

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

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS

Report of Regular Meeting
Monday, January 26, 2015
House Hearing Room 4 -- 2:00 p.m.

Convened 2:06 p.m.

Recessed

Reconvened

Adjourned 3:10 p.m.

Members Present

Mr. Bolding
Mr. Boyer
Mr. Espinoza
Ms. Fann
Mrs. Gabaldón
Mr. Gray
Mr. Rivero, Vice-Chairman
Mr. Coleman, Chairman

Members Absent

Request to Speak

Report – Attachment 1

Presentations

Name

None

Organization

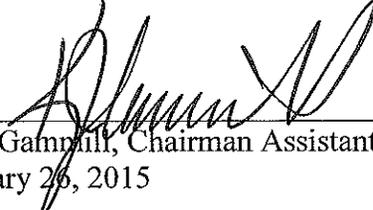
Attachments (Handouts)

Adoption of Committee Rules

Attachment 2

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Roll Call)</u>
HB2013	DP	8-0-0-0	6, 7
HB2095	HELD		
HB2105	DP	8-0-0-0	8, 9
HB2410	DP	8-0-0-0	3, 4, 5



Kim Gannill, Chairman Assistant
January 26, 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 County and Municipal Affairs (1/26/2015)

HB2105, inmate medical services; rate structure

Support:

Trey Williams, AZ ASSOCIATION OF COUNTIES; Buster Johnson, representing self; Kristin Cipolla, Leg. Liaison, County Supervisors Association Of Arizona

All Comments:

Buster Johnson, Self: Inmate sent to hosp for injury that should have cost 20000, we were billed 500000. Able to get it down to 146000.

HB2410, municipalities; traffic citation quota; prohibition

Support:

Elisha Dorfsmith, representing self; cynthia Dorfsmith, representing self; Thomas Parker, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Mike Williams, representing self; Levi Bolton, AZ Police Association; Don Isaacson, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Jason Winsky, Combined Law Enforcement Associations Of Arizona; Cheyenne Walsh, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); luis ebratt, Combined Law Enforcement Associations Of Arizona

Oppose:

John Thomas, Arizona Association Of Chiefs Of Police; Tim Reese, representing self; Dale Wiebusch, Legislative Associate, League Of AZ Cities And Towns

All Comments:

Elisha Dorfsmith, Self: Police officers should never be forced to meet a ticket quota. These types of quotas encourage the harassment of innocent citizens and turn minor offenses into major offenses just so the City can make a buck.; cynthia Dorfsmith, Self: I fully support this bill. How can a peace officer complete 100 percent of their sworn duties if they have to worry about a quota of citations? Our officers should be able to focus on all aspects of their job at all times.; Cheyenne Walsh, FRATERNAL ORDER OF POLICE (AZ STATE LODGE): FOP supports this legislation.

HB2013, courts; days; transaction of business

Support:

Jerry Landau, Arizona Judicial Council; james hazel, representing self

HB2095, job-order-contracting; bond; waiver

Support:

Richard Bohan, MARICOPA COUNTY

Neutral:

Ryan Peters, LEAGUE OF ARIZONA CITIES & TOWNS

Oppose:

David Martin, Arizona Chapter Associated General Contractors; Don Isaacson, American Council Of Engineering Companies Of Arizona; Carol Floco, AMERICAN SUBCONTRACTORS ASSOC OF AZ INC, Self; Michael Gardner, AZ BUILDERS' ALLIANCE

All Comments:

David Martin, Arizona Chapter Associated General Contractors: AZAGC is opposed to the bill as written and is willing to work with the county.; Carol Floco, AMERICAN SUBCONTRACTORS ASSOC OF AZ INC, Self: This issue has not gotten unanimous approval of the Industry APDM stakeholder group and more discussion including stakeholder groups not included in those meetings should be had before proposed changes are made.; Ryan Peters, LEAGUE OF ARIZONA CITIES & TOWNS: Due to the complexity of APDM statutes it is important for legislation like this to be thoroughly to be vetted by the long standing Title 34 stakeholder group.



Arizona House of Representatives House Majority Research MEMORANDUM

GINNA CARICO
Legislative Research Analyst
Committee on County and Municipal Affairs
Committee on Elections

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To: Members of the *Committee on County and Municipal Affairs*
Re: First Committee Hearing – January 26, 2015 (HHR 4 at 2:00 p.m.)
Date: January 20, 2015

The *Committee on County and Municipal Affairs* will meet on Monday, January 26, 2015 in House Hearing Room 4 to transact business as follows:

1. Adopt Committee Rules - House Rule 9 (C) requires each Standing Committee to adopt and file a copy of its rules of procedure in the Office of the Chief Clerk. [Attached as "CMA standing committee rules"]. Please note Rule 7, which stipulates that the committee's amendment deadline is *Fridays at noon*.
2. Appoint Committee of Reference (COR) - Title 41, Section 2954, Arizona Revised Statutes, requires each Standing Committee to appoint a five-member subcommittee to serve jointly as COR. [More information on this process is attached as "Sunset Review Process"]. The Chairman will appoint the following Members to the COR:

House County and Municipal Affairs COR Members

Representative Doug Coleman (chair)
Representative Tony Rivero
Representative Karen Fann
Representative Lela Alston
Representative Reginald Bolding

3. Bills noted on the Committee agenda
HB 2013 courts; days; transaction of business (Coleman)
HB 2095 job-order-contracting; bond; waiver (Coleman)
HB 2105 inmate medical services; rate structure (Borrelli)
HB 2410 municipalities; traffic citation quota; prohibition (Stevens)

If you need additional information or have questions, please contact my office.

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS

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 P.M. the day previous to the committee meeting.

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 Clerks 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.

THE SUNSET REVIEW PROCESS

Agency Nears Termination Date



**JLAC Assigns Agency to
COMMITTEE of REFERENCE**



**AUDITOR GENERAL or COMMITTEE of REFERENCE
Conducts Performance Audit**



**COMMITTEE of REFERENCE
Holds PUBLIC HEARING**



**Adopts FINAL REPORT
With Recommendation for State Agency to:**



**CONTINUE
REVISE
CONSOLIDATE or TERMINATE**



**Results in
LEGISLATION**

SUNSET REVIEW PROCESS

Title 41, Chapter 27, Arizona Revised Statutes

AUDITORS:

- *Auditor General* - conducts a performance audit and submits a report, or
- *Committee of Reference* - requests specific information from the agency.

PURPOSE:

- ◆ To determine the actual need for the agency
- ◆ To determine the extent to which the agency is meeting its statutory requirements.
- ◆ To receive public testimony
- ◆ To receive testimony from the executive director or other agency head as to the reasons for the continuation of the agency.

RECOMMENDATION:

- ◆ A recommendation to the full Legislature to:
 - Continue
 - Revise
 - Consolidate
 - Terminate

LEGISLATION:

- ◆ Staff directs Legislative Council to open a folder.



HOUSE OF REPRESENTATIVES

HB 2410

municipalities; traffic citation quota; prohibition

Sponsors: Representatives Stevens, Cardenas, Petersen, et al.

X Committee on County and Municipal Affairs

Caucus and COW

House Engrossed

OVERVIEW

HB 2410 prohibits municipalities and police departments from establishing traffic citation quotas and ranking peace officers based on this quota.

HISTORY

A violation of a statute relating to traffic movement and control, including statutory parking and standing requirements, is treated as a civil matter, unless the statute provides for a different classification as a criminal offense. Statute requires all fees, fines, forfeitures and civil penalties imposed and collected by municipal courts in the exercise of their concurrent jurisdiction to be retained by and inure to the benefit of the city or town in which the municipal court is located. Civil penalties imposed for civil traffic violations are statutorily capped at \$250 plus surcharges levied pursuant to statute (Arizona Revised Statutes [A.R.S.] § 28-1554; 28-1591; 28-1598).

A.R.S. § 9-101 governs the process of municipal incorporation that enables people within a community having common interests in such services as public health, police and fire protection to incorporate as a city or town. Of the 91 incorporated cities and towns, 81 offer police services.

Peace officer is statutorily defined as regularly salaried deputy sheriffs, policemen or police officers of a duly organized police department (A.R.S. § 9-901).

PROVISIONS

1. Restricts municipalities and police departments from:
 - a. Establishing traffic citation quotas for peace officers employed by the police department;
 - b. Determining a peace officer's rank or classification based on the number of traffic citations they have issued; and
 - c. Considering the number of traffic citations issued a factor when determining a peace officer's rank or classification.

4. B. The PMG Process: (Continued)

Finalize and Sign the PMG	<ul style="list-style-type: none"> The supervisor will sign the Supervisor's Comments Section of the PMG before giving the PMG to the employee. The reviewer will initial in this section.
Give the Finalized PMG to the Employee for Signature and Comments	<ul style="list-style-type: none"> The employee is allowed two full working days for review and response.
Provide the Employee with a Copy of the PMG	<ul style="list-style-type: none"> For distribution, see paragraph 2 of this order.
Give the Finalized PMG to the Reviewer to Sign	<ul style="list-style-type: none"> The reviewer will sign the finalized PMG once the employee being evaluated has added his/her comments and has signed the PMG.

C. Supervisor's Comments Section of the PMG

- (1) Information contained in the supervisor's comments section of the PMG should be specific enough to justify the performance evaluation's results.
 - This section expands to accommodate all comments.
- (2) If substandard or exceptional performance is noted in any area of the rating, information regarding the substandard or exceptional performance must be included in the comments section.
 - Include all commendations, formal discipline, mentoring, coaching, and supervisory initiated training in response to policy violations as defined in Operations Order 3.18, Discipline Procedures and Review Boards.
- (3) Exceptional Overall Performance - PMGs highlighting exceptional performance will contain sufficient documentation to justify the final evaluation.

D. Multiple Performance Issue Incidents

- (1) Employees who have been coached/trained for multiple policy violations as defined in Operations Order 3.18 during a performance year may be given specific goals to improve performance during the annual PMG or and unscheduled PMG process.
- (2) Supervisors will provide the employee with specific performance goals that require improvement.

E. Probationary Employee Evaluations

- (1) Purpose - The principal objective of supervisors rating probationary employees is to determine whether or not probationers can actually perform their required functions and to document their performance throughout the probationary period.
- (2) Frequency of Probationary Evaluations

Daily	Employees in the Field Training Officer (FTO) Program will receive a daily evaluation of their performance from their field training officer.
Third Month of Probation	A three-month PMG will be completed on <u>all</u> probationary employees at the third month of probation.
Sixth and Eleventh Month of Probation	A PMG will be completed on <u>all</u> probationary employees at the sixth and eleventh month of probation.

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

ROLL CALL VOTE

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS BILL NO. HB 2410

DATE January 26, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Bolding		✓			
Mr. Boyer		✓			
Mr. Espinoza		✓			
Ms. Fann		✓			
Mrs. Gabaldón		✓			
Mr. Gray		✓			
Mr. Rivero, Vice-Chairman		✓			
Mr. Coleman, Chairman		✓			
		8	0	0	0


COMMITTEE SECRETARY

APPROVED:


DOUG COLEMAN, Chairman
TONY RIVERO, Vice-Chairman

ATTACHMENT 5



HOUSE OF REPRESENTATIVES

HB 2013

courts; days; transaction of business

Sponsor: Representative Coleman

X Committee on County and Municipal Affairs

Caucus and COW

House Engrossed

OVERVIEW

HB 2013 allows municipal courts, upon approval of the presiding judge, to transact business on Columbus Day if the city or town is open for the transaction of business on that day.

HISTORY

Arizona Revised Statutes (A.R.S.) § 1-301 declares the second Monday in October as *Columbus Day*. Statute prohibits superior courts from transacting business on Columbus Day, except to give instructions to a jury deliberating on its verdict, to receive a verdict or discharge a jury, for the exercise of powers of a magistrate in a criminal action or in a proceeding of a criminal nature, or if the county board of supervisors designates the Friday after Thanksgiving as a legal holiday in lieu of Columbus Day (A.R.S. § 12-127). A.R.S. § 1-302 outlines similar exceptions for justice courts. Statute is currently silent regarding municipal court legal holiday business hours.

A.R.S. § 22-402 directs each incorporated city or town to have a municipal court. Municipal courts, also known as city courts or magistrate courts, have criminal jurisdiction over misdemeanor crimes and petty offenses committed within their city or town limits. They share jurisdiction with justice courts over violations of state law committed in the city or town.

PROVISIONS

1. Permits municipal courts, upon approval of the presiding judge, to transact business on Columbus Day if the city or town is open for the transaction of business on that day.

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

ROLL CALL VOTE

COMMITTEE ON _____ COUNTY AND MUNICIPAL AFFAIRS _____ BILL NO. HB 2013

DATE January 26, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Bolding		✓			
Mr. Boyer		✓			
Mr. Espinoza		✓			
Ms. Fann		✓			
Mrs. Gabaldón		✓			
Mr. Gray		✓			
Mr. Rivero, Vice-Chairman		✓			
Mr. Coleman, Chairman		✓			
		8	0	0	0

APPROVED:

Douglas Coleman
 DOUG COLEMAN, Chairman
 TONY RIVERO, Vice-Chairman

[Signature]
 COMMITTEE SECRETARY

ATTACHMENT 7



HOUSE OF REPRESENTATIVES

HB 2105

inmate medical services; rate structure

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

-
- X Committee on County and Municipal Affairs
Committee on Appropriations
Caucus and COW
House Engrossed
-

OVERVIEW

HB 2105 applies the inmate medical services reimbursement structure to all counties instead of only Maricopa County.

HISTORY

Arizona Revised Statutes § 41-1608 stipulates if a prisoner in a secure care facility requires health care services that the Arizona Department of Corrections (DOC), the facility, or a private prison provider contracted by DOC cannot provide, DOC is required to pay approved claims from a facility or provider that provides these services. The inpatient and outpatient hospital services must not exceed the rates at which the Arizona Health Care Cost Containment System (AHCCCS) reimburses. For health and medical services, DOC must reimburse at a level that does not exceed the capped fee-for-service schedule that is adopted by AHCCCS.

Laws 2011, Chapter 266 required counties with a population of more than one million persons to pay approved claims from a facility or provider that offers inmate medical care services if the county jail cannot provide these services, unless otherwise stipulated in the intergovernmental agreement, as follows:

- > For inpatient and outpatient hospital services, the county shall reimburse at a level that does not exceed the AHCCCS methodology for determining reimbursement; and
- > For health and medical services, the county shall reimburse at a level that does not exceed the capped fee-for-service schedule that is adopted by AHCCCS.

According to the 2010 US Census, Maricopa County is the only county in Arizona that exceeds the population threshold of one million persons.

PROVISIONS

1. Requires all counties, instead of only Maricopa County, to reimburse for county jail inmate medical services at an amount not to exceed AHCCCS rates.

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

ROLL CALL VOTE

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS BILL NO. HB 2105

DATE January 26, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Bolding		✓			
Mr. Boyer		✓			
Mr. Espinoza		✓			
Ms. Fann		✓			
Mrs. Gabaldón		✓			
Mr. Gray		✓			
Mr. Rivero, Vice-Chairman		✓			
Mr. Coleman, Chairman		✓			
		8	0	0	0

APPROVED:

Douglas Coleman
DOUG COLEMAN, Chairman
TONY RIVERO, Vice-Chairman

Blum
COMMITTEE SECRETARY

ATTACHMENT 9