

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

COMMITTEE ON FEDERALISM AND STATES' RIGHTS

Report of Regular Meeting
Wednesday, February 18, 2015
House Hearing Room 5 -- 9:00 a.m.

Convened 9:06 a.m.
Recessed
Reconvened
Adjourned 11:34 a.m.

Members Present

Mr. Finchem
Mr. Mitchell
Ms. Rios
Mr. Thorpe
Ms. Velasquez
Mr. Wheeler
Mr. Campbell, Vice-Chairman
Ms. Townsend, Chairman

Members Absent

Request to Speak

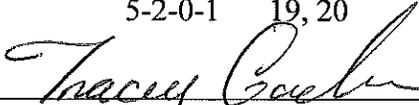
Report – Attachment 1

Presentation

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
John Harmon McElroy, Ph. D.		

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Roll Call)</u>
HB2055	DPA/SE	4-2-0-2	2, 3, 4
HB2058	DPA/SE	5-2-0-1	5, 6, 7
HB2145	DP	5-1-0-2	8, 9
HB2176	HELD AT SPONSOR'S REQUEST		
HB2368	DP	5-3-0-0	10, 11
HB2481	DP	5-3-0-0	12, 13
HB2643	DPA	5-3-0-0	14, 15, 16
HCM2001	DP	5-2-0-1	17, 18
HCR2026	DP	5-2-0-1	19, 20


Tracey Gardner, Chairman Assistant
February 18, 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 Federalism and States' Rights (2/18/2015)

HB2368, sovereign authority; executive orders; DOJ

Testified in support:

F Thomas Fiedler, representing self

Testified as opposed:

Leonard Clark Clark, representing self

Support:

Karen Winfield, representing self; Bill Blewster, representing self; A J LaFaro, Self, representing self

Oppose:

Peter Bengtson, representing self; Erin Goodman, representing self; Craig McDermott, representing self; Michael Sorum, representing self; Sandy Bahr, Sierra Club - Grand Canyon Chapter

All Comments:

Peter Bengtson, Self: Arizona is still part of the United States and should use personnel and resources as necessary to comply with executive orders of the President.; Bill Blewster, Self: This bill doesn't go far enough. It needs to include administrative orders from agencies like the EPA and BATFE that are damaging to the state's economy and that infringe on the unalienable rights of the people to life, liberty, and property.; Erin Goodman, Self: This bill is the definition of ridiculous.; Craig McDermott, Self: Referencing the striker, this neo-secessionist stuff is embarrassing the state.; Michael Sorum, Self: The people of Arizona are tired of these types of bills encouraging anti-federal agendas where time should be spent addressing the real issues. Unbelievably ridiculous!; F Thomas Fiedler, Self: Executive Orders that defy the will of Congress are unconstitutional - prima facie.; A J LaFaro, Self: Obama and the Federal Government have continued to violate the U.S. and Arizona Constitutions with their egregious overreach. Arizona voters passed Prop 122 in 11/2014 and HB2368 continues to support the voter's will.

HCR2026, affordable care act; unenforceability

Testified in support:

F Thomas Fiedler, representing self

Support:

A J LaFaro, Self, representing self

Oppose:

Rivko Knox, representing self; Pat VanMaanen, representing self; Erin Goodman, representing self; Craig McDermott, representing self; Leonard Clark Clark, representing self

All Comments:

F Thomas Fiedler, Self: This Resolution is a correct application of Amendment 10 U.S. Constitution - aka "nullification". Please pass!; Pat VanMaanen, Self: As a nurse I oppose this bill.; Erin Goodman, Self: This bill is the definition of ridiculous. I would remind the sponsor that he was voted into office to find and implement solutions, not to make a mockery of our republic.; Craig McDermott, Self: Referencing the striker, how about amending the US Constitution to say that people can decide which laws apply to them and are free to ignore any law that they don't like? It's simpler. Oh - and this neo-secessionist stuff is embarrassing the state.; A J LaFaro, Self: Obama and the Federal Government have continued to violate the U.S. and Arizona Constitutions with their egregious overreach. Arizona voters passed Prop 122 in 11/2014 and HCR2026 continues to support the voter's will.

HB2176, legislative appropriations; state; federal; monies

Support:

Susan Hicks, representing self; Ann Heins, representing self; Christine Maceri Genge, representing self; Dennis Genge, representing self; Joyce Hill, representing self; Richard Hofelich, representing self; Sandi Bartlett, representing self; Tom Holding, representing self; Patrick OMalley, representing self; Gene Dufoe, representing self; Michele Clendenen, representing self; F Thomas Fiedler, representing self; A J LaFaro, Self, representing self; Bill Blewster, representing self

Oppose:

Joanna Trimble, representing self; Pat VanMaanen, representing self; Garrick Taylor, Arizona Chamber Of Commerce And Industry

All Comments:

Bill Blewster, Self: Money received from the Federal government should be subject to oversight by the Legislature, not by the Governor's office. We need to wean the state off of the Federal monies spigot & away from Federal mandates. I'm a registered voter and I vote!

HB2481, amendment ratification; certificate; archivist

Oppose:

Peter J O'Malley, representing self; Barbara Blewster, representing self

All Comments:

Peter J O'Malley, Self: The states have no input or control over rules to a convention. The Congress calls the affair; once it does, the states are merely feckless spectators.

HB2643, sovereign authority; affordable care act

Testified in support:

Krystal Slivinski, AMERICANS FOR PROSPERITY AZ; F Thomas Fiedler, representing self; Jonathan Paton, representing self; John Tirrell, representing self

Testified as opposed:

Leonard Clark Clark, representing self

Support:

Karen Mackean, representing self; Jim Foust, representing self; Tom Holding, representing self; Susan Hicks, representing self; Ann Heins, representing self; Christine Maceri Genge, representing self; Joyce Hill, representing self; Dennis Genge, representing self; Richard Hofelich, representing self; Jane Schutte, representing self; Patrick OMalley, representing self; Sandi Bartlett, representing self; Gene Dufoe, representing self; Scot Mussi, Arizona Free Enterprise Club; Karen Winfield, representing self; Michele Clendenen, representing self; Joseph Galli Jr, representing self; Tyler DiGrazia, representing self; Leslie White, representing self; Jered Skousen, representing self; Mickie Niland, representing self; A J LaFaro, Self, representing self; Tom Jenney, AMERICANS FOR PROSPERITY AZ; Michael Hunter, BARRY GOLDWATER INSTITUTE FOR PUBLIC POLICY RESEARCH; Nancy Cottle, representing self

Oppose:

Rivko Knox, representing self; Erin Goodman, representing self; Craig McDermott, representing self; Barbara Fanning, Arizona Hospital And Healthcare Association

All Comments:

Joseph Galli Jr, Self: We are supportive as designated lobbyist for Market Freedom Alliance.; F Thomas Fiedler, Self: This Bill is an effective use of state sovereignty. It is written in the spirit of keeping the federal government within its enumerated powers.; A J LaFaro, Self: Obama and the Federal Government have continued to violate the U.S. and Arizona Constitutions with their egregious overreach. Arizona voters passed Prop 122 in 11/2014 and HB2643 continues to support the voter's will.; Erin Goodman, Self: This bill is the definition of ridiculous. I would remind the sponsors that they were voted into office to find and implement solutions, not to make a mockery of our republic.; Craig McDermott, Self: Referencing the striker, why don't you just name this the "Sick Arizonans should just lay down and die, unless they're wealthy" Act? Oh - and this neo-secessionist stuff is embarrassing the state.; Jonathan Paton, Self: I was the campaign manager of Prop. 122 and would like to address why this bill is important.; Tom Jenney, AMERICANS FOR PROSPERITY AZ: HB 2643 is one of AFP-Arizona's key bills for the 2015 legislative session.; John Tirrell, Self: It is critical that we maintain the sovereignty of the State of Arizona from federal encroachment.

HB2055, school bonds; technical correction

Testified as opposed:

Sandy Bahr, Sierra Club - Grand Canyon Chapter

Oppose:

Craig McDermott, representing self; Robert Lynch, IRRIGATION AND ELECTRICAL DIST ASSN

All Comments:

Craig McDermott, Self: Referencing the striker, it is bad policy target a particular group (i.e. - public employees) with a statute that actually criminalizes obeying the law. Oh - and this neo-secessionist stuff is embarrassing the state.; Robert Lynch, IRRIGATION AND ELECTRICAL DIST ASSN: Against the striker amendment re Waters of the United States

HB2145, convention; delegates; limitations; oath

Testified as opposed:

F Thomas Fiedler, representing self; Peter J O'Malley, representing self; miles lester, representing self

Support:

Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Ann Heins, representing self; Christine Maceri Genge, representing self; Dennis Genge, representing self; Joyce Hill, representing self; Tom Holding, representing self; Michele Clendenen, representing self; Farrell Quinlan, State Director, NATIONAL FEDERATION OF INDEPENDENT BUSINESS

Neutral:

Gene Dufoe, representing self

Oppose:

Rivko Knox, representing self; Bill Blewster, representing self; Barbara Blewster, representing self

All Comments:

F Thomas Fiedler, Self: An Article V Convention presumes CONSENT of those who live in the states convening to convene. A canned amendment made up by an elitist think tank will not sit well with the common public.; Peter J O'Malley, Self: If Congress is ignoring what the Constitution says, how will tacking on another toothless amendment make any difference?; Bill Blewster, Self: Why don't you just send robots to a convention instead of people? That way you're guaranteed compliance with your wishes. I'm a registered voter.

HCM2001, federal balanced budget amendment

Testified as opposed:

Peter J O'Malley, representing self; Bill Blewster, representing self

Support:

Richard Hofelich, representing self

Oppose:

Elisha Dorfsmith, representing self; Karen Winfield, representing self; Bill Blewster, representing self; A J LaFaro, Self, representing self

All Comments:

Peter J O'Malley, Self: Balancing a budget that is out of control only means increasing funding. Why are you not instead working to slash spending, eliminate bogus departments, chop waste and gut needless bureaucracies?; Bill Blewster, Self: If you're going to request Congress to propose amendments why not request something meaningful, like repealing the 16th & 17th Amendments? Congress can and will ignore a BBA with impunity by spending under continuing resolutions as they do now.

HB2058, technical correction; electric generation suppliers

Oppose:

Craig McDermott, representing self; Janice Palmer, AZ School Boards Assn; Sandy Bahr, Sierra Club - Grand Canyon Chapter; Robert Lynch, IRRIGATION AND ELECTRICAL DIST ASSN

All Comments:

Craig McDermott, Self: Referencing the striker, this neo-secessionist stuff is embarrassing the state.; Robert Lynch, IRRIGATION AND ELECTRICAL DIST ASSN: Against striker amendment re Sovereign Authority.



HOUSE OF REPRESENTATIVES

HB 2055

school bonds; technical correction

Sponsors: Representative Thorpe

X Committee on Federalism & States' Rights

Caucus and COW

House Engrossed

OVERVIEW

HB 2055 makes technical changes.

SUMMARY OF THE PROPOSED STRIKE-EVERYTHING AMENDMENT TO HB 2055

HB 2055 prohibits this state or any political subdivision from using any resource to enforce, administer or cooperate with changes made by the United States Environmental Protection Agency (EPA) to waters of the U.S.

HISTORY

The Tenth Amendment of the United States Constitution provides that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. The Arizona Constitution, Article Two, Section Three states that to protect the people's freedom and to preserve the checks and balances of the U.S. Constitution, this state may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the Constitution.

The EPA was proposed by President Richard Nixon and began operation on December 2, 1970, after Nixon signed an executive order. The EPA has thirteen divisions and has 10 regions with each having a regional office that works with cases in those regions and has helped push legislation to regulate the regions.

The U.S. Army Corps of Engineers has approximately 37,000 dedicated Civilians and Soldiers delivering engineering services to customers in more than 130 countries worldwide. The mission of the U.S. Army Corps of Engineers is to deliver vital public and military engineering services, partnering in peace and war to strengthen our Nation's security, energize the economy and reduce risks from disasters. They are also responsible for design and construction of flood protection systems through various federal mandates.

PROVISIONS

1. Prohibits this state or any political subdivision from using any personnel or financial resources to enforce, administer or cooperate with the changes proposed by the U.S. Army Corps of Engineers and the EPA; as described in the preamble to the definition of waters of the U.S.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2055

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 1, chapter 2, Arizona Revised Statutes, is amended
3 by adding article 4, to read:

4 ARTICLE 4. SOVEREIGN AUTHORITY

5 1-271. Sovereign authority; proposed rule; waters of the United States

6 PURSUANT TO THE SOVEREIGN AUTHORITY OF THIS STATE AND ARTICLE II,
7 SECTION 3, CONSTITUTION OF ARIZONA, THIS STATE AND ALL POLITICAL SUBDIVISIONS
8 OF THIS STATE ARE PROHIBITED FROM USING ANY PERSONNEL OR FINANCIAL RESOURCES
9 TO ENFORCE, ADMINISTER OR COOPERATE WITH THE CHANGES PROPOSED BY THE UNITED
10 STATES ARMY CORPS OF ENGINEERS AND THE UNITED STATES ENVIRONMENTAL PROTECTION
11 AGENCY AS DESCRIBED IN THE PREAMBLE TO THE DEFINITION OF "WATERS OF THE
12 UNITED STATES" AT 33 CODE OF FEDERAL REGULATIONS SECTION 328.3 AND 40 CODE OF
13 FEDERAL REGULATIONS SECTIONS 110.1, 112.2, 116.3, 117.1, 122.2, 232.2,
14 300.5,302.3 AND 401.11."

15 Amend title to conform

BOB THORPE

2055-se-thorpe
2/13/15
2:53 PM
H:ajs

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

ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. HB 2055

DATE February 18, 2015 MOTION: SE/DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios					✓
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler					✓
Mr. Campbell, Vice-Chairman			✓		
Ms. Townsend, Chairman		✓			
		4	2	0	2

APPROVED:


 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 4



HOUSE OF REPRESENTATIVES

HB 2058

technical correction; electric generation suppliers

Sponsors: Representative Thorpe

X Committee on Federalism & States' Rights

Caucus and COW

House Engrossed

OVERVIEW

HB 2058 makes technical corrections.

SUMMARY OF THE PROPOSED STRIKE-EVERYTHING AMENDMENT TO HB 2055

HB 2058 prohibits the state from funding any rule, policy or regulation issued by the federal government unless it has been affirmed by a vote of Congress and signed into law as prescribed by the United States Constitution.

HISTORY

The Arizona Constitution, Article Two, Section Three provides to protect the people's freedom and to preserve the checks and balances of the U.S. Constitution, this state may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the Constitution by doing any of the following: passing an initiative or referendum, passing a bill, pursuing any other available legal remedy.

The Tenth Amendment of the United States Constitution provides the powers not delegated to the U.S. by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. The Arizona Constitution specifies that to protect the people's freedom and to preserve the checks and balances of the U.S. Constitution, this state may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the Constitution. If the people or their representatives exercise their authority pursuant to this section, this state and all political subdivisions of this state are prohibited from using any personnel or financial resources to enforce, administer or cooperate with the designated federal action or program.

PROVISIONS

1. Prohibits this state or any political subdivision from using any personnel or financial resources to enforce, administer or cooperate with any rule, regulation or policy directive issued by an agency, board, commission, department or other entity of the federal government unless the rule, regulation or policy directive has been affirmed by a vote of Congress and signed into law as prescribed by the Constitution of the U.S.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2058

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 1, chapter 2, Arizona Revised Statutes, is amended
3 by adding article 4, to read:

4 ARTICLE 4. SOVEREIGN AUTHORITY

5 1-271. Sovereign authority; federal rules, regulations and policy
6 directives

7 PURSUANT TO THE SOVEREIGN AUTHORITY OF THIS STATE AND ARTICLE II,
8 SECTION 3, CONSTITUTION OF ARIZONA, THIS STATE AND ALL POLITICAL SUBDIVISIONS
9 OF THIS STATE ARE PROHIBITED FROM USING ANY PERSONNEL OR FINANCIAL RESOURCES
10 TO ENFORCE, ADMINISTER OR COOPERATE WITH ANY RULE, REGULATION OR POLICY
11 DIRECTIVE ISSUED BY AN AGENCY, BOARD, COMMISSION, DEPARTMENT OR OTHER ENTITY
12 OF THE FEDERAL GOVERNMENT UNLESS THE RULE, REGULATION OR POLICY DIRECTIVE HAS
13 BEEN AFFIRMED BY A VOTE OF THE CONGRESS OF THE UNITED STATES AND SIGNED INTO
14 LAW AS PRESCRIBED BY THE CONSTITUTION OF THE UNITED STATES."

15 Amend title to conform

BOB THORPE

2058-se-thorpe
2/13/15
3:04 PM
H:ajs

Adopted	<input checked="" type="checkbox"/>	# of Verbals	_____
Fail	<input type="checkbox"/>		_____
Not Attachment	<input type="checkbox"/>	6	_____

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

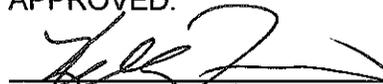
ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. HB 2058

DATE February 18, 2015 MOTION: SE/DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios					✓
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler			✓		
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	2	0	1

APPROVED:



 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 7



HOUSE OF REPRESENTATIVES

HB 2145

convention; delegates; limitations; oath

Sponsors: Representatives Thorpe, Borrelli, Finchem, et al.

X Committee on Federalism & States' Rights

Caucus and COW

House Engrossed

OVERVIEW

HB 2145 outlines requirements and limitations for delegates participating in an Article V state convention.

HISTORY

Article V of the United States Constitution provides that amendments to the Constitution can be proposed by either: the approval of two-thirds of both Houses of Congress, or on the application for a convention by two-thirds of the states' legislatures. Proposed amendments require three-fourths of the states' legislatures or three-fourths of the states' conventions for ratification. Congress may propose the mode of ratification.

Arizona Revised Statutes (A.R.S.) § 16-703 provides the qualifications of delegates including a platform statement which specifies the delegate's opinion on ratification of the amendment. The statement is to be filed with the Secretary of State's office with no less than 20 days before the election. The delegates selected will be from the candidates who are in favor of ratification. A.R.S. § 16-705 provides that there will be 15 delegates from the state. Delegates that violate their platform are found guilty of a Class 2 misdemeanor. Current law does not provide limitations or consequences to delegates who are sent to a state convention and vote for an unauthorized amendment.

PROVISIONS

1. Restricts a delegate or alternate from voting to allow consideration or approval of an unauthorized amendment for ratification to the Constitution of the United States.
2. Requires a person who votes to allow consideration or approval of an unauthorized amendment to be removed and replaced by an alternate.
3. Requires a delegate or alternate from Arizona to uphold an oath and provides that oath.
4. Mandates that any person who violates the oath is guilty of a Class 2 misdemeanor.
5. Requires the Legislature or a person authorized by the Legislature to certify in writing the following:
 - a. Selection of delegates and alternates.
 - b. Recall and replacement of a delegate.
 - c. The nullification of unauthorized votes cast by a delegate or alternate.
6. Defines an *Article V Application*, *Article V Convention*, *Delegate*, *Alternate* and *Unauthorized Amendment*.

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

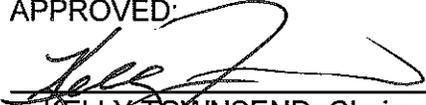
ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. HB 2145

DATE February 18, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios					✓
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler					✓
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	1	0	2

APPROVED:



 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 9



HOUSE OF REPRESENTATIVES

HB 2368

sovereign authority; executive orders; DOJ

Sponsors: Representatives Thorpe, Finchem; Barton

X Committee on Federalism & States' Rights

Caucus and COW

House Engrossed

OVERVIEW

HB 2368 prohibits the state from funding executive orders issued by the President of the United States and policy directives from the U.S. Department of Justice (DOJ) unless affirmed by a vote of Congress and signed into law as prescribed by the U.S. Constitution.

HISTORY

The Arizona Constitution, Article Two, Section Three provides that to protect the people's freedom and to preserve the checks and balances of the U.S. Constitution, this state may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the constitution by doing any of the following: passing an initiative or referendum, passing a bill, pursuing any other available legal remedy.

Executive orders are legally binding orders given by the President to federal administrative agencies. Executive orders are generally used to direct federal agencies and officials in their execution of congressionally established laws or policies. Executive orders do not require congressional approval to take effect but they have the same legal weight as laws passed by Congress. The President's source of authority to issue executive orders is found in the Article II, Section I of the U.S. Constitution, which grants to the President certain specified executive powers.

PROVISIONS

1. Prohibits this state or any of its political subdivisions from using any personnel or financial resources to enforce, administer or cooperate with an executive order issued by the President of the U.S. that has not been affirmed by a vote of Congress and signed into law as prescribed by the U.S. Constitution.
2. Prohibits this state or any of its political subdivisions from using any personnel or financial resources to enforce, administer or cooperate with a policy directive issued by the U.S. DOJ to law enforcement agencies in this state that has not been affirmed by a vote of Congress and signed into law as prescribed by the U.S. Constitution.

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

ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. HB 2368

DATE February 18, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios			✓		
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler			✓		
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	3	0	0

APPROVED:



 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 11



HOUSE OF REPRESENTATIVES

HB 2481

amendment ratification; certificate; archivist

Sponsors: Representative Petersen

X Committee on Federalism & States' Rights

Caucus and COW

House Engrossed

OVERVIEW

HB 2481 changes the recipient of the certificate of ratification to the archivist of the United States, as opposed to the Secretary of State, as mandated by current law.

HISTORY

Article V of the United States Constitution provides that amendments to the U.S. Constitution can be proposed in one of two ways: the approval of two-thirds of both Houses of Congress, or on the application for a convention by two-thirds of the states' legislatures. Proposed amendments then have to be ratified by three-fourths of the states' legislatures or by three-fourths of the states' conventions. Congress may propose the mode of ratification.

Arizona Revised Statutes § 16-709 provides if the convention agrees by vote of a majority of the total number of delegates to ratification of the proposed amendment, a certificate to that effect shall be executed by the president and secretary of the convention and transmitted to the Secretary of State of Arizona. The Secretary of State of Arizona will transmit the certificate under his hand and the great seal of the state to the secretary of state of the United States.

PROVISIONS

1. Specifies that the certificate of ratification needs to be transmitted with the secretary of state's signature rather than under his hand.
2. Changes the recipient of the certificate from the *secretary of state* of the United States to the *archivist* of the United States.

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

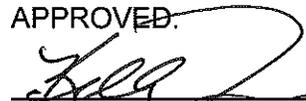
ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. HB 2481

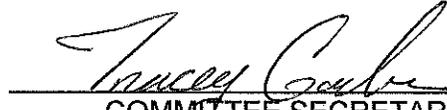
DATE February 18, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios			✓		
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler			✓		
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	3	0	0

APPROVED:



 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 13



HOUSE OF REPRESENTATIVES

HB 2643

sovereign authority; affordable care act
Sponsors: Representatives Olson, Leach

X Committee on Federalism & States' Rights
Caucus and COW
House Engrossed

OVERVIEW

HB 2643 prohibits the state and all political subdivisions from using any personnel or financial resources to enforce, administer, or cooperate with the Affordable Care Act (ACA).

HISTORY

The ACA is a Federal law signed into effect on March 23, 2010. The ACA prohibits insurers from denying coverage to individuals due to pre-existing conditions, and a partial community rating requires insurers to offer the same premium price to all applicants of the same age and geographical location without regard to gender or most pre-existing conditions. Minimum standards for health insurance policies were also established. The ACA provides an individual mandate which requires all individuals not covered by an employer sponsored health plan, Medicaid, Medicare or other public insurance programs to secure an approved private-insurance policy or pay a penalty, unless the applicable individual has a financial hardship or is a member of a recognized religious sect exempted by the Internal Revenue Service. The law includes subsidies to help people with low incomes comply with the mandate.

The Tenth Amendment of the United States Constitution provides the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. The Arizona Constitution, Article Two, Section Three provides that to protect the people's freedom and to preserve the checks and balances of the U.S. Constitution, this state may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the constitution. If the people or their representatives exercise their authority pursuant to this section, this state and all political subdivisions of this state are prohibited from using any personnel or financial resources to enforce, administer or cooperate with the designated federal action or program.

PROVISIONS

1. Prohibits this state and all political subdivisions from using any personnel or financial resources to enforce, administer, or cooperate with the Affordable Care Act by:
 - a. Funding or implementing a state-based health care exchange or marketplace.
 - b. Funding or aiding in the prosecution of any entity for a violation of the act.
 - c. Funding or administering any program or provision of the Act after the effective date of this section that will result in any the following:
 - i. Reducing the available insurance or provider choices, or
 - ii. Increasing burdens on insurance or provider choices, or
 - iii. Limiting the availability of self-funded health insurance programs, reinsurance, or other products traditionally used with self-funded health insurance programs.

HB 2643

2. Defines for the purposes of this section *Act* and *Affordable Care Act*.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2643

(Reference to printed bill)

- 1 Page 1, after line 24, insert:
- 2 "C. THIS SECTION DOES NOT APPLY TO THE PROGRAM AND FUND BEING
- 3 ADMINISTERED UNDER SECTIONS 36-2901.08 AND 36-2901.09."
- 4 Amend title to conform

BOB THORPE

2643-p1-thorpe
2/17/15
8:38 AM
H:1aa

Adopted # of Verbals _____
Fail _____
Not Attachment 15 _____

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

ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. HB 2643

DATE February 18, 2015 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios			✓		
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler			✓		
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	3	0	0

APPROVED:



 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 16



HOUSE OF REPRESENTATIVES

HCM 2001

federal balanced budget amendment

Sponsors: Representatives Mesnard, Fann, Finchem, et al.

X Committee on Federalism & States' Rights

Caucus and COW

House Engrossed

OVERVIEW

HCM 2001 urges Congress to propose and pass an amendment to the United States Constitution that will limit federal appropriations to not exceed federal revenues.

HISTORY

Article I, Section 8 of the U.S. Constitution gives Congress the power to prescribe and collect taxes, to pay the debts, and to coin money and regulate its value. Article I, Section 9 of the Constitution states that no money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a statement and account of the receipts and expenditures of all public money shall be published.

The Budget and Accounting Act of 1921 established the statutory basis for an executive budget by requiring the President to submit to Congress annually a proposed budget for the federal government. It also created the Bureau of the Budget (reorganized as the Office of Management and Budget in 1970) and the General Accounting Office (renamed the Government Accountability Office in 2004) to assist Congress as the principal auditing agency of the federal government.

PROVISIONS

1. Requests Congress to propose and pass an amendment to the Constitution of the U.S. requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year not exceed the total of all estimated federal revenues for that fiscal year.
2. Requires the Secretary of State to transmit a copy to the President of the United States Senate, the Speaker of the United States House of Representatives, each Member of Congress from the State of Arizona and the Secretary of State and the presiding officer of both houses of the legislature in each state in the union.

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

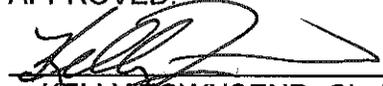
ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. HCM 2001

DATE February 18, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios					✓
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler			✓		
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	2	0	1

APPROVED:



 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 18



HOUSE OF REPRESENTATIVES

HCR 2026

affordable care act; unenforceability

Sponsors: Representative Thorpe

X Committee on Federalism & States' Rights

Committee on Health

Caucus and COW

House Engrossed

OVERVIEW

HCR 2026 asserts that the people in this state are not eligible for subsidies from the Affordable Care Act (ACA) and businesses in this state are exempt from the regulations, requirements or fines under the Patient Protection and Affordable Care Act (PPACA).

HISTORY

The ACA is a Federal law signed into effect on March 23, 2010. The ACA prohibits insurers from denying coverage to individuals due to pre-existing conditions, and a partial community rating requires insurers to offer the same premium price to all applicants of the same age and geographical location without regard to gender or most pre-existing conditions. Minimum standards for health insurance policies were also established. The ACA provides an individual mandate which requires all individuals not covered by an employer sponsored health plan, Medicaid, Medicare or other public insurance programs to secure an approved private-insurance policy or pay a penalty, unless the applicable individual has a financial hardship or is a member of a recognized religious sect exempted by the Internal Revenue Service. The law includes subsidies to help people with low incomes comply with the mandate.

The ACA consists of two parts, the PPACA and the Health Care and Education Reconciliation Act of 2010. Section 1311 of the PPACA directs states to establish health insurance exchanges, and section 1321 directs the federal government to establish exchanges within states that opt not to do so. Thirty-six states chose not to establish exchanges. Subsidies are available to citizens if they are lawfully in the United States, not eligible for Medicaid, and not enrolled under an exchange plan as an employee or their dependent.

PROVISIONS

1. Asserts that the members of the Legislature declare that the residents of Arizona who are enrolled under the PPACA are not eligible for subsidies because Arizona did not establish a state-run exchange.
2. Maintains that the members of the Legislature declare that Arizona businesses are exempt from the regulations, requirements and fines under the PPACA, because Arizona chose not to establish a state-run exchange.
3. Requires the Secretary of State of the State of Arizona transmit copies of this Resolution to the Department of Health Services and the Arizona Commerce Authority for posting on each agency's website.

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

ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. HCR 2026

DATE February 18, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios			✓		
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler					✓
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	2	0	1

APPROVED:



 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 20