

ARIZONA STATE SENATE

47TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON JUDICIARY

DATE: March 20, 2006 **TIME:** 2:30 P.M. **ROOM:** SHR1

CHAIRMAN: Senator Huppenthal **VICE CHAIRMAN:** Senator Martin

ANALYST: Jennifer Eugster **INTERN:** Damion LeeNatali

ASSISTANT ANALYST: Leah Birk **COMMITTEE SECRETARY:** Shelley Ponce

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Aguirre	X			HB 2076	DPA
Senator Brotherton	X			HB 2128	DPA
Senator Gould	X			HB 2208	DPA
Senator C. Gray	X			HB 2307	DPA
Senator Harper	X			HB 2351	DPA
Senator Miranda	X			HB 2376	DP
Senator Martin, Vice Chairman	X			HB 2441	DP
Senator Huppenthal, Chairman	X			HB 2580	DP
				HB 2582	HELD
				HB 2621	DPA
				HB 2666	DPA
				HB 2776	DP
				HB 2825	DPA
				HCR 2010	DPA
				HCR 2015	DP

Chairman Huppenthal called the meeting to order at 2:30 p.m., and attendance was taken.

APPROVAL OF MINUTES

Senator Huppenthal moved the minutes of March 13, 2006 be approved. Without objection, the minutes were approved as distributed.

CONSIDERATION OF BILLS

HB 2376 – indecent exposure; breast-feeding – DO PASS

Leah Birk, Judiciary Committee Assistant Research Analyst, explained HB 2376.

Representative Paton, bill sponsor, further explained HB 2376.

Amy Milliron, representing self, testified in support of HB 2376 and answered questions posed by the Committee.

Christia Bridges-Jones, representing self, further explained HB 2376.

Senator Gould moved HB 2376 be returned with a DO PASS recommendation.

Senator Huppenthal announced that he would not offer the 3 line Huppenthal amendment dated 03/17/06 at 4:23 p.m. (Attachment A).

Senator Harper asked that without objection the 7 page Harper amendment dated 03/20/06 at 9:09 a.m. be considered even though it was distributed past the deadline.

Ms. Birk explained the following amendments:

7 page Harper dated 03/20/06 at 9:09 a.m. (Attachment B)

7 page Harper dated 03/17/06 at 3:50 p.m. (Attachment C)

Senator Brotherton objected to the 7 page Harper amendment dated 03/20/06 at 9:09 a.m. being offered due to it missing the amendment distribution deadline.

Senator Harper moved the 7 page Harper amendment dated 03/17/06 at 3:50 p.m. be ADOPTED and requested a roll call vote. The motion FAILED with a roll call vote of 1-6-1 (Attachment 1).

In explanation of her vote, Senator Aguirre stated that she does not feel that the subject of the bill and the subject of the amendment should be put together and she voted “no”.

In explanation of his vote, Senator Brotherton stated he agreed with both the bill and the amendment, but was totally against combining the two subjects and he voted “no”.

In explanation of his vote, Senator Gould stated that he would associate his comments with those of the two previous Senators and he voted “no”.

In explanation of his vote, Senator Gray stated his objections follow along with the ones brought forward by his fellow Senators and he voted “no”.

In explanation of his vote, Senator Harper stated he strongly supports the underlying bill, but this late in the session it is difficult to find a vehicle bill to put his amendment on and he did not want to fail to get this subject into law and he voted "aye".

In explanation of his vote, Senator Miranda stated that, with all due respect to Senator Harper, he really did not want the two subjects commingled and he voted "no."

Senator Huppenthal stated that the motion in front of the Committee is the underlying bill.

Senator Huppenthal announced those who registered their position on the bill (Attachment D).

The original Gould motion CARRIED with a roll call vote of 7-0-1 (Attachment 2).

In explanation of his vote, Senator Brotherton stated the wording of the bill should be tightened up to prevent future problems, but this is too important an issue not to move forward and he voted "aye."

In explanation of his vote, Senator Gould stated that he is the father of three babies that were breastfed. They are now 20, 18, and 14 and it worked well for his family, his children grew up happy and healthy and he thinks that is what is best for babies and he voted "aye."

HB 2208 – license plate design (now: motor vehicle accidents; unlawful operations) – DO PASS AMENDED

Jennifer Eugster, Judiciary Committee Analyst, explained HB 2208 and the following amendments:

15 line Huppenthal dated 03/16/06 at 2:20 p.m. (Attachment E)

5 page Huppenthal dated 03/17/06 at 10:58 a.m. (Attachment F)

Representative Biggs, bill sponsor, further explained HB 2208.

Senator Gould moved HB 2208 be returned with a DO PASS recommendation.

Senator Gould moved 15 line Huppenthal dated 03/16/06 at 2:20 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gould moved the 5 page Huppenthal dated 03/17/06 at 10:58 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gould moved HB 2208 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 3).

In explanation of his vote, Senator Brotherton stated that he has some concerns about the restitution issue in the amendment, but for now he voted "aye."

HB 2666 – abortion; parental consent; notarized statement – DO PASS AMENDED

Damion LeeNatali, Judiciary Committee Research Intern, explained HB 2666 and the 5 line Huppenthal amendment dated 03/17/06 at 4:41 p.m. (Attachment G).

Tom and Michelle Zierolf, representing themselves, testified in support of HB 2666.

Senator Gould moved HB 2666 be returned with DO PASS recommendation.

Senator Gould moved the 5 line Huppenthal amendment dated 03/17/06 at 4:41 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gould moved HB 2666 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-1-0 (Attachment 4).

Senator Huppenthal announced those who registered their position on the bill (Attachment D).

HB 2776 – abortion; parental consent – DO PASS

Jennifer Eugster, Judiciary Committee Analyst, explained HB 2776.

Representative Allen, bill sponsor, further explained HB 2776.

Senator Gould moved HB 2776 be returned with a DO PASS recommendation.

Michelle Steinberg, Director of Public Affairs, Planned Parenthood of Central and Northern Arizona, testified in opposition to HB 2776.

Cathi Herrod, Interim President, The Center for Arizona Policy, testified in support of HB 2776.

The motion CARRIED with a roll call vote of 4-2-2 (Attachment 5).

HB 2351 – identity theft omnibus – DO PASS AMENDED

Jennifer Eugster, Judiciary Committee Analyst, explained HB 2351 and the 19 line Huppenthal amendment dated 03/17/06 at 5:01 p.m. (Attachment H).

Representative Farnsworth, bill sponsor, further explained HB 2351.

Senator Gould moved HB 2351 be returned with a DO PASS recommendation.

Senator Gould moved the 19 line Huppenthal amendment dated 03/17/06 at 5:01 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gould moved HB 2351 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 6).

In explanation of his vote, Senator Brotherton stated that he does not like mandatory sentencing, so for now he voted "no".

In explanation of his vote, Senator Harper stated that some of the provisions are still somewhat hard on businesses, but for now he voted "aye."

In explanation of his vote, Senator Martin stated that the bill still needs some work regarding the cost to small business, but for now he voted "aye."

HB 2128 – amusement gambling; charitable organizations – DO PASS AMENDED

Damion LeeNatali, Judiciary Committee Research Intern, explained HB 2128 and the 2 page Martin amendment dated 03/17/06 at 3:16 p.m. (Attachment I).

Representative Jerry Weiers, bill sponsor, further explained HB 2128.

Senator Huppenthal announced those who registered their position on the bill (Attachment D).

Senator Martin moved HB 2128 be returned with a DO PASS recommendation.

Senator Martin moved the 2 page Martin amendment dated 03/17/06 at 3:16 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Martin moved HB 2128 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 7).

In explanation of his vote, Senator Gray stated that he supports the amendment and the intention of the bill, but has concerns about the definition of amusement gambling being too broad and he voted "no."

In explanation of his vote, Senator Harper stated that he is not in favor of expanding gambling for businesses or non-profit and he voted "no."

In explanation of his vote, Senator Huppenthal stated that there is a line between organized gambling and mild fundraising for non-profits and he voted "aye."

HB 2441 – cleanup; victims' rights (now: election officer certification committee; continuation) – DO PASS

Damion LeeNatali, Judiciary Committee Research Intern, explained HB 2441.

Senator Martin moved HB 2441 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 8).

HB 2825 – theft of means of transportation – DO PASS AMENDED

Leah Birk, Judiciary Committee Assistant Research Analyst, explained HB 2825 and the following amendments:

10 line Huppenthal dated 03/17/06 at 4:16 p.m. (Attachment J)

5 line Huppenthal dated 03/17/06 at 4:57 p.m. (Attachment K)

Representative Farnsworth, bill sponsor, further explained HB 2825.

Senator Martin moved HB 2825 be returned with a DO PASS recommendation.

Senator Martin moved the 10 line Huppenthal amendment dated 03/17/06 at 4:16 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Martin moved the 5 line Huppenthal amendment dated 03/17/06 at 4:57 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal announced those who registered their position on the bill (Attachment D).

Timothy La Sota, Special Assistant County Attorney, Maricopa County Attorney's Office, answered questions posed by the Committee.

Enrique Cantu, Executive Director, Arizona Automobile Theft Authority, testified in support of HB 2825.

Senator Martin moved HB 2825 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 9).

In explanation of her vote, Senator Aguirre stated after seeing the inconvenience and hassle caused by having a vehicle stolen, she voted "aye."

In explanation of his vote, Senator Brotherton stated judges should do the sentencing and this would only be used for plea bargains and he voted "no."

HB 2621 – illegal liquor sales; liability – DO PASS AMENDED

Jennifer Eugster, Judiciary Committee Analyst, explained HB 2621 and the 3 line Huppenthal amendment dated 03/17/06 at 10:37 a.m. (Attachment L).

Eileen Sigmund, Scottsdale Hospitality Group, testified in support of HB 2621.

Senator Martin moved HB 2621 be returned with a DO PASS recommendation.

Senator Martin moved the 3 line Huppenthal amendment dated 03/17/06 at 10:37 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal announced those who registered their position on the bill (Attachment D).

Senator Martin moved HB 2621 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 10).

In explanation of his vote, Senator Huppenthal stated that it is very important to put fault where fault lies and this bill gets it correctly done and he voted "aye."

HCR 2010 – justice courts; jurisdiction – DO PASS AMENDED

Leah Birk, Judiciary Committee Assistant Research Analyst, explained HCR 2010 and the 5 line C. Gray amendment dated 03/17/06 at 10:56 a.m. (Attachment M).

Senator Chuck Gray, bill sponsor, further explained HCR 2010.

Senator Huppenthal announced those who registered their position on the bill (Attachment D).

Senator Gray moved HCR 2010 be returned with a DO PASS recommendation.

Senator Gray moved the 5 line C. Gray amendment dated 03/17/06 at 10:56 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gray moved HCR 2010 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-2 (Attachment 11).

HCR 2015 – judges; merit selection; population – DO PASS

Damion LeeNatali, Judiciary Committee Research Intern, explained HCR 2015 and the 16 line Martin amendment dated 03/17/06 at 3:29 p.m. (Attachment N).

Representative Rios, bill sponsor, explained HCR 2015.

Senator Martin announced that he would not offer his amendment.

Senator Martin moved HCR 2015 be returned with a DO PASS recommendation.

Pete Dunn, attorney, Arizona Judges Association, testified in opposition to HCR 2015.

Senator Huppenthal announced those who registered their position on the bill (Attachment D).

The motion CARRIED with a roll call vote of 6-2-0 (Attachment 12).

In explanation of his vote, Senator Gray stated he laments that this system is only for thirteen counties and he voted “aye.”

In explanation of his vote, Senator Brotherton stated that the merit selection system works very well and he voted “no.”

In explanation of his vote, Senator Huppenthal stated that outsiders such as the Chamber of Commerce rate Arizona’s judicial system as high. He said that this HCR will allow a real time experiment to see how judicial elections will work on a larger scale as Pima County grows and he voted “aye.”

HB 2076 – weapons; misconduct; storage; map pocket – DO PASS AMENDED

Leah Birk, Judiciary Committee Assistant Research Analyst, explained HB 2076 and the 4 line Huppenthal amendment dated 03/17/06 at 4:37 p.m. (Attachment O).

Dave Kopp, President, Arizona Citizens Defense League, Inc., testified in support of HB 2076, but against the amendment.

Police Chief Hughes, Surprise Police, testified in opposition to HB 2076.

John Wentling, Vice President, Arizona Citizens Defense League, testified in support of HB 2076.

Charles Heller, representing self, testified in support of HB 2076.

Eric Edwards, Arizona Association of Chiefs of Police and the Phoenix Police Department, testified in opposition to HB 2076.

Senator Gray moved HB 2076 be returned with a DO PASS recommendation.

Senator Gray moved the 4 line Huppenthal amendment dated 03/17/06 at 4:37 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gray moved HB 2076 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 13).

HB 2307 – homeowners' associations; disclosure. (now: prostitution; jail time) – DO PASS AMENDED

Leah Birk, Judiciary Committee Assistant Research Analyst, explained HB 2307 and the 4 line C. Gray amendment dated 03/17/06 at 2:41 p.m. (Attachment P).

Senator Chuck Gray, bill sponsor, further explained HB 2307.

Senator Huppenthal announced those who registered their position on the bill (Attachment D).

Kathleen Mitchell, Program Coordinator, Catholic Charities, representing self, testified in opposition to HB 2307.

Senator Gray moved HB 2307 be returned with a DO PASS recommendation.

Senator Gray moved the 4 line C. Gray amendment dated 03/17/06 at 2:41 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Gray moved HB 2307 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-1 (Attachment 14).

HB 2580 – illegal aliens; serious felonies; bail – DO PASS

Jennifer Eugster, Judiciary Committee Analyst, explained HB 2580.

Representative Pearce, bill sponsor, further explained HB 2580.

Eric Edwards, Phoenix Police Department & Arizona Association of Chiefs of Police, testified in support of HB 2580.

Seth Apfel, Volunteer, America Civil Liberties Union – Arizona, testified in opposition to HB 2580.

**Senator Martin moved HB 2580 be returned with a DO PASS recommendation.
The motion CARRIED with a roll call vote of 5-1-2 (Attachment 15).**

HB 2582 – immigration enforcement mission; council; appropriations (now: immigration enforcement; security council) – HELD

Senator Huppenthal announced that HB 2582 would be HELD.

There being no further business, the meeting was adjourned at 5:35 p.m.

Respectfully submitted,

Shelley Ponce
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)