

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – Second Regular Session

COMMITTEE ON GOVERNMENT

Minutes of Meeting
Tuesday, January 24, 2012
House Hearing Room 4 -- 2:00 p.m.

Chairman Burges called the meeting to order at 2:13 p.m. and attendance was noted by the secretary.

Members Present

Mr. Arredondo	Ms. Hobbs	Mr. Urie
Mr. Forese	Mr. Meyer	Mrs. Ugenti, Vice-Chairman
Mr. Gowan	Mr. Montenegro	Mrs. Burges, Chairman

Members Absent

None

Committee Action

HB2021 – HELD	HB2290 – HELD
HB2095 – HELD	HB2389 – DP (8-0-0-0)
HB2013 – DP (7-0-0-1)	HB2399 – HELD
HB2122 – DP (7-0-0-1)	HB2441 – HELD
HB2127 – HELD BY SPONSOR	HB2481 – DP (5-3-0-0)
HB2128 – DP (7-1-0-0)	HB2495 – DPA (8-0-0-0)
HB2197 – DP (8-0-0-0)	

CONSIDERATION OF BILLS

HB2021 - municipalities; residential rental property - HELD

Chairman Ugenti announced that HB2021 will be held.

HB2095 - planned communities; firearms regulation - HELD

Chairman Ugenti announced that HB2095 will be held.

HB2290 - homeowners' associations; dispute resolution, taping - HELD

Chairman Ugenti announced that HB2290 will be held.

HB2399 - state agency fee commission - HELD

Chairman Ugenti announced that HB2399 will be held.

HB2441 - constituent communications; public record exception - HELD

Chairman Ugenti announced that HB2441 will be held.

HB2495 - counties; purchases; local dealers – DO PASS AMENDED

Vice-Chairman Montenegro moved that HB2495 do pass.

Vice-Chairman Montenegro moved that the Ugenti three-line amendment dated 1/23/12 (Attachment 1) be adopted.

Patrick Devine, House Majority Research Intern, explained that HB2495 states that the county purchasing agent shall award a contract to a local dealer over a competing non-local dealer if the estimated purchase cost is in excess of \$50,000 (Attachment 2). He explained that the Ugenti three-line amendment changes “shall” to “may” in order to make the bill permissive rather than a requirement.

Representative Russ Jones, sponsor, explained that HB2495 is an extension of legislation from last year in order to be representative of all counties.

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association, stated his support for HB2495, which allows counties to favor local businesses if bids are fairly close.

David Tenney, Navajo County Board of Supervisors, explained his support of HB2495, which allows local preference in the bidding process.

Discussion ensued regarding potential tax advantages as a result of this legislation.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2495 but did not speak:

Eric Emmert, Yuma County

Heather Bernacki, Government Relations Associate, Yuma County

Vice-Chairman Montenegro announced the names of those who signed up as neutral on HB2495 but did not speak:

Seth Apfel, representing self

Question was called on the motion that the Ugenti three-line amendment dated 1/23/12 (Attachment 1) be adopted. The motion carried.

Vice-Chairman Montenegro moved that HB2495 as amended do pass. The motion carried by a roll call vote of 8-0-0-0 (Attachment 3).

HB2103 - taxis and limousines; maintenance records – DO PASS

Vice-Chairman Montenegro moved that HB2103 do pass.

Patrick Devine, House Majority Research Intern, explained that HB2103 adds that livery vehicle, taxi, or limousine maintenance records shall include information of a routine brake and tire inspection that is performed by a qualified or professional motor vehicle mechanic (Attachment 4).

Shawn Marquez, Director of Compliance Programs, Department of Weights and Measures, appeared in support of HB2103, explaining that the bill asks that maintenance records include, at a minimum, a brake and tire inspection.

Mr. Meyer asked who performs the inspections and if any certification is required. Mr. Marquez responded that the inspections are done by qualified mechanics familiar with the maintenance records procedure. Discussion ensued regarding any impacts on small businesses which perform the maintenance.

Kevin Tyne, Director, Department of Weights and Measures, in support of HB2103, stated that it contains legal clarifying language for legislation passed in 2011.

Dana Paschke, Total Transit, spoke in support of HB2103, stressing that it will improve public safety.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2103 but did not speak:

John MacDonald, Total Transit

Question was called on the motion that HB2103 do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 5).

HB2122 - powers; board of supervisors – DO PASS

Vice-Chairman Montenegro moved that HB2122 do pass.

Patrick Devine, House Majority Research Intern, explained that HB2122 grants a county board of supervisors the ability to contract with a government agency to provide constable services (Attachment 6).

Jen Sweeney, Government Affairs Director, Arizona Association of Counties, testified in support of HB2122, explaining that this legislation was heard last year but not passed due to an amendment issue. She stated that this will bring in revenue to the county by providing services.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2122 but did not speak:

Walter F Dudley, representing self

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association of Arizona

Question was called on the motion that HB2122 do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 7).

HB2127 - landlord tenant; material breach – HELD BY SPONSOR

Vice-Chairman Montenegro moved that HB2127 do pass.

Vice-Chairman Montenegro moved that the Urie two-line amendment dated 1/20/12 (Attachment 8) be adopted.

Michelle Hindman, Assistant Director of Majority Research, explained that HB2127 modifies the Arizona Residential Landlord and Tenant Act regarding demonstrating that a material and irreparable breach has occurred and certain personal items of the tenant are not required to be maintained by the landlord on the tenant's behalf (Attachment 9). She explained that the Urie two-line amendment corrects a drafting error.

Mr. Urie, sponsor, stated that the Supreme Court has issues with using a police report and requested that HB2127 be held for further work.

Without objection, Vice-Chairman Montenegro withdrew his motion that the Urie two-line amendment dated 1/20/12 (Attachment 8) be adopted.

Without objection, Vice-Chairman Montenegro withdrew his motion that HB2127 do pass.

Chairman Ugenti announced that HB2127 will be held.

HB2128 - landlord tenant; abandonment; personal property – DO PASS

Vice-Chairman Montenegro moved that HB2128 do pass.

Michelle Hindman, Assistant Director of Majority Research, explained that HB2128 modifies the definition of *abandonment* and states that a tenant's perishable items, plants and pets are not items required to be held by the landlord on a tenant's behalf (Attachment 10).

Mr. Arredondo expressed concern about the welfare of pets in these situations.

Mr. Urie, sponsor, replied that in the past pets were not addressed in the tenant-landlord act and their disposition was left to the discretion of the landlord. HB2128 represents an improvement to current statute in that, if the tenant has turned over the keys, the landlord may take possession of the property without having to go through abandonment or eviction proceedings, and determine disposition of abandoned contents, perishable items, plants and pets in a timely fashion.

Ellen Katz, William E. Morris Institute for Justice, testified against HB2128, explaining that the abandonment statute should be sufficient to address these situations. She distributed information supporting her stance (Attachment 11). She stated that the reason for the landlord-tenant act is to prevent landlords from taking possession of the property when the tenant is still in residence.

In response to a question from Mr. Urie, Ms. Katz stated that the eviction statutes are very clear and that she is concerned that this bill will give the landlord a “green light” to enter the property. Discussion ensued about abandonment and eviction.

Courtney Gilstrap LeVinus, Arizona Multihousing Association, spoke in favor of HB2128, explaining that in the last several years there has been an increase in the number of people leaving property behind in rental units.

Mark Zinman, representing self, testified in support of the bill, stating that if pets are left behind after this legislation, landlords will have other options than just storing or moving them. He added that, regarding abandonment, a tenant is actually relinquishing possession of the property by turning in the keys and the landlord can then go into the unit.

Matt Koglmeier, representing self, expressed his support for HB2128, stating that the industry has been looking for guidance and this bill does provide it.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2128 but did not speak:

Norman Moore, LeadingAge of Arizona

Don Isaacson, LeadingAge of Arizona

Vice-Chairman Montenegro announced the names of those who signed up in opposition to HB2128 but did not speak:

Seth Apfel, representing self

Question was called on the motion that HB2128 do pass. The motion carried by a roll call vote of 7-1-0-0 (Attachment 12).

HB2197 - state fees; payments; alternative methods – DO PASS

Vice-Chairman Montenegro moved that HB2197 do pass.

Stephanie Johnson, House Majority Assistant Research Analyst, explained that HB2197 mandates the director or acting director of any state agency to accept credit or debit cards as a form of payment for fees and taxes imposed (Attachment 13).

Representative Jeff Dial, sponsor, stated that this bill will allow government to be modern and “user friendly” by allowing alternatives to cash-only transactions. Discussion ensued about the cost to implement and a surcharge or convenience fees charged to the customer.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2197 but did not speak:

Seth Apfel, representing self

Vice-Chairman Montenegro announced the names of those who signed up as neutral on HB2197 but did not speak:

Daniel Romm, Legislative Liaison, Arizona Department of Housing

Question was called on the motion that HB2197 do pass. The motion carried by a roll call vote of 8-0-0-0 (Attachment 14).

HB2389 - lease of county property; requirements – DO PASS

Vice-Chairman Montenegro moved that HB2389 do pass.

Patrick Devine, House Majority Research Intern, explained that HB2389 eliminates the appointment of an appraiser for the lease of any land or building valued at less than \$5,000 if the valuation is determined by a market analysis based on comparable sales (Attachment 15).

Mr. Urie asked if the valuation is monthly or annually.

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association, spoke in support of HB2389 and addressed Mr. Urie's question, stating that the valuation is determined by running the sales comparables (comps), the values of properties currently on the market.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2389 but did not speak:

Beth Lewallen, Maricopa County Board of Supervisors

Jen Sweeney, Government Affairs Director, Arizona Association of Counties

Question was called on the motion that HB2389 do pass. The motion carried by a roll call vote of 8-0-0-0 (Attachment 16).

HB2481 - joint legislative audit committee; powers – DO PASS

Vice-Chairman Montenegro moved that HB2481 do pass.

Patrick Devine, House Majority Research Intern, explained that HB2481 adds the duty of requiring a state agency to comply with all statutes that the agency is responsible to administer to the responsibility of the Joint Legislative Audit Committee (JLAC) (Attachment 17).

Representative Carl Seel, sponsor, explained that HB2481 will give JLAC the oversight function and the authority to hold agencies responsible for compliance with all relevant statutes. He addressed Chairman Ugenti's and Vice-Chairman Montenegro's questions regarding an enforcement mechanism. Ms. Hobbs stated that agencies are supposed to comply with statutes now and asked what resources would be required. Mr. Seel indicated that there is no enforcement mechanism in place now, but that fines could be imposed by future legislation. Mr. Meyer commented that other Joint Committees do not use this type of legislation to enforce statutes.

Question was called on the motion that HB2481 do pass. The motion carried by a roll call vote of 5-3-0-0 (Attachment 18).

Without objection, the meeting adjourned at 3:54 p.m.

Jane Dooley, Committee Secretary
January 30, 2012

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