

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

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY

Report of Regular Meeting  
Thursday, February 26, 2015  
House Hearing Room 5 -- 10:00 a.m.

**Convened** 10:03 a.m.  
**Recessed**  
**Reconvened**  
**Adjourned** 10:36 a.m.

**Members Present**

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

**Members Absent**

**Request to Speak**

Report – Attachment 1

**Presentations**

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

**Committee Action**

<b><u>Bill</u></b>	<b><u>Action</u></b>	<b><u>Vote</u></b>	<b><u>Attachments</u></b> <b><u>(Summaries,</u></b> <b><u>Amendments, Roll Call)</u></b>
SB1002	DP	8-1-0-0	2, 3, 4
SB1186	DP	9-0-0-0	5, 6
SCM1008	DP	9-0-0-0	7, 8

  
\_\_\_\_\_  
Jen Burns, Chairman Assistant  
February 27, 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

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*House Military Affairs and Public Safety (2/26/2015)*

## **SB1002, prisoners; compensation for labor performed**

### **Support:**

Robert Shuler, HICKMAN'S FAMILY FARMS; Kimberly MacEachern, Arizona Prosecuting Attorneys' Advisory Council; Jeff Taylor, THE SALVATION ARMY

### **Neutral:**

Megan Kintner, Arizona Association Of Counties

### **All Comments:**

Jeff Taylor, THE SALVATION ARMY: Will increase safety for ADC employees and the inmate population.

## **SCM1008, disability rating process; veterans**

### **Support:**

Terry Hill, representing self

## **SB1186, fallen correctional employees memorial**

### **Support:**

Charles Ryan, representing self



# HOUSE OF REPRESENTATIVES

SB 1002

prisoners; compensation for labor performed

Sponsor: Senator Kavanagh

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1002 raises the hourly wage cap for Arizona Department of Corrections (ADC) inmate labor.

## HISTORY

ADC owns and operates state prison facilities and contracts with private prison providers to provide incarceration services in Arizona. Arizona Revised Statutes (A.R.S.) § 31-251 authorizes the ADC director to require all able-bodied ADC inmates to engage in labor activities. Most work opportunities fall under the Work Incentive Pay Plan (WIPP) and involve a variety of assignments on prison grounds. Some institutions have opportunities for lower custody inmates to perform work under an intergovernmental agreement (IGA) with state or local entities. Inmate pay rates are based on the inmate's Earned Incentive Program phase level, work assignment skill level, and any pay modification criteria that may apply. Hourly compensation for WIPP and IGA work opportunities may not exceed \$0.50 per hour (A.R.S. § 31-254).

Arizona Correctional Industries (ACI) partners with both public and private entities to provide work opportunities for qualified ADC inmates. ACI position wages are negotiated between ACI and public or private contractors pursuant to state and federal law and in collaboration with the Arizona Department of Economic Security as necessary. ACI participation is voluntary and ACI positions are not subject to the \$0.50 wage cap.

## PROVISIONS

1. Increases the hourly wage cap for ADC inmate labor that is not performed for ACI from \$0.50 per hour to \$1.50 per hour.
2. Makes technical changes.

Attachment 2

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1002

(Reference to Senate engrossed bill)

- 1 Page 1, line 44, strike "thirty" insert "FIFTY"
- 2 Page 2, line 22, strike "thirty" insert "FIFTY"
- 3 Amend title to conform

MARK A. CARDENAS

1002-p1-cardenas  
2/23/15  
1:12 PM  
H:laa

Attachment 3

Adopted \_\_\_\_\_ # of Verbals \_\_\_\_\_  
Failed \_\_\_\_\_ Withdrawn   
Not Offered \_\_\_\_\_ Analysts Initials \_\_\_\_\_

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

**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1002

DATE February 26, 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	0	0

  
 COMMITTEE SECRETARY

APPROVED:  
  
 SONNY BORRELLI, Chairman  
 MARK FINCHEM, Vice-Chairman

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

SB 1186

fallen correctional employees memorial

Sponsors: Senators Griffin, Allen; Representative Borrelli, et al.

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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## OVERVIEW

SB 1186 authorizes the establishment of a memorial in the Governmental Mall complex dedicated to fallen Arizona Department of Corrections (ADC) employees.

## HISTORY

The Wesley Bolin Plaza is located in the Governmental Mall complex within the western boundary of 19<sup>th</sup> Avenue, northern boundary of Van Buren Street, eastern boundary of 7<sup>th</sup> Avenue, and southern boundary of the Harrison Street alignment in Phoenix (Arizona Revised Statutes [A.R.S.] § 41-1362).

A.R.S. § 41-1363 prescribes procedures for the establishment of a new memorial within the Governmental Mall complex. Establishment of a new memorial is subject to approval by the Legislature and must be completed within two years of authorization. Proponents of a concept must submit the design, dimensions, and location to the Department of Administration (ADOA) for approval. After approval, ADOA submits a review and recommendations to the Legislative Governmental Mall Commission, which consists of ten voting members and two advisory members chosen pursuant to A.R.S. § 41-1361, for final approval of the plan.

Proponents of a new memorial are responsible for fundraising activities to pay for design and construction costs. Proponents must also submit an amount equal to at least 10% of the design and construction costs to ADOA for deposit in the Monument and Memorial Repair Fund to pay for ongoing maintenance costs (A.R.S. §§ 41-1363 and 41-1365).

## PROVISIONS

1. Authorizes ADOA to provide for the placement of a memorial dedicated to fallen ADC employees in an area within the western boundary of 17<sup>th</sup> Avenue, northern boundary of Jefferson Street, eastern boundary of 16<sup>th</sup> Avenue, and southern boundary of Madison Street (near the ADC building).
2. Prescribes the same procedures for establishment of the memorial as other new memorials, which includes submission of the design, dimension, and location to ADOA and subsequent review and final approval of the plan by the Legislative Governmental Mall Commission.
3. Prohibits the use of public monies to pay for any memorial costs.
4. Stipulates that the proponents of the memorial are solely responsible for fundraising activities to pay for design and construction costs.
5. Prohibits the state from facilitating any fundraising activities or establishing a state fund to deposit monies collected to pay for memorial costs.
6. Repeals on October 1, 2018.

Attachment 5

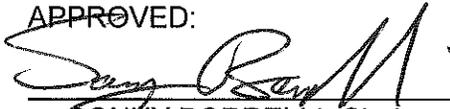
**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - First Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SB 1186

DATE February 26, 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:  
  
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 SONNY BORRELLI, Chairman  
 MARK FINCHEM, Vice-Chairman

  
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 COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

## SCM 1008

disability rating process; veterans

Sponsors: Senator Smith; Representative Borrelli

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X Committee on Military Affairs and Public Safety

Caucus and COW

House Engrossed

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### OVERVIEW

SCM 1008 urges the U.S. Department of Veterans Affairs (VA) to review the disability rating process and urges Congress to enact legislation to maintain disability ratings regardless of certain employment.

### HISTORY

The VA determines disability benefits for veterans based on the evidence a person submits as part of a claim or that the VA obtains from military records. The VA rates disability from 0% to 100% in 10% increments and pays additional amounts if a veteran has severe disabilities or loss of limb(s), dependents, or a seriously disabled spouse. The rating is based primarily on the average impairment in earning capacity due to the economic or industrial handicap which must be overcome and not from individual success in overcoming it (38 C.F.R. § 4.15).

Individual Unemployability (IU) is a part of the VA's disability compensation program that allows the VA to pay certain veterans compensation at the 100% rate, even though the VA has not rated the veteran's service-connected disabilities at the 100% level. Total Disability Rating Based on IU is granted to disabled veterans who are unable to secure or follow an occupation as a result of service related disabilities and who meet specific disability percentage ratings. The ratings established by the VA for IU eligibility are: one service-connected disability rated at 60% or more, or two or more service-connected disabilities with at least one disability rated at 40% or more with a combined rating of 70% or more (38 C.F.R. § 4.16).

Veterans who are receiving IU benefits may work as long as it is considered marginal employment rather than substantially gainful employment. *Marginal employment* is when a veteran's earned income does not exceed the amount established by the U.S. Census Bureau as the poverty level for one person. This employment includes, but is not limited to, employment in a protected environment, such as a family business or sheltered workshop, when earned annual income exceeds the poverty threshold. As defined by the VA, *substantially gainful employment* is employment at which non-disabled individuals earn their livelihood with earnings comparable to the particular occupation in the community where the veteran resides.

### PROVISIONS

1. Urges the VA to:
  - a. review the disability rating process to ensure disability ratings are consistent;
  - b. review the limitations on employment of veterans with disabilities and the ways in which veteran benefits are impacted if a veteran with a disability becomes employed to ensure that veterans with disabilities are not hindered from joining the workforce;

Attachment 7

SCM1008

- c. remove the earning restriction associated with the Total Disability Rating Based on IU; and
  - d. develop programs and incentives to encourage employers to hire veterans with disabilities.
2. Urges Congress to:
- a. enact legislation which provides that employment in a protected environment is not considered substantially gainful employment for the purposes of a Total Disability Rating Based on IU;
  - b. define *protected environment* to include businesses that make special accommodations for veterans with disabilities; and
  - c. enact legislation that prevents the VA from decreasing a Total Disability Rating Based on IU if the veteran is marginally employed in a protected environment.
3. Asks the Arizona Secretary of State to transmit copies of the Memorial to the following individuals:
- a. the Secretary of the VA;
  - b. the President of the U.S.;
  - c. the President of the U.S. Senate;
  - d. the Speaker of the U.S. House of Representatives; and
  - e. each Member of Congress from the State of Arizona.

**ARIZONA HOUSE OF REPRESENTATIVES**  
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**ROLL CALL VOTE**

COMMITTEE ON MILITARY AFFAIRS AND PUBLIC SAFETY BILL NO. SCM 1008

DATE February 26, 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:

  
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 SONNY BORRELLI, Chairman  
 MARK FINCHEM, Vice-Chairman

  
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 COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_