

ARIZONA STATE SENATE

49TH LEGISLATURE FIRST REGULAR SESSION

MINUTES OF COMMITTEE ON JUDICIARY

DATE: June 15, 2009 **TIME:** 1:30 p.m. **ROOM:** SHR1

CHAIRMAN: Senator Paton **VICE CHAIRMAN:** Senator Huppenthal

ANALYST: Christina Estes-Werther **ASSISTANT ANALYST:** Dakotah Pratt-Hewitt

INTERN: Monica Pineda **COMMITTEE SECRETARY:** Bill Ritz

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Burton Cahill	X			HB 2048	DP
Senator Cheuvront	X			HB 2627	DP
Senator C. Gray	X			SB 1069	DPA/SE
Senator Miranda	X			SB 1072	DPA
Senator Pearce	X			SB 1074	DPA/SE
Senator Huppenthal, Vice Chairman	X			SB 1088	DPA
Senator Paton, Chairman	X			SB 1091	DPA/SE
				SB 1106	DPA
				SB 1115	DPA
				SB 1120	HELD
				SB 1139	DP
				SB 1152	DPA
				SB 1253	DP
				SB 1254	DP
				SB 1278	NOT HEARD
				SB 1340	NOT HEARD
				SB 1414	DP
				SB 1459	DPA/SE
				SCR 1025	DP
				SCR 1026	DP

EXECUTIVE NOMINATIONS

<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
Michael John Rusing	Commission on Appellate Court Appointments	CONFIRMATION

Chairman Paton called the meeting to order at 1:33 p.m. and attendance was taken.

APPROVAL OF MINUTES

Senator Paton stated, without objection, the minutes of June 8, 2009, were approved.

EXECUTIVE NOMINATIONS

Michael John Rusing, Member, Commission on Appellate Court Appointments – CONFIRMATION RECOMMENDED

Senator Huppenthal moved the Committee on Judiciary recommend to the full Senate the CONFIRMATION of Michael John Rusing as a Member of the Commission on Appellate Court Appointments.

Michael Rusing briefly explained his background.

Senator Huppenthal's motion that the Committee on Judiciary recommend to the full Senate the CONFIRMATION of Michael John Rusing as a Member of the Commission on Appellate Court Appointments CARRIED with a roll call vote of 7-0-0 (Attachment 1).

Senator Paton explained his vote.

CONSIDERATION OF BILLS

SCR 1025 – publicly financed elections; prohibition – DO PASS

Christina Estes-Werther, Judiciary Research Analyst, explained SCR 1025 and answered questions posed by the Committee members.

Senator Paton, bill sponsor, answered questions posed by the Committee members.

Todd Lang, Executive Director, Citizens Clean Elections Commission, testified in opposition to SCR 1025 and answered questions posed by the Committee members.

John Kromko, representing self, testified in opposition to SCR 1025 and answered questions posed by the Committee members.

Senator Huppenthal moved SCR 1025 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 2).

Senator Chevront, Senator Chuck Gray, Senator Miranda, Senator Pearce, Senator Huppenthal, Senator Burton Cahill, and Senator Paton explained their votes.

SB 1088 – domestic violence; dating relationships – DO PASS AMENDED

Monica Pineda, Research Assistant, explained SB 1088, the 5-line Paton amendment dated 5/22/09 at 2:02 p.m. (Attachment A), and the 4-line Paton amendment dated 6/12/09 at 1:05 p.m. (Attachment B).

Kendra Leiby, Arizona Coalition Against Domestic Violence, testified in support of SB 1088 and answered questions posed by the Committee members.

Bobbi Sudberry, representing self, testified in support of SB 1088.

Senator Paton announced the individuals who registered their position on the bill (Attachment C).

Senator Huppenthal moved SB 1088 be returned with a DO PASS recommendation.

Senator Huppenthal moved the 5-line Paton amendment dated 5/22/09 at 2:02 p.m. (Attachment A) be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal moved the 4-line Paton amendment dated 6/12/09 at 1:05 p.m. (Attachment B) be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal moved SB 1088 be returned with an AS AMENDED, DO PASS, recommendation.

Kathleen Mayer, Deputy County Attorney, Pima County Attorney's Office, answered questions posed by the Committee members.

Senator Huppenthal's motion that SB 1088 be returned with an AS AMENDED, DO PASS recommendation CARRIED with a roll call vote of 4-3-0 (Attachment 3).

Senator Gray and Senator Pearce explained their votes.

SB 1254 – anti-marital fact privilege; exception – DO PASS

Dakotah Pratt-Hewitt, Assistant Research Analyst, explained SB 1254.

Terry Dendulk, representing self, testified in support of SB 1254.

Rebecca Baker, Deputy County Attorney, Maricopa County Attorney's Office, testified in support of SB 1254 and answered questions posed by the Committee members.

Senator Huppenthal moved SB 1254 be returned with a DO PASS recommendation.

Senator Paton announced the individuals who registered their position on the bill (Attachment C).

Rhonda Litchfield, representing self, testified in support of SB 1254.

Senator Huppenthal's motion that SB 1254 be returned with a DO PASS recommendation CARRIED with a roll call vote of 7-0-0 (Attachment 4).

SB 1072 – charity game ticket games. – DO PASS AMENDED

Dakotah Pratt-Hewitt, Assistant Research Analyst, explained SB 1072 and the 4-page Paton amendment dated 6/11/09 at 9:42 a.m. (Attachment D). Ms. Pratt-Hewitt also answered questions posed by the Committee members.

Jason Isaak, Charity First, testified in support of SB 1072 and answered questions posed by the Committee members.

John Aldecoa, State Adjutant, The American Legion Department of Arizona, testified in support of SB 1072.

Jim Ellars, Legislative Chairman, Veterans of Foreign Wars Department of Arizona, testified in support of SB 1072.

Senator Huppenthal moved SB 1072 be returned with a DO PASS recommendation.

Senator Huppenthal moved the 4-page Paton amendment dated 6/11/09 at 9:42 a.m. (Attachment D) be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal moved SB 1072 be returned with an AS AMENDED, DO PASS, recommendation.

Senator Paton announced the individuals who registered their position on the bill (Attachment C).

Senator Huppenthal's motion that SB 1072 be returned with an AS AMENDED, DO PASS recommendation CARRIED with a roll call vote of 6-1-0 (Attachment 5).

Senator Gray, Senator Miranda, Senator Huppenthal, and Senator Paton explained their votes.

SB 1069 – justice court fees – DO PASS AMENDED/STRIKE EVERYTHING

Christina Estes-Werther, Judiciary Research Analyst, explained the 2-page Paton strike everything amendment dated 6/11/09 at 11:20 a.m. (Attachment E), and answered questions posed by the Committee members.

Tom Horne, Superintendent of Public Instruction, testified in support of SB 1069, referring to a handout entitled "An Open Letter to the Citizens of Tucson" (Attachment F), and answered questions posed by the Committee members.

Representative Steve Montenegro testified in support of SB 1069 and answered questions posed by the Committee members.

Augustine Romero, Director, Tucson Unified School District, testified in opposition to SB 1069 and answered questions posed by the Committee members.

Mariah Harvey, representing self, testified in opposition to SB 1069 and answered questions posed by the Committee members.

Senator Paton announced the individuals who registered their position on the bill (Attachment C).

Senator Huppenthal moved SB 1069 be returned with a DO PASS recommendation.

Senator Huppenthal moved the 2-page Paton strike everything amendment dated 6/11/09 at 11:20 a.m. (Attachment E) be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal moved SB 1069 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 6).

Senator Chevront, Senator Miranda, Senator Pearce, Senator Huppenthal, Senator Burton Cahill, and Senator Paton explained their votes.

RECESS

Chairman Paton recessed the meeting at 5:21 p.m. until the sound of the gavel.

RECONVENE

Chairman Paton reconvened the meeting at 5:45 p.m.

HB 2048 – local elections; signature requirements – DO PASS

Christina Estes-Werther, Judiciary Research Analyst, explained HB 2048.

Senator Huppenthal moved HB 2048 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 7).

SB 1106 – domestic violence; child custody – DO PASS AMENDED

Monica Pineda, Research Assistant, explained SB 1106 and the 6-line Paton amendment dated 5/22/09 at 2:08 p.m. (Attachment G).

Kendra Leiby, Arizona Coalition Against Domestic Violence, testified in support of SB 1106.

Jami Cornish, representing self, testified in support of SB 1106 and answered questions posed by the Committee members.

Joi Serota-Davenport, representing self, testified in support of SB 1106.

Senator Huppenthal moved SB 1106 be returned with a DO PASS recommendation.

Senator Huppenthal moved the 6-line Paton amendment dated 5/22/09 at 2:08 p.m. (Attachment G) be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal moved SB 1106 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 8).

Senator Huppenthal explained his vote.

SB 1120 – domestic violence offenses – HELD

Senator Paton announced SB 1120 would be HELD.

SB 1414 – theft; catalytic converter – DO PASS

Monica Pineda, Research Assistant, explained SB 1414.

Senator Huppenthal moved SB 1414 be returned with a DO PASS recommendation.

Senator McCune Davis, bill sponsor, further explained SB 1414 and answered questions posed by the Committee members.

Senator Paton announced the individuals who registered their position on the bill (Attachment C).

Senator Huppenthal’s motion that SB 1072 be returned with a DO PASS recommendation CARRIED with a roll call vote of 7-0-0 (Attachment 9).

Senator Gray, Senator Pearce, and Senator Huppenthal explained their votes.

SCR 1026 – secret ballot; fundamental right – DO PASS

Christina Estes-Werther, Judiciary Research Analyst, explained SCR 1026.

Allison Bell, Arizona Chamber of Commerce & Industry, testified in support of SCR 1026.

Senator Huppenthal moved SCR 1026 be returned with a DO PASS recommendation.

Senator Paton announced the individuals who registered their position on the bill (Attachment C).

Senator Huppenthal’s motion that SCR 1026 be returned with a DO PASS recommendation CARRIED with a roll call vote of 4-3-0 (Attachment 10).

Senator Burton Cahill explained her vote.

SB 1074 – election law amendments – DO PASS AMENDED/STRIKE EVERYTHING

Christina Estes-Werther, Judiciary Research Analyst, explained the 39-page Paton strike everything amendment dated 6/9/09 at 4:20 p.m. (Attachment H) and the 5-line Paton amendment

dated 6/12/09 at 3:12 p.m. (Attachment I). Ms. Estes-Werther also answered questions posed by the Committee members.

Karen Osborne, Elections Director, Maricopa County, testified in support of SB 1074 and answered questions posed by the Committee members.

Senator Huppenthal moved SB 1074 be returned with a DO PASS recommendation.

Senator Huppenthal moved the 39-page Paton strike everything amendment dated 6/9/09 at 4:20 p.m. (Attachment H) be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal moved the 5-line Paton amendment dated 6/12/09 at 3:12 p.m. (Attachment I) be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal moved the 39-page Paton strike everything amendment dated 6/9/09 at 4:20 p.m. (Attachment H), be ADOPTED AS AMENDED.

Senator Huppenthal moved SB 1074 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 11).

Senator Pearce explained his vote.

Senator Paton announced the individuals who registered their position on the bill (Attachment C).

HB 2627 – voter identification; military identification (now: voter identification; valid forms) – DO PASS

Christina Estes-Werther, Judiciary Research Analyst, explained HB 2627.

Representative Gowan, bill sponsor, further explained HB 2627 and answered questions posed by the Committee members.

Senator Huppenthal moved HB 2627 be returned with a DO PASS recommendation.

Jennifer Sweeney, Government Affairs Director, Arizona Association of Counties, testified in support of HB 2627 and answered questions posed by the Committee members.

Karen Osborne, Elections Director, Maricopa County, testified in support of HB 2627 and answered questions posed by the Committee members.

Senator Huppenthal's motion that SB 2627 be returned with a DO PASS recommendation CARRIED with a roll call vote of 7-0-0 (Attachment 12).

**SB 1091 – elections; special districts; technical correction – DO PASS AMENDED/
STRIKE EVERYTHING**

Senator Huppenthal moved SB 1091 be returned with a DO PASS recommendation.

Senator Huppenthal moved the 32-page Paton strike everything amendment dated 6/4/09 at 4:21 p.m. be ADOPTED (Attachment J). The motion CARRIED by voice vote.

Christina Estes-Werther, Judiciary Research Analyst, explained the 32-page Paton strike everything amendment dated 6/4/09 at 4:21 p.m. (Attachment J) and the 7-line Paton amendment dated 6/12/09 at 10:56 a.m. (Attachment K).

Senator Huppenthal moved to reconsider the action by which the 32-page Paton strike everything amendment dated 6/4/09 at 4:21 p.m. (Attachment J) was adopted.

Senator Paton moved, without objection, to reconsider the actions by which SB 1091 was returned with a DO PASS recommendation and the 32-page Paton strike everything amendment dated 6/4/09 at 4:21 p.m. (Attachment J) was adopted. The motion CARRIED by voice vote.

Senator Huppenthal moved SB 1091 be returned with a DO PASS recommendation.

Senator Huppenthal moved the 32-page Paton strike everything amendment dated 6/4/09 at 4:21 p.m. (Attachment J) be ADOPTED.

Senator Huppenthal moved the 7-line Paton amendment dated 6/12/09 at 10:56 a.m. (Attachment K) be ADOPTED.

Amy Bjelland, State Election Director, Arizona Secretary of State's Office, testified in support of SB 1091.

Senator Paton announced the individuals who registered their position on the bill (Attachment C).

Senator Huppenthal's motion that 7-line Paton amendment dated 6/12/09 at 10:56 a.m. (Attachment K) be ADOPTED CARRIED by voice vote.

Senator Huppenthal moved the 32-page Paton strike everything amendment dated 6/4/09 at 4:21 p.m. (Attachment J), be ADOPTED AS AMENDED.

Senator Huppenthal moved SB 1091 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 13).

SB 1115 – animals; fighting – DO PASS AMENDED

Dakotah Pratt-Hewitt, Assistant Research Analyst, explained SB 1115, the 4-line Paton amendment dated 6/11/09 at 11:04 a.m. (Attachment L), and the 2-page Paton amendment dated 6/12/09 at 4:12 p.m. (Attachment M). Ms. Pratt-Hewitt also answered questions posed by the Committee members.

Kathleen Mayer, Deputy County Attorney, Pima County Attorney's Office, testified in support of SB 1115 and answered questions posed by the Committee members.

Senator Huppenthal moved SB 1115 be returned with a DO PASS recommendation.

Senator Huppenthal moved the 2-page Paton amendment dated 6/12/09 at 4:12 p.m. (Attachment M) be ADOPTED. The motion CARRIED by voice vote.

Senator Gray and Senator Pearce explained their votes.

Senator Huppenthal moved the 4-line Paton amendment dated 6/11/09 at 11:04 a.m. (Attachment L) be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal moved SB 1115 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 6-1-0 (Attachment 14).

Senator Gray and Senator Huppenthal explained their votes.

SB 1253 – felony murder; drive by shooting – DO PASS

Monica Pineda, Research Assistant, explained SB 1253.

Kathleen Mayer, Deputy County Attorney, Pima County Attorney's Office, testified in support of SB 1253 and answered questions posed by the Committee members.

Senator Huppenthal moved SB 1253 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 15).

SB 1152 – mental health services; court-ordered treatment – DO PASS AMENDED

Monica Pineda, Research Assistant, explained SB 1152 and the 2-page Paton amendment dated 6/11/09 at 3:34 p.m. (Attachment N)

Rebecca Baker, Deputy County Attorney, Maricopa County Attorney's Office, testified in support of SB 1152 and answered questions posed by the Committee members.

Senator Huppenthal moved SB 1152 be returned with a DO PASS recommendation.

Senator Huppenthal moved the 2-page Paton amendment dated 6/11/09 at 3:34 p.m. (Attachment N) be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal moved SB 1152 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 16).

SB 1459 – cold case reporting; victim reports – DO PASS AMENDED/STRIKE EVERYTHING

Monica Pineda, Research Assistant, explained the 5-page Huppenthal strike everything amendment dated 3/12/09 at 2:55 p.m. (Attachment O).

Mike Durham, 2nd Spoken Voice, testified in support of SB 1459.

Ray Churay, Deputy Director, Maricopa County Sheriff's Office, testified in support of SB 1459.

Senator Huppenthal moved SB 1459 be returned with a DO PASS recommendation.

Senator Huppenthal moved the 5-page Huppenthal strike everything amendment dated 3/12/09 at 2:55 p.m. (Attachment O) be ADOPTED. The motion CARRIED by voice vote.

Senator Huppenthal moved SB 1459 be returned with an AS AMENDED, DO PASS, recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 17).

SB 1139 – global position systems; committee extension – DO PASS

Senator Huppenthal moved SB 1139 be returned with a DO PASS recommendation.

Monica Pineda, Research Assistant, explained SB 1139.

Senator Huppenthal's motion that SB 1139 be returned with a DO PASS recommendation CARRIED with a roll call vote of 7-0-0 (Attachment 18).

There being no further business, the meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Bill Ritz
Committee Secretary

(Audio recordings and attachments on file in the Secretary of Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azsenate.gov>).