

ARIZONA STATE SENATE

50TH LEGISLATURE FIRST REGULAR SESSION

MINUTES OF COMMITTEE ON GOVERNMENT REFORM

DATE: February 16, 2011 **TIME:** 9:00 A.M. **ROOM:** SHR1

CHAIRMAN: Senator Frank Antenori **VICE-CHAIRMAN:** Senator Andy Biggs

ANALYST: Bill Boyd **INTERN:** Elora Diaz

**COMMITTEE
SECRETARY:** Shelley Ponce

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Gallardo	X			SB 1172	DPA/SE
Senator Gould	X			SB 1198	DP
Senator Klein	X			SB 1282	DP
Senator Sinema			X	SB 1286	DP
Senator Smith	X			SB 1288	DP
Senator Biggs, Vice-Chairman	X			SB 1304	FAILED
Senator Antenori, Chairman	X			SB 1325	HELD
				SB 1333	DPA
				SB 1352	DP
				SB 1354	DPA
				SB 1358	FAILED
				SB 1365	DP
				SB 1374	DPA/SE
				SB 1375	DPA/SE
				SB 1379	DPA/SE
				SB 1410	HELD
				SB 1411	DP
				SB 1501	HELD
				SB 1523	DP
				SB 1555	FAILED
				SB 1575	DPA/SE
				SB 1576	DPA/SE
				SB 1577	DPA/SE
				SB 1598	DPA
				SB 1605	DP
				SCR 1027	DPA
				SCR 1029	DP
				SCR 1035	DP
				SCR 1040	DPA
				SCR 1052	FAILED

Chairman Antenori called the meeting to order at 9:16 a.m. and attendance was taken.

APPROVAL OF MINUTES

Senator Antenori stated that without objection, the minutes of February 9, 2011 were approved.

CONSIDERATION OF BILLS

SB 1325 – union dues; political purposes – HELD

Senator Antenori announced that SB 1325 would be HELD.

SB 1410 – sheriff; powers and duties – HELD

Senator Antenori announced that SB 1410 would be HELD.

SB 1411 – elected county officers; authority – DO PASS

Bill Boyd, Government Reform Committee Analyst, explained SB 1411.

Senator Antenori noted the individuals that registered their position on the bill (Attachment A).

David Smith, County Manager, Maricopa County, testified in opposition to SB 1411.

David Tenney, Navajo County Supervisor, County Supervisors Association, testified in opposition to SB 1411 and answered questions posed by the committee.

Senator Pearce testified in support of SB 1411.

Paul Babeu, Pinal County Sheriff, testified in support of SB 1411 and answered questions posed by the committee.

Vince Leach, representing himself, testified in support of SB 1411.

Lester Pearce, Presiding Justice of the Peace, Maricopa County, representing himself, testified in support of SB 1411.

Senator Biggs moved SB 1411 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 1).

Senators Gallardo, Klein and Smith explained their votes.

SCR 1040 – justices; judges; reappointment; reconfirmation – DO PASS AMENDED

Garth Kamp, Judiciary Committee Analyst, explained SCR 1040 and the 14-line Gould amendment dated 02/15/11 at 8:12 a.m. (Attachment B).

Chief Justice Rebecca White Berch, Arizona Supreme Court, testified in opposition to SCR 1040.

Peter Dunn, Arizona Judges Association, testified in opposition to SCR 1040.

Cathi Herrod, President, Center for Arizona Policy, registered as neutral on SCR 1040 and answered questions posed by the committee.

Senator Biggs moved SCR 1040 be returned with a DO PASS recommendation.

Senator Biggs moved the 14-line Gould amendment dated 02/15/11 at 8:12 a.m. (Attachment B) be ADOPTED. The motion CARRIED by a voice vote.

Senator Biggs moved SCR 1040 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 2).

Senators Smith and Antenori explained their votes.

SB 1282 – political committee registration, religious entity – DO PASS

Elora Diaz, Government Reform Committee Intern, explained SB 1282.

Senator Yarbrough, bill sponsor, further explained SB 1282.

Senator Biggs noted the individuals that registered their position on the bill (Attachment A).

Senator Biggs moved SB 1282 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 3).

SB 1288 – religion; free exercise; professionals; appointments – DO PASS

Bill Boyd, Government Reform Committee Analyst, explained SB 1288.

Senator Yarbrough, bill sponsor, further explained SB 1288.

Anjali Abraham, Public Policy Director, American Civil Liberties Union of Arizona, registered as neutral on the bill and provided information to the committee.

Deborah Sheasby, Legal Counsel, Center for Arizona Policy, answered questions posed by the committee.

Senator Biggs moved SB 1288 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 4).

Senator Antenori explained his vote.

SB 1172 – energy and water savings accounts – DO PASS AMENDED/STRIKE EVERYTHING

Bill Boyd, Government Reform Committee Analyst, explained the 29-page Smith strike everything amendment dated 02/08/11 at 4:20 p.m. (Attachment C).

Senator Nelson, bill sponsor, further explained the strike everything amendment.

Terry Keenen, President, representing himself, testified in support of SB 1172 and answered questions posed by the committee.

Mark Minter, Executive Director, Arizona Builders' Alliance, testified in support of SB 1172.

Senator Biggs moved SB 1172 be returned with a DO PASS recommendation.

Senator Biggs moved the 29-page Smith strike everything amendment dated 02/08/11 at 4:20 p.m. (Attachment C) be ADOPTED. The motion CARRIED by a voice vote.

Senator Biggs moved SB 1172 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 5).

Recess

At 12:01 p.m. Senator Antenori announced that the committee was at recess until the sound of the gavel.

Reconvene

At 7:50 p.m. Senator Antenori reconvened the meeting.

SB 1198 – department of housing; rules; exemption – DO PASS

Elora Diaz, Government Reform Committee Intern, explained SB 1198.

Senator Nelson, bill sponsor, further explained SB 1198.

Shaun Rieve, Legislative Liaison, Arizona Department of Housing, testified in support of SB 1198.

Senator Biggs moved SB 1198 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 6).

SCR 1052 – appointed state mine inspector – FAILED

Elora Diaz, Government Reform Committee Intern, explained SCR 1052.

Senator Schapira, bill sponsor, further explained SCR 1052.

David Kimball, Freeport McMoRan Copper & Gold, Inc., testified in opposition to SCR 1052.

Senator Biggs moved SCR 1052 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 3-3-1 (Attachment 7).

SCR 1035 – English; official language – DO PASS

Bill Boyd, Government Reform Committee Analyst, explained SCR 1035.

Senator Shooter, bill sponsor, further explained SCR 1035.

Anjali Abraham, Public Policy Director, American Civil Liberties Union of Arizona, testified in opposition to SCR 1035.

Senator Biggs moved SCR 1035 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 8).

SB 1523 – sanitary districts; standards for moratoriums – DO PASS

Bill Boyd, Government Reform Committee Analyst, explained SB 1523.

Kathy Senseman, Policy Development Group, testified in support of SB 1523.

Senator Biggs moved SB 1523 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 9).

SB 1501 – legislators; lobbying – HELD

Senator Antenori announced that SB 1501 would be HELD.

SB 1375 – forfeiture of office; technical correction – DO PASS AMENDED/STRIKE EVERYTHING

Bill Boyd, Government Reform Committee Analyst, explained the 22-line Antenori strike everything amendment dated 02/14/11 at 2:08 p.m. (Attachment D).

John MacDonald, Lobbyist, Discount Cab Company, testified in support of the strike everything amendment.

Rob Dalager, City of Phoenix, answered questions posed by the committee.

Senator Biggs moved SB 1375 be returned with a DO PASS recommendation.

Senator Biggs moved the 22-line Antenori strike everything amendment dated 02/14/11 at 2:08 p.m. (Attachment D). The motion CARRIED by a voice vote.

Senator Biggs moved SB 1375 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 10).

Senators Gallardo and Klein explained their votes.

SB 1598 – cities; counties; regulatory review – DO PASS AMENDED

Bill Boyd, Government Reform Committee Analyst, explained SB 1598 and the 6-page Klein amendment dated 02/14/11 at 11:45 a.m. (Attachment E).

Rory Hays, Maricopa County, testified in opposition to SB 1598.

Rene Guillen, Legislative Associate, League of Arizona Cities and Towns, testified in opposition to SB 1598.

Karen Peters, City of Phoenix, registered as neutral and provided information for the committee.

David Kimball, Arizona Rock Products Association, testified in support of SB 1598 with the amendment.

Senator Biggs moved SB 1598 be returned with a DO PASS recommendation.

Senator Biggs moved the 6-page Klein amendment dated 02/14/11 at 11:45 a.m. (Attachment E). The motion CARRIED by a voice vote.

Senator Biggs moved SB 1598 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 11).

Senators Gallardo and Klein explained their votes.

Senator Antenori announced that SCR 1029, SB 1352, SB 1354 would be discussed as a group.

Elora Diaz, Government Reform Committee Intern, explained SCR 1029, SB 1352 and SB 1354.

Bill Boyd, Government Reform Committee Analyst, explained the 11-line Antenori amendment dated 02/15/11 at 12:57 p.m. (Attachment F) to SB 1354.

John Wintersteen, retired, representing himself, testified in opposition to SCR 1029, SB 1352 and SB 1354.

Joanna Peters, Vice President, Red Means Stop, testified in opposition to SCR 1029, SB 1352 and SB 1354.

Ryan Denke, representing himself, distributed a packet of papers (Attachment G) and testified in support of SCR 1029, SB 1352 and SB 1354.

Jim Delton, representing himself, testified in support of SCR 1029, SB 1352 and SB 1354.

SCR 1029 – photo radar prohibition – DO PASS

Senator Biggs moved SCR 1029 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 12).

SB 1352 – photo radar prohibition – DO PASS

Senator Biggs moved SB 1352 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 13).

SB 1354 – photo enforcement; violator identification; response – DO PASS AMENDED

John Wayne Gonzales, Legislative Liaison, City of Phoenix, answered questions posed by the committee.

Senator Biggs moved SB 1354 be returned with a DO PASS recommendation.

Senator Biggs moved the 11-line Antenori amendment dated 02/15/11 at 12:57 p.m. (Attachment F) be ADOPTED. The motion CARRIED by a voice vote.

Senator Biggs moved SB 1354 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 14).

Senator Smith explained his vote.

SB 1304 – homeowners' associations; assessments; vote - FAILED

Bill Boyd, Government Reform Committee Analyst, explained SB 1304.

Scott Anderson, representing himself, testified in opposition to SB 1304.

Senator Biggs moved SB 1304 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 3-3-1 (Attachment 15).

Senators Klein and Smith explained their votes.

SB 1555 – government employees; union dues; withholding – FAILED

Elora Diaz, Government Reform Committee Intern, explained SB 1555.

Mike Colletto, Executive Director, Professional Fire Fighters of Arizona, testified in opposition to SB 1555.

David Mendoza, Legislative Director, American Federation of State, County and Municipal Employees (AFSCME), testified in opposition to SB 1555.

Senator Murphy, bill sponsor, further explained SB 1555.

Senator Biggs moved SB 1555 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 3-3-1 (Attachment 16).

Senators Smith, Gallardo and Klein explained their votes.

SB 1575 – technical correction; cease; desist order – DO PASS AMENDED/STRIKE EVERYTHING

Liisa Laikko, Education Committee Analyst, explained the 11-page Antenori strike everything amendment dated 02/14/11 at 3:10 p.m. (Attachment H).

Senator Biggs moved SB 1575 be returned with a DO PASS recommendation.

Senator Biggs moved the 11-page Antenori strike everything amendment dated 02/14/11 at 3:10 p.m. (Attachment H) be ADOPTED. The motion CARRIED by a voice vote.

Senator Biggs moved SB 1575 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 17).

Senator Gallardo explained his vote.

SB 1576 – technical correction; marriage – DO PASS AMENDED/STRIKE EVERYTHING

Liisa Laikko, Education Committee Analyst, explained the 19-line Antenori strike everything amendment dated 02/14/11 at 3:12 p.m. (Attachment I).

Senator Biggs moved SB 1576 be returned with a DO PASS recommendation.

Senator Biggs moved the 19-line Antenori strike everything amendment dated 02/14/11 at 3:12 p.m. (Attachment I) be ADOPTED. The motion CARRIED by a voice vote.

Senator Biggs moved SB 1576 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 18).

Senator Gallardo explained his vote.

SB 1577 – technical correction; military affairs – DO PASS AMENDED/STRIKE EVERYTHING

Liisa Laikko, Education Committee Analyst, explained the 16-page Antenori strike everything amendment dated 02/14/11 at 3:14 p.m. (Attachment J).

Senator Biggs moved SB 1577 be returned with a DO PASS recommendation.

Senator Biggs moved the 16-page Antenori strike everything amendment dated 02/14/11 at 3:14 p.m. (Attachment J) be ADOPTED. The motion CARRIED by a voice vote.

Senator Biggs moved SB 1577 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 19).

Senator Gallardo explained his vote.

SB 1605 – RFP; advertising in newspapers; repeal – DO PASS

Elora Diaz, Government Reform Committee Intern, explained SB 1605.

Michael Preston Green, Arizona News Service/Arizona Capitol Times, testified in opposition to SB 1605.

Senator Biggs moved SB 1605 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 20).

SB 1333 – cities; towns; deannexation; incorporation – DO PASS AMENDED

Bill Boyd, Government Reform Committee Analyst, explained SB 1333 and the following amendments:

7-page Antenori amendment dated 02/15/11 at 12:28 p.m. (Attachment K)

Verbal amendment to SB 1333:

Page 2, line 15, after "OF" strike "____" insert "ONE THOUSAND FIVE HUNDRED" (Attachment L)

Rene Guillen, Legislative Associate, League of Arizona Cities and Towns, testified in opposition to SB 1333.

Senator Biggs moved SB 1333 be returned with a DO PASS recommendation.

Senator Biggs moved the 7-page Antenori amendment dated 02/15/11 at 12:28 p.m. (Attachment K) be ADOPTED. The motion CARRIED by a voice vote.

Senator Biggs moved the following verbal amendment to SB 1333:

"Page 2, line 15, after "OF" strike "____" insert "ONE THOUSAND FIVE HUNDRED" (Attachment L)

The motion CARRIED by a voice vote.

Senator Biggs moved SB 1333 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 21).

Senators Gould, Smith and Biggs explained their votes.

SB 1365 – paycheck deductions; political purposes – DO PASS

Bill Boyd, Government Reform Committee Analyst, explained SB 1365.

Mike Colletto, Executive Director, Professional Fire Fighters of Arizona, testified in opposition to SB 1365.

Marcus Osborn, Manager of Government and Public Affairs, Arizona Manufacturers Council/Arizona Chamber, testified in support of SB 1365.

Senator Biggs moved SB 1365 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 22).

Senator Gallardo explained his vote.

SB 1374 – Arizona development authority; technical correction – DO PASS AMENDED/STRIKE EVERYTHING

Bill Boyd, Government Reform Committee Analyst, explained the 3-page Biggs strike everything amendment dated 02/14/11 at 2:02 p.m. (Attachment M).

Knox Kimberly, Lobbyist, National Fire Sprinkler Association, testified in opposition to SB 1374.

Jim Ford, Arizona Fire Chiefs Association, testified in opposition to the strike everything amendment.

Scot Mussi, Deputy Director of Legislative Affairs, Home Builders Association of Central Arizona, distributed a map (Attachment N) and testified in support of the strike everything amendment.

Senator Biggs moved SB 1374 be returned with a DO PASS recommendation.

Senator Biggs moved the 3-page Biggs strike everything amendment dated 02/14/11 at 2:02 p.m. (Attachment M) be ADOPTED. The motion CARRIED by a voice vote.

Senator Biggs moved SB 1374 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 23).

Senators Gallardo and Biggs explained their votes.

SB 1379 – technical correction; notaries public; conduct – DO PASS AMENDED/STRIKE EVERYTHING

Bill Boyd, Government Reform Committee Analyst, explained the 8-page Antenori strike everything amendment dated 02/14/11 at 1:33 p.m. (Attachment O).

Larry Randall, Assistant Fire Marshal, representing himself and Valley Fire Marshals, Arizona Fire Marshals Association, testified in opposition to the strike everything amendment.

Mike Williams, TNT Fireworks, testified in support of the strike everything amendment.

Senator Biggs moved SB 1379 be returned with a DO PASS recommendation.

Senator Biggs moved the 8-page Antenori strike everything amendment dated 02/14/11 at 1:33 p.m. (Attachment O) be ADOPTED. The motion CARRIED by a voice vote.

Senator Biggs moved SB 1379 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 24).

SCR 1027 – statewide initiatives; periodic reauthorization – DO PASS AMENDED

Bill Boyd, Government Reform Committee Analyst, explained SCR 1027 and the 4-line Antenori amendment dated 02/14/11 at 10:23 a.m. (Attachment P).

Senator Biggs moved SCR 1027 be returned with a DO PASS recommendation.

Senator Biggs moved the 4-line Antenori amendment dated 02/14/11 at 10:23 a.m. (Attachment P) be ADOPTED. The motion CARRIED by a voice vote.

Senator Biggs moved SCR 1027 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 25).

SB 1358 – medical marijuana; residency; location; requirements – FAILED

Bill Boyd, Government Reform Committee Analyst, explained SB 1358.

Senator Biggs moved SB 1358 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 1-5-1 (Attachment 26).

SB 1286 – counties; cities; permits; time limit – DO PASS

Elora Diaz, Government Reform Committee Intern, explained SB 1286.

Rene Guillen, Legislative Associate, League of Arizona Cities and Towns, answered questions posed by the committee.

Senator Biggs moved SB 1286 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 27).

Senator Gallardo explained his vote.

Attached is a list noting the individuals who registered their position on the bill (Attachment A).

There being no further business, the meeting was adjourned at 11:59 p.m.

Respectfully submitted,

Shelley Ponce
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)