

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

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Report of Regular Meeting
Thursday, January 22, 2015
House Hearing Room 5 -- 9:00 a.m.

Convened 9:03 a.m.
Recessed
Reconvened
Adjourned 10:03 a.m.

Members Present

Mr. Andrade
Mr. Campbell
Mr. Cardenas
Mr. Farnsworth E
Mr. Kern
Ms. Mach
Mr. Pratt
Mr. Finchem, Vice-Chairman
Mr. Borrelli, Chairman

Members Absent

Request to Speak

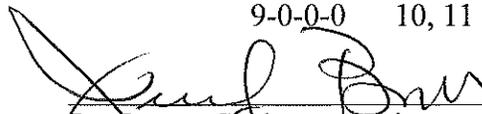
Report – Attachments 1, 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Adoption of Committee Rules		3

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Roll Call)</u>
HB2085	DP	9-0-0-0	4, 5
HB2086	DP	9-0-0-0	6, 7
HB2087	NOT ASSIGNED		
HB2089	NOT ASSIGNED		
HB2090	DP	9-0-0-0	8, 9
HB2091	DP	9-0-0-0	10, 11



Jen Burns, Chairman Assistant
January 23, 2015

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

Information Registered on the Request to Speak System

House Military Affairs and Public Safety (1/22/2015)

HB2085, private investigators; security guards; regulation

Support:

Seth Turken, AZ DEPT OF PUBLIC SAFETY

HB2089, aggravated assault; elected officials

Support:

Rob Dalager, Maricopa County Superior Court; Jean Bishop, representing self

Neutral:

Trey Williams, AZ ASSOCIATION OF COUNTIES

Oppose:

Elisha Dorfsmith, representing self

All Comments:

Elisha Dorfsmith, Self: Lawmakers should not be given a special class above the people they represent.

HB2091, veterans; in-state tuition

Support:

Michael David Hampton, Arizona Department Of Veterans Services; Terry Hill, representing self; Gary Lucas, representing self; Drema Lucas, representing self; Chris Kozakiewicz, representing self; Catheryne Parry, representing self; Fred Parry, representing self; Joyce Hill, representing self; Jon Altmann, representing self; Eileen Green, representing self

All Comments:

Terry Hill, Self: The Dept. of AZ, VFW, supports this bill.; Chris Kozakiewicz, Self: This is an important bill that allows military members to advance their education while also bringing additions funds to the state higher education system.; Jon Altmann, Self: I am the National Vice President for Budget & Finance of the Assn of the U.S. Navy, representing our Arizona members. We strongly support the bill

HB2086, fingerprint clearance cards; omnibus

Support:

Travis Schulte, AZ DEPT OF EMERGENCY & MILITARY AFFAIRS; Seth Turken, AZ DEPT OF PUBLIC SAFETY; Andrew LeFevre, Arizona Criminal Justice Commission

HB2087, sex offender registration; address verification

Support:

Seth Turken, AZ DEPT OF PUBLIC SAFETY; Trey Williams, AZ ASSOCIATION OF COUNTIES

HB2090, military family relief fund; amount

Support:

Terry Hill, representing self; Joyce Hill, representing self; Gary Lucas, representing self; Drema Lucas, representing self; Chris Kozakiewicz, representing self; Catheryne Parry, representing self; Fred Parry, representing self

All Comments:

Terry Hill, Self: The Department of Arizona Veterans of Foreign Wars is in support of this bill. An increase in funds available to the families of deployed service men and women is needed as is changes in the law to reduce the time and paperwork.; Joyce Hill, Self: I am aware of the financial hardships that can occur with our Nat'l Guard troops' families during deployment. At the Gubernatorial Debate last June it was stated there was over \$6 million in the fund. I think the state can afford it....don't you?; Fred Parry, Self: I believe that this is a good idea and should passed.

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on MAPS Bill Number 2090

Date 1/22 Support Oppose Neutral

Name Stan Zeitz Need to Speak? Yes No

Representing Military Family Relief Adv. Comm Are you a registered lobbyist? _____

Complete Address _____

E-mail Address _____ Phone Number _____

Comments: _____

*****FIVE-MINUTE SPEAKING LIMIT*****

Attachment 2

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Standing Committee Rules

- RULE 1.** A majority of the members of the committee shall constitute a quorum. No official action may be taken unless a quorum is present in person at the time of taking such action.
- RULE 2.** The chairman sets the agenda and determines the order of measures.
- RULE 3.** The following motions are customary and in order relating to actions on measures:
1. Do pass
 2. Do pass as amended
 3. Return for consideration of the House
 4. Hold for further study
 5. Do not pass
 6. Be assigned to subcommittee for....
- RULE 4.** The affirmative vote of a majority of those voting is required to take any action.
- RULE 5.** On a roll call vote the names of committee members shall be called alphabetically by surname; except that the vice chairman and the chairman shall be called upon last. Each member present shall be allowed to pass on one call of the role, and shall vote "yes" or "no" (aye, nay) or respond "present." Members may change their votes before the announcement of the results and members may explain their vote on any measure.
- RULE 6.** Whenever a measure is reported from the committee on a divided vote, any member may request a minority report.
- RULE 7.** Amendments shall be in order if printed and distributed to committee members by 12:00 p.m. of the day previous to the committee meeting. Non-substantive verbal amendments may be offered during committee meetings without prior distribution.

In accordance with Rule 9 of the House Rules, the following House Rules are also incorporated into the Committee Rules:

- RULE 9(C)** Each Standing Committee shall adopt and file with the Chief Clerk's Office rules of procedure consistent with the Rules of the House and shall include the following:
1. With the exception of executive session ordered by a majority of the committee constituting a quorum, all committee meetings shall be open to the other members of the Legislature, the press and public so long as proper decorum is maintained.

2. All committees shall meet at regularly scheduled times and places unless canceled with the permission of the Speaker. In the absence of the chairman, the vice chairman shall preside. In the absence of both the chairman and vice chairman, some other committee member designated by the Speaker shall preside.
3. The committee chairman (presiding officer) other than the chairman of the Committee on Rules shall prepare an agenda and distribute copies to committee members, the Information Desk and the Chief Clerk's Office by 4:00 p.m. each Wednesday for all standing committees meeting on Monday of the following week and by 4:00 p.m. each Thursday for all standing committees meeting on any day except Monday of the following week. Except by unanimous consent of the committee, the committee chairman may add a legislative measure to a distributed agenda by distributing a revised agenda to committee members, the Information Desk and the Chief Clerk's Office no later than 4:00 p.m. on the second previous working day, excluding Saturdays, Sundays and holidays, before the committee meeting.
4. A bill not on the committee agenda shall be scheduled for discussion at the next subsequent committee meeting by a presentation of a petition containing the signatures of two-thirds or more of the committee members.
5. A roll call vote shall be taken in each standing committee when final action on any bill is voted.
6. Written Committee minutes shall be filed with the Chief Clerk's Office within a reasonable time but no later than two weeks from time of completion of meetings. An audio recording of the meeting shall be open to public inspection in the Chief Clerk's Office three working days after the meeting. Attendance records of all committee meetings shall be filed with the Chief Clerk's Office within 24 hours from time of completion of meetings.
7. Special meetings may be called by the chairman but require permission of the Speaker and notice to members and the general public at the Information Desk by 4:00 p.m. on the previous day, except that the notice of a special meeting of the Committee on Rules may be given in open session prior to the meeting and does not require the Speaker's permission.

RULE 9 (E) No committee other than the Committee on Rules shall meet while the House is meeting in session without special permission of the Speaker.



HOUSE OF REPRESENTATIVES

HB 2085

private investigators; security guards; regulation
Sponsors: Representatives Borrelli, Finchem; Campbell, et al.

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2085 establishes continuing minimum qualification requirements and additional disciplinary procedures for private investigators and security guards.

HISTORY

The Department of Public Safety (DPS) administers both private investigator (PI) and security guard licenses and registrations. PI or security guard licenses are obtained by the individual responsible for the management of an agency. PI or security guard registration certificates are obtained by individuals for employment at an agency. Arizona Revised Statutes (A.R.S.) Title 32 Chapters 24 and 26 outline minimum qualifications to obtain a PI or security guard license or registration.

The Private Investigator and Security Guard Hearing Board (Board) was established in 1992 to make recommendations to the DPS director (Director) on disciplinary actions taken against PIs and security guards, as well as the denial of PI and security guard license or registration applications. The Board is comprised of seven members: two PI licensees, two security guard licensees, two peace officers holding a rank equal to or above lieutenant who are not employed by DPS, and one public member with no personal or professional interest in the PI or security guard industries (A.R.S. § 32-2404).

A.R.S. §§ 32-2457 and 32-2636 outlines the conditions under which the Director may take disciplinary action against a PI or security guard. The Board makes a recommendation to the Director to dismiss a complaint, establish a period and terms of probation, suspend a license or registration for up to 12 months, or revoke a license or registration. The final determination of a complaint is at the discretion of the Director. Currently, only security guards are subject to disciplinary action for certain arrests. The Director is required, upon completion of an investigation, to suspend the license or registration of a security guard who is arrested for an offense that would preclude him or her from initial licensure or registration.

PROVISIONS

1. Requires the Director, upon completion of an investigation, to suspend the license or registration of a PI who is arrested for an offense that would preclude him or her from initial licensure or registration.
2. Mandates a PI to notify their employer of an arrest within 48 hours and directs the employer to notify DPS of the arrest within an additional 24 hours.
3. Requires a security guard licensee to maintain liability insurance.

Attachment 4

HB 2085

4. Applies disciplinary actions taken against a PI or security guard to all other PI or security guard licenses or registrations held by that person.
5. Expands the list of grounds under which disciplinary action may be taken against a PI or security guard to include:
 - a. being arrested for an offense that would preclude a PI from obtaining an initial license or registration;
 - b. failure of a security guard licensee to maintain liability insurance; and
 - c. failure of a PI or security guard to maintain minimum licensure or registration qualifications.
6. Makes technical and conforming changes.

**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session**

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2085

DATE January 22, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E		✓			
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Pratt		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		9	0	0	0

APPROVED:

Sonny Borrelli
SONNY BORRELLI, Chairman
MARK FINCHEM, Vice-Chairman

Gene Burt
COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2086

fingerprint clearance cards; omnibus

Sponsors: Representatives Borrelli, Cardenas; Campbell, et al.

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2086 makes various changes to statutes relating to fingerprinting for employment.

HISTORY

The Fingerprinting Division (Division) within the Department of Public safety (DPS) was established by Laws 1998, Chapter 270. The Division administers the fingerprint clearance card (FCC) process and issues FCCs to applicants after conducting a criminal background check to determine whether the applicant is awaiting trial for or has been convicted of a variety of specified criminal offenses. Applicants are persons seeking licenses from state agencies, employment with licensees, contract providers, or employment or educational opportunities with agencies that statutorily require fingerprint background checks

Generally, persons who work with vulnerable populations such as children, the elderly, and persons with developmental disabilities are required to obtain a fingerprint clearance card (FCC) for employment. Laws 2009, Chapter 8 created two different types of FCCs: the regular FCC and the Level One FCC. Level One FCCs have higher eligibility standards since there are more criminal charges that would preclude the Division from issuing a Level One FCC than a regular FCC. The Division is required to suspend the regular or Level One FCC of any person who is subsequently arrested for a precluding offense (Arizona Revised Statutes § 41-1758.04).

In addition to the FCC process, DPS also administers the fingerprint-based criminal history check process, which allows DPS to conduct a fingerprint-based state and federal background check on behalf of certain state agencies authorized under state statute and Public Law 92-544, for review of employee criminal history information.

PROVISIONS

1. Requires Department of Child Safety (DCS) employees who have contact with children or who work in information technology positions to obtain a Level I FCC.
2. Removes the requirement for Department of Emergency and Military Affairs (DEMA) employees to obtain a FCC and stipulates that all DEMA employees, with the exception of National Guard members or employees who hold a current National Guard security clearance, must submit fingerprints to DEMA and DPS to conduct a fingerprint-based state and federal criminal history check within the first three days of employment; authorizes DPS to exchange DEMA employee fingerprint information with the FBI.
3. Prohibits DCS and DEMA from disclosing employee criminal history information to any non-department employee and for any reason other than to verify employment

Attachment 4

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Analyst Initials CR
January 18, 2015

HB 2086

4. Clarifies that the Division must provide written notification to a FCC applicant or a current FCC holder and their employer agency that includes criminal history information when denying, suspending, revoking, or placing a driving restriction on any FCC.
5. Clarifies that a person who has been convicted of either a criminal trespassing or a criminal burglary offense is precluded from obtaining any FCC.
6. Provides the Division with 30 days from the receipt of a person's criminal history record to perform research to obtain incomplete information; requires the Division to deny an application for any FCC if the Division is unable to determine whether a person is awaiting trial on, or has been convicted of, committing or attempting, soliciting, facilitating, or conspiring to commit an offense that would preclude the Division from issuing any FCC.
7. Directs the Division to place a driving restriction notation on the current regular or Level One FCC of a person who is subsequently arrested for a DUI-related offense.
8. Makes technical and conforming changes.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2086

DATE January 22, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E		✓			
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Pratt		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		9	0	0	0

Jerry Burns

 COMMITTEE SECRETARY

APPROVED:


 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2090

military family relief fund; amount

Sponsors: Representatives Borrelli, Cardenas: Campbell, et al.

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2090 increases the amount that the Military Family Relief Advisory Committee can issue to eligible recipients from the Military Family Relief Fund.

HISTORY

The Department of Veterans' Services (DVS) manages two skilled nursing homes for Arizona veterans, assists veterans in obtaining federal benefits, and operates the Southern Arizona Veterans' Memorial Cemetery. DVS also administers the Military Family Relief Fund (MFRF), which provides financial assistance to family members of veterans who became deceased, injured, or seriously ill after September 11, 2001. The MFRF is funded by donations and contributions from public or private sources through December 31, 2018, after which any remaining monies in the MFRF will be allocated to the Veterans' Donation Fund. The Military Family Relief Advisory Committee (Committee) has discretion in how MFRF monies are used and allocates monies to eligible recipients based on an application process established by the Committee. The Committee is comprised of the DVS director or the director's designee and twelve additional members appointed by the governor based on recommendations by the DVS director, the Adjutant General, and Arizona military base commanders. Committee membership may include widows and widowers of military personnel, veterans who have a service-connected disability and their family members, and active and retired military personnel (Arizona Revised Statutes [A.R.S.] § 41-608.04).

A.R.S. § 41-608.04 authorizes the Committee to approve financial assistance requests for up to \$10,000 per family. Laws 2010, Chapter 254 authorized the Committee to approve financial assistance requests for up to \$20,000 per family upon a unanimous vote. Laws 2011, Chapters 126 and 307 decreased the number of votes needed to approve a \$20,000 request to two-thirds of the Committee members and extended the MFRF through December 31, 2012. Laws 2012, Chapter 281 maintained the two-thirds vote requirement and extended the MFRF through December 31, 2018.

PROVISIONS

1. Increases the statutory amount that the Committee can issue to eligible recipients from the MFRF from \$10,000 to \$20,000.
2. Repeals session law that requires a two-thirds vote by the Committee to issue amounts of up to \$20,000.
3. Makes technical changes.

Attachment 8

**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session**

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2090

DATE January 22, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E		✓			
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Pratt		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		9	0	0	0

APPROVED:



 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2091

veterans; in-state tuition

Sponsors: Representatives Borrelli, Campbell, Cardenas, et al.

X Committee on Military Affairs and Public Safety
Committee on Government and Higher Education
Caucus and COW
House Engrossed

OVERVIEW

HB 2091 grants an individual who receives educational assistance for veterans pursuant to federal law classification as an in-state student.

HISTORY

Federally established in 2014, Section 702 of the Veterans Access, Choice and Accountability Act (Choice Act) requires the U.S. Department of Veterans Affairs to disapprove educational programs for payment of benefits under the Post-9/11 GI Bill and the Montgomery GI Bill-Active Duty from public institutions of higher learning (IHL) that charge a *covered individual* in excess of resident tuition and fee rates, beginning July 1, 2015.

A *covered individual* under the Choice Act can include:

- a veteran enrolled at a public IHL within three years of discharge after serving 90 days or more on active duty;
- a spouse or child using transferred benefits enrolled at a public IHL within three years of the transferor's discharge after serving 90 days or more on active duty;
- a surviving spouse or child enrolled at a public IHL within three years of an active duty service member's death in the line of duty after serving 90 days or more; or
- an individual who remains continuously enrolled at an IHL after initially meeting the requirements.

These qualifications pertain to individuals living in the state of the public IHL, regardless of former residency.

PROVISIONS

1. Entitles immediate in-state student classification to an individual enrolled at a public IHL under the jurisdiction of the Arizona Board of Regents or a community college district governing board if the individual receives education benefits via the Post-9/11 GI Bill or the Montgomery GI Bill-Active Duty and:
 - a. enrolls at a public IHL within three years after the veteran's discharge from or service member's death in the line of active duty service of 90 days or more; or
 - b. remains enrolled at a public IHL beyond the three year period following the discharge or death of the veteran and meets the initial requirement.
2. Ensures that a qualifying individual will not lose in-state classification if the individual exhibits the intent to become a resident of Arizona.

HB 2091

3. Contains an emergency clause.
4. Makes technical and conforming changes.

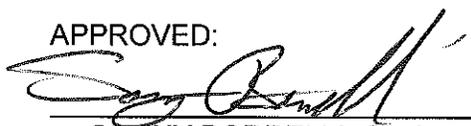
ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2091

DATE January 22, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade		✓			
Mr. Campbell		✓			
Mr. Cardenas		✓			
Mr. Farnsworth E		✓			
Mr. Kern		✓			
Ms. Mach		✓			
Mr. Pratt		✓			
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		9	0	0	0

APPROVED:


 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____