

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-first Legislature – First Regular Session

**COMMITTEE ON PUBLIC SAFETY, MILITARY
AND REGULATORY AFFAIRS**

Minutes of Meeting
Wednesday, February 20, 2013
House Hearing Room 3 -- 9:00 a.m.

Chairman Pierce called the meeting to order at 9:19 a.m. and attendance was noted by the secretary.

Members Present

Mr. Borrelli
Mr. Cardenas
Mr. Farnsworth

Mr. Gallego
Mr. Livingston

Mr. Mitchell, Vice-Chairman
Mr. Pierce J, Chairman

Members Absent

Ms. Peshlakai (excused)

Committee Action

HB2187 - HELD AT SPONSOR'S REQUEST	HB2554 - DPA (5-2-0-1)
HB2234 - DPA (6-1-0-1)	HB2555 - DPA (4-3-0-1)
HB2303 - DP (7-0-0-1)	HB2574 - HELD BY CHAIRMAN
HB2433 - DP (6-1-0-1)	HB2583 - DPA (7-0-0-1)
HB2466 - DPA FAILED (3-4-0-1)	HB2600 - DP (6-1-0-1)
HB2484 - DPA (7-0-0-1)	HB2618 - DPA (7-0-0-1)
HB2553 - DP (7-0-0-1)	HCR2001 - DPA S/E (7-0-0-1)

CONSIDERATION OF BILLS

HB2234 - firearm; definition - DO PASS AMENDED

Alesandro Norton, Majority Intern, explained that HB2234 revises the definition of *firearm* as it relates to criminal offenses (Attachment 1). The Pierce four-line amendment to HB2234 dated 2/18/13 (Attachment 2) excludes a loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon in a permanently inoperable condition from the definition of *firearm* rather than a firearm that is incapable of being fired without mechanical repair by the use of tools or replacement of parts.

Representative David Stevens, sponsor, indicated that HB2234 contains a basic definition change. In response to a question, he indicated that there are conflicting definitions in statute, which HB2234 codifies, eliminating the conflicts.

Dave Kopp, Manager, Arizona Citizens Defense League, Inc., in favor of HB2234, stated that the bill contains a brief and needed fix in statute for contradictory definitions. HB2234 substitutes the federal definition, which is much less complicated. He endorsed the Pierce amendment.

Vice-Chairman Mitchell announced the names of those who signed up as neutral on HB2234 but did not speak:

Leonard Clark, representing self

Vice-Chairman Mitchell announced the names of those who signed up in support of HB2234 but did not speak:

Brent Gardner, Lobbyist, National Rifle Association

John Wentling, Vice President, Arizona Citizens Defense League, Inc.

Gary Christensen, Arizona State Rifle and Pistol Association

Vice-Chairman Mitchell moved that HB2234 do pass.

Vice-Chairman Mitchell moved that the Pierce four-line amendment to HB2234 dated 2/18/13 (Attachment 2) be adopted. The motion carried.

Vice-Chairman Mitchell moved that HB2234 as amended do pass. The motion carried by a roll call vote of 6-1-0-1 (Attachment 3).

HB2553 - bail bond agents; bonds; prohibitions - DO PASS

Alesandro Norton, Majority Intern, explained that HB2553 modifies record keeping requirements for bail bond agents and clarifies the practices of agents (Attachment 4).

Representative David Gowan, sponsor, stated that HB2553 makes three changes relating to record keeping, contractual bonds and contractual agreements.

John Burns, President, Arizona Bail Bondsmen Association, in support of HB2553, indicated the industry reorganized some standards that are incorporated in HB2553.

Chairman Pierce announced the names of those who signed up as neutral on HB2553 but did not speak:

Andrew Carlson, Executive Assistant for Policy Affairs, Arizona Department of Insurance

Vice-Chairman Mitchell moved that HB2553 do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 5).

HB2433 - Arizona state guard; age - DO PASS

Alésandro Norton, Majority Intern, explained that HB2433 removes the age limit of 45 years for service in the Arizona State Militia (Attachment 6).

Mr. Gallego asked if the Arizona State Guard has joint operations with other military or police forces in Arizona. Mr. Norton replied that in accordance with statute, the Arizona State Guard is designed to work alongside the Department of the Army and Air Force but he does not know if that is currently done.

Representative Carl Seel, sponsor, said the Arizona Constitution states that a U.S. or Arizona citizen between the ages of 18 and 45 can participate in the Arizona State Militia. HB2433 allows someone older than 45 years to participate in the Arizona State Militia.

Mr. Gallego asked what it means to be capable of bearing arms. Representative Seel answered that there are several reasons outlined in the summary (Attachment 6) of a person not capable of bearing arms, such as an individual convicted of a serious felony or capital crime, a mentally-incompetent person, a public official currently serving in the Legislature or a judge, etc. If someone has a constitutional right to bear arms and is above the age of 18, that person can serve in the Arizona State Militia.

Mr. Gallego noted that the Arizona State Guard is supposed to work with local law enforcement, the Army or any other military organization, which have specific guidelines for who is allowed in their organizations. Representative Seel replied that those parameters in legislation that former Senator Jack Harper previously sponsored are not contemplated in HB2433.

Leonard Clark, representing self, signed up in support of HB2433, but indicated that due to a misunderstanding, he now opposes the bill.

Vice-Chairman Mitchell announced the names of those who signed up in support of HB2433 but did not speak:

Dave Kopp, Manager, Arizona Citizens Defense League, Inc.

John Foote, Spokesman, Arizona State Defense Foundation

Gary Johnson, representing self

John Wentling, Vice President, Arizona Citizens Defense League, Inc.

Vice-Chairman Mitchell moved that HB2433 do pass. The motion carried by a roll call vote of 6-1-0-1 (Attachment 7).

HB2600 - judicial nominees; minimum requirements; records - DO PASS

Courtney McKinstry, Majority Research Analyst, explained that HB2600 establishes a new section of statute which stipulates that judicial nominating commissions are required to submit at least five nominees to the Governor (Attachment 8).

Chairman Pierce, sponsor, stated that he debated Proposition 115, Arizona Judicial Selection Amendment, on several occasions and found that there was little or no opposition to increasing

the number of nominees to be sent to the Governor; opposition related to other provisions. This bill is intended to create a better, more transparent process. The Arizona Constitution currently requires that no less than three names be submitted to the Governor; however, in the last 40 years, there have been only two times the commission submitted more than three names for a Supreme Court appointment. HB2600 makes it clear that the intent of the Constitution was to establish a minimum of three nominees.

Pete Dunn, Attorney, Arizona Judges Association, spoke in opposition to HB2600. He stated that the commission can currently send however many nominees it wants to the Governor. Merit selection is working and does not need fixing. Also, this bill is unconstitutional and cannot be amended by statute.

Chairman Pierce noted that many Republicans voted against the proposition on the basis of not wanting judges' terms to increase from four to eight years, but liked the rest of the proposition. This bill is geared toward the fact that the proposition referred to eight names, which, in the beginning, was negotiated by stakeholders. HB2600 requires less than the proposition required and addresses items no one had issues with. As to constitutionality, the Constitution states that merit should be considered; however, under the current process which specifies a minimum of three nominees, the nominating commission only sends the names of three nominees to the Governor, even when there are more meritorious candidates.

Mr. Dunn stated the number can be increased to eight or nine in the future. A constitutional amendment to the voters is preferable.

Mr. Farnsworth disagreed that the Legislature cannot amend the Constitution by statute because the courts have continuously upheld statutes that amend or completely ignore the Constitution. The constitutional minimum remains intact so he is not sure the bill equates to amending the Constitution.

Mr. Dunn replied that this issue may ultimately be decided by the courts.

Mr. Farnsworth opined that this bill does not amend the Constitution; it puts rules in place to deal with what the Constitution already established.

In response to questions, Mr. Dunn explained the process used in other states and the voting percentages of Proposition 115. Discussion followed regarding potential reasons for the failure of Proposition 115.

Jerry Landau, Legislative Liaison, Arizona Supreme Court, Arizona Judicial Council, in opposition to HB2600, stated that Proposition 115 failed, which should be considered. He submitted that making this change could potentially spur legal action and litigation that would hold up the ability to select judges.

Chairman Pierce reiterated that he has seen meritorious candidates not being considered by the Governor, and stated that meritorious candidates will make the process better and result in better judges.

Mr. Landau responded that the decision to send three names was made by the commission, which could have sent more nominees to the Governor.

Chairman Pierce provided an example in which a nominee was not submitted to the Governor, but months later, the nominee was submitted. For some reason, the commission members believe they should be more restrictive than the Constitution requires.

Mr. Landau indicated that he is not sure this is the appropriate forum for this discussion. In response to a question, he submitted that he believes the bill is unconstitutional.

Cathi Herrod, President, Center for Arizona Policy, spoke in support of HB2600. She related that she sat in on hearings for the last four Supreme Court vacancies. It is difficult to argue that the Governor is given choice when only five names were submitted for the last three vacancies. The Governor is a duly elected representative of the people, but the commission is not, yet the commission members act as though their duty is to only send three names to the Governor, which is not what the Arizona Constitution stipulates or requires. The commissioners generally vote by a show of hands that is not visible to people in the audience, so another critical piece of HB2600 is that votes taken on individual applicants shall be recorded and included in the public minutes. She responded to questions concerning whether the bill gives the Governor more power, the Center's mission and the constitutionality of HB2600.

Vice-Chairman Mitchell announced the names of those who signed up in opposition to HB2600 but did not speak:

Joseph Seelye, Legislative Political Action Team Coordinator, Arizona Communications Workers of America, representing self
Sam Wercinski, Arizona Advocacy Network

Vice-Chairman Mitchell moved that HB2600 do pass. The motion carried by a roll call vote of 6-1-0-1 (Attachment 9).

HB2583 - border operations center - DO PASS AMENDED

Alesandro Norton, Majority Intern, explained that HB2583 establishes an Arizona Joint Operations Intelligence Center within the Department of Public Safety (DPS) to coordinate interagency law enforcement resources and state and federal entities (Attachment 10). The Borrelli eight-line amendment to HB2583 dated 2/19/13 (Attachment 11) renames the Arizona Joint Operations Intelligence Center to the Arizona Joint Operations Intelligence Unit.

Speaker Andy Tobin, related that he and Speaker Joe Straus of the Texas Legislature discussed border issues in relation to drugs and human smuggling; the State of Texas has an expanded ranger program at the border. He and Speaker Straus met with legislative members from New Mexico and California about how to achieve a drug-free, human trafficking-free zone across the border in which the states share information. HB2583 is an effort to bring multiple states together, from a legislative perspective, in order to share intelligence information relating to gang, drug smuggling and human trafficking. It is a bill in progress that he is working on with Representative Kelly Townsend.

Representative Kelly Townsend, sponsor, provided a handout relating to the Arizona Counter Terrorism Information Center (ACTIC) costs (Attachment 12). She explained that the Center is federally funded through a grant to the Arizona Department of Homeland Security. It is a building in an undisclosed location that houses the Department of Homeland Security, the Maricopa County Sheriff's Office, Phoenix Police Department, DPS and formerly the Federal Bureau of Investigation that now resides at a different location but still communicates with the other agencies. While researching the bill, she asked what is needed to keep the Center open because it will lose \$750,000 in FY 2014 and the remainder in FY 2015. This bill gives the state permission to create the Arizona Joint Operations Intelligence Unit and does not include an appropriation. It will not be federally funded and will have an emphasis on border operations. In response to a question, she indicated that the bill allows contracts with individuals from entities listed in the bill, which includes the National Coast Guard and the Postal Service, if needed.

Mr. Gallego noted that Lake Havasu City can be very dangerous during spring break, so the National Coast Guard should be retained for safety reasons.

Leonard Clark, representing self, spoke in support of HB2583. He conveyed that he likes the fact that professional people will work along the border, especially the Army National Guard. This is good legislation that will protect the country.

Katy Proctor, Legislative Liaison, Arizona Department of Public Safety (DPS), neutral on HB2584, endorsed the amendment, noting that the bill conforms to what is done currently with ACTIC and other operations.

Vice-Chairman Mitchell announced the names of those who signed up in support of HB2583 but did not speak:

Joyce Hill, representing self

Vice-Chairman Mitchell moved that HB2583 do pass.

Vice-Chairman Mitchell moved that the Borrelli eight-line amendment to HB2583 dated 2/19/13 (Attachment 11) be adopted. The motion carried.

Vice-Chairman Mitchell moved that HB2583 as amended do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 13).

HB2554 - firearm regulation; state preemption - DO PASS AMENDED

Courtney McKinstry, Majority Research Analyst, explained that HB2554 makes changes to certain firearms statutes regarding political subdivisions and firearms related ordinances and rules (Attachment 14).

She advised that the Pierce five-line amendment to HB2554 dated 2/19/13 (Attachment 15) clarifies that this state, any agency or political subdivision of this state is allowed to enact and enforce any ordinance or rule pursuant not only to state law but federal law and makes conforming changes. The Gallego seven-line amendment to HB2554 dated 02/19/2013

(Attachment 16) allows a convention center or library to prohibit firearms without providing a firearm locker and classifies the violation of an ordinance relating to carrying a firearm in a convention center or library as a class 3 misdemeanor.

Representative Johh Kavanagh, sponsor, noted that the purpose of HB2554 is to solve problems and inequities in current law concerning the checking and entry of firearms in public businesses. Current statute promotes noncompliance with the law, causes government bodies unnecessary extra costs to meet the requirements of the law, creates unjust punishments and conflicts with federal law. He discussed the provisions in the bill, adding that it is a reasonable accommodation that promotes safety and saves money for cities and towns by allowing consolidation of lock boxes within a reasonable distance.

Mr. Kavanagh responded to questions about opposition to the bill by universities, cities and towns, gun lockers, making guns readily available and the definition of *public event*. He added that he does not believe the Gallego seven-line amendment is needed since library and community centers can ban guns by having the gun check, which is current law. The bill provides that if the facility is next to the town hall, for example, its gun check can be used if it is within the 200-foot limitation. He responded to further questions about a potential unfunded mandate.

Dave Kopp, Manager, Arizona Citizens Defense League, Inc., spoke in support of HB2554. He indicated that there is no mandate because nobody has to ban a gun. This bill applies to public property for which everyone pays taxes, so it is the responsibility of the Legislature to regulate what happens there. The current law requires state, cities, counties and municipalities to have lockers for storage of firearms, which has been in place since 2006, so nothing new is being proposed. HB2554 asks that the law be followed because abuse of current law has been widespread by hiding or ignoring the lockers.

Leonard Clark, representing self, testified in opposition to HB2554. He submitted that if people have no place to put their weapons, it makes him nervous because he would rather be safe. He asked why special grant funding cannot be given to businesses or local governments to help pay for gun lockers.

Gary Christensen, Arizona State Rifle and Pistol Association, in support of HB2554, stated that this is a simple process and, if a sign is posted, guns can be banned. He said while visiting a city facility, there was a sign but he had to search to find the information desk to turn in his gun; if the building closes at 5:00 p.m., an individual may have to return the next day to retrieve a gun. It is an honor system, which is not a security system.

Mr. Gallego expressed concern that people can carry weapons without adequate training on loading, cleaning and shooting the weapon, with the presumption that they will be able to terminate a target if something arises.

Discussion followed about alcohol deaths in comparison to gun-related deaths in the United States.

Kimberly MacEachern, Staff Attorney, Arizona Prosecuting Attorneys' Advisory Council, spoke in opposition to HB2554. She indicated that this measure concerns prosecutors due to people taking guns into prosecutors' offices. In rural areas, prosecutors are in various buildings and offices which makes it difficult logistically to meet the requirements of the locker situation.

Chairman Pierce opined that having the lockers and other items will provide more security for premises than current law. Ms. MacEachern responded that limited resources are available, especially in rural counties, where there are a number of facilities in which lockers will have to be placed, creating a burden that cannot be achieved, so the sign will not mean anything.

Vice-Chairman Mitchell announced the names of those who signed up in support of HB2554 but did not speak:

John Wentling, Vice President, Arizona Citizens Defense League, Inc.

Brent Gardner, Lobbyist, National Rifle Association

Todd Rathner, Legislative Consultant, Arizona State Rifle and Pistol Association

Vice-Chairman Mitchell announced the names of those who signed up in opposition to HB2554 but did not speak:

Mary Ann Miller, Tempe Chamber of Commerce

Marcus Osborn, Public Affairs Specialist, Town of Queen Creek

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

John Thomas, Arizona Association of Chiefs of Police

Steve Miller, Deputy Vice President, Public Affairs, Arizona State University

Ted Ferris, Arizona Board of Regents

Chris Cornelison, Management Assistant, Town of Oro Valley

Katy Yanez, Director of Government Affairs, Northern Arizona University

Richard Travis, City of Flagstaff

Amber Wakeman, Intergovernmental and Public Relations Manager, City of El Mirage

Kathleen Mayer, Deputy Pima County Attorney, Pima County Attorney's Office

Vice-Chairman Mitchell moved that HB2554 do pass.

Vice-Chairman Mitchell moved that the Pierce five-line amendment to HB2554 dated 2/19/13 (Attachment 15) be adopted. The motion carried.

Vice-Chairman Mitchell moved that the Gallego seven-line amendment to HB2554 dated 02/19/2013 (Attachment 16) be adopted.

Mr. Gallego indicated that he will eliminate the convention center portion of the amendment since it is already in law; however, he would like to exempt libraries and other entities, such as community centers and senior centers, for which the provisions of HB2554 equate to an unfunded mandate for cities and counties.

Question was called on the motion that the Gallego seven-line amendment to HB2554 dated 02/19/2013 (Attachment 16) be adopted. The motion failed.

Vice-Chairman Mitchell moved that HB2554 as amended do pass. The motion carried by a roll call vote of 5-2-0-1 (Attachment 17).

HB2555 - potentially violent persons; reporting requirements - DO PASS AMENDED

Alesandro Norton, Majority Intern, explained that HB2555 requires specific health professionals, teachers or teachers' aides to report a client or student to an appropriate law enforcement agency if they have reasonable cause to believe that person is a danger (Attachment 18). The Pierce two-line amendment to HB2555 dated 2/15/13 (Attachment 19) excludes naturopathic physicians from reporting a client they believe is a danger and instead requires medical doctors to make reports.

Representative John Kavanagh, sponsor, related that HB2555 is patterned after laws being passed in other states. It is important that health professions in close contact with individuals who, due to mental illness, may be potentially dangerous to themselves or others, notify the police, so the individual is entered into the system, preventing a tragedy from happening. He noted that the bill will be amended to include crisis response teams that are state-funded. This reporting will not cause anyone to be arrested, locked up or detained; it will only allow a trained police officer or a crisis response team member to speak to the individual and evaluate the individual to determine if they fit the criteria to be taken into custody and to have a medical person who can determine if they should be immediately released or held for additional observation, which may or may not result in court-ordered treatment or incarceration. Companion bills will deal with adequate training or providing information to individuals so there is a better understanding of what to look for and the legal requirements.

Mr. Farnsworth asked the definition of *danger to self and others*, noting that it could involve children on the playground who are throwing rocks, get into a fight, etc., which has nothing to do with mental illness or health issues. He opined that the language is exceptionally broad. Safe Kids Arizona currently requires any of those incidents to be reported to the state.

Representative Kavanagh responded that this language is already in statute, which the medical community agreed to. A companion bill requires the Arizona Department of Health Services (ADHS) to develop a course to provide information for teachers to know how to handle such situations so it is not their own subjective opinion. A police officer will arrive at the school and talk to the individual student.

Mr. Farnsworth said he does not like the immunity provisions; someone who acts unreasonably or a child who reports a parent that upset them should not have immunity, which takes away any responsibility. He also questioned if employees are protected.

Representative Kavanagh stated that in the case of Jared Loughner, school officials knew about his issues but no one called the police. Also, in the situation with Coach Jerry Sandusky at Penn State, people reported abuse within the school structure, which was never prosecuted, but instead was covered up. This bill places the onus for reporting on the teacher rather than on the school.

Mr. Farnsworth stated that when an employee acts on behalf of the school, the employer is responsible if the employee is acting within the scope of their duties, so civil immunity is given to the teacher or employee but not the employer. Representative Kavanagh said he has no problem placing good faith quality in the immunity provision and expanding the same type of immunity to school districts. He will work with Legislative Council and health professionals with respect to the wording *danger to self and others* and address liability issues.

Mr. Livingston said his wife is a school teacher and she has been threatened with her life. She complained to the principal three times before the police were notified. The school principal said she did not have the right to call the police while she was on campus. With this provision, teachers will be able to use their personal judgment and be able to call the police.

Mr. Farnsworth said she was told incorrectly because a prohibition to call the police is not in statute or contract; the principal acted erroneously.

Representative Kavanagh stated one of the reasons for sponsoring HB2555 and other companion bills is that after the latest school shooting, all of the public conversations related to banning guns, banning violent video games and having a police presence at schools, which can be very costly. None of those address the common thread in almost all of the situations, which is serious mental illness.

Mr. Farnsworth said he is not opposed to the intent but to the wording. For example, where it says *a danger to self and others*, he would be more comfortable with *poses a serious threat of physical harm* or something similar so it does not apply to a child throwing rocks at other children. Representative Kavanagh indicated that he has no problem clarifying that with Legislative Council and medical personnel.

Sarah Wharton, Lobbyist, Magellan Health Services, testified as neutral on HB2555. She expressed concerns because the current language is extremely broad, but endorsed the intent of the bill. She suggested utilization be made of resources Magellan already has for non-emergency situations, such as crisis response teams that can be called in an event that will not require extra money or effort by law enforcement. Additionally, Magellan has a mental health first aid program that takes 12 hours, which can be broken down into two-hour blocks to educate teachers and medical professionals on how to deal with these situations.

Chairman Pierce announced the names of those who signed up as neutral on HB2555 but did not speak:

John Kaites, Magellan Health Services

Leonard Clark, representing self, in support of HB2555, related that as a former teacher, he knows what Representative Kavanagh and Mr. Farnsworth are talking about. He submitted that this is a chance take a commonsense approach because it is better to be safe than sorry and not take a chance when it comes to lives.

Vice-Chairman Mitchell announced the names of those who signed up in opposition to HB2555 but did not speak:

Joseph Abate, Counsel, Arizona Psychiatric Society

Vice-Chairman Mitchell moved that HB2555 do pass.

Vice-Chairman Mitchell moved that the Pierce two-line amendment to HB2555 dated 2/15/13 (Attachment 19) be adopted. The motion carried.

Vice-Chairman Mitchell moved that HB2555 as amended do pass. The motion carried by a roll call vote of 4-3-0-1 (Attachment 20).

HB2618 - police training; potentially violent persons - DO PASS AMENDED

Courtney McKinstry, Majority Research Analyst, explained that HB2618 requires training for cadets and officers in recognizing and handling a seriously mentally ill and potentially suicidal or violent person (Attachment 21). The Pierce three-line amendment to HB2618 dated 2/15/13 (Attachment 22) eliminates the time requirement specified for the training class.

Representative John Kavanagh, sponsor, said different language will be offered on the Floor due to a request by the Arizona Peace Officer Standards and Training Board (AZPOST) allowing AZPOST to decide who receives the refresher training because some police officers do not go out in the field and do not need the training; new police officers will receive the training. He noted that he is working with the Arizona Department of Health Services (ADHS) to require that school teachers and educators receive digital information or a bulletin if HB2555 passes.

Leonard Clark, representing self, in support of HB2618, commented that he was in the National Guard and knew many police officers who said the most dangerous calls are those involving domestic violence. Also, a police officer may not know how to deal with a son or daughter who is acting unreasonably and, unfortunately, bad things can happen.

Colby Bower, Director of Government Relations, Arizona Department of Health Services (ADHS), neutral on HB2618, said the only concern that was related to Representative Kavanagh is the requirement that the Director certify the training, which DHS does not do. Representative Kavanagh agreed to remove that provision from the bill.

Vice-Chairman Mitchell announced the names of those who signed up as neutral on HB2618 but did not speak:

Lyle Mann, Deputy Director, Arizona Peace Officer Standards and Training Board
Thomas Parker, Arizona Fraternal Order of Police

Vice-Chairman Mitchell announced the names of those who signed up in support of HB2618 but did not speak:

Hughie Henderson, Loose Cannons Motorcycle Club
Christopher Smith, Loose Cannons Motorcycle Club
Chelsea Hughes, Loose Cannons Motorcycle Club

Vice-Chairman Mitchell moved that HB2618 do pass.

Vice-Chairman Mitchell moved that the Pierce three-line amendment to HB2618 dated 2/15/13 (Attachment 22) be adopted. The motion carried.

Vice-Chairman Mitchell moved that HB2618 as amended do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 23).

HB2303 - overtime compensation; law enforcement - DO PASS

Courtney McKinstry, Majority Research Analyst, explained that HB2303 expands the definition of *person engaged in law enforcement activities* to include personnel who assist officers (Attachment 24).

Mr. Farnsworth, sponsor, deferred testimony to Kelsey Lundy.

Kelsey Lundy, Arizona Highway Patrol Association, in support of HB2303, stated this bill will allow agencies to include non-sworn civilian personnel in overtime policies, which is currently not allowed.

Vice-Chairman Mitchell announced the names of those who signed up in support of HB2303 but did not speak:

Mike Williams, Arizona Police Association, Phoenix Law Enforcement Association
Thomas Parker, Arizona Fraternal Order of Police
Norman Moore, Attorney, Arizona Fraternal Order of Police
Jimmy Chavez, President, Arizona Highway Patrol Association
James Mann, Arizona Fraternal Order of Police
Don Isaacson, Arizona Fraternal Order of Police
Levi Bolton, Vice President, Phoenix Law Enforcement Association, Arizona Police Association
Rebekah Friend, Lobbyist, Arizona AFL-CIO

Vice-Chairman Mitchell announced the names of those who signed up in opposition to HB2303 but did not speak:

Bruce Frizzell, representing self
Joseph Seelye, Legislative Political Action Team Coordinator, Arizona Communications Workers of America, representing self

Vice-Chairman Mitchell moved that HB2303 do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 25).

HCR2001 - technical correction; state lands; price - DO PASS AMENDED S/E
S/E: Vietnam veterans' memorial day

Alesandro Norton, Majority Intern, explained that the Borrelli two-page strike-everything amendment to HCR2001 dated 2/14/13 (Attachment 26) establishes March 30 of each year as Vietnam Veterans' Memorial Day in Arizona (Attachment 27).

Mr. Borrelli advised that March 29, 1973 was the final date for withdrawing Americans from Vietnam; in 2010, the Arizona Senate designated March 29 as Arizona Vietnam Veterans' Day.

Vietnam Veterans' Associations in other states celebrate on March 30 so the Resolution changes the date from March 29 to March 30.

Vice-Chairman Mitchell announced the names of those who signed up in support of the strike-everything amendment to HCR2001 but did not speak:
Leonard Clark, representing self

Vice-Chairman Mitchell moved that HCR2001 do pass.

Vice-Chairman Mitchell moved that the Borrelli two-page strike-everything amendment to HCR2001 dated 2/14/13 (Attachment 26) be adopted. The motion carried.

Vice-Chairman Mitchell moved that HCR2001 as amended do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 28).

HB2484 - veterans; hiring preference; tax credit - DO PASS AMENDED

Courtney McKinstry, Majority Research Analyst, explained that HB2484 establishes a tax credit for individuals and corporations that hire veterans and provides for advance notice to veterans for state employment announcements (Attachment 29).

She advised that the Borrelli two-page amendment to HB2484 dated 02/11/2013 (Attachment 30) contains the following provisions:

- Requires the Arizona Department of Administration (ADOA) to establish a veteran-owned business participation goal for state procurement contracts.
- Stipulates that the participation goal shall be one and one-half percent for the first year and three percent for every year thereafter.
- Requires the ADOA to establish a registry of veteran-owned business and use applicable federal resources to verify the businesses' eligibility.
- States that the procedures for the set-aside must be established in rule.
- Requires the veteran-owned business to use at least 50 percent of contract proceeds to pay for salaries of the employees.
- Provides definitions and has an effective date of December 31, 2013.

Ms. McKinstry related that the Cardenas 25-line amendment to HB2484 dated 02/06/2013 (Attachment 31) specifies that the veteran must be unemployed at the time of hiring for an employer to claim the tax credit and stipulates that the employee's compensation must at least be equal to the median annual wage in the state.

Mr. Cardenas opined that this bill will reduce the veteran unemployment rate in the state.

Corey Harris, Madison Street Veterans Association, spoke in support of HB2484. He pointed out that a major concern with this bill is the fiscal impact to the state. Having worked with homeless veterans, if veterans are not able to work, the state will pay for that in services.

Regarding the Cardenas amendment, Mr. Harris noted that veterans do not ask for help until they are in absolute crisis said he hopes the amendment will be expanded to ensure all veterans are eligible.

Vice-Chairman Mitchell announced the names of those who signed up in support of HB2484 but did not speak:

Leonard Clark, representing self

Mike Williams, TASER International

Rebecca Hudson, Analyst, Corporate Public Affairs, Southwest Gas Corporation

Marcus Dell'Artino, Apollo Group

John MacDonald, US Airways

Joe Hughes, Director, Government Affairs, US Airways

David Lucier, representing self

Michael DiMaria, Director of Legislative Affairs, CenturyLink

Steve Barclay, Lobbyist, Beer and Wine Distributors of Arizona

Richard A. Bark, Director, Government Relations and Environmental Counsel, Freeport-McMoRan Copper & Gold

Vice-Chairman Mitchell moved that HB2484 do pass.

Vice-Chairman Mitchell moved that the Borrelli two-page amendment to HB2484 dated 02/11/2013 (Attachment 30) be adopted. The motion carried.

Vice-Chairman Mitchell moved that the Cardenas 25-line amendment to HB2484 dated 02/06/2013 (Attachment 31) be adopted. The motion carried.

Vice-Chairman Mitchell moved that HB2484 as amended do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 32).

HB2466 - posttraumatic stress; training; police; judges - ~~DO PASS AMENDED~~ FAILED

Courtney McKinstry, Majority Research Analyst, explained that HB2466 establishes a training requirement for judges and peace officer cadets in the recognition and understanding of posttraumatic stress disorder (PTSD) (Attachment 33). The Pierce six-line amendment to HB2466 dated 02/13/2013 (Attachment 34) removes the judicial training requirement and expands the subject matter in the training to include traumatic brain injury, suicide and behavioral conditions associated with military service.

Representative Bob Thorpe, sponsor, conveyed that this legislation was brought to him by a constituent who is very concerned when law enforcement, in particular, but also first responders, go to a scene not knowing what to expect. The required standardized training provides a baseline understanding of some of the conditions returning veterans are suffering from and experiencing due to service in the military. The Pierce amendment specifies that it is no longer a mandate that judges have the training; however, he would like to include first responders.

In response to a question, Representative Thorpe said he met with the Director of the Arizona Peace Officer Standards and Training Board (AZPOST) and a representative from the Attorney

General's Office. Programs are already in place that have been funded out of their general operating budgets and they would like to expand this to first responders, emergency medical technicians, medics and support personnel that work with first responders. The training is currently voluntary; he would like training to become mandatory especially since more veterans are returning from the battlefield. He added that he will work with AZPOST on a Floor amendment to identify the individuals involved but he is not sure when funding will be requested. He said he received many emails in support of the bill, including 24,000 Veterans of Foreign Wars members.

Thomas Winkel, Veteran Representative, Arizona Coalition for Military Families, neutral on HB2466, stated that he is a former U.S. Marine and provided a handout entitled *Frontline on the Homefront: Helping Service Members, Veterans & Their Families* (Attachment 35). He said the Coalition is filling out a Congressional mandate it holds in the state to do this type of work. So far, 2,350 first responders were trained. Nationally-recognized training is utilized and Arizona is number one in the country in relation to what is being done for service members, veterans and their families.

Lyle Mann, Deputy Director, Arizona Peace Officer Standards and Training Board (AZPOST), in opposition to HB2466, provided a letter from Terry Hill, Legislative Chairman, Veterans of Foreign Wars, Post 9907, with petitions in support of HB2466 (Attachment 36). He noted that the handout lists all of the people currently used in the training, which AZPOST supports. In speaking to Representative Thorpe, it is clear they have the same goal. He asked the Members not to support the bill, but to support the concept and work with the Veterans' Caucus and other stakeholders on funding this program, currently being funded by AZPOST and other coalitions.

Colby Bower, Director of Government Relations, Arizona Department of Health Services (ADHS), neutral on HB2466, stated that this bill requires the Director of ADHS to certify the training. He spoke with the sponsor who agreed to remove that requirement and perhaps require the Director, or the Director's designee, to provide some consultation assistance, but ADHS does not have a mechanism to certify training programs.

Vice-Chairman Mitchell announced the names of those who signed up in support of HB2466 but did not speak:

Jim Ellars, Chairman, Veterans of Foreign Wars, Department of Arizona

David Lucier, representing self

Terry Hill, Veterans of Foreign Wars, Post 9907

Vice-Chairman Mitchell announced the names of those who signed up as neutral on HB2466 but did not speak:

Art Harding, Legislative Affairs Director, Attorney General's Office

Vice-Chairman Mitchell moved that HB2466 do pass.

Vice-Chairman Mitchell moved that the Pierce six-line amendment to HB2466 dated 02/13/2013 (Attachment 34) be adopted. The motion carried.

Vice-Chairman Mitchell moved that HB2466 as amended do pass. The motion failed by a roll call vote of 3-4-0-1 (Attachment 37).

Without objection, the meeting adjourned at 12:35 p.m.

Linda Taylor, Committee Secretary
April 11, 2013

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