

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – First Regular Session

COMMITTEE ON JUDICIARY

Minutes of Meeting
Thursday, March 24, 2011
House Hearing Room 4 -- 8:00 a.m.

Chairman Farnsworth called the meeting to order at 8:10 a.m. and attendance was noted by the secretary.

Members Present

Mr. Ash	Mr. Hale	Mr. Vogt
Mr. Chabin	Mr. Harper	Mr. Smith D, Vice-Chairman
Mrs. Goodale	Mrs. Tovar	Mr. Farnsworth, Chairman

Members Absent

None

Committee Action

SB1086 - DP (7-1-0-1)	SB1467 - DP (6-3-0-0)
SB1095 - DPA S/E (6-3-0-0)	SB1469 - DP (7-2-0-0)
SB1167 - DPA S/E (7-1-1-0)	SB1471 - DP (9-0-0-0)
SB1192 - DP (7-1-1-0)	SB1499 - DP (8-0-1-0)
SB1201 - DPA (5-4-0-0)	SB1504 - DP (9-0-0-0)
SB1356 - DP (8-1-0-0)	SB1520 - DPA (9-0-0-0)
SB1363 - DP (6-3-0-0)	SB1610 - DP (5-4-0-0)
SB1367 - DPA S/E (9-0-0-0)	SCR1001 - DPA S/E (6-3-0-0)
SB1391 - DPA (6-3-0-0)	SCR1002 - DPA S/E (5-4-0-0)
SB1464 - DP (9-0-0-0)	SCR1020 - DP (6-3-0-0)
SB1466 - DP (5-4-0-0) (On Reconsideration)	

CONSIDERATION OF BILLS:

SB1095 - probation report; electronic submission - DO PASS AMENDED S/E
S/E: abortions; clinical privileges; physicians

Kathryn Brown, Majority Intern, explained that the Farnsworth ten-line strike-everything amendment dated 3/22/11 (Attachment 1) to SB1095 requires a physician who performs or induces an abortion to have clinical privileges at a hospital that offers obstetrical or gynecological care within 30 miles of a location where the abortion is performed or induced (Attachment 2). The bill classifies a violation as a Class 3 misdemeanor (30 days/\$500).

Senator Andy Biggs, sponsor, said that a perforated uterus and/or a perforated bowel are the most common conditions that can occur if something goes wrong when an abortion is performed and those require surgery to prevent further complications. This bill requires that if an abortion is going to be performed, it must be done within 30 miles of a medical facility where a physician has admitting privileges, so that complications that may arise can be taken care of.

Theresa Ulmer, Consultant, Planned Parenthood Arizona, testified in opposition to the strike-everything amendment to SB1095. She distributed and reviewed a letter from an attorney for the Center for Reproductive Rights (Attachment 3). She questioned the constitutionality of this proposal and opined that it will result in a lengthy, costly unsuccessful legal battle. She pointed out that less than 0.3 percent of abortions result in medical complications requiring hospitalization, so this bill is not needed.

In reply to Mr. Vogt, Ms. Ulmer stated that statistics show that nationally, there is a 0.3 percent chance that a complication will require hospital care. Mr. Vogt queried the number of abortions performed in Arizona annually. Ms. Ulmer said she does not have that number, but those statistics are available on the Department of Health Services' (DHS) website.

Vice-Chairman Smith announced the names of those who signed up in opposition to the strike-everything amendment to SB1095 but did not speak:

Emily Herrell, representing self
Richard Underwood, representing self
Elizabeth Mendoza, representing self
Judith Salzman, representing self
Esther Massimini, representing self
Stuart Cohen, representing self
Brian Simpson, representing self
Mark Jones, representing self
Sandra Stock, representing self
Mary Graf, representing self
Kirsten Larsen, representing self
Madeleine Wachter, representing self
Sue E. Dean, representing self
Kathleen Thompson, representing self
Nancy Hellner, representing self
Kelly Damron, representing self
Susan Bruce, representing self
Peggy Wenrick, representing self
Donna Gaab, representing self
Julie Connors, representing self
Linda Rosenthal, representing self
Robert Crouch, representing self
Michelle Steinberg, Director of Public Affairs, Planned Parenthood Arizona
Jason Auvenshine, representing self
Malinda Briggs, representing self
Kendra Waddell, representing self
Mary Darling, representing self
Elizabeth Offutt, representing self

Maureen Quirk, representing self
Ilana Addis, representing self
Jim Hughett, representing self
Leslie Levy, representing self
Kam Majer, representing self
Matt Schoenley, Chair & Executive Director, Secular Coalition for Arizona
Laura Carruthers, representing self

Vice-Chairman Smith announced the names of those who signed up in support of the strike-everything amendment to SB1095 but did not speak:

Susan Stradling, representing self
Kathy Carlsen, representing self

Vice-Chairman Smith announced the names of those who signed up as neutral on the strike-everything amendment to SB1095 but did not speak:

Susan Cannata, Attorney, Arizona Academy of Family Physicians

Vice-Chairman Smith moved that SB1095 do pass.

Vice-Chairman Smith moved that the Farnsworth ten-line strike-everything amendment dated 3/22/11 to SB1095 be adopted (Attachment 1). The motion carried.

Vice-Chairman Smith moved that SB1095 as amended do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 4).

SB1464 - private prison contractors; public records.(now: false reporting; vulnerable adult abuse) - DO PASS

Angelica Garcia, Democratic Staff Intern, said that SB1464 classifies as a Class 1 misdemeanor (6 months/\$2,500) intentionally making a false, fraudulent or unfounded report or statement of vulnerable adult abuse or neglect to another person who is required by law to report the information to a law enforcement agency (Attachment 5).

Senator Kyrsten Sinema, sponsor, advised that there is no penalty in law for making a false report to someone who is required by law to report abuse or neglect of a vulnerable adult. This legislation seeks to close that loophole.

In reply to Mr. Harper, Senator Sinema said this holds individuals accountable who knowingly make false reports for bad purposes.

Vice-Chairman Smith moved that SB1464 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 6).

SB1520 - Arizona background clearance card - DO PASS AMENDED

Magdalena Jorquez, Majority Research Analyst, explained that SB1520 creates an Arizona background clearance card (ABCC) option (Attachment 7). She reviewed the provisions of the bill:

- Stipulates that if the employees or licensees of any agency or employer in this state are required to obtain a fingerprint clearance card issued by the Department of Public Safety (DPS), an agency or employer may accept an Arizona background clearance card (ABCC) that is issued by an authorized investigator (provider) in lieu of a DPS-issued fingerprint clearance card.
- Establishes criteria that must be satisfied before a person can be licensed as an investigator.
- Establishes duties that a licensed authorized investigator must take on each card applicant.
- Identifies specific information that must be included on the clearance card.
- Requires an investigator to provide that each ABCC be verifiable and free of charge by internet access via the provider's website.
- Prohibits an investigator from selling or giving any information obtained by an investigator from an applicant and the DPS to any other entity or person.
- Establishes the course of action the provider or the Board of Fingerprinting (BOF) must take if the person has been indicted, charged with, convicted of, or pled guilty or no contest to any precluding offenses.
- Imposes specific requirements on the applicant with regard to submitting an application for a clearance card.
- Requires the provider to verify the applicant's identity and citizenship, or authorization to live and work in the state as part of the criminal background investigation.
- Prohibits the investigator from issuing an ABCC and to notify the applicant and the agency of the denial if the applicant provides materially false information on the application.
- Permits the applicant to appeal the denial to the BOF for review.
- Establishes that a person who knowingly falsifies a material fact or who makes or uses a false ABCC knowing that the false ABCC contains a false, fictitious or fraudulent statement as a Class 3 misdemeanor.

Ms. Jorquez explained that the Farnsworth three-page amendment dated 3/21/11 adds the following duties to the Board of Fingerprinting (Attachment 8):

- Establish rules for good cause exceptions for the appeals involving an application for a clearance.
- Treat an ABCC in the same manner as a fingerprint clearance card.
- If applicable, direct all correspondence to the authorized investigator instead of to the Department of Public Safety.

The amendment also stipulates that if an employer contracts with a government entity for a service that requires the employee to obtain a fingerprint clearance card, the ABCC may be accepted only with approval of that government entity.

Ms. Jorquez stated that the Farnsworth 12-line amendment dated 3/22/11 requires that all investigators avail all records collected as part of the ABCC investigation to the BOF for the purposes of determining good cause exceptions for appeals (Attachment 9).

Matt Salmon, Lobbyist, CrimShield, Inc., testified in support of SB1520. He advised that this is an option for agencies. There will be a multitude of pre-approved providers that an agency can choose from, according to the guidelines set forth in statute. Several agencies have expressed a strong interest in this because many clearance cards can take a few months and these clearance cards can be obtained within a few days. Additionally, the U.S. Attorney General's report on the current fingerprint system stated that as much as 50 percent of the information is inaccurate. He reiterated that this is a private option for agencies to choose from.

Chairman Farnsworth asked Mr. Salmon's position on the two amendments. Mr. Salmon said he supports them.

Vice-Chairman Smith announced the names of those who signed up in support of SB1520 but did not speak:

David Pickron, CrimShield, Inc., representing self

Vice-Chairman Smith announced the names of those who signed up as neutral on SB1520 but did not speak:

Dennis Seavers, Executive Director, Board of Fingerprinting

Jerry Landau, Legislative Liaison, Arizona Supreme Court, Administrative Office of the Courts

Vince Yanez, Executive Director, State Board of Education

Vice-Chairman Smith moved that SB1520 do pass.

Vice-Chairman Smith moved that the Farnsworth three-page amendment dated 3/21/11 be adopted (Attachment 8). The motion carried.

Vice-Chairman Smith moved that the Farnsworth 12-line amendment dated 3/22/11 be adopted (Attachment 9). The motion carried.

Vice-Chairman Smith moved that SB1520 as amended do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 10).

SB1167 - ASRS; comprehensive amendments - DO PASS AMENDED S/E
S/E: legislative referenda; challenges

Magdalena Jorquez, Majority Research Analyst, explained that the Farnsworth 21-line strike-everything amendment dated 3/18/11 (Attachment 11) to SB1167 is an emergency measure that establishes a statute of limitations for actions that challenge the legal sufficiency of a measure referred by the Legislature (Attachment 12). The bill requires that a challenge to the legal sufficiency must be filed within the following time period, starting after the referendum is filed with the Secretary of State (SOS): 20 days if filed in an odd-numbered year; 10 days if filed in an even-numbered year.

Mr. Chabin asked whether this is a matter of filing an action in court. Ms. Jorquez explained that currently a person or entity can challenge a measure at any time as long as it is timely.

Mr. Chabin asked the purpose of the bill. Chairman Farnsworth said this was brought to him by Leadership, and explained that the challenge will come from whatever the court requirement is; it is not controlled by the Legislative timeframe. Ms. Jorquez noted that the time period for filing the legal challenge will begin when the referendum is filed with the Secretary of State. Mr. Chabin asked whether that is the only time when the challenge can be filed. Ms. Jorquez said that is correct, with regard to the legal sufficiency of the measure; she said it pertains mainly to a single-subject challenge, otherwise a law cannot be challenged until it has passed and been enacted. Mr. Chabin said the question is whether a person or a group will have sufficient time to conduct an analysis necessary to mount a legal challenge.

In response to Mr. Hale, Chairman Farnsworth explained the reason for the difference in the time to challenge a referral depends on whether the election occurs in an odd year or an even year. The time is shortened in a year when there is an election so the information is given earlier.

To that point, Mr. Harper brought up a special election. Chairman Farnsworth replied that there is no exemption for a special election.

Vice-Chairman Smith announced the names of those who signed up in opposition to the strike-everything amendment to SB1167 but did not speak:

Sandy Bahr, Conservation Director, Sierra Club - Grand Canyon Chapter

Vice-Chairman Smith moved that SB1167 do pass.

Vice-Chairman Smith moved that the Farnsworth 21-line strike-everything amendment dated 3/18/11 to SB1167 be adopted (Attachment 11). The motion carried.

Vice-Chairman Smith moved that SB1167 as amended do pass. The motion carried by a roll call vote of 7-1-1-0 (Attachment 13).

SB1086 - tobacco products; prohibitions - DO PASS

Amanda Farmer, Majority Staff Intern, stated that SB1086 prohibits a minor from using a written instrument or false identification to acquire cigars, cigarettes or cigarette papers, or smoking or chewing tobacco (Attachment 14). The bill stipulates that a violation is a Class 3 misdemeanor (30 days/\$500).

Don Isaacson, Arizona Licensed Beverage Association, testified in support of SB1086. Currently, an underage youth who tries to purchase tobacco is guilty of a petty offense, but there is no enhancement if a false ID is involved. The intent of this legislation is to raise the offense to a Class 3 misdemeanor if a youth engages in an additional level of criminal conduct, i.e., using a document fraudulently to lure a retailer into believing that the sale is lawful.

Michelle Ahlmer, Executive Director, Arizona Retailers Association, in support of SB1086, advised that salespeople are trained to check identification but they are not expected to be police.

As technology has advanced and fake IDs are more sophisticated, it is more difficult to determine whether the ID is real or fake. She said that presenting a fake ID is a deliberate act, and the Retailers Association would like to have an enhanced penalty for a deliberate act.

Mr. Chabin queried whether the retailer is liable when a fake ID is presented. Ms. Ahlmer said it depends on whether the seller knows it is fake. She said there have been issues in the past, and that is why the bill was brought forward. Mr. Chabin noted that this bill does nothing to protect the retailer; it focuses on the juvenile. Ms. Ahlmer advised that if a retailer is guilty of selling to a juvenile, the ramifications range from suspension to termination. Hopefully, this proposal will reduce criminal activity.

Vice-Chairman Smith announced the names of those who signed up in support of SB1086 but did not speak:

Steve Barclay, Lobbyist, Cigar Association of America

Barry Aarons, Lobbyist, Prime Time International

Vice-Chairman Smith announced the names of those who signed up as neutral on SB1086 but did not speak:

Brian Hummell, Arizona Director of Government Relations, American Cancer Society, Cancer Action Network

Vice-Chairman Smith moved that SB1086 do pass. The motion carried by a roll call vote of 7-1-0-1 (Attachment 15).

SB1192 - child support model; review; report - DO PASS

Kathryn Brown, Majority Intern, said that SB1192 contains the following provisions (Attachment 16):

- Requires the Arizona Supreme Court to select a nationally-recognized independent research organization to review and assess the methodology used in creating the Child Outcome Based Support (COBS) model and the effect it will have on the courts and child support for families in Arizona prior to adopting the model.
- States the Legislative finding that there is significant concern regarding the impact of the COBS model on Arizona families.
- States the Legislative intent is to require the Court to adequately address the concerns prior to adopting the COBS model.

Terry Decker, representing self, in support of SB1192, related that he has had weekly meetings with the Chair of the Supreme Court Child Support Guidelines Committee. He would like to see the bill amended by adding the following: “The Court will withhold implementation until the Legislature has the opportunity to review the documents and hold any necessary public meetings and gives the Court further direction.”

Senator Linda Gray, sponsor, advised that since the 1980s, Arizona has had the same model on how child support is disbursed. The Chief Justice appointed the Child Support Review Committee to update the guidelines as required by federal law every four years. She stated that COBS addresses situations where there is a large disparity in income between the custodial and

noncustodial parent, which was found to be unfair to some parents. A letter received from the Court advised that it will wait until the Legislature gives the Court a recommendation. If the Legislature does not make a recommendation, the Arizona Judicial Council (AJC) will examine the guidelines in October, 2011. Her concern is that the COBS model will be implemented without a full examination. This proposal is the Legislature's recommendation for an independent review of COBS. She asked Members to support an evaluation of what the COBS model will do.

Mr. Ash queried the cost of the review. Senator Gray answered she is not sure what the cost will be; she said that is dependent on the Request for Proposal.

Chairman Farnsworth announced the names of those who signed up in support of SB1192 but did not speak:

Aaron Barnes, representing self

Karen Duckworth, representing self

Jarrett Williams, representing self

Vice-Chairman Smith moved that SB1192 do pass. The motion carried by a roll call vote of 7-1-1-0 (Attachment 17).

SCR1001 - technical correction; state school fund - DO PASS AMENDED S/E
S/E: judicial selection; procedure

Magdalena Jorquez, Majority Research Analyst, stated that the Farnsworth 12-page strike-everything amendment dated 3/22/11 (Attachment 18) to SCR1001 proposes to amend numerous sections of Article VI of the Arizona Constitution relating to terms of offices of the judiciary as well as the Commission on Appellate Court Appointments and the Commission on Trial Court Appointments (Attachment 19). She reviewed the provisions of the bill:

- Increases the term of office for any of the following Justices and judges to eight years, for any term beginning on or after January 1, 2013: Justices of the Supreme Court; Appellate Court judges; and Superior Court judges.
- Modifies the Commission on Appellate Court Appointments by making the following changes:
 - Removes the requirement that the attorney members be nominated by the Board of Governors of the Arizona State Bar.
 - Specifies that if a vacancy occurs for an attorney or nonattorney position, the Commission must solicit, review and forward the Governor all of the recommendations made by the Arizona Bar for attorney members and all applications for attorney and nonattorney members along with the committee's recommendations for appointment.
 - Increases the time period those attorney members must be admitted to practice from five to 10 years.
 - Specifies that attorney members must be in good standing of the State Bar, have no formal disciplinary charges and have never been subject to sanction.
 - Specifies that members of the commission must serve staggered four-year terms.
 - Requires the Commission on Appellate Court Appointments to submit at least eight nominees to the Governor to fill each vacancy, within 60 days of any vacancy in the office of a Justice or judge of the Supreme Court or Appellate Court.

- Allows the Commission to reject any applicant and submit less than eight, unless the applicant received two-thirds of the vote.
- Requires the commission to nominate any applicant who receives a majority vote.
- Prevents the commission from submitting the name of a person for more than one vacancy, if the vacancy exists in the same court at the same time.
- Requires the Commission on Trial Court Appointments to submit at least eight nominees to the Governor to fill each vacancy that occurs, within 60 days of any vacancy in the office of a judge of the Superior Court or a judge of a court of record inferior to the Superior Court in a county having less than a 250,000 population.
- Allows the commission to reject any applicant and submit less than eight, unless the applicant received two-thirds of the vote.
- Requires the commission to nominate any applicant who receives a majority vote.
- Prevents the commission from submitting the name of a person for more than one vacancy, if the vacancy exists in the same court at the same time.
- Permits the Governor to make an appointment from any of the nominees presented for any of the vacancies in that court, if more than one vacancy exists in the same court at the same time.
- Removes the provisions relating to the four-year staggered terms of the members.
- Increases the time period those attorney members must be admitted to practice from 5 to 10 years.
- Specifies that attorney members must be in good standing of the State Bar, have no formal disciplinary charges and have never been subject to sanction.
- Requires the Supreme Court to take the following actions:
 - Make available on its website, every opinion or order that is issued by a judge of a court of record and that is not sealed;
 - Transmit a copy of the judicial performance review of each justice and judge who is up for retention to the President of the Senate and the Speaker of the House of Representatives, no later 60 days before the regular primary election.
- Requires a joint legislative committee consisting of the Senate and House Judiciary Committees to meet and take testimony on the justices and judges up for retention.
 - Specifies that the joint committee is to meet no later than 60 days prior to the regular general election for the retention of justices and judges.

Senator Russell Pearce, sponsor, advised that the strike-everything amendment to SCR1001 is a work in progress. The bill is a good compromise; however, it needs to keep moving so agreement can be reached with the judiciary and all issues can be resolved. He submitted that this proposal provides better options, and makes the process more transparent and more accountable.

John Phelps, Chief Executive Officer, State Bar of Arizona, spoke in opposition to the strike-everything amendment to SCR1001. The State Bar believes that the merit system is one that should always be reviewed for improvement. Noting that the bill is a work in progress, he expressed hope that the State Bar will be invited to participate in conversations on how the

system can be improved. The State Bar supports the concepts of accountability and transparency; however, it opposes the bill as currently drafted. He advised that a number of countries are reviewing this nation's merit system of judicial selection as a model system. This is a constitutional change which, he maintained, should be done carefully, with deliberation and good thought.

Mr. Ash questioned whether the State Bar has been involved in negotiations with the judiciary and been consulted about the changes. Mr. Phelps replied that the State Bar has been informed of the changes but has not been actively involved in negotiations.

Mr. Hale asked whether there is evidence that the current process is not accountable or transparent. Mr. Phelps said he believes that the current process is accountable and transparent; however, if there is a perception or evidence that it is not, he wants to hear about it so the issue can be addressed.

Deborah Sheasby, Legal Counsel, Center for Arizona Policy, in support of the strike-everything amendment to SCR1001, testified that the Center for Arizona Policy has concerns with the current system. She advised that her organization has been working with the judiciary for the past several months to try to arrive at a compromise to improve some of the problem areas in the system. The main concern is the lack of checks and balances among the three branches, mainly that the Legislature has no role in judicial selection. Another concern is that merit selection has not removed politics from the selection of judges: party affiliation is a factor in the process and applicants campaign for nominations by lobbying commission members on their behalf. She opined that this measure goes a long way towards improving the system.

Chairman Farnsworth commented that this proposal gives the Governor more choices; it is not just about accountability and oversight. Ms. Sheasby agreed.

Mr. Chabin related that the current system is admired throughout the world because steps have been taken to de-politicize it. With this proposal, many fear that it will become more political. Ms. Sheasby responded that even though the current system is purported to be completely based on merit, the reality is that it is not. When the Commission limits the list to three names, she said that limits the Governor's choice. This legislation is designed to improve the selection process by giving the Governor more names. Mr. Chabin argued that expanding the number of names invites the opportunity for political consideration. Chairman Farnsworth expressed disagreement with Mr. Chabin's statement that expanding the number politicizes the process. Mr. Chabin submitted that the current system is admired and he sees no reason to change it.

Mr. Ash referred to Ms. Sheasby's comment that people are campaigning for these positions. He asked whether there is anything in this legislation that prevents people from campaigning for the positions. Ms. Sheasby replied in the negative.

Mr. Vogt asked about the joint legislative committee hearings and wondered whether they will be for informational purposes only. Ms. Sheasby stated her understanding that the committee's role is not to take action but to provide an open forum. The hearings will give more transparency and openness to the process and give applicants the opportunity to be heard.

Vice-Chairman Smith announced the names of those who signed up in support of the strike-everything amendment to HCR1001 but did not speak:
Cathi Herrod, President, Center for Arizona Policy

Vice-Chairman Smith announced the names of those who signed up as neutral on the strike-everything amendment to SCR1001 but did not speak:
Peter Dunn, Arizona Judges Association

Vice-Chairman Smith moved that SCR1001 do pass.

Vice-Chairman Smith moved that the Farnsworth 12-page strike-everything amendment dated 3/22/11 to SCR1001 be adopted (Attachment 18). The motion carried.

Vice-Chairman Smith moved that SCR1001 as amended do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 20).

SCR1002 - military personnel; technical correction - DO PASS AMENDED S/E
S/E: judicial selection; county threshold

Magdalena Jorquez, Majority Research Analyst, explained that the Farnsworth 10-page strike-everything amendment dated 3/22/11 (Attachment 21) to SCR1002 adjusts the county population size from 250,000 persons to 600,000 persons in reference to certain judicial guidelines (Attachment 22). She reviewed the provisions of the bill:

- Requires that judges of the Superior Court in counties of less than 600,000 be elected by the qualified electors of their county at the general election.
- Mandates the Governor to fill any vacancy in a county having a population of less than 600,000 persons by appointing a person to serve until the next election.
- Stipulates that judges of the Superior Court in a county with a population of more than 600,000 persons will be appointed.
- Allows judges currently holding office in Superior Court in counties with less than 600,000 persons to continue to serve the remainder of their term, but shall not be eligible for retention.
 - Stipulates beginning in the next election, vacancies shall be filled and successors shall be elected.
- Exempts a justice or judge holding office in a county having a population of less than 600,000 persons from having to forfeit office upon filing papers for nomination of an elective office.
- Clarifies that any judge, justice or justice of the peace in office at the time of the adoption of an amendment to this section will continue to serve; as well as any judge, justice or justice of the peace that is elected in the same election that this is adopted will serve their terms.
- States that within 60 days of a vacancy of either a justice from the Supreme Court or a judge of an intermediate appellate court, the Commission on Appellate Court Appointments must submit to the Governor a list of no less than three persons nominated to fill the vacancy.

- Exempts counties with a population of 600,000 persons or less from certain vacancy filing procedures in reference to the Commission on Trial Court Appointments.
- Exempts justices or judges that are holding office currently in a county having a population of less than 600,000 and wish to be candidates in the next election to file with the Secretary of State.
- Grants counties with less than 600,000 persons the option to choose to select its judges of the Superior Court as if it has a population of more than 600,000 persons.
- Requires a nonpartisan Commission on Trial Court Appointments for each county having a population of 600,000 or more.
- Clarifies that in the absence or incapacity of the chairman of the Commission on Trial Court Appointments the Supreme Court must appoint a Supreme Court Justice to take the place as chairman.
- Removes the language relating to the terms of appointment of the five nonattorney members and two attorney members from the Commission on Trial Court Appointments.
- Directs the Secretary of State to submit the proposition to the voters in the next general election.

In reply to Vice-Chairman Smith's query, Ms. Jorquez answered that this proposal will affect Pinal County.

Chairman Farnsworth noted that two counties in Arizona have merit selection; the other counties hold elections for judicial selection. He believes a large segment of the population in the smaller counties would like to retain election of judges.

Mr. Chabin asked the population figure for each Superior Court division that is created. Chairman Farnsworth said he believes it is 30,000.

Senator Russell Pearce, sponsor, stated that judges in smaller counties know and communicate with their constituents, and these smaller counties have always been allowed to elect their judges. This legislation continues to allow for the preservation of the merit system in Maricopa and Pima Counties, and preserves the right of small counties to continue to elect their judges. He mentioned that he dislikes the retention process because it is a lifetime employment and does not afford accountability in the judiciary. He asked the Committee to give the people the opportunity to vote on this and retain that election process. He submitted that the people's voice should be heard.

Mr. Ash commented that when a county gets to a certain size, it becomes much more difficult for the population to get to know the judges personally and to evaluate them.

Justice Robert Brutinel, Arizona Supreme Court, representing self, testified in opposition to SCR1002. He related that he served as a trial judge in Yavapai County for 15 years and was elected five times in direct elections. He said he believes that judges need to be accountable to the population; they need to be out in the communities and a part of their communities, and he said that judges throughout the state work hard to try to do that. The current system where judges in 13 counties run for election and judges in the other two counties are under merit

selection, makes sense. This proposal will make it more difficult to know what judges are doing; it will hinder a voter in making intelligent, informed decisions as to whether a judge deserves one's vote. He submitted that the current system works well.

William O'Neil, Disciplinary Judge, Arizona Supreme Court and former Presiding Judge, Pinal County Superior Court, representing self, in opposition to SCR1002, agreed with the sponsor that the people's voice is very important. He said that people in Pinal County want election of judges. He reminded Members that the retention system was the result of an initiative, and not legislative action. He suggested that it is troubling when politics are increased in an election.

Chairman Farnsworth told Judge O'Neil that it sounds like he is opposed to any election of judges. Judge O'Neil said he believes it is better not to have election of judges. Chairman Farnsworth noted that this bill addresses the population threshold, not the process of electing judges throughout the state. Judge O'Neil clarified that he supports election of judges in rural counties where there are fewer voters and fewer judges.

Robert Carter Olsen, Presiding Judge, Pinal County Superior Court, representing self, testified in opposition to SCR1002. He said that there is the false impression that this proposal is to keep Pinal County from going to the merit system. Once the census is validated, he said he believes Pinal County will go to the merit system. He stated that he and other judges on the bench do not view retention election in rural counties as a lifetime appointment, but as a more accountable system. He reminded Members that there is a retention election in 2012 and he suggested that this is not the time to pass this legislation.

Chairman Farnsworth announced the names of those who signed up in opposition to SCR1002 but did not speak:

Peter Dunn, Arizona Judges Association

Vice-Chairman Smith moved that SCR1002 do pass.

Vice-Chairman Smith moved that the Farnsworth 10-page strike-everything amendment dated 3/22/11 to SCR1002 be adopted (Attachment 21). The motion carried.

Vice-Chairman Smith moved that SCR1002 as amended do pass. The motion carried by a roll call vote of 5-4-0-0 (Attachment 23).

SCR1020 - crime victims; protection from liability - DO PASS

George Khalaf, Majority Leadership Intern, explained that SCR1020, if passed by the voters, prohibits a crime victim from being subject to a claim for damages for causing death or injury to a person if the person is harmed when engaging in, attempting to engage in, or fleeing after having engaged in or attempted to engage in a felony offense (Attachment 24). The bill titles the proposition the "Crime Victims Protection Act of 2012" and mandates that the Secretary of State submit this proposition to the voters at the next general election.

Senator Russell Pearce, sponsor, advised that SCR1020 states that when someone commits a felony and is injured, that person cannot sue and be compensated. He maintained that it is

unthinkable that someone can commit a felonious act of violating someone's rights or property rights, be injured, and then sue that person.

Vice-Chairman Smith questioned the need for a constitutional amendment, rather than legislation. Senator Pearce replied that qualified immunity is challengeable; the Arizona Constitution prohibits one from limiting lawsuits of any type. He said he believes that a constitutional amendment is appropriate; it guarantees that lawsuits such as this will never happen.

John Wentling, Vice President, Arizona Citizens Defense League, in support of SCR1020, said that it is important to have a constitutional prohibition where a criminal cannot sue his victim. He hopes there will be bipartisan support for this legislation.

Jon Hinz, Director, Fairness and Accountability in Insurance Reform (FAIR), spoke in opposition to SCR1020. He said he does not believe a criminal should benefit from harming a victim; however, the way the bill is drafted and because it will become a constitutional provision, it is extremely troubling. He pointed out that there is no definition of *victim*. The proposal is extremely broad and may have unintended consequences. He expressed support of the premise but said he does not support a constitutional amendment.

Vice-Chairman Smith moved that SCR1020 do pass.

Vice-Chairman announced the names of those who signed up in support of SCR1020 but did not speak:

Todd Rathner, Legislative Consultant, representing self
Dave Kopp, Manager, Arizona Citizens Defense League
Jose Borrajero, representing self

Vice-Chairman Smith announced the names of those who signed up in opposition to SCR1020 but did not speak:

Janice Goldstein, Arizona Trial Lawyers

Question was called on the motion that SCR1020 do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 25).

SB1356 - evading arrest or detention; crime - DO PASS

Magdalena Jorquez, Majority Research Analyst, explained the provisions of SB1356 as follows (Attachment 26):

- Creates an offense of evading arrest or detention as a person who intentionally flees from another who is reasonably known to him to be a peace officer who is:
 - Acting under the color of the peace officer's official authority; and
 - Is attempting to lawfully arrest or detain the person.
- Specifies that the violation does not apply to a person who uses a motor vehicle to flee.
- Classifies evading arrest or detention as a Class 1 misdemeanor (6 months/\$2500 fine), unless:

- The offense involves the death of another person as a direct result of the peace officer pursuing a person who is fleeing to avoid arrest or detention; then the violation is a Class 2 felony (5 years).
- The offense involves serious bodily injury to another person as a direct result of an attempt by the peace officer pursuing a person who is fleeing to avoid arrest or detention; then the violation is a Class 3 felony (3.5 years).

Senator Frank Antenori, sponsor, advised that this was brought to him by police officers and deals with the problem of when an officer is injured or killed in the pursuit of a suspect. If someone is evading arrest in an automobile and that evasion results in the death of an officer, the person can be charged with a Class 2 felony. If an officer is killed while pursuing a suspect on foot, the individual is charged with a misdemeanor. This bill brings the penalties in line if an officer or a member of the public is injured or killed during a foot pursuit.

Mr. Ash questioned the reason for the same penalty. He noted that fleeing in a vehicle, often called a dangerous weapon because the risk to the public is much greater, should carry the higher penalty. Senator Antenori responded that if the suspect is fleeing, there is not much of a difference if the pursuit is on foot or in a vehicle if the officer's life is put at risk.

Mr. Ash brought up the situation where an officer in pursuit dies of a heart attack attributable to his health condition and not directly to the pursuit. He said he recognizes the potential for overcharging the person in such situations. Senator Antenori said he is amenable to amending the bill to include language such as *notwithstanding a medical condition*. He said the intent of the bill is to address physical injury that results in an officer's death, not necessarily a medical condition that results in death.

Jason Winsky, Police Officer, Tucson Police Officer's Association, Arizona Conference of Police & Sheriffs (AZCOPS), spoke in favor of SB1356. He advised that many states already have this law. Currently, there is no law in Arizona that sanctions a person who flees on foot from a law enforcement officer; there is only one that covers flight in a vehicle. He stated that chasing a criminal who flees on foot represents one of the most dangerous activities that a police officer can do, not only for the officer but also for the community.

Vice-Chairman Smith noted that the bill applies to third persons other than police officers. Officer Winsky said that is correct.

Vice-Chairman Smith announced the names of those who signed up in support of SB1356 but did not speak:

Don Isaacson, Fraternal Order of Police

Luis Ebratt, President Arizona Probation Officers Association (AZPOA), Arizona Conference of Police & Sheriffs (AZCOPS)

Vice-Chairman Smith moved that SB1356 do pass. The motion carried by a roll call vote of 8-1-0-0 (Attachment 27).

SB1367 - court-ordered outpatient treatment; notification - DO PASS AMENDED S/E
S/E: juveniles; DNA testing

Magdalena Jorquez, Majority Research Analyst, explained that the Farnsworth 29-line strike-everything amendment dated 3/22/11 to SB1367 (Attachment 28) broadens the scenarios in which a judicial officer is required to order that a juvenile submit a sample for deoxyribonucleic acid (DNA) testing (Attachment 29). The bill requires the court to order the juvenile to report to the law enforcement agency that investigated the juvenile or to the agency's designee within five days, and specifies that the procedures for collection, analysis, use, maintenance and expungement of samples established in the section of law governing DNA testing are applicable to the samples. The bill contains an intent clause.

Senator Frank Antenori, sponsor, said he has been working closely with the Maricopa County Attorney's Office on this legislation. It is a commonsense approach to deal with this issue.

Rebecca Baker, Legislative Liaison, Maricopa County Attorney's Office, related the purpose of the strike-everything amendment is to clarify when this statute (A.R.S. §8-238) is to be used and to ensure that juveniles who submit a DNA sample are afforded the same protections as persons pursuant to A.R.S. §13-610, a companion DNA-testing statute.

Vice-Chairman Smith announced the names of those who signed up in support of the strike-everything amendment to SB1367 but did not speak:

Kathleen Mayer, Deputy Pima County Attorney, Pima County Attorney's Office

Kimberly MacEachern, Staff Attorney, Arizona Prosecuting Attorneys' Advisory Council

Vice-Chairman Smith moved that SB1367 do pass.

Vice-Chairman Smith moved that the Farnsworth 29-line strike-everything amendment dated 3/22/11 to SB1367 be adopted (Attachment 28). The motion carried.

Vice-Chairman Smith moved that SB1367 as amended do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 30).

SB1363 - employer protections; labor relations - DO PASS

Kathryn Brown, Majority Intern, reviewed SB1363 which makes it unlawful for a labor organization to engage in picketing or to induce others to engage in picketing if the purpose is to coerce or induce an employer or self-employed person to join or contribute to a labor organization (Attachment 31). It prohibits a labor organization or group acting on behalf of employees to engage in trespassory assembly and prohibits unlawful mass assembly. In addition, the bill establishes defamation of an employer as a misdemeanor offense and allows an individual targeted to seek punitive damages and associated costs. It also establishes a no-trespass public notice list to identify employers who have established private property rights for their place of business. It establishes the violation of unlawful picketing, trespassory assembly, unlawful mass assembly and defamation as a Class 2 misdemeanor offense and classifies an offense of unlawful picketing, unlawful mass assembly or trespassory assembly at a property listed on the no-trespass public notice list as a Class 1 misdemeanor.

Senator Frank Antenori, sponsor, stated that this is a commonsense bill to protect employers from people who want to disrupt the business and create an environment that makes it difficult for workers to go to work by creating a picket line that impedes employees or customers from entering the business, while labor negotiations are taking place. The bill defines *trespass*, clarifies the language and establishes a system where businesses can have their property lines defined and on record. This legislation protects businesses but does not trample on anyone's free speech rights.

Mike Colletto, Executive Director, Community Horizons, testified in opposition to SB1363. He said he does not believe any other constitutional issue has been more litigated than the First Amendment dealing with free speech and freedom of assembly. The federal government has laws relating to how unions conduct themselves, so this bill is not needed. Additionally, it is believed that many of the provisions in this proposal are unconstitutional.

Marcus Osborn, Manager of Government and Public Affairs, Arizona Manufacturers Council, Arizona Chamber of Commerce and Industry, in support of SB1363, advised that this bill has been carefully designed to comply with federal labor laws as well as free speech laws. This deals with protesters or organizers and there is a dispute about where the public easement is and where the private property is. This is a way to streamline the process and get protestors off the property in an expedited manner. It strengthens defamation laws and provides payroll protections for employees to allow them some control over how their deductions are managed.

Vice-Chairman Smith asked Mr. Osborn to comment on Mr. Colletto's concern about First Amendment rights. Mr. Osborn replied that concern was addressed by using the tightest language to address the definition standard.

Vice-Chairman Smith announced the names of those who signed up in opposition to SB1363 but did not speak:

Rebekah Friend, Lobbyist, Arizona AFL-CIO
Elizabeth Mendoza, representing self

Vice-Chairman Smith announced the names of those who signed up in support of SB1363 but did not speak:

Scot Mussi, Deputy Director, Legislative Affairs, Home Builders Association of Central Arizona

Vice-Chairman Smith moved that SB1363 do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 32).

SB1391 - interstate firearm freedom compact - DO PASS AMENDED

Kathryn Brown, Majority Intern, advised that SB1391 authorizes and directs the Governor to enter into an Interstate Firearm Freedom Compact on behalf of Arizona with other states (Attachment 33). She reviewed the provisions of the bill as follows:

- Stipulates that the party states find it necessary to do the following:
 - Prohibit any governmental agent from depriving any resident of a party state of their rights guaranteed under the respective state's firearm freedom laws.
 - Prevent any governmental agent from penalizing a resident of a party state for exercising the rights guaranteed under the respective state's firearm freedom laws.

- Cooperate with each other and provide mutual assistance in the prevention of crimes under the firearm freedom criminal laws of any party state.
- Cooperate with each other and provide mutual assistance in the criminal prosecution of anyone who violates the firearm freedom criminal laws of any party state.
- Designates the Governor of each party state or their designee as the compact administrator.
- Requires the compact administrator to:
 - Maintain an accurate list of the party states;
 - Transmit citations of all current firearm freedom and firearm freedom criminal laws to other party states;
 - Receive and maintain a complete list of the criminal laws of each party state; and
 - Formulate all necessary and proper procedures to effect the Compact.
- Includes a construction and severability section, which includes an intent clause.

Ms. Brown explained that the Farnsworth three-line amendment dated 3/23/11 makes technical changes (Attachment 34).

Vice-Chairman Smith announced the names of those who signed up in support of SB1391 but did not speak:

Todd Rathner, Legislative Consultant, Arizona State Rifle & Pistol Association

John Wentling, Vice President, Arizona Citizens Defense League

Jose Borrajero, representing self

Gary Brite, representing self

Vice-Chairman Smith announced the names of those who signed up in opposition of SB1391 but did not speak:

David Carey, Advocate

Dave Kopp, Manager, Arizona Citizens Defense League, testified in favor of SB1391. The intent of the bill is for states to enter into an interstate compact to hopefully strengthen the federal court cases that have been entered into because of the passage of the Firearms Freedom Act last year.

Vice-Chairman Smith moved that SB1391 do pass.

Vice-Chairman Smith moved that the Farnsworth three-line amendment dated 3/23/11 be adopted (Attachment 34). The motion carried.

Vice-Chairman Smith moved that SB1391 as amended do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 35).

SB1504 - arbitration; waiver; restriction - DO PASS

Kathryn Brown, Majority Intern, explained that SB1504 modifies the statute governing agreements to arbitrate disputes as follows (Attachment 36):

- Stipulates that prior to the origination of a controversy subject to an arbitration agreement, a party in the agreement may not waive or agree to vary the effect of the requirements for the following:
 - An application for judicial relief made through a motion to the court and heard in the manner provided by law or court rule; or
 - An agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties to the agreement;
 - The procedure for interim remedies prior to and during the duration of the arbitration.
- Makes technical changes.

Senator Adam Driggs, sponsor, advised that this is clean-up language that was inadvertently left out of an arbitration bill passed last year.

Chairman Farnsworth announced the names of those who signed up in support of SB1504 but did not speak:

Mark Bolton, Attorney, State Bar of Arizona

Vice-Chairman Smith moved that SB1504 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 37).

SB1499 - probate; omnibus(now: probate proceedings; omnibus) - DO PASS

Magdalena Jorquez, Majority Research Analyst, explained the numerous changes SB1499 makes to the statutes governing the protection of persons under disability and their property (Attachment 38):

- Requires that, except as otherwise directed by a governing instrument or court order, the fiduciary must prudently manage costs and protect against incurring any costs that exceed probable benefits to the ward, protected person, decedent's estate or trust.
- Establishes the specified duties for a guardian ad litem, fiduciary, fiduciary's attorney and attorney for the ward or protected person.
- Requires the guardian ad litem, fiduciary, fiduciary's attorney, attorney for the ward or protected person to timely disclose to the court and all persons entitled to notice if the person has a reasonable belief that projected costs of complying with a court order may exceed the probable benefits to the ward, protected person, decedent's estate or trust.
- Specifies actions that the court may take if the court finds that a person has engaged in vexatious conduct.
- Defines *vexatious conduct* to include:
 - Litigation solely or primarily for the purpose of harassment;
 - Litigation solely or primarily to further the person's own interests rather than the interests of the ward or protected person;
 - Unreasonably expanding or delaying court proceedings;
 - Court actions brought or defended without substantial justification;
 - Engaging in abuse of discovery; and
 - A pattern of making unreasonable or excessive requests for information from a ward's or protected person's fiduciary, court-appointed attorney or guardian ad litem.

- Stipulates that any compensation paid from an estate to a guardian, conservator, attorney or guardian ad litem must be reasonable and necessary.
- Requires that when a personal representative, an attorney or a guardian ad litem intends to seek compensation from the decedent's estate first appears in the proceeding, the person must give written notice of the basis of the compensation.
- Requires that the court must consider the best interest of the ward or protected person in determining the reasonableness and necessity of compensation.
- Requires the court to enter one of the following orders concerning the ward's finances or concerning the obligations of the appointed conservator on appointment of a guardian or conservator:
 - a) require the guardian or conservator to file a budget;
 - b) authorize or limit expenditures from the estate of the ward or protected person; or
 - c) require the guardian or conservator to proceed in any other manner the court finds is in the ward's or protected person's best interest.
- Requires the conservator, if ordered by the court, to file with the court a proposed annual operating budget for the administration of the conservatorship estate, subject to the following requirements:
 - a) not later than 60 days after the conservator's appointment;
 - b) annually on the anniversary of the conservator's appointment; and
 - c) after consulting with the protected person's attorney and any guardian ad litem.
- Requires the conservator to file a proposed amendment to the operating budget with the court and provide a copy to all persons entitled to a copy within 30 days after reasonably projecting that the expenditures for any specific category will exceed the approved budget by more than 10 percent or \$2,000, whichever is greater, unless a different threshold for amendment is prescribed by the court.
- Specifies that if, during the period covered by the conservator's account, the expenditures in a category exceed the approved budget for the category by more than the threshold for amendment, the expenditures in excess of the threshold for amendment are presumed not reasonable or necessary.
- Contains an effective date of December 31, 2011.

Ms. Jorquez explained that the Farnsworth two-page amendment dated 3/23/11 requires that the court consider the evaluation of the alleged incapacitated person's physician, psychologist or registered nurse if the person has an established relationship with the physician, psychologist or registered nurse (Attachment 39).

Chairman Farnsworth announced that he will not offer the amendment in Committee. The language needs to be corrected and will be offered as a Floor amendment.

Senator Adam Driggs, sponsor, related that this legislation attempts to deal with some of the problems that have come to light with the Probate Court. The goal of this proposal is to bring some transparency to the process: allow some of the costs to be known upfront and ensure that the courts take into account the desires of the wards and the wards' intentions. He advised that he will continue to work on the bill to address concerns as it moves forward.

Mr. Chabin expressed concern with the depletion of the estate through court-ordered studies, litigation and challenges to the estate. He wondered whether thought has been given to placing a cap on fees and services being charged against the estate. Senator Driggs responded that there are so many intangibles in these cases that make many of the cases very different from each other, so a cap will be problematic. He said he has tried to include guidelines to address the needs of the ward.

In reply to Mr. Harper, Senator Driggs answered that there is no cap on fees included in the legislation. Chairman Farnsworth noted that this simply puts a budget in place at the beginning of the process so everyone knows what the costs will be; any changes will have to go through the courts.

Susan Bitter Smith, National Association of Elder Law Attorneys, stated that she is cautiously opposed to SB1499 because this is a work in progress. The Association agrees that this issue needs to be addressed. She hopes to be able to continue to work on the amendment as part of the stakeholder group to come up with a positive solution to the issue.

Lisa Price, Licensed Fiduciary, Arizona Fiduciaries Association, Inc., testified against SB1499. The bill contains numerous impractical expenses that will place vulnerable citizens at greater risk of exploitation. Several of the provisions violate due process and constitutional rights. A responsibility of licensed fiduciaries is to advocate for those with no voice. As drafted, this bill is a waste of wards' resources and an invasion of their privacy. The Association urges lawmakers to insist on changes to SB1499 or oppose the bill altogether. The Association is ready to assist in drafting language that will provide an actual, meaningful benefit to its clients. She stated concern with the language relating to the competitive bid process. That provision suggests that decisions regarding a person's life should be made based on a dollar figure, i.e., that placement will be based on the cost and not on whether a facility can provide appropriate care needed to improve the individual's quality of life.

John MacDonald, representing Michelle Lund and Kristen Lund Olson, neutral on SB1499, related that he has some serious issues with the Farnsworth amendment. Since it will not be offered today, he will defer his comments and hopes to address those issues at a later time.

Amy Love, Legislative Liaison, Arizona Supreme Court, testified in support of SB1499. She said the Court also has concerns with the Farnsworth amendment and she encouraged everyone to continue holding stakeholder meetings so additional concerns can be addressed.

Vice-Chairman Smith announced the names of those who signed up in opposition to SB1499 but did not speak:

John Thomas, Arizona Fiduciaries Association

Charity Antal, Executive Director, Arizona Fiduciaries Association

Vice-Chairman Smith moved that SB1499 do pass. The motion carried by a roll call vote of 8-0-1-0 (Attachment 40).

SB1466 - deferred prosecution; justice court approval - DO PASS (On Reconsideration)

Having voted on the prevailing side, Vice-Chairman Smith moved that the Judiciary Committee reconsider its action of March 17, 2011 whereby the Committee failed to pass SB1466 and that the measure be reconsidered immediately at this time.

Magdalena Jorquez, Majority Research Analyst, explained that SB1466 modifies County Attorney discretion regarding diversion and deferred prosecution in a Justice of the Peace court (Attachment 41). The bill creates the following exception: after a complaint is filed in a Justice of the Peace court, the County Attorney must obtain the approval of the Justice court in order to exercise its discretion to divert or defer.

Question was called on the motion that the Judiciary Committee reconsider its action of March 17, 2011 whereby the Committee failed to pass SB1466 and that the measure be reconsidered immediately at this time. The motion carried.

Senator Ron Gould, sponsor, offered to answer questions.

Lester Pearce, Presiding Justice of the Peace (JP), Maricopa County, representing self, spoke in support of SB1466. He explained that this bill addresses sentencing. It specifies that the decision to divert or defer will be at the JP's permission.

Rebecca Baker, Deputy County Attorney, Maricopa County Attorney's Office, expressed opposition to SB1466 because it is a violation of the separation of powers. Each County Attorney has the constitutional power to decide who to charge as well as the power to decide who they are not going to prosecute. She said that Mr. Pearce sees this as a sentencing issue; however, in reality it is a charging issue. If this legislation passes, she said she believes there will be a decrease in the amount of diversion taking place. Because of the nature of these cases, these are people who are charged with low-level misdemeanor offenses. Many have entered the system by way of a citation and are not currently appointed counsel. If this process moves towards a trial, the court will have to appoint counsel, resulting in an increase in cost.

Mr. Harper referred to the statement about constitutional authority. Ms. Baker said she is referring to the separation of powers doctrine, and the authority to prosecute is vested within the executive branch of the prosecutor. Mr. Harper stated his understanding that duties are delegated by the Board of Supervisors. Ms. Baker said there is case law directly on that issue. To that point, Mr. Chabin said the Arizona Constitution identifies the County Attorney's Office as a constitutional office, with certain authorities therein.

Vice-Chairman Smith announced the names of those who signed up in opposition to SB1466 but did not speak:

Kathleen Mayer, Deputy Pima County Attorney, Pima County Attorney's Office

Kimberly MacEachern, Staff Attorney, Arizona Prosecuting Attorneys' Advisory Council

Vice-Chairman Smith moved that SB1466 do pass. The motion carried by a roll call vote of 5-4-0-0 (Attachment 42).

SB1469 - justification; use of force - DO PASS

Kathryn Brown, Majority Intern, explained that SB1469 amends and refines elements of justifications for the use of force in certain situations (Attachment 43). She reviewed the provisions of the bill:

- Removes, as an element for justification in defense of a third person, whether a reasonable person would believe that such person's intervention is immediately necessary to protect the third person.
- Redefines "acting reasonably" as it applies to the justification of the use of force in crime prevention as acting to prevent what the person reasonably believes is the imminent or actual commission of any of the offenses.
- Redefines the presumption for the defense of a home or occupied vehicle to encompass a situation in which the person reasonably believes that the threat or use of physical force or deadly force is immediately necessary and if the person knows or has reason to believe the person against whom the physical force or deadly force is threatened or used is entering, or has entered, unlawfully and forcefully, into the person's home or occupied vehicle.
- Establishes a presumption, for the purposes of statute governing justification of the use of force or defensive display of a firearm, that a person who is unlawfully or forcefully entering or has entered into a home or occupied vehicle is posing an imminent threat of unlawful deadly harm to any person who is in a home or occupied vehicle.
- Exempts, from the presumptions for the defense of a home or occupied vehicle or use of force or defensive display of a firearm, the following:
 - The person against whom physical force or deadly physical force was threatened or used had the right to be in, or is a lawful resident of, the home or occupied vehicle.
 - The person against whom physical force or deadly physical force was threatened or used is the parent, grandparent, or has legal custody or guardianship of a child or grandchild sought to be removed from the home or occupied vehicle.
 - The person who threatens or uses physical force or deadly physical force is engaged in an unlawful activity or is using the home or occupied vehicle to further an unlawful activity.
 - The person against whom physical force or deadly physical force was threatened or used is a law enforcement officer who enters or attempts to enter a home or occupied vehicle in the performance of official duties.

Ms. Brown advised that the Harper two-page amendment dated 3/23/11 establishes a presumption for the use of force to defend one's premise that an individual committing or attempting to commit criminal trespass by crossing the international border intends to use deadly physical force against the person or agent in control of the premises (Attachment 44). The amendment contains a legislative intent clause.

Mr. Harper related that the amendment is limited to properties that have an international border on the property.

Senator Ron Gould, sponsor, stood for questions.

Patrick Bray, Deputy Director of Government Affairs, Arizona Cattlemen's Association, testified in opposition of the Harper two-page amendment. He said the Association appreciates the effort to try to help ranchers along the border, but does not believe this is the correct way to do it. If a rancher engaged in a confrontation and used deadly force, the state might not go after them but the federal government will. Additionally, there is a fear of retaliation from the cartels. He recommended that people write to the President and Congress to let them know that the National Guard is needed on the border.

Mr. Harper pointed out that the legislative intent clause spells out that people will not be immune from federal prosecution. He said this addresses people defending themselves who are in imminent danger. He maintained that opposing the amendment does a disservice to the ranchers along the border. Since the National Guard will be leaving the border in a few months, it is time for the state to defend its border.

In response to Chairman Farnsworth's query whether the sponsor supports the amendment, Senator Gould replied that it is the will of the Committee.

Dave Kopp, Manager, Arizona Citizens Defense League, in support of SB1469, read a statement from Matthew Dogali of the National Rifle Association on the use of deadly force inside a home or occupied residence, with the presumption of reasonable behavior. He said this bill does not change the presumption but broadens the situations and definitions for which reasonable force can be applied.

Chairman Farnsworth questioned whether the League supports the amendment. Mr. Kopp replied that the League does not have a problem with it.

Vice-Chairman Smith announced the names of those who signed up in support of SB1469 but did not speak:

Todd Rathner, Legislative Consultant, Arizona State Rifle & Pistol Association
John Wentling, Vice President, Arizona Citizens Defense League
Jose Borrajero, representing self
Matthew Dogali, State Lobbyist, The National Rifle Association
Gary Christensen, Arizona State Rifle & Pistol Association
Gary Brite, representing self

Vice-Chairman Smith announced the names of those who signed up in opposition to SB1469 but did not speak:

Kathleen Mayer, Deputy Pima County Attorney, Pima County Attorney's Office
Chad Heinrich, Government Relations Coordinator, City of Tempe
Philip Bashaw, Arizona Farm Bureau Federation

Vice-Chairman Smith announced the names of those who signed up as neutral on SB1469 but did not speak:

Kimberly MacEachern, Staff Attorney, Arizona Prosecuting Attorneys' Advisory Council

Vice-Chairman Smith moved that SB1469 do pass.

Vice-Chairman Smith moved that the Harper two-page amendment dated 3/23/11 be adopted (Attachment 44).

Mr. Harper related that people living along the border are more at risk than people who live in other areas of the state. He asked for Members' support of the amendment.

Question was called on the motion that the Harper two-page amendment dated 3/23/11 be adopted (Attachment 44). Division was called and by a hand vote of 3 ayes and 6 nays, the motion failed.

Question was called on the motion that SB1469 do pass. The motion carried by a roll call vote of 7-2-0-0 (Attachment 45).

SB1471 - county election law amendments - DO PASS

Magdalena Jorquez, Majority Research Analyst, reviewed the numerous changes to state election law as follows (Attachment 46):

- Requires that, in determining the required number of signatures needed for new party recognition, the following stipulations must be met:
 - At least five different counties must be included as the county of registration; and
 - At least 10 percent of the signatures must be registered in counties with populations less than 500,000.
- Extends the duration that a new political party is recognized to two regularly scheduled general elections for federal office.
- Establishes the process by which a petition for recognition of a new political party is reviewed.
- Requires the county officer in charge of elections from each of the counties in which the petition for statewide recognition was filed to submit the petitions and signatures to the Secretary of State (SOS).
- Requires that within five days, the SOS must remove the following signatures that are not eligible for verification:
 - If the signature of the qualified elector is missing;
 - If the residence address or the description of residence location is missing; or
 - If the date on which the petitioner signed is missing.
- Specifies that the SOS must also select, at random, 20 percent of the total signatures eligible for verification by the county recorders, to be drawn in such a manner that every signature has an equal chance of being included in the sample.
 - Establishes the procedure in which the signatures selected must be marked.
- Stipulates that after the selection of the random sample, the SOS must reproduce a facsimile of the front of each signature sheet on which a signature included in the sample appears.
- Requires that within 10 days after receiving the facsimile signature sheets from the SOS, the county recorder must determine which signatures are disqualified for any other following reasons:
 - No residence address or description of residence location is provided.
 - No date of signing is provided.
 - The signature is illegible and the signer is otherwise unidentifiable.

- The address provided is illegible or nonexistent.
 - The individual was not a qualified elector on the date of signing.
 - The individual was a registered voter but was not at least 18 years of age on the date of signing.
 - The signature was disqualified after comparison with the signature of the affidavit of registration.
 - Multiple signatures, except for one.
- Requires the county recorder to certify to the SOS the following:
 - The name of any individual whose signature was included in the random sample and disqualified, together with the petition page and line number of the signature;
 - The total number of signatures selected for the random sample and the total number of signatures disqualified.
 - Requires that the county recorder take the following actions at the time of certification:
 - Return the facsimile signature sheets to the SOS;
 - Send notice of the results of the certification by mail to the person or organization that submitted the petition to the SOS.
 - Mandates that, within 10 business days after receipt of the facsimile signature sheets and the certification of each county recorder, the SOS must determine the total number of the total number of valid signatures by subtracting from the total number of eligible signatures in the following order:
 - All signatures found ineligible by the county recorders.
 - After determining the percentage of all signatures found to be invalid in the random sample, a like percentage of all signatures from those signatures remaining after the subtraction performed first.
 - Stipulates that if the number of valid signatures as projected from the sample is at least 100 percent of the minimum number required by statute, then the party will be recognized.
 - Stipulates that if the number of valid signatures as projected from the sample is less than 100 percent of the minimum number required by statute, then the party will be not be recognized.
 - Raises the number of qualified electors required to allow a precinct to conduct a presidential preference election by mail from 200 to 300.
 - Allows the County Board of Supervisors (BOS) to appoint as many election clerks as deemed necessary to staff the primary and general elections.
 - Raises the number of qualified electors required to mandate that precincts appoint at least one inspector and two judges from 200 to 300 and requires the BOS to give notice to the county chairman of counties that contain fewer than 300 qualified electors.
 - Modifies the language contained on an early ballot affidavit to include the following declarations:
 - That the voter is a registered voter in an Arizona county;
 - That the voter has not voted or will not vote in this election in any other county or state;
 - That the voter understands that voting more than once in any election is a Class 5 felony;
 - That the voter did indeed vote the enclosed ballot and signed the affidavit personally, unless noted.
 - Stipulates that if the voter was assisted by another person in marking the ballot, the person assisting must declare that they did so as directed by the voter, that the assistance was required because the voter was physically unable, that the person understands that

there is no power of attorney for voting and that the voter must be able to make their own selection, along with their name and address.

- Adds to the list of persons prohibited from assisting any voter to include candidates for precinct committeemen or anyone who has been employed by or volunteered for a candidate or a campaign in that election.

Senator Ron Gould, sponsor, stated that SB1471 is a county election omnibus bill. He made himself available for questions.

Jen Sweeney, Government Affairs Director, Arizona Association of Counties, in favor of SB1471, advised that this is the election omnibus bill. She addressed the following: the way a new party gains ballot status, early ballot affidavit language, and help at the polling places.

Vice-Chairman Smith announced the names of those who signed up in support of SB1471 but did not speak:

Amy Bjelland, State Election Director, Arizona Secretary of State

Kris Waite Kingsmore, Assistant State Election Director, Arizona Secretary of State

Karen Osborne, Elections Director, Maricopa County

Jim Drake, Assistant Secretary of State, Arizona Secretary of State

Vice-Chairman Smith moved that SB1471 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 47).

SB1610 - state firearm - DO PASS

Brittany Walashek, Majority Leadership Intern, said that SB1610 establishes the Colt Action Army Revolver as the official state firearm (Attachment 48).

Senator Ron Gould, sponsor, advised that the Colt Action Army Revolver is a historic firearm in Arizona and had a lot to do with the settling of the Arizona Territory and what is now the State of Arizona. He said he appreciates Members' support of SB1610.

Todd Rathner, Legislative Consultant, Arizona State Rifle & Pistol Association, Colt's Manufacturing, expressed support of SB1610. He refuted comments that this is an attempt at commercial advertising for Colt. He said that the National Rifle Association (NRA) polled its members as to the firearm that would best represent Arizona, and the Colt Action Army Revolver came out 11 percent ahead of any other firearm. He reiterated that this bill is not about advertising for Colt but to celebrate a historically significant firearm to the State of Arizona.

Senator Gould added that this is not a novel idea. The State of Utah has adopted the Colt Model 1911 pistol.

Gary Christensen, Arizona State Rifle & Pistol Association, stated support of SB1610 and said the Colt Action Army Revolver represents a historical significance to the state.

Vice-Chairman Smith announced the names of those who signed up in support of SB1610 but did not speak:

Landis Aden, Legislative Liaison, representing self

Dave Kopp, Manager, Arizona Citizens Defense League

John Wentling, Vice President, Arizona Citizens Defense League
Henry Scutoski, representing self
Noble Hathaway, President, Arizona State Rifle and Pistol Association
Gary Brite, representing self

Vice-Chairman Smith announced the names of those who signed up in opposition to SB1610 but did not speak:

Elizabeth Mendoza, representing self

Vice-Chairman Smith moved that SB1610 do pass. The motion carried by a roll call vote of 5-4-0-0 (Attachment 49).

SB1467 - educational institution; concealed weapons - DO PASS

Kathryn Brown, Majority Intern, advised that SB1467 prohibits any educational institution governing board from adopting or enforcing any policy or rule that prohibits the lawful possession or carrying of a weapon on a public right-of-way (Attachment 50).

Chairman Farnsworth clarified that this is not possession or carrying a weapon in a classroom; this is just on a public right-of-way. Ms. Brown agreed.

Mrs. Goodale asked whether there is a definition of *right-of-way* in statute. Ms. Brown said she will have to look into that. Chairman Farnsworth said he believes there are definitions in other areas; however, it may not be clear in this legislation.

Senator Ron Gould, sponsor, said he understands *right-of-way* refers to sidewalks and the roads that go through a campus. If the Committee wants that further defined, he is happy to accept a Floor amendment.

Mr. Harper stated that it distresses him to see police officers showing up at Committee meetings dressed in uniform and testifying against the constitutional right to bear arms.

Anthony Daykin, Chief of Police, University of Arizona, spoke in opposition to SB1467. He advised that he is also representing the Chiefs of Police from Northern Arizona University and Arizona State University. He said the Chiefs have concern about the definition of *right-of-way*; however, no matter how it is defined, the bill allows all legally-authorized people to carry a firearm on campus if they are 18 years of age and over. Campuses have traditionally been weapons-free areas and people are alarmed if they see a weapon. He believes that if people are allowed to have weapons on campus, it will increase the opportunity for problems to occur.

Mr. Chabin told Chief Daykin that he is pleased to see him in uniform representing law enforcement agencies, whether he agrees with Chief Daykin's position or not. He thanked the Chief for testifying.

John Wentling, Vice President, Arizona Citizens Defense League, spoke in support of SB1467. He advised that there are many instances in statute where *right-of-way* means roads and sidewalks where people have the right to traverse. This bill limits *right-of-way* to where people have the right to cross.

Luis Martinez, Chief of Campus Police, Central Arizona College, in opposition to SB1467, testified that community colleges have the same concerns as the universities. He pointed out that this legislation includes rifles and shotguns which 18-year-olds can carry and pointed out that is another issue that needs to be looked at.

Dave Kopp, Manager, Arizona Citizens Defense League, in favor of SB1467, said this is about public streets. Crossing the border of a campus does not change it from a public street to a nonpublic street; it is still a public street. The bill does not address public buildings, classrooms, cafeterias, or anything else. He said he does not understand the opposition.

Chief Daykin explained that the law was changed last year to allow people who have weapons in their cars to come onto campus and park their vehicles as long as their weapons are secure and out of sight. It has been the position of campus police that while in transit through the campus to get to that parking lot, they are legal too.

Chairman Farnsworth asked about vehicles that are just driving through and not parking on campus. Chief Daykin said that under current law, it is the responsibility of campus police to let those individuals know it is against the law to drive through campus with a weapon. If they refuse to leave, they are violating the policies of the campus and subject to trespass arrest. He said there is no legal ability for officers to arrest someone who is on campus with a gun who refuses to leave the campus.

Senator Gould commented that the bill pre-empts the ability of the college to have that rule.

Names of those who signed up in support of SB1467 but did not speak:

Jose Borrajero, representing self
Henry Scutoski, representing self
Matthew Dogali, State Lobbyist, National Rifle Association
Gary Christensen, Arizona State Rifle & Pistol Association
Gary Brite, representing self

Names of those who signed up in opposition to SB1467 but did not speak:

Kristen Boilini, Lobbyist, Cochise Community College, Northland Pioneer College
Steve Miller, Deputy Vice President, Public Affairs, Arizona State University
Elizabeth Mendoza, representing self
Jerry Spreitzer, Arizona Federation of Teachers
Jessica Stall, Cochise College, Northland Pioneer College
Jack Mutchler, representing self
Greg Fahey, Associate Vice President, University of Arizona
John Thomas, Arizona Association of Chiefs of Police
Rhian Stotts, Graduate Student Advocacy Director, Arizona State University Graduate & Professional Student Association
Dr. Lawrence Mohrweis, representing self
Gary Grossman, representing self
Alisa Lyons, Arizona Community College Presidents' Council
John Pickens, Chief of Police, Arizona State University

Christine Thompson, Assistant Executive Director for Government Affairs, Arizona Board of Regents
Jeanne Swarhout, Chair, Arizona Community College Presidents' Council, Northland Pioneer College
Greg Fowler, Police Chief, Northern Arizona University
Christy Farley, Executive Director, Northern Arizona University
Dana Paschke, Maricopa Community College Faculty Association

Vice-Chairman Smith moved that SB1467 do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 51).

SB1201 - firearms omnibus - DO PASS AMENDED

Kathryn Brown, Majority Intern, stated that SB1201 makes various changes to the statutes relating to weapons misconduct, forfeiture of weapons and explosives, firearms regulated by the state and the prohibition of firearms at public establishments or events (Attachment 52):

- Expands the lawful possession of a weapon on school grounds to include any firearm, whether loaded or unloaded, that is carried within a means of transportation, provided the firearm is not visible from outside the means of transportation and the means of transportation is locked.
- Removes the ability of local government to prohibit the sale of a forfeited weapon or explosive to a business authorized to receive and dispose of the article.
- Removes the chief of police from statute regarding the approval and posting of notices relating to the unlawful discharge of weapons in hunting areas and whether a hunting area may be closed when deemed unsafe.
- Adds the state and state agencies, except the Legislature, to the list of entities prohibited from doing the following:
 - Enacting any ordinance, rule, or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms, ammunition or any related accessories.
 - Requiring the licensing or registration of firearms, ammunition or any related accessories, or to prohibit the ownership, purchase, sale, or transfer of firearms, ammunition, or any related accessories.
 - Requiring or maintaining a record in any form, whether permanent or temporary, that includes: a list of identifying information of individuals who have left a weapon in temporary storage at a public establishment or event; or identifying information of a person who purchases, sells, or transfers a firearm, unless the transaction involves a federally licensed dealer; or the description of a weapon that is left in temporary storage at any public establishment or public event.
 - Enacting any rule or ordinance that relates to firearms and is more prohibitive than, or has a penalty greater than, any state law penalty.
 - Regulating the sale or transfer of firearms on state land in a manner that is inconsistent with state law.
- Stipulates that any rule or ordinance enacted prior to or after July 29, 2010 that is inconsistent with, or more restrictive than, state law is null and void.

- Adds the state and state agencies to the list of entities allowed to enact and enforce any ordinance or rule pursuant to state law and related to the following:
 - Imposing privilege or use tax on the retail sale, lease, or rental of firearms, ammunition, or related accessories at a rate that applies to other tangible items;
 - Limiting the possession of a weapon by a minor;
 - Regulating land and structures, including a business relating to firearms, ammunition, or related accessories, or a shooting range, in the same manner as other commercial businesses;
 - Regulating employees or independent contractors of the state, a state agency, or political subdivision who are acting within the course and scope of their employment or contract; and
 - Limiting or prohibiting the discharge of firearms in parks and preserves.
- Allows the state, state agencies, or political subdivisions to limit or prohibit the possession of firearms in a public establishment or at a public event if all of the following apply:
 - The establishment or event is a secured facility with controlled access or is issued a license by the Department of Liquor Licenses and Control, with exceptions;
 - A sign prohibiting the possession of firearms that meets specific requirements is posted at all public entrances; and
 - The establishment or event is equipped with secure firearm lockers near the main entrance and controlled by the operator, sponsor, or agent of the operator or sponsor.
- Specifies that an ordinance or rule enacted to limit or prohibit the possession of firearms in a public establishment or at a public event does not apply to the following:
 - A peace officer or person summoned by a peace officer to assist in the performance of official duties; or
 - Any shooting ranges, shooting events, hunting areas, or similar locations.
- Permits a political subdivision to enact a rule or ordinance requiring a business that obtains a secondhand firearm by purchase, trade, or consignment to retain the firearm for up to 10 days.
- Allows an individual to file suit for declarative and injunctive relief and for actual and consequential damages if any ordinance, rule, or other regulation is enacted or enforced in violation of the statute regarding the regulation of the possession of firearms in public establishments or public events.
 - Stipulates that the court must award the prevailing party attorney fees and related costs.
- Permits a state, county, or municipal judicial department, law enforcement agency, or prosecutorial agency to prohibit firearms if the building or event is a secured facility with controlled access and the posting requirements are met.
- Classifies a violation of any ordinance that limits or prohibits the possession of firearms in a public establishment or at a public event as a Class 3 misdemeanor (30 days/\$500).

Ms. Brown explained that the Goodale two-line amendment dated 3/22/11 revises the requirements for a state, county, or municipal judicial department, law enforcement agency, or prosecutorial agency to prohibit firearms (Attachment 53).

Marcus Osborn, Manager of Government and Public Affairs, Arizona Chamber of Commerce and Industry, spoke in opposition to SB1201. He said he understands a stakeholder meeting will

be held and he believes a lot of the issues that have been raised can be resolved. He outlined major areas of concern:

- Private business or office complex that leases to a public agency - there is confusion and conflict because if the private sector tenants do not want firearms on the facility, it creates a private property rights issue.
- Definition of public event - when there is a private event occurring on a public facility, there should be the right to control weapons policy.
- Reclamation facilities, such as SRP, which is a quasi-public private facility and their policies.

Chairman Farnsworth stated that before he agreed to hear this bill, he made it clear that an amendment would be needed specifying that this will not apply to private property.

Dave Kopp, Manager, Arizona Citizens Defense League, Inc., in favor of SB1201, advised that the purpose of the bill is not to allow guns everywhere, but rather to control how guns are carried into certain public venues. The proponents of this legislation are not interested in regulating private property owners. At the stakeholders meeting, the intent will be to remove language regarding the existing definition of *public event* and include language that specifies that none of the provisions apply to private property. He said he believes that will address everyone's concerns.

In reply to Mr. Ash's question regarding a private landlord who leases to a government agency, Mr. Kopp answered that a public agency needs to adhere to state law. If the agency is leasing from a private owner, the private entity's rights should not be impinged upon.

Chairman Farnsworth said that if a private entity wants to control weapons in the common area of a building, that restriction should be included in the lease.

Jerry Landau, Legislative Liaison, Arizona Supreme Court, Administrative Office of the Courts, neutral on SB1201, advised that the Goodale amendment affects the courts and prosecutors, and whether the courts will be mandated to provide armed security during all court hours as well as metal detectors. In many rural areas, it is a community choice and the Court believes it should remain that way.

Senator Ron Gould, sponsor, stated that signs do not stop criminals from carrying weapons into a building. To level the playing field, he said that everyone should be disarmed, and this legislation is a logical next step. In reply to Chairman Farnsworth, he said he accepts the Goodale amendment.

Mr. Ash brought up the reference in the legislation to "except for the Legislature." He asked whether those references are just for the making of policy and not creating an exception for the Legislature as far as the carrying of a firearm. Senator Gould said that is correct.

Vice-Chairman Smith announced the names of those who signed up in support of SB1201 but did not speak:

Jose Borrajero, representing self
Judy Borrajero, representing self
Rebecca Mahan, representing self

Gary Christensen, Arizona State Rifle & Pistol Association
Terrance Traylor, representing self
Todd Rathner, Legislative Consultant, Arizona State Rifle & Pistol Association
John Wentling, Vice President, Arizona Citizens Defense League
George Reiners, representing self
Henry Scutoski, representing self
Matthew Dogali, State Lobbyist, National Rifle Association
Kathleen Mayer, Deputy Pima County Attorney, Animal Cruelty Task Force of Southern
Arizona

Vice-Chairman Smith announced the names of those who signed up in opposition to SB1201 but did not speak:

Heather Bernacki, Government Relations Associate, Arizona Diamondbacks
Mary Ann Miller, Tempe Chamber of Commerce
Don Isaacson, Fraternal Order of Police
Paul Jepson, Assistant to the City Manager, City of Maricopa
Michael Celaya, Intergovernmental Relations Director, City of Surprise
Lorna Romero, Director of Government Relations, Arizona Chamber of Commerce & Industry
John Thomas, Arizona Association of Chiefs of Police
Deb Gullett, Arizona Cardinals Football Club
Barry Aarons, Lobbyist
David Carey, Advocate
Michelle Gramley, Town of Gilbert
Michelle Bolton, Vice President of Public Affairs, Greater Phoenix Chamber of Commerce
Sherry Gillespie, Government Relations Manager, Arizona Restaurant Association
Rob Dalager, City of Phoenix
Kimberly MacEachern, Staff Attorney, Arizona Prosecuting Attorneys' Advisory Council
Rhian Stotts, Graduate Student Advocacy Director, Arizona State University Graduate &
Professional Student Association
Rod Ross, Legislative Associate, County Supervisors Association
Marc Garcia, Vice President, Community Affairs, Greater Phoenix Convention & Visitors
Bureau
Dale Wiebusch, Legislative Associate, League of Arizona Cities and Towns
Eric Emmert, Arizona Diamondbacks
Chad Heinrich, Government Relations Coordinator, City of Tempe
James Hamilton, Lobbyist, Phoenix International Raceway
Tom Dorn, Lobbyist, Arizona Diamondbacks
Jessica Stall, Cochise College, Northland Pioneer College
Jaime Molera, Lobbyist, Arizona Sports and Tourism Authority
John Wayne Gonzales, Legislative Liaison, City of Phoenix

Vice-Chairman Smith announced the names of those who signed up as neutral on SB1201 but did not speak:

Russell Smoldon, Lobbyist, Salt River Project
Lester Pearce, Presiding Justice of the Peace, Maricopa County, representing self
Jen Sweeney, Government Affairs Director, Arizona Association of Counties
Molly Greene, Lobbyist, Salt River Project

Vice-Chairman Smith moved that SB1201 do pass.

Vice-Chairman Smith moved that the Goodale two-line amendment dated 3/22/11 be adopted (Attachment 53). The motion carried.

Vice-Chairman Smith moved that SB1201 as amended do pass. The motion carried by a roll call vote of 5-4-0-0 (Attachment 54).

Without objection, the meeting adjourned at 12:43 p.m.

Joanne Bell, Committee Secretary
April 26, 2011

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