



STATE OF ARIZONA
April 11, 2011

EXECUTIVE OFFICE

JANICE K. BREWER
GOVERNOR

The Honorable Russell Pearce
President
Arizona State Senate
1700 W. Washington
Phoenix, Arizona 85007

RE: Senate Bill 1288 (religion; free exercise; professionals; appointments)

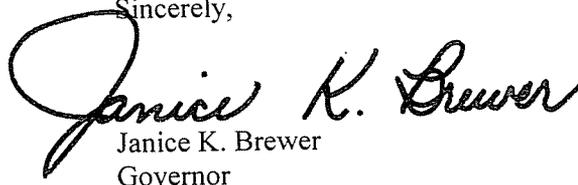
Dear President Pearce,

Today I vetoed Senate Bill 1288. This was a very difficult decision because I am very supportive of increasing the free exercise of religion in Arizona. For example, last year I signed into law House Bill 2596, which prohibited local governments from implementing land use regulations in a manner that imposes an unreasonable burden on a person's free exercise of religion. However, I am concerned that part of Senate Bill 1288 may lead to unanticipated and unintended consequences.

The bill has three different provisions. I am supportive of efforts to prevent a person from having to affirm a statement that is contrary to the person's religious beliefs. I also agree that the government should not restrict an appointment based on the person's religious beliefs or exercise of religion. However, I believe there needs to be further research and debate on the third provision -- that a person's exercise of religion is not unprofessional conduct and prohibits the State from denying, suspending or revoking a professional or occupational license, certificate or registration based on a person's exercise of religion. This provision is very broad and could provide a mechanism for misuse even with the exemptions for criminal conduct or sexual misconduct in the bill. This bill could protect conduct that harms the public but cannot be readily addressed if a person claims that the conduct is based on religious beliefs.

I understand that there has not been a case to date in Arizona where a person's license has been suspended or revoked based on his or her exercise of religion. Given the prospective nature of this issue, I believe it is wiser to come back during the next legislative session after all the possible consequences of this legislation are explored and addressed. The sponsor and supporters of the bill will have my full cooperation and participation in that effort.

Sincerely,


Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Steve Yarbrough
The Honorable Ken Bennett

Senate Engrossed

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1288

AN ACT

AMENDING TITLE 41, CHAPTER 9, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1493.04; RELATING TO FREE EXERCISE OF RELIGION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 41, chapter 9, article 9, Arizona Revised Statutes,
3 is amended by adding section 41-1493.04, to read:

4 41-1493.04. Free exercise of religion; professional or
5 occupational license, certificate or
6 registration; appointments to governmental
7 offices; definitions

8 A. GOVERNMENT SHALL NOT DENY, SUSPEND OR REVOKE A PROFESSIONAL OR
9 OCCUPATIONAL LICENSE, CERTIFICATE OR REGISTRATION BASED ON A PERSON'S
10 EXERCISE OF RELIGION.

11 B. GOVERNMENT SHALL NOT DENY, SUSPEND OR REVOKE A PROFESSIONAL OR
12 OCCUPATIONAL LICENSE, CERTIFICATE OR REGISTRATION BASED ON A PERSON'S REFUSAL
13 TO AFFIRM A STATEMENT THAT IS CONTRARY TO THE PERSON'S SINCERELY HELD MORAL
14 OR RELIGIOUS BELIEFS, REGARDLESS OF WHETHER THOSE BELIEFS ARE SPECIFICALLY
15 ESPOUSED BY A RECOGNIZED CHURCH OR RELIGIOUS BODY.

16 C. A PERSON'S EXERCISE OF RELIGION IS NOT UNPROFESSIONAL CONDUCT.

17 D. GOVERNMENT SHALL NOT DENY A PERSON A POSITION ON A BOARD,
18 COMMISSION, COMMITTEE OR PUBLIC BODY BASED ON THE PERSON'S RELIGIOUS BELIEFS
19 OR EXERCISE OF RELIGION.

20 E. THIS SECTION DOES NOT AUTHORIZE ANY PERSON TO ENGAGE IN SEXUAL
21 MISCONDUCT OR ANY CRIMINAL CONDUCT. CRIMINAL CONDUCT DOES NOT INCLUDE
22 RELIGIOUS EXPRESSION OR BELIEFS.

23 F. FOR THE PURPOSES OF THIS SECTION:

24 1. "GOVERNMENT" INCLUDES ALL COURTS AND ADMINISTRATIVE BODIES OR
25 ENTITIES UNDER THE JURISDICTION OF THE ARIZONA SUPREME COURT.

26 2. "SEXUAL MISCONDUCT" MEANS ANY SEXUAL CONDUCT PROSCRIBED BY THE
27 PERSON'S LICENSING BOARD OR AGENCY. SEXUAL MISCONDUCT DOES NOT INCLUDE
28 RELIGIOUS EXPRESSION OR BELIEFS.

Passed the House April 4, 20 11,

Passed the Senate March 8, 20 11,

by the following vote: 39 Ayes,

by the following vote: 21 Ayes,

20 Nays, 1 Not Voting

9 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Cheryl Laube
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5 day of April, 20 11,

at 4:40 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this _____ day of

VETO, 20 _____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20 _____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1288