

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – First Regular Session

COMMITTEE ON EMPLOYMENT AND REGULATORY AFFAIRS

Minutes of Meeting
Tuesday, February 15, 2011
House Hearing Room 3 -- 2:00 p.m.

Chairman Robson called the meeting to order at 3:37 p.m. and attendance was noted by the secretary.

Members Present

Mr. Farnsworth	Mr. Kavanagh	Mrs. Yee
Mr. Fillmore	Mrs. Pancrazi	Mr. Robson, Chairman
Mrs. Gonzales	Mr. Patterson	

Members Absent

Mr. Olson, Vice-Chairman (excused)

Committee Action

HB2165 - HELD	HB2514 - DPA FAILED (4-4-0-1)
HB2309 - HELD	HB2520 - DPA (8-0-0-1)
HB2413 - DISCUSSED AND HELD	HB2541 - DPA S/E (6-2-0-1)
HB2423 - DPA S/E (5-3-0-1)	HB2638 - HELD
HB2468 - DPA (8-0-0-1)	HB2726 - HELD
HB2477 - DPA S/E (8-0-0-1)	

CONSIDERATION OF BILLS

HB2165 - private postsecondary education; technical correction - HELD
S/E: unemployment benefits; loan payoff

Chairman Robson announced that HB2165 will be held.

HB2309 - interior designer registration - HELD
S/E: same subject

Chairman Robson announced that HB2309 will be held.

HB2638 - administrative actions; appeal to court - HELD

Chairman Robson announced that HB2638 will be held.

HB2726 - public retirement systems; plan design - HELD

Chairman Robson announced that HB2726 will be held.

HB2413 - CORP; accidental disability calculation - DISCUSSED AND HELD

Chairman Robson announced that HB2413 will be discussed and held.

Mike Williams, representing Dennis Grant, explained that, in 1993, Dennis Grant was an employee of the state transporting prisoners in the Corrections system. While doing his job he was in a serious car accident and lost both legs. Because of the way retirement laws were at that time, his retirement and disability were significantly reduced to just over \$800 per month.

Chairman Robson stated that James Hacking, Administrator of the Public Safety Personnel Retirement Board, will look into the situation.

Dennis Grant, representing self, explained that, a year after the accident, he returned to full-time work in 1995 after ten months of part-time duty. He applied for disability, but because of the part-time service, his pension amount was quite low and he had to pay insurance out of that, leaving him \$614 to live on. He stated that this was quite low, considering what he'd been through as a result of the job-related incident.

Chairman Robson thanked Mr. Grant for bringing his story to the Committee and stated that the results of Mr. Hacking's investigation will be considered.

Mrs. Pancrazi asked if Mr. Grant had been in the military, would the disability pension be significantly different. Mr. Williams replied that the military would grant a full pension equivalent to the full salary.

HB2423 - state institutions; technical correction - DO PASS AMENDED S/E
S/E: attorney general's office; contracts

Sarah Wharton, House Research Analyst, explained that the proposed Yee four-page strike-everything amendment dated 02/11/2011 (Attachment 1) provides guidelines and requirements for the Attorney General's (AG) office when entering into contingency fee contracts with private attorneys (Attachment 2).

Marcus Osborn, Arizona Manufacturers Council, spoke in support of HB2423, which will codify good contracting policies with regard to contingency fee contracts. It requires that the AG actively manage the contracts and places caps on the fees that can be charged.

Art Harding, Office of the Attorney General, stated his support for the legislation.

Mr. Farnsworth announced the names of those who signed up in support of HB2423 but did not speak:

Joseph Abate, PhRMA

Lorna Romero, Arizona Chamber of Commerce & Industry
Glenn Hamer, Arizona Chamber of Commerce & Industry
Don Isaacson, Pfizer

Mr. Farnsworth moved that HB2423 do pass.

Mrs. Yee, sponsor, explained that this will provide transparency for the AG's Office and return tax dollars to the state.

Mrs. Pancrazi asked if the AG contracts a case out and the case is lost, does the AG still have to pay the contract. Mr. Harding replied that he will research the question.

Mr. Patterson asked if the AG's Office can do this without legislation. Mr. Harding replied in the affirmative, adding that this is a sunshine bill to open the process.

Mr. Osborn addressed Mrs. Pancrazi's question, stating that usually the AG will not have to pay the fee because the contract stipulates a contingency fee. He added that this legislation will bind future AGs. Discussion ensued.

Mrs. Yee moved that the Yee four-page strike-everything amendment dated 02/11/2011 (Attachment 1) be adopted. The motion carried.

Mr. Farnsworth moved that HB2423 as amended do pass. The motion carried by a roll call vote of 5-3-0-1 (Attachment 3).

HB2468 - cosmetologist licenses; board powers; duties - DO PASS AMENDED

Chairman Robson informed the Members that this bill was discussed and held in the February 1, 2011 Committee meeting, and that it has been modified to address the concerns voiced in that meeting.

Olivia Pilcher, Majority Intern, explained that HB2468 makes various changes to statutes regarding the Arizona Board of Cosmetology's terms, powers, and licensure (Attachment 4).

She stated that the Robson two-line amendment dated 02/07/2011 (Attachment 5) removes the Board's proposed subpoena power.

Donna Aune, Board of Cosmetology, spoke in favor of HB2468 as amended.

Mr. Farnsworth moved that HB2468 do pass.

Chairman Robson moved that the Robson two-line amendment dated 02/07/2011 (Attachment 5) be adopted. The motion carried.

Mr. Farnsworth moved that HB2468 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 6).

HB2477 - law enforcement officers; witness; representation - DO PASS AMENDED S/E
S/E: same subject

Sarah Wharton, House Research Analyst, explained that the proposed Robson two-page strike-everything amendment dated 02/07/2011 (Attachment 7) allows law enforcement officers who are witnesses relating to an investigation that could lead to another officer's dismissal, demotion or suspension to have a representative available during the interview (Attachment 8).

She explained that the proposed Robson two-line amendment to the strike-everything amendment dated 2/14/11 (Attachment 9) clarifies that juvenile detention officers are exempt.

Brian Livingston, Arizona Police Association, stated his support for the strike-everything amendment to HB2477. He explained that this allows a police officer the opportunity to have an Association representative present when he or she is called for a witness interview. He added that this will address a situation when supervisors are circumventing statutory rules regarding an officer who is subject to an internal investigation.

Mrs. Pancrazi asked what the bill will help prevent.

Kathryn Baillie, Napier, Abdo, Coury & Baillie, testified in support of the legislation, explaining that it addresses a situation when a police officer is not certain if he or she is a subject or a witness in an investigation about a policy violation. She described specific instances that the bill will help prevent. Discussion ensued.

Mr. Farnsworth announced the names of those who signed up in support of HB2477 but did not speak:

Luis Ebratt, Arizona Conference of Police and Sheriffs

Mr. Farnsworth announced the names of those who signed up in opposition to HB2477 but did not speak:

Chad Heinrich, Government Relations Coordinator, City of Tempe

Mr. Farnsworth moved that HB2477 do pass.

Chairman Robson moved that the Robson two-page strike-everything amendment dated 02/07/2011 (Attachment 7) be adopted.

Chairman Robson moved that the Robson two-line amendment dated 2/14/11 (Attachment 9) to the strike-everything amendment be adopted. The motion carried.

Chairman Robson moved that the Robson two-page strike-everything amendment dated 02/07/2011 (Attachment 7) as amended be adopted. The motion carried.

Mr. Farnsworth moved that HB2477 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 10).

HB2514 - state employee health insurance; incentives - DO PASS AMENDED FAILED

Sarah Wharton, House Research Analyst, explained that HB2514 requires the Arizona Department of Administration (DOA) to implement a wellness program beginning in Fiscal Year 2013 for active and retired officers, employees of the state as well as their dependents. The program will include financial incentives to participate (Attachment 11).

She explained that the proposed Pancrazi three-line amendment dated 2/14/11 (Attachment 12) changes all the *shalls* to *mays*.

Representative Matt Heinz, sponsor, further explained the purpose of HB2514. He addressed Members' questions dealing with fiscal impact and benefits to public health. He concurred that failure of this bill will not preclude the DOA from implementing such a wellness program.

Mr. Farnsworth moved that HB2514 do pass.

Mrs. Pancrazi moved that the Pancrazi three-line amendment dated 2/14/11 (Attachment 12) be adopted. The motion carried.

Mr. Farnsworth moved that HB2514 as amended do pass. The motion failed by a roll call vote of 4-4-0-1 (Attachment 13).

HB2520 - professional boards; actions; public access - DO PASS AMENDED

Olivia Pilcher, Majority Intern, explained that HB2520 specifies that complaints, non-disciplinary orders and actions, advisory letters, and letters of concern issued by health and non-health regulatory boards and commissions be open to inspection by any person at all times during office hours (Attachment 14).

She explained that the proposed Robson three-line amendment dated 2/11/11 (Attachment 15) will strike out certain lines to conform with the purpose of the bill.

Representative Matt Heinz, sponsor, explained that HB2520 is a technical bill to correct errors and to display information on board websites in a uniform fashion with common terminology so that patients and providers can understand the information. It also addresses the Governor's concerns about potentially requiring agencies to be open at odd hours or on weekends.

Chairman Robson commented that the Governor's staff is in support of this legislation.

Discussion ensued regarding unsubstantiated or dismissed complaints and whether they will be available to the public. Ms. Pilcher clarified that such records are available through the boards but, by statute, may not be posted on websites.

Mr. Farnsworth moved that HB2520 do pass.

Chairman Robson moved that Robson three-line amendment dated 2/11/11 (Attachment 15) be adopted. The motion carried.

Mr. Farnsworth moved that HB2520 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 16).

HB2541 - technical correction; wage board; powers - DO PASS AMENDED S/E
S/E: medical marijuana; employer monitoring

Brittany Walashek, House Majority Research Intern, explained that the proposed Yee six-page strike-everything amendment dated 02/11/2011 (Attachment 17) allows employers to take action against employees who are believed, in good faith, to be impaired at work due to illegal or synthetic drug use (Attachment 18). The strike-everything amendment defines *impairment* and *in good faith*.

Marcus Osborn, Arizona Chamber of Commerce, Arizona Manufacturers Council, spoke in favor of the legislation.

Mrs. Pancrazi asked if this bill will expand employers' right to test or question employees. Mr. Osborn replied in the affirmative, explaining that it does provide some additional protections for employers who are trying to assess impairment. Chairman Robson added that it does give employers the right to challenge an employee's skills and abilities. Discussion ensued.

David Selden, Arizona Chamber of Commerce, Arizona Chamber of Commerce and Industry, testified in support of HB2541. He stated that, in safety sensitive jobs, the text *recent past or near future* gives a time frame to assess impairment.

Mrs. Gonzales asked about the meaning of the text *agility* and *clothing*. Mr. Selden explained that an attempt was made to use the same terminology that police use.

Mr. Farnsworth announced the names of those who signed up in support of HB2541 but did not speak:

Heather Bernacki, East Valley Chambers of Commerce Alliance
Lorna Romero, Arizona Chamber of Commerce & Industry
Spencer Kamps, Home Builders Association of Central Arizona
George Diaz, Arizona Public Service
Michelle Bolton, Greater Phoenix Chamber of Commerce
Teresa Lopez, Salt River Project

Mr. Farnsworth moved that HB2541 do pass.

Mrs. Yee moved that the Yee six-page strike-everything amendment dated 02/11/2011 (Attachment 17) be adopted. The motion carried.

Mr. Farnsworth moved that HB2541 as amended do pass. The motion carried by a roll call vote of 6-2-0-1 (Attachment 19).

Without objection, the meeting adjourned at 5:20 p.m.

Jane Dooley, Committee Secretary
February 28, 2011

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