizona Commission of Indian Affairs until July 1, 2016 (Attachment 12).

Kristine Thomas FireThunder, Executive Director, Arizona Commission of Indian Affairs, stated her support of HB2315.

Vice-Chairman Urie announced the names of those who signed up in support of HB2315 but did not speak:

Lyle Mann, Deputy Director, Peace Officer Standards and Training Board

Lydia Guzman, representing self

Kari McCormick, representing self

**Question was called on the motion that HB2315 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 13).**

**HB2316 - Indian affairs commission; fund - DO PASS**

**Vice-Chairman Urie moved that HB2316 do pass.**

Stephanie Johnson, Assistant Majority Research Analyst, stated that HB2316 makes various statutory changes regarding the Arizona Commission of Indian Affairs and the Indian Town Hall Fund (Attachment 14).

Kristine Thomas FireThunder, Executive Director, Arizona Commission of Indian Affairs, addressed Mr. Forese's question, stating that HB2316 is an attempt to eliminate the challenges that the Arizona Commission of Indian Affairs has experienced with its quorum and that it creates a greater opportunity for its urban Indian population and their organization to participate on the Arizona Commission of Indian Affairs. She stated that HB2316 eliminates the provision that allows ex-officio members to vote because they do not vote. She explained that the changes made to the Town Hall Fund are due to the fact that it costs the Arizona Commission of Indian Affairs nearly three times the \$15,000 cap set in statute, just to host an event; HB2316 removes that cap.

In response to questions from Members, Ms. Thomas FireThunder provided the following information:

- She is the only full-time paid position on the Arizona Commission of Indian Affairs; all other positions serve at the pleasure of Governor Brewer and are on a volunteer basis.
- HB2316 removes the \$15,000 cap on the Town Hall Fund as set in statute, but does not set a limit for how much can be spent.

Discussion ensued regarding the removal of the \$15,000 cap on the Town Hall Fund.

Representative Russ Jones, sponsor, stated that HB2316 is the result of information and recommendations given by the tribes during hearings and stakeholder meetings in the Committee of Reference regarding the sunset of the Arizona Commission of Indian Affairs

**Question was called on the motion that HB2316 do pass. The motion carried by a roll call vote of 8-1-0-0 (Attachment 15).**

**HB2471 - federal mandates; proof of constitutionality - DO PASS**

**Vice-Chairman Urie moved that HB2471 do pass.**

Michelle Hindman, Assistant Director of Research, stated that HB2471 prohibits appropriating state money pursuant to a federal mandate without a federal report regarding the constitutionality of the mandate (Attachment 16).

Ms. Hobbs asked how Congress will determine whether or not a federal mandate will pass a constitutional challenge. Ms. Hindman stated that HB2471 does not specify.

Representative David Gowan, sponsor, stated that his intent through HB2471 is to reinstate some of Arizona's sovereignty as a state and to decree that Arizona is willing to fight for that sovereignty. He stated that the bill is a reminder to Congress that it has a lot of power, and to remember when it instills mandates, especially involving Arizona's money, that power was given to Congress by the states.

Mrs. Ugenti inquired if the federal government is responsible for providing the document that declares the constitutionality of a mandate on Arizona. Mr. Gowan stated that the document would come from the federal government.

Mr. Meyer asked Mr. Gowan to clarify the intent of the bill and the execution of the provisions within the bill. Mr. Gowan stated that when the Legislature passes a bill, it must determine whether that bill is in agreement with its Constitution. He explained that in the case of the federal health care bill, two judges have ruled portions of it to be unconstitutional, and this bill asks Congress to determine constitutionality before passing the bill and mandates to states; discussion ensued between Mr. Meyer and Mr. Gowan.

Mrs. Ugenti asked if the federal government finds a bill to be constitutionally sound and the states disagree, is there recourse or does the state follow current practices of lawsuits, etc. Mr. Gowan stated that states will follow current practices of lawsuits.

Vice-Chairman Urie announced the names of those who signed up in support of HB2471 but did not speak:

Suzanne Cavalier, Arizona 2012 Project  
John Wentling, Vice President, Arizona Citizens Defense League  
Dave Kopp, Manager, Arizona Citizens Defense League  
Tom Jenney, Americans for Prosperity Arizona

Vice-Chairman Urie announced the names of those who signed up as neutral on HB2471 but did not speak:

Patrick Goodman, representing self

**Question was called on the motion that HB2471 do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 17).**

**HB2422 - local government budgeting; posting; publication - DO PASS AMENDED**

**Vice-Chairman Urie moved that HB2422 do pass.**

**Vice-Chairman Urie moved that the Burges five-line amendment dated 1/31/11 (Attachment 18) be adopted.**

Michelle Hindman, Assistant Director of Research, stated that HB2422 requires local governments to post a complete copy of their estimated revenues and expenses online, in a prominent location, no later than seven business days after both tentative and final adoption (Attachment 19).

Ms. Hindman stated that the Burges five-line amendment (Attachment 18) stipulates that cities or towns may make the required postings on a website of an association of cities and towns.

Mr. Meyer asked if the bill refers to the local governments' budgets. Ms. Hindman stated that her understanding of what is required in current statutes is that a budget begins with an estimate of revenues and expenses and then turns into a budget once it is final adopted, and those documents are public; HB2422 is just an extension of current requirements.

In response to questions, Ms. Hindman stated that the bill would require the tentative and the actual budget to be posted and available for at least 60 months.

Representative Kimberly Yee, sponsor, stated that HB2422 is about transparency. She stated that the bill's purpose is to "open up" local government so that taxpayers can see exactly how tax dollars are being spent. Representative Yee explained that while many of the city and town budgets are available on websites, they are difficult to find. She stated that HB2422 creates a "two-click process" so that budgets are easily found without much navigation through the website, and are required to stay online for a minimum of 60 months so that a taxpayer can easily compare budgets from year to year.

Mrs. Ugenti asked if there is a cost associated with the bill for cities and towns. Representative Yee answered in the negative, stating that cities and towns are already required to provide the information on schedules A and B in a Portable Document Format (PDF) to the Auditor General's Office this year.

Mr. Urie requested clarification of the term *schedule A and B* regarding budgets. Representative Yee explained that *A and B Budget* is interchangeable with *proposed budget* and she stated that she would be willing to offer an amendment on the Floor to make the terminology less confusing.

Tom Jenney, Arizona Director, Americans for Prosperity (AFP), testified in support of HB2422, stating that it makes budget information for cities and towns easily accessible to taxpayers. Mr. Jenney stated that in the time required to fax the budget information for cities and towns to an individual upon request, that same information can be uploaded to a website.

Mr. Urie asked about the simplicity and specifics of downloading a city or town budget, he also asked about a time requirement for a city or town to comply. Mr. Jenney suggested that an effective date be added by an amendment; discussion ensued.

Rene Guillen, Legislative Associate, League of Arizona Cities and Towns, testified as neutral on HB2422, and in support of the amendment. Mr. Guillen stated the League is supportive of transparency, but concerns with the bill are the implementation, cost, resources and direction from the Legislature. He explained that many cities do not currently have websites or the resources available to comply with the requirements.

Serena Unrein, Advocate, Arizona Public Interest Research Group (PIRG), testified in support of HB2422, stating that the Arizona PIRG is in favor of transparency. She stated that HB2422 asks cities and towns to post information on a website making information that is already available to the public more easily accessible. Ms. Unrein stated that posting estimated revenues and expenditures online will allow government officials and the public to track underperforming programs and hold them accountable, eliminate wasteful duplication and increase competitive bidding, all of which could save counties, cities and towns money.

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association (CSA), testified in a neutral position to HB2422, stating that the provisions within the bill were established in 2010, and that the primary change is to make the information more prevalent on the websites. He stated that the reason the CSA is neutral on HB2422 is that the board has not met to take a formal position.

Vice-Chairman Urie announced the names of those who signed up in support of HB2422 but did not speak:

Dave Kopp, Manager, Americans for Prosperity  
Heather Bernacki, East Valley Chambers of Commerce Alliance  
Steve Voeller, President, Arizona Free Enterprise Club  
Scot Mussi, Home Builders Association of Central Arizona  
John Wentling, Vice President, Americans for Prosperity  
Eric Emmert, East Valley Chambers of Commerce Alliance  
Randy Hatch, representing self

**Question was called on the motion that the Burges five-line amendment dated 1/31/11 (Attachment 18) be adopted.**

**Vice-Chairman Urie moved that HB2422 as amended do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 20).**

Without objection, the meeting adjourned at 3:43 p.m.

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Charly Laube, Committee Secretary  
February 21, 2011

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