

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

**COMMITTEE ON REFORM AND HUMAN SERVICES**

Minutes of Meeting  
Thursday, February 20, 2014  
House Hearing Room 1 -- 9:00 a.m.

Chairman Montenegro called the meeting to order at 9:11 a.m. and attendance was noted by the secretary.

**Members Present**

Ms. Alston	Mr. Mendez	Ms. Townsend, Vice-Chairman
Mrs. Gonzales	Mr. Seel	Mr. Montenegro, Chairman
Mrs. Lesko	Mr. Smith	

**Members Absent**

None

**Committee Action**

HB2007 – DPA/SE (8-0-0-0)	HB2638 – DP (8-0-0-0)
HB2240 – DP (8-0-0-0)	HB2642 – DPA (5-3-0-0)
HB2603 – DP (5-3-0-0)	

**CONSIDERATION OF BILLS**

**HB2603 – TANF recipients; drug convictions; notification – DO PASS**

**Vice-Chairman Townsend moved that HB2603 do pass.**

Ingrid Garvey, Majority Research Analyst, explained that HB2603 requires the court, if the court has knowledge that a person convicted of a drug offense receives temporary assistance for needy families (TANF) cash benefits, to send a copy of the judgment, sentence and the opinion, if filed, to the Arizona Department of Economic Security (ADES) (Attachment 1).

Representative Sonny Borrelli, sponsor, answered Members' questions about loss of benefits, effects on children, and the courts' position on HB2603. He clarified that it is not retroactive.

Kathy Ber, Arizona Department of Economic Security, neutral on HB2603 explained that federal law prohibits persons, with certain felony drug convictions, from receiving Supplemental Nutrition Assistance Program (SNAP) and cash assistance programs with a penalty of a lifetime ban. Arizona has the same lifetime ban requirement. She clarified that it is the person who is disqualified from the assistance, not the entire family, and that individual would be taken out of

the calculation of the benefits. Ms. Ber answered Members' questions on drug testing, automatic suspension of assistance, rehabilitation options, Electronic Benefits Transfer cards, family benefits, and the effects of HB2603.

Chairman Montenegro announced the names of those who signed up as neutral on HB2603 but did not speak:

Lenard Clark, representing self

Chairman Montenegro announced the names of those who signed up in opposition to HB2603 but did not speak:

Alexandria Kassman, representing self

Kristin Gwinn, Protecting Arizona's Family Coalition

**Question was called on the motion that HB2603 do pass. The motion carried by a roll call vote of 5-3-0-0 (Attachment 2).**

### **HB2638 – CPS information; law enforcement; prosecutors – DO PASS**

**Vice-Chairman Townsend moved that HB2638 do pass.**

Sophia Horn, Majority Research Intern, explained that HB2638 requires the Arizona Department of Economic Security (ADES) or a person who receives Child Protective Services (CPS) information, to provide that information to the fitting agency in order to help investigate and prosecute any violation involving domestic violence or violent sexual assault (Attachment 3).

Ms. Townsend, sponsor, stated that HB2638 allows law enforcement access to CPS files which they currently do not have.

Chairman Montenegro announced the names of those who signed up in support of HB2638 but did not speak:

Levi Bolton Jr., Arizona Police Association; Phoenix Law Enforcement Association

Chairman Montenegro announced the names of those who signed up as neutral on HB2638 but did not speak:

Kathy Ber, Arizona Department of Economic Security

Shannon Rich, Arizona Coalition to End Sexual and Domestic Violence

**Question was called on the motion that HB2638 do pass. The motion carried by a roll call vote of 8-0-0-0 (Attachment 4).**

### **HB2642 – schools; isolation and seclusion rooms – DO PASS AMENDED**

**Vice-Chairman Townsend moved that HB2642 do pass.**

Aaron Wonders, Majority Research Analyst, explained that HB2642 establishes procedures for the use of isolation or seclusion rooms by a public school (Attachment 5). He explained the Townsend three-page amendment to HB2642 dated 02/19/14 (Attachment 6) removes subsection A, which specifies that an isolation room may not be used as a form of punishment or

as a restraint for students without an individual educational plan (IEP) or Section 504 plan. The amendment removes requirements for the certification of annual training for personnel that monitor or place students in isolation rooms. It adds a requirement for schools to implement positive evidence-based safe, timely plans, procedures for all pupils, and specifies what those procedures must include. The amendment specifies that if seclusion is used, timely notification of parents and written documentation is required and the pupil must be monitored at all times, be reassessed every thirty minutes and released when self-control is regained. The amendment defines seclusion.

In response to Members' questions, Ms. Townsend explained the removal of a section in the amendment and stated there was a typographical error in line eleven.

THE MEETING RECESSED AT 9:57 a.m.

THE MEETING RESUMED AT 9:59 a.m. All Members were present.

Ms. Townsend answered Mrs. Gonzales' questions on the vetting of the bill and stated that a Floor amendment will be presented, fixing the language in the amendment.

**Vice-Chairman Townsend moved that the Townsend three-page amendment to HB2642 dated 02/19/14 (Attachment 6) be adopted. The motion carried.**

Chris Kotterman, Arizona Department of Education (ADOE), neutral on HB2642 stated that ADOE has been contacted by schools that have some concerns with the bill. He discussed the concerns, the best practices model, reporting requirements in regard to pupils' privacy of information, and applying policy equally.

Gretchen Kitchel, representing self, thanked Ms. Townsend for the bill and stated that as a mother with a child with autism, these rooms would be used for that purpose and schools adopt the policies, but do not follow them.

Robert Barger, Arizona Department of Fire Building and Life Safety, neutral on HB2642, stated that he is the State Fire Marshal and explained the problems with the bill, specifically the mandates of inspection and the current staffing situation. He stated there are seven employees that are on a three-year cycle of inspecting all state buildings, public and private, and all schools in Arizona.

Discussion ensued on school inspection cycles, number of isolation rooms, types of locks in buildings, review of building plans, and memorandums of understanding (MOU).

Holly Textor, Arizona Department of Fire Building and Life Safety, neutral on HB2642, reiterated Mr. Barger's comment of needing more people for the inspections.

Names of those who signed up in opposition to HB2642 but did not speak:

Susan Cannata, Arizona Council of Administrators of Special Education; Arizona Council of Exceptional Children; Special Education Administrators Association of Arizona

David Carey, Arizona Disability Advocacy Coalition

Elizabeth Hatch, Mesa Unified School District Number 4

Janice Palmer, Arizona School Boards Association  
Sabrina Vazquez, Arizona School Administrators Association

**Vice-Chairman Townsend moved that HB2642 as amended do pass. The motion carried by a roll call vote of 5-3-0-0 (Attachment 7).**

**HB2007 – technical correction; DES – DO PASS AMENDED S/E**  
**S/E: developmental disability services; service providers**

**Vice-Chairman Townsend moved that HB2007 do pass.**

**Vice-Chairman Townsend moved that the Montenegro six-page strike-everything amendment to HB2007 dated 02/17/14 (Attachment 8) be adopted.**

Ingrid Garvey, Majority Research Analyst, explained that the Montenegro six-page strike-everything amendment to HB2007 (Attachment 8) requires the Arizona Department of Economic Security (ADES), if they have granted deemed status to a service provider, to monitor the service provider once every two years rather than once a year (Attachment 9).

Representative Kate Brophy McGee, sponsor, explained that HB2007 has been a successful effort beginning in 2012 that establishes a balance of protecting the vulnerable population and businesses.

Kay S. Moore, Chief Operations Officer, Marc Community Resources, spoke in support of HB2007 and explained the benefits of the bill. She elaborated on statistics, cost savings, standards, staffing requirements and achieving a Dean status.

Chairman Montenegro announced the names of those who signed up as neutral on HB2007 but did not speak:

Kathy Ber, Arizona Department of Economic Security  
Susan Cannata, The ARC of Arizona, Inc.

**Question was called on the motion that the Montenegro six-page strike-everything amendment to HB2007 dated 02/17/14 (Attachment 8) be adopted. The motion carried.**

**Vice-Chairman Townsend moved that HB2007 as amended do pass. The motion carried by a roll call vote of 8-0-0-0 (Attachment 10).**

**HB2240 – developmental disabilities; client income; retention – DO PASS**

**Vice-Chairman Townsend moved that HB2240 do pass.**

Ingrid Garvey, Majority Research Analyst, explained that HB2240 allows a client with a developmental disability in a residential program operated or supported by the Arizona Department of Economic Security (ADES) to retain a minimum of 30 percent rather than 12 percent of their income or benefits for personal use (Attachment 11).

Mr. Seel asked how the calculations will change the funding and if the care institution would be impacted. Ms. Garvey explained that in 2010, legislation was passed that decreased the percentage of funds that developmentally disabled persons are able to keep for personal use. HB2240 reverts back to the original percentage and stated that she is not aware of it affecting the institutions.

Representative Kate Brophy McGee, sponsor, explained that HB2240 is on behalf of the very vulnerable community and restores funding that was decreased in past years. In answer to Mrs. Lesko's question on the fiscal impact, Representative Brophy McGee stated the impact in fiscal year 2014 as \$2.3 million in lost client billing revenue and \$2.7 million in fiscal year 2015. In response to Mr. Seel's question, she said she is unaware of any disability issues addressed in the Governor's budget and asked for Members' support for this bill.

Kristin Cipolla, County Supervisors Association of Arizona, spoke in favor of HB2240 and reiterated the percentage reversal, the fiscal year impacts and the benefits of this bill.

Nancy Rinaldo, representing self, spoke in support of HB2240 and asked that the higher percentage be returned to her.

Janet Regner, Director, Coconino County Community Services Department, spoke in support of HB2240 and defined "*wards of the court*" as individuals without family, who may have multiple disabilities, who cannot care for themselves and who live in group homes. Each county Superior Court appoints a public fiduciary to these indigent disabled adults in the county where the individual resides. She stated that sometimes they only have \$80 left for the month to spend on personal items, hygiene, haircuts, etc., and she asked the Committee to support this bill that reverts back to the 2010 level of 70 percent.

Kathy Ber, Arizona Department of Economic Security, neutral on HB2240, replied to Mr. Smith's question as to the fiscal impact and the loss of funds. She stated that the Legislature and the Governor will have to address the issue.

Kay S. Moore, Chief Operations Officer, Marc Community Resources, spoke in favor of HB2240. She restated the nominal amount of money that is left over and how it will cause health problems in the future for these individuals with needs.

Names of those who signed up in support of HB2240 but did not speak:

Gretchen Jacobs, Marc Community Resources  
Donna Kruck, Arizona Bridge to Independent Living  
Todd Madeksza, County Supervisors Association  
Alexandria Kassman, representing self  
Kristin Gwinn, Protecting Arizona's Family Coalition  
Jen Sweeney Marson, Arizona Association of Counties  
Elizabeth Archuleta, representing self  
Trey Williams, Arizona Association of Counties  
Susan Cannata, The ARC of Arizona, Inc.  
Edward Myers, representing self  
Matthew Rudig, representing self

Name of those who signed up as neutral to HB2240 but did not speak:  
Leonard Clark, representing self

**Question was called on the motion that HB2240 do pass. The motion carried  
by a roll call vote of 8-0-0-0 (Attachment 12).**

Without objection, the meeting adjourned at 11:07 a.m.

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Tracey Gardner, Committee Secretary  
April 16, 2014

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