

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

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Report of Regular Meeting
Thursday, February 19, 2015
House Hearing Room 5 -- 9:00 a.m.

Convened 9:05 a.m.
Recessed
Reconvened
Adjourned 12:00 p.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

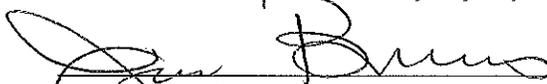
Report – Attachment 1, 2, 3, 4, 5, 6

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
None		

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Roll Call)</u>
HB2103	DP	8-0-0-1	7, 8
HB2106	DP	9-0-0-0	9, 10
HB2126	DP	9-0-0-0	11, 12
HB2165	DPA S/E	8-1-0-0	13, 14, 15, 16
HB2274	DPA	9-0-0-0	17, 18, 19
HB2351	DP	9-0-0-0	20, 21
HB2365	DP	9-0-0-0	22, 23
HB2431	DP	5-4-0-0	24, 25
HB2498	DPA S/E	9-0-0-0	26, 27, 28, 29


Jen Burns, Chairman Assistant
February 20, 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 (2/19/2015)

HB2103, military affairs commission; membership; confidentiality

Testified in support:

Travis Schulte, AZ DEPT OF EMERGENCY & MILITARY AFFAIRS

Support:

Fred Parry, representing self; Garrick Taylor, Arizona Chamber Of Commerce And Industry; David Lucier, representing self

HB2274, emergency and military affairs omnibus

Support:

Travis Schulte, AZ DEPT OF EMERGENCY & MILITARY AFFAIRS

HB2351, PSPRS; fire chiefs; eligibility

Testified in support:

Steven Moortel, Chino, Yavapai And Sedona Fire Districts

Testified as neutral:

Nicholas Ponder, AZ STATE RETIREMENT SYSTEM; Dianne McCallister, PSPRS

Support:

Gregory Harris, Chino Valley, Central Yavapai And Sedona Fire Districts; Scott Freitag, representing self; Kris Kazian, representing self

All Comments:

Nicholas Ponder, AZ STATE RETIREMENT SYSTEM: Would like to address ASRS understanding of the bill.; Gregory Harris, Chino Valley, Central Yavapai And Sedona Fire Districts: Sedona, Central Yavapai and Chino Valley Fire Districts support HB2351

HB2106, emergency and military affairs; continuation

Support:

Julie Rees, City Of Sierra Vista; Travis Schulte, AZ DEPT OF EMERGENCY & MILITARY AFFAIRS; Fred Parry, representing self; David Lucier, representing self

HB2126, department of public safety; divisions

Neutral:

Rebecca Baker, Maricopa County Attorney's Office

All Comments:

Rebecca Baker, Maricopa County Attorney's Office: MCAO is supportive of the effort to establish statewide law enforcement information sharing, however, a funding source needs to be identified for DPS to assume this function.

HB2365, off-highway vehicles; enforcement

Testified in support:

Mark Stewart, representing self

Support:

Peter Bengtson, representing self; Eve Shapiro, representing self; Nick Simonetta, Arizona Off-Highway Vehicle Coalition; Sandy Bahr, Sierra Club - Grand Canyon Chapter; Megan Kintner, Arizona Association Of Counties; Michael Sorum, representing self; Genevra Richardson, RESPONSIBLE TRAILS AZ; Kurt Davis, Arizona Game And Fish Commission; James Mann, FRATERNAL ORDER OF POLICE (AZ STATE LODGE)

All Comments:

Peter Bengtson, Self: AZ Game and Fish and sheriffs should be enforcing off-highway vehicle provisions on protected federal public lands.; Kurt Davis, Arizona Game And Fish Commission: The Arizona Game and Fish Commission supports HB2365.; Mark Stewart, Self: The Arizona Game and Fish Commission supports HB2365.

HB2431, uniform firearms transfer compact

Testified in support:

Dave Kopp, Manager, AZ CITIZENS DEFENSE LEAGUE INC; Nicholas Dranias, representing self

Support:

Richard Hofelich, representing self; Elisha Dorfsmith, representing self; Eric Orrill, representing self; Dennis Genge, representing self; Christine Maceri Genge, representing self; Mary Donnay, representing self; Patrick OMalley, representing self; Sandi Bartlett, representing self; Jered Skousen, representing self; Thomas Woodrow, representing self; John Wentling, Vice President, Arizona Citizens Defense League; Todd Rathner, Arizona State Rifle And Pistol Association; Daniel Reid, National Rifle Association; F Thomas Fiedler, representing self; Lyle Tuttle, representing self

Neutral:

Joanna Trimble, representing self

Oppose:

Geraldine Hills, ARIZONANS FOR GUN SAFETY; Mary Pradelt, representing self; Mary Emily Nottingham, representing self; Geneva Haber, representing self; Kathryn Rose, representing self; Ann Machek, representing self; Frank Machek, representing self; Ellen Punyon, representing self; Madeline Urken, representing self; Mariana Spier, representing self; Rosa Sandwell-Weiss, representing self; Eric Emmert, EVERYTOWN FOR GUN SAFETY ACTION FUND

All Comments:

Mary Donnay, Self: I am in favor of this bill.; Geraldine Hills, ARIZONANS FOR GUN SAFETY: The US Constitution clearly gives the federal government power to regulate interstate commerce.; Mary Pradelt, Self: With background checks required in only a few states, & no mention of transfers having to go through FFL's, it seems obvious this compact will facilitate private sales across state lines, making it easier for prohibited possessors to buy guns.; Thomas Woodrow, Self: I urge you to pass HB2431; John Wentling, Arizona Citizens Defense League: Illness forces my absence, please support this critical legislation.; Todd Rathner, Arizona State Rifle And Pistol Association: The members of the ASRPA strongly support this compact.; Kathryn Rose, Self: This bill serves the interests of gun makers at the expense of public safety; is irrevocable except through challenge in court of law at taxpayer expense; Frank Machek, Self: Will increase number of sales without background checks, eliminates voter choices, could be challenged in court; Mariana Spier, Self: Most likely to be challenged in court.; F Thomas Fiedler, Self: This Compact provision is a good application of Arizona and other like minded states powers NOT DELEGATED to the federal government but retained by sovereign states and amplified by the 2nd amendment.; Lyle Tuttle, Self: We are adults; please pass this and stop trying to be our Nanny.; Nicholas Dranias, Self: I would like to testify as an expert on interstate compacts and this bill at the request of Dave Kopp of the Arizona Citizens Defense League.; Rosa Sandwell-Weiss, Self: By allowing firearms sales across state lines, this threatens public safety as it allows those who could not otherwise pass a background check to buy guns more easily; also disenfranchises voters & elected officials

HB2631, veteran education; tuition grants; cemeteries

Oppose:

Terry Hill, representing self; Chris Kozakiewicz, representing self; Joyce Hill, representing self; James Ellars, representing self

All Comments:

Terry Hill, Self: There are other means by which to fund a new educational program to help veterans who do not qualify for the Post 9-11 G.I. Bill. Funding for the operations of our Veterans Cemeteries needs to remain in the General Fund. Do not rob the MFRF.; Chris Kozakiewicz, Self: To remove funds that were specifically donated for the purpose of assisting the families of deployed soldiers is equal to theft from those families and their military spouses. Once again we are try to balance the budget on the back of those who serve; Joyce Hill, Self: This bill is not supported by veteran organizations.; James Ellars, Self: The VFW Dept. of Arizona is strongly against the provisions of this bill that seeks to use monies specifically stipulated for MFRF to be raided for funding other programs. Donor solicited contributions to MFRF are designated and NOT universal.

HB2498, reporting; prisoners; solitary confinement

Testified in support:

James Dunn, representing self; Barry Aarons, AMER FRIENDS SERVICE COMTE; Alessandra Soler, ACLU Of Arizona ; Art Harding, representing self

Testified as opposed:

Donna Hamm, Executive Director, Middle Ground - Registered Lobbyist

Support:

Joseph Abate, AZ PSYCHIATRIC SOCIETY; Vicki Johnson, representing self; Beth Rosenberg, CHILDREN'S ACTION ALLIANCE; Ivy Loney, representing self; Leonard Clark Clark, representing self

All Comments:

Donna Hamm, Middle Ground - Registered Lobbyist: Against the bill as amended. The amendment's reporting requirements are meaningless. DOC should be mandated to report the same information to the legislature as is required to report to court, per Parsons Yearly averages are simply insufficient.; Vicki Johnson, Self: This is an important issue.; James Dunn, Self: NAMI Arizona supports all efforts to reduce and eliminate Solitary Confinement of those with mental health issues.; Beth Rosenberg, CHILDREN'S ACTION ALLIANCE: There are 53 youth under the age of 18 in the Tucson prison; 5 of these youth were in solitary at the end of January. This practice is extremely harmful to their health, safety & well-being. At a minimum, reports and monitoring should be required.; Art Harding, Self: ADC supports the S/E amendment

HB2165, unlawful sexual conduct; peace officers

Support:

Terry Hill, representing self; Joyce Hill, representing self; Gene Crego, representing self; Fred Parry, representing self; Kenneth Marshall, representing self; Don Taylor, representing self; Jenna Rohr, representing self

All Comments:

Terry Hill, Self: I recommend support for the establishment of the Post 9/11 Veteran Education Relief Fund as the S/E Amendment shows.; Joyce Hill, Self: This is a Strike Everything bill that establishes a veteran education relief fund, which I can support. Thank you.; Gene Crego, Self: I am the President of the Arizona Council of the Vietnam Veterans of America. Regarding the Veterans' Education Striker, if the Unified Arizona Veterans' suggestions are adopted as amendments, we support this bill.; Jenna Rohr, Self: Student veteran wishing to speak in support

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on MAPS Bill Number 2165
 Date 2-19-2015 Support Oppose Neutral
 Name Jon Arimond Need to Speak? Yes No
 Representing ASSN OF THE US NAVY Are you a registered lobbyist? N
 Complete Address 5305 E SUMMITWAY RD SCOTTSDALE 85257
 E-mail Address jcaftman@cox.net Phone Number 602-708-6288
 Comments: _____

FIVE-MINUTE SPEAKING LIMIT

Attachment 2

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on MAPS Bill Number 2498
 Date 2/19/15 Support Oppose Neutral
 Name Dr. Nicole Taylor Need to Speak? Yes No
 Representing ADC Are you a registered lobbyist? N
 Complete Address _____
 E-mail Address Nicole.Taylor@azcorrections.gov Phone Number _____
 Comments: Support Striker

FIVE-MINUTE SPEAKING LIMIT

Attachment 3

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Public Safety Military + Tech Bill Number HB 2498

Date 2-19-15 Support Oppose Neutral

Name Carmen Hrenivc Need to Speak? Yes No

Representing self Are you a registered lobbyist? N

Complete Address 6546 West Acter Dr, Glendale AZ 85304

E-mail Address carmenh@mail.com Phone Number 623-326-2975

Comments: _____

FIVE-MINUTE SPEAKING LIMIT

pronounced (Renivc) Attachment 4

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Public Safety Military Bill Number HB 2498

Date 2-19-15 Support Oppose Neutral

Name Patti Jones Need to Speak? Yes No

Representing self Are you a registered lobbyist? N

Complete Address 1644 E Menlo Mesa, Az 85203

E-mail Address pjones.voiced@aol.com Phone Number 480-748-7971

Comments: _____

FIVE-MINUTE SPEAKING LIMIT

Attachment 5

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Public Safety
Military Affairs Bill Number HB2498
Date 2-19-15 Support Oppose Neutral
Name Eddie Sissons Need to Speak? Yes No
Representing Executive Consultant Are you a registered lobbyist? Yes
Complete Address Mental Health America of AZ
E-mail Address Sissons8@cox.net Phone Number 602-999-6803

Comments: _____

FIVE-MINUTE SPEAKING LIMIT

Attachment 6



HOUSE OF REPRESENTATIVES

HB 2103

military affairs commission; membership; confidentiality

Sponsor: Representative Borrelli

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2103 modifies Military Affairs Commission (MAC) membership, exempts information relating to Base Realignment and Closure (BRAC) from public record, and expands the use of the Military Installation Fund (MIF).

HISTORY

MAC makes recommendations to the Governor and the Legislature relating to Arizona military installation operations, facilitates coordination between the federal, state, and local governments, determines how MIF monies are used in collaboration with the Department of Emergency and Military Affairs (DEMA), and performs other functions relating to military affairs in Arizona. MAC is comprised of 15 voting members who represent various interests as well as an additional 4 nonvoting advisory members. MAC membership currently includes:

- 5 members appointed by the Governor who have military affairs expertise and live in a community with a military installation;
- 5 local elected officials appointed by the Governor who live in a community with a military installation;
- 3 members appointed by the Governor, 1 member appointed by the Senate President, and 1 member appointed by the Speaker of the House of Representatives who have private property interests in the vicinity of a military installation with an airfield; and
- 4 nonvoting advisory members: the Adjutant General or a designee, a military installation commander representative and a representative from a federal agency involved in land use appointed by the Governor, and the State Land Commissioner or a designee (Arizona Revised Statutes [A.R.S.] § 26-261).

BRAC operations are conducted by the federal government to identify military installations in the U.S. to recommend for closure or consolidation. The federal government has requested the authority for the U.S. Department of Defense to conduct another round of BRAC in 2017. Arizona Executive Order 2014-02 directed MAC to develop strategies and make recommendations to prevent the closure or downsizing of Arizona military installations.

DEMA must use 80% of MIF monies to acquire private property, real estate, property rights, and related infrastructure to preserve, support, or enhance a military installation and up to 20% of this amount may be awarded to counties and municipalities for land acquisition purposes. The remaining 20% of MIF monies may be distributed to counties and municipalities for military installation preservation and enhancement projects. Any remaining monies may be used for property acquisition and related projects to support military installations (A.R.S. § 26-262).

PROVISIONS

1. Expands MAC membership eligibility to include members who have private property interests in a community with any military installation, rather than just a military installation with an airfield.
2. Increases the total number of MAC voting members from 15 to 18:
 - a. Adds 1 member appointed by the Governor who has military affairs expertise and lives in a community with a military installation.
 - b. Adds 1 local elected official appointed by the Governor who lives in a community with a military installation.
 - c. Adds 1 member appointed by the Governor who has private property interests in a community with any military installation.
3. Exempts MAC discussions relating to BRAC processes from public record.
4. Exempts information developed or obtained by MAC relating to BRAC processes from public record until a final, unappealable decision for BRAC processes has been issued by the federal government or a court in the event of litigation.
5. Allows MAC to disclose confidential information to a third party via a confidentiality agreement.
6. Authorizes the use of remaining MIF monies after all other funding obligations have been met for projects or studies needed to preserve or enhance Arizona military missions and military installments.
7. Makes technical and conforming changes.

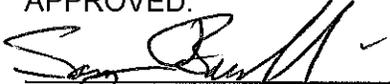
ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2103

DATE February 19, 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		✓			
		8	-	-	1

APPROVED:


 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2106

emergency and military affairs; continuation

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

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

OVERVIEW

HB 2106 continues the Department of Emergency and Military Affairs (DEMA) and the State Emergency Council (SEC) until July 1, 2023.

HISTORY

Arizona Revised Statutes (A.R.S.) § 41-3015.09 prescribes a termination date of July 1, 2015 for DEMA and the SEC; however Laws 2014, Chapter 229 extended the SEC until July 1, 2021.

DEMA manages and operates the Arizona Army and Air National Guard and provides statewide emergency management capabilities via the Division of Emergency Management (ADEM). ADEM prepares for and coordinates emergency management activities to reduce the impact of disaster on persons or property (A.R.S. § 26-305).

The SEC is comprised of fourteen members who make recommendations to the Governor for orders, rules, policies, and procedures relating to emergency preparedness. The SEC also monitors each emergency declared by the Governor, as well as activities and responses to the emergency (A.R.S. § 26-304).

PROVISIONS

1. Continues DEMA and the SEC until July 1, 2023, retroactive to July 1, 2015.
2. Repeals DEMA and the SEC on July 1, 2023.
3. Eliminates language that repeals the SEC on July 1, 2021.
4. Contains a purpose statement.
5. Makes technical changes.

Attachment 9

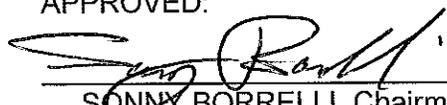
**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session**

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2106

DATE February 19, 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 2126

department of public safety; divisions

Sponsor: Representative Borrelli

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2126 establishes a division within the Department of Public Safety (DPS) for law enforcement information sharing.

HISTORY

DPS is organized into a number of divisions to provide different public safety services and functions, including the Highway Patrol Division, the Fingerprinting Division, the Criminal Investigation Division, and others. Laws 2014, Chapter 271 established the Joint Powers Public Safety Committee to facilitate the sharing of criminal justice information between law enforcement agencies as authorized by Arizona Revised Statutes § 41-1750.

AZLink was created by several Arizona law enforcement agencies to manage and share criminal justice information across jurisdictions. AZLink is composed of four main regions, each with an anchor law enforcement agency: AZLink South with the Tucson Police Department, AZLink East with the Mesa Police Department, AZLink Central with the Phoenix Police Department, and AZLink North with the Maricopa County Sheriff's Office and the Arizona Counter Terrorism Intelligence Center. AZLink supports two applications, COPLINK and the Justice Web Interface (JIW). COPLINK is used for tactical lead generation and crime analysis, whereas JIW accesses databases across multiple agencies and retrieves information based on a single request.

PROVISIONS

1. Creates the Law Enforcement Information Sharing division (Division) within DPS.
2. Requires the Division to implement and maintain a law enforcement information and integrated data network.
3. Make a technical change.

Attachment 11

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

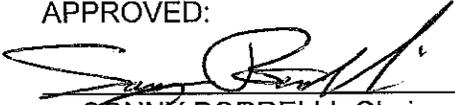
ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2126

DATE February 19, 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 2165

unlawful sexual conduct; peace officers

Sponsor: Representative Borrelli

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2165 classifies certain acts committed by peace officers as unlawful sexual conduct.

Summary of the Proposed Strike-Everything Amendment to HB 2165

The proposed strike-everything amendment to HB 2165 establishes the Post-9/11 Veteran Education Relief Fund and Advisory Committee.

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 a number of special funds, including the Veterans' Donations Fund, the Southern Arizona Veterans' Cemetery Trust Fund, and the Military Family Relief Fund, which are all funded via private donations and contributions.

The Post-9/11 GI Bill provides honorably discharged veterans with at least 90 days of active duty service after September 10, 2001 up to three years of education benefits. Benefits include tuition and fee payment, a monthly housing allowance, and an annual stipend for books and supplies for use at colleges, universities, vocational schools, and flight schools or for on-the-job training programs or apprenticeships. Qualifying recipients may transfer all or some of their unused benefits to a spouse or children.

Arizona Revised Statutes § 41-609 defines a *veteran supportive campus* as a postsecondary educational institution that offers the following:

- a campus survey of student veterans to identify student needs and issues;
- a campus steering committee that is comprised of student veterans, faculty, and staff to share information, develop programs, and identify student veteran needs;
- sensitivity and awareness training on military and veterans' culture;
- student veteran orientation programs;
- peer mentoring and support for student veterans;
- outreach strategies to local military bases;
- resource and student centers for student veterans and their families and student family members of deployed military personnel; and
- community-based collaborations to solicit private contributions to support veteran resource centers.

PROVISIONS

Post-9/11 Veteran Education Relief Fund (Fund) and Tax Credit

1. Establishes the Fund which consists of private donations in any amount and is administered by DVS.

HB 2165

2. Authorizes the state treasurer to invest and divest Fund monies and credits interest earnings to the Fund.
3. States that Fund monies are continuously appropriated.
4. Requires Fund monies to be used to provide financial assistance to qualifying military veterans for tuition and fees at an Arizona postsecondary educational institution that is a veteran supportive campus.
5. Allows a dollar for dollar tax credit for Fund donations for the lowest of the following amounts:
 - a. the total donation amount;
 - b. the tax filer's tax year liability;
 - c. \$200 for single tax filers or per separate tax filer; or
 - d. \$400 for joint tax filers.
6. Caps the aggregate tax credit amount at \$1 million per year.
7. Directs the DVS director to deposit private donations in the Fund, issue receipts to donors that contain certain identifying information for tax purposes, and forward a copy of the receipts to the Department of Revenue.
8. Stipulates that an independent audit of the Fund and the total amount of tax credits issued must be conducted every year on or before March 31 and submitted to the Auditor General.
9. Allows the Auditor General to conduct further action within 30 days.
10. Allows up to 5% of Fund monies to be used for administrative costs, including costs to conduct the annual audit, and authorizes DVS to hire an employee to provide administrative support for the Committee.

Post-9/11 Veteran Education Relief Advisory Committee

11. Creates the Post-9/11 Veteran Education Relief Advisory Committee (Committee) comprised of the DVS director or a designee and nine additional members from Arizona veteran organizations appointed by the DVS director, including a chairman elected by the Committee.
12. Outlines Committee duties, which include the following:
 - a. determine the use of Fund monies and establish criteria;
 - b. create and revise an application process to provide financial assistance to qualifying military veterans via the Fund;
 - c. review and evaluate applications for financial assistance; and
 - d. make other recommendations.
13. Allows the Committee to meet in executive session with proper notice and states that all applications and evaluations are confidential.
14. Stipulates that financial assistance is awarded based on financial need.
15. Authorizes the Committee to issue financial assistance awards of up to the amount of tuition that the applicant was charged in the last year he or she received Post-9/11 GI Bill benefits.
16. Requires the Committee to pay make tuition payments directly to the postsecondary educational institution.

Definitions

17. Defines *postsecondary educational institution* as an Arizona community college or university or a private college, vocational school, or university in Arizona.

HB 2165

18. Defines *qualifying military veteran* as an individual who meets the following requirements:
- a. is enrolled at a postsecondary educational institution;
 - b. maintains a 2.2 GPA; and
 - c. has qualified for Post-9/11 GI Bill benefits, has exhausted all of these benefits, and has not transferred any of these benefits to a dependent.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2165

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 41, chapter 3, article 7, Arizona Revised Statutes,
3 is amended by adding section 41-608.06, to read:

4 41-608.06. Post-9/11 veteran education relief fund; advisory
5 committee; definitions

6 A. THE POST-9/11 VETERAN EDUCATION RELIEF FUND IS ESTABLISHED
7 CONSISTING OF PRIVATE DONATIONS, GRANTS, BEQUESTS AND ANY OTHER MONIES
8 RECEIVED FOR THAT PURPOSE. THE DEPARTMENT SHALL ADMINISTER THE FUND. ON
9 NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES
10 IN THE FUND AS PROVIDED IN SECTION 35-313, AND MONIES EARNED FROM INVESTMENT
11 SHALL BE CREDITED TO THE FUND. THE MONIES IN THE FUND ARE CONTINUOUSLY
12 APPROPRIATED TO THE DEPARTMENT SOLELY FOR THE PURPOSES DESCRIBED IN THIS
13 SECTION.

14 B. THE POST-9/11 VETERAN EDUCATION RELIEF ADVISORY COMMITTEE IS
15 ESTABLISHED TO DETERMINE APPROPRIATE USES OF THE MONIES IN THE POST-9/11
16 VETERAN EDUCATION RELIEF FUND AS PROVIDED IN THIS SECTION. THE ADVISORY
17 COMMITTEE CONSISTS OF THE DIRECTOR OR THE DIRECTOR'S DESIGNEE AND NINE
18 ADDITIONAL MEMBERS, INCLUDING MEMBERS FROM VETERAN ORGANIZATIONS IN THIS
19 STATE. THE DIRECTOR SHALL APPOINT THE MEMBERS. THE ADVISORY COMMITTEE SHALL
20 ELECT A CHAIRPERSON FROM AMONG THE APPOINTED MEMBERS.

21 C. THE ADVISORY COMMITTEE SHALL:

22 1. ESTABLISH CRITERIA FOR THE USE OF MONIES IN THE FUND.
23 2. ESTABLISH AND REVISE AS NECESSARY THE APPLICATION PROCESS FOR
24 FINANCIAL ASSISTANCE.

25 3. REVIEW AND EVALUATE APPLICATIONS.

26 4. MAKE OTHER RECOMMENDATIONS AS NECESSARY.

27 D. THE ADVISORY COMMITTEE MAY MEET IN EXECUTIVE SESSION, WITH NOTICE
28 PURSUANT TO SECTION 38-431.02, TO REVIEW AND E

Attachment 14

Adopted <input checked="" type="checkbox"/>	# of Verbals _____
Failed _____	Withdrawn _____
Not Offered _____	Analysts Initials _____

1 APPLICATIONS FOR FINANCIAL ASSISTANCE AND ALL COMMITTEE CONSIDERATIONS AND
2 EVALUATIONS OF THE APPLICATIONS ARE CONFIDENTIAL.

3 E. THE MONIES IN THE FUND SHALL BE USED TO PROVIDE FINANCIAL
4 ASSISTANCE PURSUANT TO THIS SUBSECTION. A QUALIFYING MILITARY VETERAN MAY
5 APPLY FOR FINANCIAL ASSISTANCE FOR THE COST OF TUITION AND FEES AT A
6 POSTSECONDARY EDUCATIONAL INSTITUTION IN THIS STATE THAT IS A VETERAN
7 SUPPORTIVE CAMPUS AS DEFINED IN SECTION 41-609. THE ASSISTANCE SHALL BE BASED
8 ON FINANCIAL NEED UP TO THE AMOUNT OF TUITION THAT THE QUALIFYING MILITARY
9 VETERAN WAS CHARGED IN THE LAST YEAR THAT THE VETERAN RECEIVED BENEFITS UNDER
10 THE POST-9/11 VETERANS EDUCATIONAL ASSISTANCE ACT OF 2008 (P.L. 110-252).
11 TUITION ASSISTANCE PAYMENTS SHALL BE MADE DIRECTLY TO THE POSTSECONDARY
12 EDUCATION INSTITUTION BY THE ADVISORY COMMITTEE.

13 F. THE DIRECTOR MAY ALLOCATE UP TO FIVE PERCENT OF THE DONATIONS
14 RECEIVED FOR ADMINISTERING THE FUND AND THE FINANCIAL ASSISTANCE PROGRAM
15 UNDER THIS SECTION, INCLUDING THE HIRING OF AN EMPLOYEE TO PROCESS
16 APPLICATIONS AND PROVIDE SUPPORT TO THE COMMITTEE. THE DEPARTMENT SHALL
17 PROVIDE REASONABLE OFFICE SPACE AND OTHER NECESSARY RESOURCES FOR THE
18 EMPLOYEE.

19 G. THE DIRECTOR SHALL RECEIVE PRIVATE DONATIONS FOR DEPOSIT IN THE
20 FUND AND ISSUE RECEIPTS TO THE DONORS. PRIVATE DONATIONS MAY QUALIFY FOR THE
21 PURPOSES OF INCOME TAX CREDITS UNDER SECTION 43-1086.01. THE DIRECTOR MAY
22 RECEIVE DONATIONS IN ANY AMOUNT, BUT DONATIONS THAT QUALIFY FOR TAX CREDITS
23 ARE SUBJECT TO THE LIMITS PRESCRIBED BY SECTION 43-1086.01. DONATIONS TO THE
24 FUND THAT OTHERWISE QUALIFY UNDER THE TAX CREDIT LIMITS PRESCRIBED BY SECTION
25 43-1086.01 BUT THAT EXCEED A COMBINED TOTAL OF ONE MILLION DOLLARS IN ANY
26 CALENDAR YEAR, ON A FIRST COME FIRST SERVED BASIS, DO NOT QUALIFY FOR THE
27 INCOME TAX CREDITS. THE DIRECTOR SHALL PROVIDE THE TAXPAYER A DONATION
28 RECEIPT, WHICH SHALL INCLUDE THE TAXPAYER'S FULL NAME AND ADDRESS, THE LAST
29 FOUR DIGITS OF THE TAXPAYER'S SOCIAL SECURITY NUMBER AND THE AMOUNT OF THE
30 DONATION. THE DIRECTOR SHALL DESIGNATE ON THE DONATION RECEIPT WHETHER THE
31 DONATION QUALIFIES UNDER THE LIMITS PRESCRIBED BY THIS SUBSECTION AND SECTION

1 43-1086.01. THE DIRECTOR SHALL SEND A RECORD OF RECEIPTS THAT QUALIFY UNDER
2 THIS SUBSECTION TO THE DEPARTMENT OF REVENUE.

3 H. ON OR BEFORE MARCH 31 OF EACH YEAR, THE DIRECTOR SHALL PROVIDE AN
4 AUDIT BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT OF THE FUND AND OF THE
5 AGGREGATE AMOUNT AUTHORIZED BY THE DIRECTOR FOR INCOME TAX CREDITS UNDER
6 SUBSECTION G OF THIS SECTION. THE DIRECTOR SHALL PROMPTLY SUBMIT A CERTIFIED
7 COPY OF THE AUDIT TO THE AUDITOR GENERAL. THE AUDITOR GENERAL MAY MAKE
8 FURTHER AUDITS AND EXAMINATIONS AS NECESSARY AND MAY TAKE APPROPRIATE ACTION
9 RELATING TO THE AUDIT OR EXAMINATION PURSUANT TO CHAPTER 7, ARTICLE 10.1 OF
10 THIS TITLE. IF THE AUDITOR GENERAL DOES NOT TAKE FURTHER ACTION WITHIN THIRTY
11 DAYS AFTER THE AUDIT IS FILED, THE AUDIT IS CONSIDERED TO BE SUFFICIENT. THE
12 DIRECTOR SHALL PAY THE COSTS OF THE CERTIFIED PUBLIC ACCOUNTANT AND THE
13 AUDITOR GENERAL FROM THE ADMINISTRATION ALLOCATION UNDER SUBSECTION F OF THIS
14 SECTION.

15 I. FOR THE PURPOSES OF THIS SECTION:

16 1. "POSTSECONDARY EDUCATIONAL INSTITUTION" MEANS ANY OF THE FOLLOWING:

17 (a) A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE
18 DISTRICT IN THIS STATE OR A COMMUNITY COLLEGE THAT IS OWNED, OPERATED OR
19 CHARTERED BY AN INDIAN TRIBE AND THAT IS LOCATED ON THAT INDIAN RESERVATION.

20 (b) A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
21 REGENTS.

22 (c) A PRIVATE COLLEGE, VOCATIONAL SCHOOL OR UNIVERSITY IN THIS STATE.

23 2. "QUALIFYING MILITARY VETERAN" MEANS A PERSON WHO MEETS ALL OF THE
24 FOLLOWING REQUIREMENTS:

25 (a) IS ENROLLED AT A POSTSECONDARY EDUCATIONAL INSTITUTION IN THIS
26 STATE.

27 (b) MAINTAINS A GRADE POINT AVERAGE OF AT LEAST 2.2 ON A 4.0 SCALE, OR
28 THE EQUIVALENT.

29 (c) HAS QUALIFIED FOR BENEFITS UNDER THE POST-9/11 VETERANS
30 EDUCATIONAL ASSISTANCE ACT OF 2008 (P.L. 110-252).

31 (d) HAS EXHAUSTED ALL OF THE PERSON'S AVAILABLE BENEFITS UNDER THE
32 POST-9/11 VETERANS EDUCATIONAL ASSISTANCE ACT OF 2008 (P.L. 110-252).

1 (e) HAS NOT TRANSFERRED ANY PORTION OF THE PERSON'S BENEFITS UNDER THE
2 POST-9/11 VETERANS EDUCATIONAL ASSISTANCE ACT OF 2008 (P.L. 110-252) TO A
3 DEPENDENT.

4 Sec. 2. Title 43, chapter 10, article 5, Arizona Revised Statutes, is
5 amended by adding section 43-1086.01, to read:

6 43-1086.01. Credit for donation to the post-9/11 veteran
7 education relief fund

8 A. A CREDIT IS ALLOWED AGAINST THE TAXES IMPOSED BY THIS TITLE FOR
9 CASH CONTRIBUTIONS MADE BY A TAXPAYER DURING THE TAXABLE YEAR TO THE POST-
10 9/11 VETERAN EDUCATION RELIEF FUND ESTABLISHED IN SECTION 41-608.06. THE
11 AMOUNT OF THE CREDIT IS THE LOWEST OF THE FOLLOWING AMOUNTS, AS APPLICABLE:

12 1. THE TOTAL AMOUNT OF CONTRIBUTIONS TO THE FUND BY THE TAXPAYER
13 DURING THE TAXABLE YEAR.

14 2. TWO HUNDRED DOLLARS OF CONTRIBUTIONS DURING THE TAXABLE YEAR BY A
15 TAXPAYER FILING AS A SINGLE INDIVIDUAL OR A HEAD OF HOUSEHOLD.

16 3. FOUR HUNDRED DOLLARS OF CONTRIBUTIONS DURING THE TAXABLE YEAR BY A
17 MARRIED COUPLE FILING A JOINT RETURN.

18 4. THE TAXPAYER'S TAX LIABILITY FOR THE TAXABLE YEAR.

19 B. A HUSBAND AND WIFE WHO FILE SEPARATE RETURNS FOR A TAXABLE YEAR IN
20 WHICH THEY COULD HAVE FILED A JOINT RETURN MAY EACH CLAIM ONLY ONE-HALF OF
21 THE TAX CREDIT THAT WOULD HAVE BEEN ALLOWED ON A JOINT RETURN."

22 Amend title to conform

SONNY BORRELLI

2165-se-borrelli
2/17/15
12:31 PM
H:laa

Requested amended wording to HB2165

Section 1c - the Advisory Committee membership:

The advisory committee consists of the director of the Arizona Department of Veterans Services or the director's designee and eight additional members, including one member who is designated by the Arizona Board of Regents; one member who holds an Arizona teacher or substitute teacher certification whose teaching experience includes college level or secondary/high school education; one retired or currently serving active duty, National Guard or Reserve military member who has served as a command career counselor or in a regular assignment that included duty for oversight of training and/or education programs; two members from the general public who professional or work experience includes human resource development; one member from education profession, either employed by a public or private school entity; and the remaining two members may military members, active, National Guard or Reserve, military retirees (as defined under A.R.S. 38-492(A)), veterans who have a service-connected disability and their family members. Except for the director, the governor shall appoint the members based on recommendations by the director, the adjutant general and commanders of military bases or reserve centers in this state. Appointed members serve at the pleasure of the governor. Generally at a term of service of two years that can be extended or renewed by governor at the recommendation of the director.

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

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2165

DATE February 19, 2015 MOTION: DPA S/E

	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		✓			
		8	21	-	-

APPROVED:

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

Carol Burns
COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2274

emergency and military affairs omnibus

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

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2274 expands the use of the Camp Navajo Fund, repeals the National Guard Relief Fund, repeals outdated references, and modifies a reporting date.

HISTORY

The Department of Emergency and Military Affairs (DEMA) manages and operates the Arizona Army and Air National Guard and provides statewide emergency management capabilities via the Division of Emergency Management. The Adjutant General acts as the director of DEMA and oversees both the military and emergency management functions.

The State Emergency Council (SEC) monitors each emergency declared by the Governor as well as activities and responses to the emergency. The Governor, upon proclamation of a state of emergency, may authorize the use of up to \$4 million from the state General Fund via the Governor's Emergency Fund each Fiscal Year without specific appropriation authority for disaster prevention and mitigation of hostile attacks or riots, epidemics, flooding, wildland fires, or other disasters. The SEC is required to submit a report to the Legislature on the expenditures incurred for each emergency for the previous Fiscal Year on or before August 1.

The National Guard Relief Fund consists of individual donations submitted via the state individual income tax return and is used to provide assistance to families of Arizona National Guard members who are mobilized in support of a contingency operation or state emergency. The National Guard Fund is a subaccount that receives proceeds from the rental or use of armories and is used for Arizona National Guard general operating expenses. The National Guard Fund is administered by the Adjutant General.

Camp Navajo is a munitions storage depot and Arizona Army National Guard training site located in Bellemont, Arizona. The Camp Navajo Fund is used for operation, maintenance, capital improvement, and related project costs for the Camp Navajo site and is funded by federal fees for storage and use of the site.

PROVISIONS

Camp Navajo Fund

1. Authorizes the use of Camp Navajo Fund monies for projects at any Arizona Army National Guard training site at the discretion of the Adjutant General or a designee.
2. Defines *training site* as a location that consists of ranges, training lands, or facilities to support individual or collective training to meet Arizona Army National Guard mission or operational requirements.

Attachment 17

Analyst Initials UU

February 17, 2015

National Guard Relief Fund

3. Repeals the National Guard Relief Fund and the related tax refund donation process available to taxpayers.
4. Transfers any remaining National Guard Relief Fund monies to the Department of Veterans' Services for distribution to a nonprofit organization that provides financial assistance to Arizona National Guard members and their families.

Miscellaneous

5. Repeals statutes relating to the Division of Military Affairs (Division).
 - a. Removes all references to the Division and general staff.
 - b. Replaces duties currently conducted by general staff with the Adjutant General or a designee or DEMA.
6. Clarifies that the Adjutant General's designee may withdraw monies from the National Guard Fund.
7. Extends the due date for the SEC report on expenditures from the Governor's Emergency Fund from August 1 to September 1.
8. Makes technical and conforming changes.

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2274
(Reference to printed bill)

1 Page 3, between lines 16 and 17, insert:

2 "Sec. 6. Section 26-303, Arizona Revised Statutes, is amended to read:

3 26-303. Emergency powers of governor; termination;

4 authorization for adjutant general; limitation

5 A. During a state of war emergency, the governor may:

6 1. Suspend the provisions of any statute prescribing the procedure for
7 conduct of state business, or the orders or rules of any state agency, if the
8 governor determines and declares that strict compliance with the provisions
9 of any such statute, order or rule would in any way prevent, hinder or delay
10 mitigation of the effects of the emergency.

11 2. Commandeer and utilize any property, except for firearms or
12 ammunition or firearms or ammunition components or personnel deemed necessary
13 in carrying out the responsibilities vested in the office of the governor by
14 this chapter as chief executive of the state and thereafter the state shall
15 pay reasonable compensation therefor as follows:

16 (a) If property is taken for temporary use, the governor, within ten
17 days after the taking, shall determine the amount of compensation to be paid
18 therefor. If the property is returned in a damaged condition, the governor,
19 within ten days after its return, shall determine the amount of compensation
20 to be paid for such damage.

21 (b) If the governor deems it necessary for the state to take title to
22 property under this section, the governor shall then cause the owner of the
23 property to be notified thereof in writing by registered mail, postage
24 prepaid, and then cause a copy of the notice to be filed with the secretary
25 of state.

26 (c) If the owner refuses to accept the amount of compensation fixed by
27 the governor for the property referred to in subdivisions (a) and (b), the
28 amount of compensation shall be determined by appropriate proceedings in the
29 superior court in the county where the property was originally taken.

30 B. During a state of war emergency, the governor shall have complete
31 authority over all agencies of the state government and shall exercise all
32 police power vested in this state by the constitution and laws of this state
33 in order to effectuate the purposes of this chapter.

Adopted <input checked="" type="checkbox"/>	# of	Attachment <u>18</u>
Failed _____	Withdrawn _____	
Not Offered _____	Analysts Initials _____	

1 C. The powers granted the governor by this chapter with respect to a
2 state of war emergency shall terminate if the legislature is not in session
3 and the governor, within twenty-four hours after the beginning of such state
4 of war emergency, has not issued a call for an immediate special session of
5 the legislature for the purpose of legislating on subjects relating to such
6 state of war emergency.

7 D. The governor may proclaim a state of emergency which shall take
8 effect immediately in an area affected or likely to be affected if the
9 governor finds that circumstances described in section 26-301, paragraph 15
10 exist.

11 E. During a state of emergency;

12 1. The governor shall have complete authority over all agencies of the
13 state government and the right to exercise, within the area designated, all
14 police power vested in the state by the constitution and laws of this state
15 in order to effectuate the purposes of this chapter.

16 2. The governor may direct all agencies of the state government to
17 utilize and employ state personnel, equipment and facilities for the
18 performance of any and all activities designed to prevent or alleviate actual
19 and threatened damage due to the emergency. The governor may direct such
20 agencies to provide supplemental services and equipment to political
21 subdivisions to restore any services in order to provide for the health and
22 safety of the citizens of the affected area.

23 F. The powers granted the governor by this chapter with respect to a
24 state of emergency shall terminate when the state of emergency has been
25 terminated by proclamation of the governor or by concurrent resolution of the
26 legislature declaring it at an end.

27 G. No provision of this chapter may limit, modify or abridge the
28 powers vested in the governor under the constitution or statutes of this
29 state.

30 H. If authorized by the governor, the adjutant general has the powers
31 prescribed in this subsection. If, in the judgment of the adjutant general,
32 circumstances described in section 26-301, paragraph 15 exist, the adjutant
33 general may:

34 1. Exercise those powers pursuant to statute and gubernatorial
35 authorization following the proclamation of a state of emergency under
36 subsection D of this section.

1 2. Incur obligations of ~~twenty~~ ONE HUNDRED thousand dollars or less
2 for each emergency or contingency payable pursuant to section 35-192 as
3 though a state of emergency had been proclaimed under subsection D of this
4 section.

5 I. The powers exercised by the adjutant general pursuant to subsection
6 H of this section expire seventy-two hours after the adjutant general makes a
7 determination under subsection H of this section.

8 J. Pursuant to the second amendment of the United States Constitution
9 and article II, section 26, Constitution of Arizona, and notwithstanding any
10 other law, the emergency powers of the governor, the adjutant general or any
11 other official or person shall not be construed to allow the imposition of
12 additional restrictions on the lawful possession, transfer, sale,
13 transportation, carrying, storage, display or use of firearms or ammunition
14 or firearms or ammunition components.

15 K. Nothing in this section shall be construed to prohibit the
16 governor, the adjutant general or other officials responding to an emergency
17 from ordering the reasonable movement of stores of ammunition out of the way
18 of dangerous conditions."

19 Renumber to conform

20 Amend title to conform

SONNY BORRELLI

2274-p1-borrelli

2/17/15

8:22 PM

H:laa

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

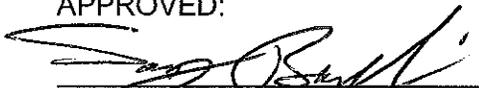
ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2274

DATE February 19, 2015 MOTION: DPA

	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 2351

PSPRS; fire chiefs; eligibility
Sponsor: Representative Fann

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

OVERVIEW

HB 2351 is an emergency measure that amends the definition of a *member* of the Public Safety Personnel Retirement System (PSPRS) by specifying that a fire chief is only included if the fire chief is regularly assigned to hazardous duty, unless the fire chief is already a member of PSPRS.

HISTORY

PSPRS was established by the Legislature in 1968 as a defined benefit retirement plan for peace officers and firefighters. The PSPRS Fund is supported by member contributions, employer contributions and investment earnings. Monies in PSPRS are pooled for investment purposes, but each employer maintains a separate account for pension payments, and each employer has its own contribution rate based on the cost of the benefit and unfunded liability associated with that employer's account. Employee contribution rates are established in statute (Arizona Revised Statutes [A.R.S.] § 38-843). PSPRS is managed by a Board of Trustees, consisting of seven members, who are statutorily responsible for the management of PSPRS investments. Each employer also has a local board that makes eligibility and disability determinations.

A.R.S. Title 38, Chapter 5, Article 4 governs PSPRS. Laws 2012, Chapter 66 added fire chiefs and police chiefs to the definition of a PSPRS *member*, retroactive to January 1, 2009.

PROVISIONS

1. Narrows the definition of a PSPRS *member* to only include a fire chief if the fire chief is regularly assigned to hazardous duty as determined by the local board, unless the fire chief is a current member of PSPRS.
2. Applies retroactively to January 1, 2009.
3. Contains an emergency clause.

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

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2351

DATE February 19, 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 2365

off-highway vehicles; enforcement
Sponsors: Representatives Thorpe; Cardenas

X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

OVERVIEW

HB 2365 permits peace officers and duly authorized state employees to enforce off-highway vehicles regulations on any lands.

HISTORY

Arizona Revised Statutes (A.R.S) § 28-1171 defines an *off-highway vehicle* as a motor vehicle when operated primarily off of highways on land, water, snow, ice, or other natural terrain. A.R.S. § 28-1174 restricts the manner and area in which a person may operate an off-highway vehicle. An individual is prohibited from driving an off-highway vehicle on roads, trails, routes, or areas closed as indicated by a federal agency, the state, a county or municipality, or a private land owner, subject to a Class 3 misdemeanor.

Off-highway vehicle sites in Arizona are managed primarily by the Arizona Board of Land Management, the Arizona State Land Department, and the U.S. Forest Service. Federal regulations require National Forest officials or rangers to designate roads, trails, and areas open to motor vehicles on National Forest System Lands in coordination with state, local, and tribal governments. Designations must be made by the class of vehicle and, if appropriate, by time of year. Motor vehicle use off the designated system is prohibited.

Prior to 2013, officers were required to enforce off-highway vehicle regulations on any lands. Laws 2013, Chapter 231 specified that enforcement agencies may only enforce regulations on Arizona lands and open federal lands.

PROVISIONS

1. Allows state, county, and municipal peace officers and duly authorized state employees to enforce rules and regulations relating to off-highway vehicle use on closed federal lands.

Attachment 22

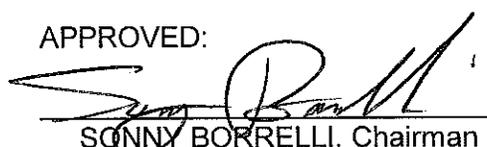
**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session**

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2365

DATE February 19, 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	-	-	-

APPROVED:


 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2431

uniform firearms transfer compact

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

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

OVERVIEW

HB 2431 adopts the Uniform Firearms Transfer Compact (Compact).

HISTORY

Federal law prohibits an unlicensed individual from transferring a firearm to an individual who does not reside in the same state. An interstate firearm transfer is only lawful if the firearm is shipped through a federal firearms licensee within the transferee's state of residence. The transferee may obtain the firearm after undergoing a National Instant Criminal Background Check System assessment.

Arizona Revised Statutes (A.R.S.) § 13-3114 specifies that certain firearms and accessories that are manufactured in Arizona and remain in the state are not subject to federal laws relating to the interstate transfer of firearms. Arizona does not regulate the private transfer of firearms, however a person commits misconduct involving weapons when knowingly transferring a firearm to a person who is a prohibited possessor (A.R.S. § 13-3102).

U.S. Constitution, Article I, Section 10 outlines the limitation of states, and Clause 1, referred to as "the Contract Clause" prohibits a state from enacting any law that retroactively impairs contract rights. U.S. Constitution, Article VI, Section 2, the "Supremacy Clause," states that federal law supersedes any conflicting state laws.

PROVISIONS

1. Enacts the Compact, establishing Arizona as a member state.
2. Defines *member state* as a state that has enacted the Compact.

Compact Membership and Withdrawal

3. Stipulates that the Compact is binding when at least one other state enacts identical legislation to adopt the Compact.
4. States that the Compact governs a member state to the fullest extent permitted by the member state's constitution at the time of enactment and supersedes and repeals any conflicting or contrary state law.
5. Prohibits a member state from withdrawing from or modifying the Compact without the unanimous consent of all other member states.
6. Allows a member state to modify or repeal an addendum to the Compact via legislation.

Uniformity Requirements

7. Restricts a member state from enacting or enforcing any law, regulation, or policy established by a legislature, voter initiative, administrative act, or via prosecution that would impose a fee, tax,

penalty, mandate, or regulation on or that would impose criminal or civil liability for the transfer of firearms in excess of federal law, with the following exception:

- a. if the transfer of firearms is an element of a criminal or civil cause of action involving violence or attempted violence, controlled substances, fraud, breach of contract, or intentional or negligent misconduct that causes or threatens personal or economic injury.
8. Authorizes a member state to include an existing law that is in effect or for which prosecution, administration, or enforcement is pending as an addendum to the Compact.
 9. States that the Compact may be used as a defense for civil or criminal action relating to the transfer of firearms taken against a person for violation of a law, regulation, or policy that is in conflict with the Compact.
 10. Repeals any law, regulation, or policy that is in conflict with the Compact on the effective date of the Act.
 11. States that upon enactment of the Compact, the following is void and in violation of the Contract Clause of the U.S. Constitution:
 - a. any law, regulation, or policy established by a legislature, voter initiative, administrative act, or via prosecution or enforcement that is conflict with the Compact; and
 - b. any amendment to a state constitution adopted after enacting the Compact that is in conflict with the Compact.
 12. States that upon enactment of the Compact, the following is void and in violation of the Supremacy Clause of the U.S. Constitution:
 - a. any criminal law established by a legislature or voter initiative or any related criminal investigation or prosecution that is in conflict with the Compact; and
 - b. any amendment to a state constitution adopted after enacting the Compact that imposes a criminal law that is in conflict with the Compact.

Construction, Enforcement, Venue, and Severability

13. Designates third party beneficiaries of the Compact who are residents of a member state and have various interests in firearms laws.
14. Provides third party beneficiaries of the Compact with the ability to seek declaratory, injunctive, or other relief in court to enforce the Compact if the beneficiary meets the following conditions:
 - a. the beneficiary provides notice of an entity's noncompliance with the Compact to the entity and the attorney general or chief law enforcement officer of the member state within 60 days;
 - b. the entity fails to remedy its noncompliance within 30 days of notice; and
 - c. the attorney general or chief law enforcement officer of the member state fails to take action to remedy noncompliance within an additional 60 days.
15. Requires a member state to remedy any defects in form or style of the Compact to ensure the provisions of the Compact will be implemented.
16. Maintains the validity of the remainder of the Compact if a provision is deemed unconstitutional or invalid and withdraws a member state if the entire Compact is deemed unconstitutional or invalid.
17. States that the Compact will be construed and enforced solely as reciprocal legislation if the Compact is deemed to be in violation of state limitations as provided by U.S. Constitution.

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

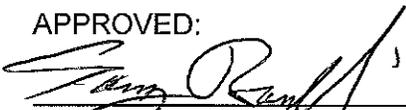
ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2431

DATE February 19, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Andrade			✓		
Mr. Campbell		✓		WAT	
Mr. Cardenas			✓		
Mr. Farnsworth E		✓			
Mr. Kern		✓			
Ms. Mach			✓		
Mr. Pratt			✓		
Mr. Finchem, Vice-Chairman		✓			
Mr. Borrelli, Chairman		✓			
		5	4	-	-

APPROVED:



 SONNY BORRELLI, Chairman
 MARK FINCHEM, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2498

reporting; prisoners; solitary confinement
Sponsor: Representative Carter

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

OVERVIEW

HB 2498 requires the Arizona Department of Corrections (ADC) to submit a quarterly report on inmate solitary confinement at all prison facilities in Arizona.

Summary of the Proposed Strike-Everything Amendment to HB 2498

The proposed strike-everything amendment to HB 2498 requires ADC to submit an annual report for years 2016 through 2019 on the department's compliance with the Parsons v. Ryan settlement agreement.

HISTORY

ADC owns and operates state prison facilities and contracts with private prison providers to provide incarceration services in Arizona. ADC prescribes four physical security levels of custody for inmates: minimum, medium, close, and maximum. Six of the ten ADC-owned and operated facilities house inmates from every custody level, and the private prison facilities house inmates at a custody level of up to medium. Maximum custody inmates pose the greatest risk to the safety and security of the public, other inmates, and prison staff. As of November 30, 2014, approximately 6.2% of the inmate population was classified as maximum custody.

Arizona Revised Statutes § 31-201.01 requires ADC to provide inmate medical and health services and allows the director to contract with professional providers to provide these services. In 2012, 13 inmates filed a suit against ADC alleging that the department's policies and practices governing medical, dental, and mental health care expose inmates to a substantial risk of serious harm (Parsons v. Ryan). A settlement was reached in October 2014 which requires ADC to comply with a number of performance measures relating to the physical and mental health of inmates. In particular, Parsons v. Ryan Exhibit D requires ADC to provide certain maximum custody inmates at various facilities with a certain amount of out-of-cell time per week, including out-of-cell programming, exercise, and mental health and psycho-educational programming. Additionally, all maximum custody inmates must receive meals with the same nutritional content as other inmates and inmates with a certain level of mental illness may not be housed in specific units of the ADC Florence facility unless cell front visibility is modified. The settlement also requires ADC to conform to practices relating to use of force incidents involving inmates.

PROVISIONS

1. Requires ADC to submit an annual report on the average rate of compliance with the performance measures required by Exhibit D of the Parsons v. Ryan settlement agreement to the Governor and the Legislature on or before January 1, 2016 through 2019.

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Analyst Initials CAB
Feb

Attachment 26

HB 2498

2. Permits ADC to determine the format of the report.
3. Repeals the reporting requirement on January, 2020.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2498

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. State department of corrections; annual report; use
3 of solitary confinement; delayed repeal

4 A. On or before January 1, 2016, 2017, 2018 and 2019, the state
5 department of corrections shall submit a report to the speaker of the house
6 of representatives, the president of the senate and the governor on the
7 department's compliance over the previous year with the stipulated agreement
8 in Parsons v. Ryan, CV12-00601-PHX-DJH. The department shall determine the
9 format of the report.

10 B. The report shall include information on the department's average
11 rate of compliance with the performance measures required by exhibit D of the
12 stipulated agreement in Parsons v. Ryan, CV12-00601-PHX-DJH.

13 C. This section is repealed from and after December 31, 2019."

14 Amend title to conform

SONNY BORRELLI

2498sb
02/17/2015
8:25 AM
C: sp

Attachment 27

Adopted # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

Martinez: Use of solitary confinement must end

Published in the **Houston Chronicle**

By Octavio N. Martinez Jr. | February 11, 2015 | Updated: February 11, 2015 7:11pm

Of all the statistics that point to an urgent need to reform the use of solitary confinement in Texas prisons, there's one that is most striking: The Texas Department of Criminal Justice released more than 1,200 people directly from solitary confinement back into Texas communities in 2013.

Imagine for a moment languishing alone in a 60-square-foot cell for 22 hours a day, for months or even years. Then one day, suddenly you're left to successfully re-enter society.

This practice needs to stop.

If there were evidence that the current use of solitary confinement in Texas was serving to protect law-abiding Texans from harm and make prisons function better, then this scenario would be defensible. The truth is that the practice serves no one. It endangers the communities into which they're released, and it inflicts destabilizing misery on prisoners.

A report recently published by the American Civil Liberties Union of Texas and the Texas Civil Rights Project found that 4.4 percent of the prison population housed by the Texas Department of Criminal Justice is held in solitary confinement.

The average term of solitary is almost four years. And for more than 100 Texas prisoners, solitary confinement has lasted more than 20 years.

Let me repeat that, with emphasis. The average time spent in solitary is almost four years. For more than 100 Texas prisoners, that isolated cell has been "home" for more than 20 years.

The cost of this isn't just borne by the prisoners. It's shouldered by Texas taxpayers, the communities into which prisoners are released, and prison staffers.

The cost of putting prisoners in solitary confinement is approximately 50 percent greater than housing them in the general population.

People released from solitary confinement are more likely to commit new crimes than people released from the rest of the prison system.

Even the rates of violence against prison staff members - which solitary confinement is intended in part to reduce - seem to be increasing as a result of the practice.

In fact, the head of the largest correctional officers' union in Texas recently testified at a federal hearing that serious assaults on correctional staffers have more than doubled during the past seven years. He attributed this rise in substantial part to the increased use of solitary confinement.

Prisoners with mental illness are especially ill-served by solitary confinement. As a psychiatrist, and the executive director of a mental health foundation, I find it hard to imagine a worse prescription for those with mental illness than to put them in the most haunting and psychologically oppressive spaces in the already destabilizing context of incarceration. It's a recipe for further trauma and psychological disintegration. For too long, solitary confinement has been deployed as a routine disciplinary measure, rather than as an extreme practice reserved for rare circumstances.

This needs to change. Among other reforms, we should better train our correctional officers to work with people with mental health issues. We should have an incentive program that allows prisoners in solitary to earn their way, with good behavior, back into the general population. And we should ban releasing people directly from solitary confinement back into the community.

In recent years, the Texas criminal justice system has begun to tilt the balance back toward rehabilitation for all but the most violent offenders. In the same spirit, we are overdue for a far-reaching, but entirely common-sense, rethinking of the way that solitary confinement is used in our prisons.

Octavio N. Martinez Jr. is executive director of the Hogg Foundation for Mental Health at the University of Texas at Austin and chair of the Behavioral Health Integration Advisory Committee of the Texas Health and Human Services Commission.

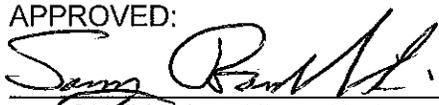
**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session**

ROLL CALL VOTE

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. HB 2498

DATE February 19, 2015 MOTION: DPA S/E

	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 _____