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

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CHIEF CLERK'S OFFICE
1-22-16

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION

Report of Regular Meeting
Thursday, January 21, 2016
House Hearing Room House Hearing Room 1 -- 9:00 a.m.

Convened 9:03 a.m.
Recessed
Reconvened
Adjourned 10:07 a.m.

Members Present
Ms. Alston
Mr. Larkin
Mr. Lovas
Mr. Olson
Mr. Petersen
Mr. Saldate
Mr. Ackerley, Vice-Chairman
Mr. Thorpe, Chairman

Members Absent
Ms. Townsend

Agenda
Original Agenda – Attachment 1

Request to Speak
Report – Attachment 2

Committee Action

Bill	Action	Vote	Attachments (Summaries, Amendments, Roll Call, Attendance)
HB2013	DP	8-0-0-1	3,4
HB2014	DP	8-0-0-1	5,6
HB2019	DP	8-0-0-1	7,8
HB2046	DP	8-0-0-1	9,10
HB2082	DP	8-0-0-1	11,12
HB2104	DP	8-0-0-1	13,14
HB2106	DP	7-1-0-1	15,16
Committee Agenda			17

Meg Reilly

Meg Reilly, Chairman Assistant
Friday, January 22, 2016

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

Convened: 9:03 AM

REVISED - 01/19/16 **REVISED - 01/19/16** **REVISED - 01/19/16**

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

Adjourned: 10:07 AM

REGULAR MEETING AGENDA

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION

DATE Thursday, January 21, 2016 ROOM HHR 1 TIME 9:00 A.M.

Members:

Ms. Alston	Mr. Olson	Ms. Townsend
Mr. Larkin	Mr. Petersen	Mr. Ackerley, Vice-Chairman
Mr. Lovas	Mr. Saldate	Mr. Thorpe, Chairman

Call To Order
Roll Call
Introduction of Staff

Bills		Short Title	Strike Everything Title
HB2013	DP 8-0-0-1	information technology; transfer; title 18	
		(Stevens)	
		GHE, RULES	
HB2014	DP 8-0-0-1	electronic documents; state agencies	
		(Stevens)	
		GHE, RULES	
HB2019	DP 8-0-0-1	credited service; military service purchase	
		(Stevens)	
		GHE, RULES	
~~HB2020~~		~~electronic notice; hearings; ordinances~~	
		~~(Stevens)~~	
		~~GHE, RULES~~	
HB2046	DP 8-0-0-1	statewide technology policy; acceptable use	
		(Stevens)	
		GHE, RULES	

Attachment 1

Bills		Short Title	Strike Everything Title
HB2082	DP	committee of reference; chairperson; appointment	
		(Stevens)	
	8-0-0-1	GHE, RULES	
HB2104	DP	ASRS; retention of credited service	
		(Lovas)	
	8-0-0-1	GHE, RULES	
HB2106	DP	homeowners' associations; enforcement grace period	
	7-1-0-1	(Lovas)	
		GHE, RULES	
~~HB2126~~		~~expenditure limitations; community colleges~~	
		~~(Shope, Olson)~~	
		~~GHE, APPROP, RULES~~	

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

MR
~~1/14/16~~
1/19/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House Government and Higher Education (1/21/2016)

HB2014, electronic documents; state agencies

Support:

Eric Emmert, East Valley Chambers Of Commerce Alliance

HB2019, credited service; military service purchase

Support:

Don Isaacson, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); James Mann, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); luis ebratt, Peoria Police Officers Association; Austin Hoopes, representing self

HB2020, electronic notice; hearings; ordinances

Support:

Elisha Dorfsmith, representing self

All Comments:

Elisha Dorfsmith, Self: The newspaper industry has held the monopoly for far too long. This bill will save tax dollars and bring the law in line with modern technology.

HB2046, statewide technology policy; acceptable use

Support:

Stephanie Seigla, representing self

HB2104, ASRS; retention of credited service

Testified in support:

Nicholas Ponder, AZ STATE RETIREMENT SYSTEM

Support:

Don Isaacson, FRATERNAL ORDER OF POLICE (AZ STATE LODGE)

Attachment 2

HB2106, homeowners' associations; enforcement grace period

Testified as opposed:

Jason Barraza, Associate Director, AZ ASSN OF COMMUNITY MANAGERS (AACM); Ryan DeMenna, COMMUNITY ASSOCIATIONS INSTITUTE

Support:

William Gregory Eisert, representing self

Oppose:

Carol Perkinson, representing self; kenneth dowlin, representing self; Kevin DeMenna, COMMUNITY ASSOCIATIONS INSTITUTE; Jeff Sandquist, ROBSON COMMUNITIES; Jeremy Gerlach, AZ ASSN OF COMMUNITY MANAGERS (AACM)

All Comments:

Carol Perkinson, Self: I represent a condominum of 1749 owners: 30 DAYS does not address "emergency" situations where action must be taken immediately: I.e. a fallen tree on a property owner lot blocks street or endangers neighbors property; kenneth dowlin, Self: This bill could create a situation where it allows 30 days for the homeowner to take all 30 days to respond to all HOA notices. What if it is an emergency? A tree falls on a neighbor's house ,they will have 30 days to do something about it?; William Gregory Eisert, Self: HB2106 deserves a yes vote as it refers to the owner grace period extension from 10 business days to 30 days for "violation" responses....Not emergency issues as noted by other concerned readers....Many condo unit owners are absent for many months...

HB2126, expenditure limitations; community colleges

Support:

Sean McCarthy, AZ TAX RESEARCH ASSN; Michael DiMaria, CENTURYLINK, INC

HOUSE OF REPRESENTATIVES

HB 2013

information technology; transfer; title 18
Prime Sponsor: Representative Stevens, LD 14

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2013 establishes Title 18 relating to information technology (IT).

PROVISIONS

1. Transfers and renumbers all IT related statutes into Title 18.
2. Deletes obsolete statute relating to liability for year 2000 date failures.
3. Makes technical and conforming changes.

CURRENT LAW

Information technology is defined as all computerized and auxiliary automated information processing, telecommunications and related technology, including hardware, software, vendor support and related services, equipment and projects (A.R.S. § 41-3501). The Arizona Department of Administration is responsible for developing, implementing and maintaining a coordinated statewide plan for IT (A.R.S. § 41-3504).

Attachment 3

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

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2013

DATE January 21, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin		✓			
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend					✓
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		8	0	0	1

Mary Reilly
COMMITTEE SECRETARY

APPROVED:

BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

ATTACHMENT

Attachment 4

HOUSE OF REPRESENTATIVES

HB 2014

electronic documents; state agencies
Prime Sponsor: Representative Stevens, LD 14

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2014 requires agencies to provide for electronic submission of reports, audits, applications or any other documentation (reports) beginning July 1, 2018.

PROVISIONS

1. Directs agencies to provide a method on their website for the electronic submission of reports required by statute or rule.
2. Allows a person to submit agency mandated reports electronically.
3. Defines *agency* as any department, office, agency, commission, board or other instrumentality of this state regardless of whether monies are appropriated.
4. Becomes effective July 1, 2018.

CURRENT LAW

Not currently addressed in statute.

Attachment 5

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

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2014

DATE January 21, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin		✓			
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend					✓
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		8	0	0	1

Mey Reilly
COMMITTEE SECRETARY

APPROVED:

BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

ATTACHMENT

Attachment 6

HOUSE OF REPRESENTATIVES

HB 2019

credited service; military service purchase
Prime Sponsor: Representative Stevens, LD 14

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2019 reduces the number of credited service years required in specified retirement plans to receive credit for active military service performed before employment.

PROVISIONS

1. Allows a member of the Elected Officials' Retirement Plan (EORP), the Public Safety Personnel Retirement System (PSPRS) or the Corrections Officer Retirement Plan (CORP) who has at least 5 years of service, rather than 10 years, receive credited service for active military service performed before employment if certain requirements are met.
2. Makes technical changes.

CURRENT LAW

A member of EORP, PSPRS or CORP who has at least 10 years of service may receive credited service for periods of active military service performed before employment with the member's current employer if: 1) the member was honorably separated from the military; 2) the period of military service for which the member receives credit does not exceed 60 months; 3) the period of military service for which the member receives credited service is not on account with any other retirement system, with exceptions; 4) the member pays the cost to purchase the prior active military service as specified; and 5) the amount of benefits purchased is subject to the limits established by the internal revenue code (A.R.S. §§ 38-820, 38-858 and 38-907).

Attachment 7

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

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2019

DATE January 21, 2016 MOTION: DP

	PASS	1 AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin		✓			
Mr. Lovas	✓	✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend					✓
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		8	0	0	1

Meg Reilly
COMMITTEE SECRETARY

APPROVED:

B Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

ATTACHMENT

Attachment 8

HOUSE OF REPRESENTATIVES

HB 2046

statewide technology policy; acceptable use
Prime Sponsor: Representative Stevens, LD 14

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2046 instructs the Director of the Arizona Department of Administration (Director) to establish a statewide technology policy.

PROVISIONS

1. Requires the Director to establish:
   a. a statewide technology policy for the acceptable use of state information and state information systems to reduce risk due to disclosure, modification or disruption; and
   b. an access agreement and a virtual office access agreement for all budget units and outlines policy requirements.
2. Stipulates that each budget unit must:
   a. establish a portable electronic device access agreement if users are allowed to use a portable electronic device to access state information or state information systems;
   b. require each user to enter into the access agreement, virtual office access agreement or portable electronic device access agreement before being granted access to the state information or state information systems; and
   c. provide required notification statements to each user who has been granted access to the state information and state information systems.
3. Defines *budget unit*, *department* and *director*.

CURRENT LAW

Information Technology is defined as all computerized and auxiliary automated information processing, telecommunications and related technology, including hardware, software, vendor support and related services, equipment and projects (A.R.S. § 41-3501). The Director is responsible for information technology (A.R.S. § 41-3502). The Statewide Information Security and Privacy Office (Office), established within the Arizona Department of Administration, is required to develop, implement, maintain and ensure compliance by each budget unit with a statewide assurance plan for information security and privacy (A.R.S. § 41-3507).

Attachment 9

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

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2046

DATE January 21, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin		✓			
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend					✓
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		8	0	0	1

Mary Reilly
COMMITTEE SECRETARY

APPROVED:

B Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

ATTACHMENT

Attachment 10

HOUSE OF REPRESENTATIVES

HB 2082

committee of reference; chairperson; appointment
Prime Sponsor: Representative Stevens, LD 14

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2082 outlines procedures to fill a Committee of Reference (COR) vacancy.

PROVISIONS

1. Permits the chairperson of the standing committee to appoint a person to fill a vacancy on a COR by filing a letter with the Secretary of the Senate or the Chief Clerk of the House of Representatives.
2. Eliminates the requirement that the Joint Legislative Audit Committee (JLAC) designates the chairman of each COR and instead transfers this role to the chairperson of each standing committee.
3. Clarifies the chairperson of each standing committee appoints the five members to the COR.
4. Makes technical changes.

CURRENT LAW

Committee of reference is defined as a joint subcommittee composed of the members of the appropriate standing committees of the House of Representatives and the Senate appointed for the purpose of evaluating agencies subject to termination (A.R.S. § 41-2952). Each standing committee of both legislative houses must appoint a subcommittee of five members, no more than three of whom may belong to the same political party. The subcommittee jointly constitutes a COR in their respective subject matter areas (A.R.S. § 41-2954.) Although JLAC has the authority to designate the chairman of each COR, tradition has given this task to the standing committee chairs (A.R.S. § 41-2953).

Attachment 11

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

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2082

DATE January 21, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin		✓			
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend					✓
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		8	0	0	1

Mary Reilly
COMMITTEE SECRETARY

APPROVED:

B Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

ATTACHMENT

Attachment 12

HOUSE OF REPRESENTATIVES

HB 2104

ASRS; retention of credited service
Prime Sponsor: Representative Lovas, LD 22

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2104 is an emergency measure that provides for the retention of credited service for certain members of the Arizona State Retirement System (ASRS).

PROVISIONS

1. Stipulates that an employee in a position that was exempt from ASRS membership retains credited service for the period of employment that the employer remitted ASRS contributions on the employees' behalf.
2. Contains an emergency clause.

CURRENT LAW

ASRS membership includes the State of Arizona, the three state universities, community college districts, school districts and charter schools, all 15 counties, most cities and towns, and a variety of special districts. Laws 2014, Chapter 44 eliminated the requirement that ASRS members must be covered under a Social Security 218 Agreement and allowed them to remain in ASRS but with credited service commencing July 24, 2014. A Social Security 218 Agreement is a voluntary agreement between the state and the Social Security Administration to provide Social Security and Medicare Hospital Insurance (HI) or Medicare HI-only coverage for state and local government employees (42 U.S.C. 418). *Credited service* is defined as the number of years standing to the member's credit on the books of ASRS during which the member made the required contributions (A.R.S. § 38-711).

Attachment 13

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

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2104

DATE January 21, 2016 MOTION: DP

	PASS	✓ AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Larkin		✓			
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend					✓
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		8	0	0	1

Mary Reeley
COMMITTEE SECRETARY

APPROVED:

B Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

ATTACHMENT

Attachment 14

HOUSE OF REPRESENTATIVES

HB 2106

homeowners' associations; enforcement grace period
Prime Sponsor: Representative Lovas, LD 22

X Committee on Government and Higher Education

Caucus and COW

House Engrossed

OVERVIEW

HB 2106 lengthens the enforcement grace period for a notice of violation from a homeowners' association (HOA).

PROVISIONS

1. Increases the number of business days, from 10 to 30, a condominium unit owner or planned community member (member) has to provide the HOA with a written response to a notice of violation.
2. Prohibits an HOA from proceeding with any enforcement action 30 days after the exchange of information between the member and the HOA, regardless of whether the process to contest the notice was provided in the original notice of violation.
3. Makes technical changes.

CURRENT LAW

A member who receives written notice that the property condition is in violation of a condominium or community document requirement without regard to whether a monetary penalty is imposed by the notice may provide the HOA with a written response by certified mail within 10 business days. After receipt of the member's response, the HOA has 10 business days to provide a written response containing the following information, unless previously provided in the notice: 1) the provision of the document that has allegedly been violated; 2) the date of the violation or the date the violation was observed; 3) the first and last name of the person or persons who observed the violation; and 4) the process to contest the notice. Unless the process to contest the notice is provided in the violation, an HOA is prohibited from proceeding with any action to enforce the documents, including the collection of attorney fees, before or during the exchange of information between the member and the HOA (A.R.S. §§ 33-1242 and 33-1803).

Attachment 15

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

ROLL CALL VOTE

COMMITTEE ON GOVERNMENT AND HIGHER EDUCATION BILL NO. HB 2106

DATE January 21, 2016 MOTION: DP

	PASS	✓ AYE	NAY	PRESENT	ABSENT
Ms. Alston			✓		
Mr. Larkin		✓			
Mr. Lovas		✓			
Mr. Olson		✓			
Mr. Petersen		✓			
Mr. Saldate		✓			
Ms. Townsend					✓
Mr. Ackerley, Vice-Chairman		✓			
Mr. Thorpe, Chairman		✓			
		7	1	0	1

Mary Reilly
COMMITTEE SECRETARY

APPROVED:

B Thorpe
BOB THORPE, Chairman
J. CHRISTOPHER ACKERLEY, Vice-Chairman

ATTACHMENT

Attachment 16

ARIZONA STATE LEGISLATURE

Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **GOVERNMENT AND HIGHER EDUCATION**

CHAIRMAN: Bob Thorpe VICE-CHAIRMAN: J. Christopher Ackerley

DATE	1/21/16	/16	/16	/16	/16
CONVENED	9:03 AM	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	10:07 AM				
MEMBERS					
Ms. Alston	√				
Mr. Larkin	√				
Mr. Lovas	√				
Mr. Olson	√				
Mr. Petersen	√				
Mr. Saldate	√				
Ms. Townsend	---				
Mr. Ackerley, Vice-Chairman	√				
Mr. Thorpe, Chairman	√				

√ Present --- Absent exc Excused

Attachment 17