

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – First Regular Session

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Minutes of Meeting
Wednesday, February 2, 2011
House Hearing Room 3 -- 9:00 a.m.

Chairman Gowan called the meeting to order at 9:02 a.m. and attendance was noted by the secretary.

Members Present

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|-------------|---------------|--------------------------|
| Mr. Dial | Mr. Harper | Mr. Stevens |
| Mr. Gallego | Mr. Miranda R | Ms. Proud, Vice-Chairman |
| Mr. Hale | Mr. Smith D | Mr. Gowan, Chairman |

Members Absent

None

Committee Action

| | |
|---------------------------|---------------------------|
| HB2364 – Held by Chairman | HB2470 – DP (9-0-0-0) |
| HB2410 – DP (9-0-0-0) | HB2474 – Held by Chairman |
| HB2444 – Held by Chairman | HB2478 – DP (9-0-0-0) |

Chairman Gowan announced that Representative Jerry Weiers is in attendance to make two announcements.

Representative Jerry Weiers advised that he can arrange for veterans from the Arizona State Veterans Home to shadow Members for half a day, either two or three weeks from today, preferably on a day when this Committee meets. He asked those Members who wish to participate to contact his office in order for arrangements to be made. In addition, he announced that the “Arizona Stand Down” will take place on Friday, February 4 at 10:00 a.m., at the Veterans Memorial Coliseum. He said this has evolved into an annual event where many folks show up to help homeless veterans get the things they need, such as clothing, hair cuts, benefits, etc., to give them the opportunity to get back on the right track.

PRESENTATION:

Arizona Department of Corrections

Charles L. Ryan, Director, Arizona Department of Corrections (ADC), provided Members with a copy of his presentation of the Department (Attachment 1). He reviewed the agency’s vision statement and its mission. He related that ADC has approximately 10,000 employees, 40,000

prisoners and over 6,000 people under community supervision. He advised that all prisoners committed to the Department are physically located in Arizona with the exception of 100 inmates who are distributed throughout the country for security reasons through the Interstate Compact Program. He called Members' attention to the map in the handout on page 5 which shows the location of all the prisons in Arizona, inmate classification and custody level. The four facilities in yellow (at Florence, Marana, Phoenix and Kingman) denote the private prisons under contract with the Department. ADC has 31,259 rated beds, 5,244 temporary beds and 6,538 private prison beds. Out of necessity, the Department has used temporary beds since 1983. The Department is asking for a FY2012 appropriation of about \$1 billion and for 10,340.2 positions; the Joint Legislative Budget Committee (JLBC) budget recommendation is \$983,563,300, with 10,015.2 FTEs. The Department promotes inmate labor and makes this inexpensive labor force available to cities, counties and state agencies throughout the state for the benefit of the taxpayers. ADC will continue to promote this program for minimum security prisoners.

Mr. Gallego noted that inmates have been released in his district because it has the highest number of homeless shelters in the state. He brought up the situation of someone who, after being dropped off in his district, raped two girls. Director Ryan stated that legislation has been introduced this Session to address that situation.

Mr. Stevens asked whether information can be given on the policy of inmate labor in K-8 schools. Director Ryan related that ADC contracts with some of the school districts to perform maintenance or janitorial work using inmate labor. He believes the work is being done after the students leave. If there are specific concerns about this, ADC will look into it.

In reply to Mr. Stevens, Director Ryan advised that all out-of-state inmates have been returned to ADC.

Mr. Dial queried whether any of the assaults on staff or on inmates have resulted in death. Director Ryan stated that since March 1997, there has not been a death as a result of an assault on staff; however, assaults against inmates have resulted in some homicides and those are under investigation.

Mr. Dial brought up lawsuits. Director Ryan stated that inmates by nature are litigious and sue for a variety of reasons. The Department is well represented by the Attorney General's Office in dealing with litigation. Mr. Dial queried how much the state has paid out because of the lawsuits. Director Ryan said he will provide that information. Mr. Dial said he is looking at the cost of lawsuits versus staff costs.

Director Ryan invited Members to visit the prison in order to educate themselves further.

Mr. Smith commented that if people can be shown what it is like to be in prison, it will show them that it is not a pleasant situation.

In response to Mr. Dial's query about the inmate television system, Director Ryan stated that there are no taxpayer dollars involved.

CONSIDERATION OF BILLS:

HB2364 – disciplinary actions; probation officers – HELD BY CHAIRMAN

Chairman Gowan announced that HB2364 will be held.

HB2444 – law enforcement officer discipline – HELD BY CHAIRMAN

Chairman Gowan announced that HB2444 will be held.

HB2474 – alternative work hours; DPS employees – HELD BY CHAIRMAN

Chairman Gowan announced that HB2474 will be held.

HB2410 – honorably discharged veterans; in-state tuition – DO PASS

Vice-Chairman Proud moved that HB2410 do pass.

Jennifer Anderson, Majority Research Analyst, Education Committee, explained that HB2410 changes the in-state student classification requirements for persons who were honorably discharged from the Armed Forces of the United States (Attachment 2).

Mr. Stevens asked whether there is a time limit on the discharge and whether there is disqualification for using GI benefits. Ms. Anderson replied that there is no time limit. She further answered that GI. benefits cover the full cost of in-state tuition.

Representative Ted Vogt, sponsor, stated that current statute requires an individual to notify his Service one year before separation from active duty of intention to move to a particular state. In reality, many are not certain where they will end up. He revealed that one percent of the country's population serves on active duty. This bill will send a message to the men and women in uniform that Arizona honors the service they have given and that Arizona welcomes them. He noted that this bill is a bipartisan effort because this is a bipartisan issue.

Mr. Gallego commented that this legislation will help a lot of veterans who are struggling when they get out of the Service.

Mr. Smith asked how many this will help. Representative Vogt said he does not have those numbers.

In response to Mr. Dial, Representative Vogt advised that an amendment will be offered to clarify that the National Guard members will be included in this legislation.

Corey Harris, representing self, spoke in favor of HB2410. He advised that he is a veteran and he said this legislation will benefit the state as a whole as well as veterans. He related that the GI Bill covers 100 percent of tuition only if the veteran has three deployments. He stated that this legislation covers all the Services and costs Arizona no money. If this bill passes, veterans will

be able to subsidize their costs and it will make it easier for them to become Arizona residents, in turn helping them, the community and society.

Robert Rosinski, representing self, in support of HB2410, stated that he is a student at the University of Arizona (UA) and a member of the Student Veterans of Arizona. He said that for many veterans, this legislation will change the possibility of attending college into the probability of attending college. He advised that UA has a strong veterans' network and has an outstanding program that helps veterans reintegrate back into civilian life.

David Martinez, Government Affairs Director, Arizona Students' Association, in support of HB2410, testified that the Association is the statewide student voice representing the 138,000 public university students in Arizona. One of the Association's policy priorities is to affirm its commitment to honor military servicemen and women by encouraging them to graduate from Arizona's public universities. This bill will minimize the barriers that exist for men and women in uniform to effectively utilize the educational benefits they deserve.

Vice-Chairman Proud announced the names of those who signed up in support of HB2410 but did not speak:

Taylor Bell, Arizona Students' Association

Lauren Talkington, Arizona Students' Association

Abby Wischnia, Arizona Students' Association

Richard Nicholls, representing self

Dewdney Liburd, representing self and Student Veterans of America

David Lucier, President, Arizona Veterans Foundation, testified in support of HB2410. He advised that he was able to graduate from Arizona State University (ASU) because of the GI Bill. He noted that there are about 6,000 veterans in the state. He said he believes veterans are good business for the state. Passage of this bill can bring tens of millions of federal dollars to Arizona. He suggests amending the language to not exclude the National Guardsmen, reservists and others who qualify for the GI Bill.

Mr. Dial asked whether the bill is retroactive. Ms. Anderson said that as written, it is not; however, she said she can speak to Legislative Council about that.

Question was called on the motion that HB2410 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 3).

HB2470 – liquefied petroleum gas; emergencies; liability – DO PASS

Vice-Chairman Proud moved that HB2470 do pass.

Joe DeMenna, Assistant Research Analyst, advised that HB2470 exempts from civil liability and damages volunteers aiding in an emergency situation involving liquefied petroleum gas (Attachment 4).

Barry Aarons, representing Arizona Propane Gas Association, in support of HB2470, related that this exemption has been passed in several other states. He said that this does not happen a lot but

it happens enough to make sure someone who wants to help can do so without fear of being sued. He pointed out that if a person does something that is willful or negligent that causes damage, that person is still liable. He said this legislation is modeled after the “Good Samaritan” law.

Baron Glassgow, Executive Director, Arizona Propane Gas Association, spoke in support of HB2470. In addition to training, the Association has developed a specific program for firefighters and first responders for propane emergencies. This bill will help those who show up to help with propane incidents.

Vice-Chairman Proud announced the names of those who signed up in support of HB2470 but did not speak:

John Flynn, Arizona Fire District Association

Question was called on the motion that HB2470 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 5).

HB2478 – counties; health care services; payments – DO PASS

Vice-Chairman Proud moved that HB2478 do pass.

Jonathon Bates, Majority Intern, explained that HB2478 requires a county with a population over one million to fund treatment of children under the jurisdiction of the juvenile court, county jail inmates and people with tuberculosis through reimbursements to health care providers or facilities, unless otherwise provided by an intergovernmental agreement, at a level that must not exceed what the Arizona Health Care Cost Containment System (AHCCCS) provides (Attachment 6).

Marcus Dell’artino, Maricopa County, testified in support of HB2478. He advised that this legislation allows Maricopa County to reimburse at AHCCCS rates.

Mr. Smith noted that the bill applies only to counties with a population over one million. Mr. Dell’artino replied that smaller counties generally have one hospital or one health care facility and they have already entered into agreements with those facilities.

In reply to Mr. Miranda, Mr. Dell’artino advised that occasionally a hospital would like to bill Maricopa County at full rate. This bill attempts to mirror the agreement that the Department of Corrections has with health care providers to reimburse at AHCCCS rates.

Vice-Chairman Proud announced the names of those who signed up in support of HB2478 but did not speak:

Michael Racy, representing Pima County

Question was called on the motion that HB2478 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 7).

Without objection, the meeting adjourned at 10:36 a.m.

Joanne Bell, Committee Secretary
February 7, 2011

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