

ARIZONA STATE SENATE

50TH LEGISLATURE FIRST REGULAR SESSION

MINUTES OF COMMITTEE ON JUDICIARY

DATE: February 14, 2011

TIME: 2:00 p.m.

ROOM: SHR 1

CHAIRMAN: Senator Ron Gould

VICE-CHAIRMAN: Senator Andy Biggs

ANALYST: Garth Kamp

INTERN: Amy Povinelli

ASSISTANT

COMMITTEE

ANALYST: Sharon Langford

SECRETARY: Ciera Sarager

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Driggs	X			SB 1081	DPA
Senator Gallardo	X			SB 1280	DP
Senator McComish	X			SB 1305	DP
Senator Murphy	X			SB 1307	DPA
Senator Sinema	X			SB 1330	FAILED
Senator Yarbrough	X			SB 1331	DP
Senator Biggs, Vice-Chairman	X			SB 1355	FAILED
Senator Gould, Chairman	X			SB 1356	DP
				SB 1367	DP
				SB 1368	DP
				SB 1405	HELD
				SB 1412	DPA
				SB 1464	DPA/SE
				SB 1466	DP
				SB 1467	DP
				SB 1469	DPA
				SB 1471	DP
				SB 1472	DP
				SB 1473	DP
				SB 1481	FAILED
				SB 1482	DP
				SB 1484	DP
				SB 1500	DP
				SB 1504	DP
				SB 1505	DP
				SB 1526	FAILED
				SB 1534	DP
				SB 1600	DP
				SCR 1034	HELD
				SCR 1047	DP
				SCR 1054	HELD
				SCR 1055	FAILED

Chairman Gould called the meeting to order at 2:43 p.m. and attendance was taken.

APPROVAL OF MINUTES

Senator Gould stated that without objection, the minutes of February 7, 2011 were approved.

CONSIDERATION OF BILLS

SB 1526 - affidavit of qualifications; presidential candidates – FAILED

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1526 and the 19-line Gould amendment dated 2/11/11 at 9:48 a.m. (Attachment A) and answered questions posed by the Committee members.

Senator Biggs announced the individuals who registered their position on the bill (Attachment B).

Colby Bower, Director of Government Relations, American Cancer Society, ADHS, testified as neutral on the bill.

Jim Wise, representing self, testified in support of the bill.

Jeff Lichter, representing self, testified in support of the bill.

Senator Biggs moved SB 1526 be returned with a DO PASS recommendation.

Senator Biggs moved the 19-line Gould amendment dated 2/11/11 at 9:48 a.m. (Attachment A) be ADOPTED. The motion CARRIED by voice vote.

Senator Biggs moved SB 1526 be returned with an AS AMENDED, DO PASS recommendation. The motion FAILED with a roll call vote of 3-5-0 (Attachment 1).

Senators Driggs, Gallardo, McComish, Murphy and Biggs explained their votes.

SB 1472 - publicity pamphlets; judicial performance; comment – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1472.

Peter Dunn, Arizona Judges Association, testified in opposition to the bill and answered questions posed by the Committee members.

Cathi Herrod, President, Center for Arizona Policy, testified in support of the bill.

Senator Biggs announced the individuals who registered their position on the bill (Attachment B).

Senator Biggs moved SB 1472 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-0 (Attachment 2).

Senators Driggs, McComish and Murphy explained their votes.

SCR 1047 - judicial conduct; open records; proceedings – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SCR 1047.

Peter Dunn, Arizona Judges Association, testified in opposition to the bill and answered questions posed by the Committee members.

Senator Biggs moved SCR 1047 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 3).

Senators McComish and Yarbrough explained their votes.

SB 1482 - appellate judges; judicial performance reviews – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1482.

Jerry Landau, Legislative Liaison, Arizona Supreme Court, Arizona Judicial Council, testified as neutral on the bill.

Cathi Herrod, President, Center for Arizona Policy, testified in support of the bill.

Senator Biggs moved SB 1482 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 4).

SB 1481 - supreme court; composition – FAILED

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1481.

Rebecca Berch, Chief Justice, Arizona Supreme Court, testified as neutral on the bill.

Senator Biggs announced the individuals who registered their position on the bill (Attachment B).

Senator Biggs moved SB 1481 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 3-4-1 (Attachment 5).

Senator Gould explained his vote.

SB 1467 - educational institution; concealed weapons – DO PASS

Sharon Langford, Judiciary Committee Assistant Research Analyst, explained SB 1467.

John Thomas, Arizona Association of Chiefs of Police, testified in opposition to the bill.

Anthony Daykin, Chief of Police, University of Arizona/ABOR, testified in opposition to the bill, answered questions posed by the Committee members and distributed a letter from three of the Arizona state universities (Attachment C).

Luis Martinez, Chief, Central Arizona College, testified in opposition to the bill.

Hildy Saizow, Criminologist, Arizonans for Gun Safety, testified in opposition to the bill.

Dave Kopp, Manager, Arizona Citizens Defense League, testified in support of the bill.

Senator Biggs announced the individuals who registered their position on the bill (Attachment B).

Matthew Dogali, State Lobbyist, The National Rifle Association, testified in support of the bill.

Senator Biggs moved SB 1467 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-0 (Attachment 6).

Senators Gallardo, McComish, and Sinema explained their votes.

SB 1469 - justification; use of force – DO PASS AMENDED

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1469 and the 3-line Gould amendment dated 2/11/11 at 9:01 a.m. (Attachment D).

Matthew Dogali, State Lobbyist, The National Rifle Association, testified in support of the bill.

Senator Biggs announced the individuals who registered their position on the bill (Attachment B).

Senator Biggs moved SB 1469 be returned with a DO PASS recommendation.

Senator Biggs moved the 3-line Gould amendment dated 2/11/11 at 9:01 a.m. (Attachment D) be ADOPTED. The motion CARRIED by voice vote.

Senator Biggs moved SB 1469 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 7).

SB 1471 - county election law amendments – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1471.

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

Jen Sweeney, Government Affairs Director, Arizona Association of Counties, testified in support of the bill.

Senator Biggs announced the individuals who registered their position on the bill (Attachment B).

Senator Biggs moved SB 1471 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-2 (Attachment 8).

SB 1473 - early voting sites; electioneering – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1473.

Senator Biggs announced the individuals who registered their position on the bill (Attachment B).

Senator Biggs moved SB 1473 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 9).

SB 1466 - deferred prosecution; justice court approval – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1466.

Lester Pearce, Presiding Justice of the Peace, Maricopa County, testified in support of the bill.

Senator Biggs moved SB 1466 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-3 (Attachment 10).

SB 1484 - terrorism; radiological agent; infectious substances – DO PASS

Amy Povinelli, Judiciary Committee Research Intern, explained SB 1484.

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

Rob Dalager, City of Phoenix, testified as neutral on the bill.

Senator Biggs moved SB 1484 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 11).

SB 1412 - early voting; revisions – DO PASS AMENDED

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1412 and the 5-line Gould amendment dated 2/11/11 at 3:24 p.m. (Attachment E) and answered questions posed by the Committee members.

Karen Osborne, Elections Director, Maricopa County, testified in opposition of the bill and answered questions posed by the Committee members.

Senator Shooter, bill sponsor, further explained the bill and answered questions posed by the Committee members.

Jim Drake, Assistant Secretary of State, testified in support of the bill.

Jen Sweeney, Government Affairs Director, Arizona Association of Counties, testified in opposition of the bill.

Senator Biggs moved SB 1412 be returned with a DO PASS recommendation.

Senator Biggs moved the 5-line Gould amendment dated 2/11/11 at 3:24 p.m. (Attachment E) be ADOPTED. The motion CARRIED by voice vote.

Senator Biggs moved SB 1412 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 12).

Senators Gallardo, McComish, Murphy and Sinema explained their votes.

SB 1405 - hospital admissions; restrictions – HELD

Senator Gould announced that SB 1405 would be HELD.

RECESS

Senator Gould announced the Committee would RECESS subject to the sound of the gavel at 5:55 p.m.

RECONVENE

Senator Gould RECONVENED the Committee at 6:20 p.m.

SB 1280 - minors; electronic cigarettes; prohibition – DO PASS

Amy Povinelli, Judiciary Committee Research Intern, explained SB 1280.

Art Harding, Legislative Affairs Director, Office of the Attorney General, testified in support of the bill and answered questions posed by the Committee members.

Senator Biggs moved SB 1280 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 13).

SCR 1054 - punitive damages awards; funds – HELD

Senator Gould announced that SCR 1054 would be HELD.

SB 1464 - private prison contractors; public records – DO PASS AMENDED/STRIKE EVERYTHING

Sharon Langford, Judiciary Committee Assistant Research Analyst, explained SB 1464 and the 10-line Sinema strike everything amendment dated 2/4/11 at 1:01 p.m. (Attachment F).

Senator Biggs announced the individuals who registered their position on the bill (Attachment B).

Rebecca Baker, Maricopa County Attorney's Office, testified in opposition to the bill.

Senator Sinema moved SB 1464 be returned with a DO PASS recommendation.

Senator Sinema moved the 10-line Sinema strike everything amendment dated 2/4/11 at 1:01 p.m. (Attachment F) be ADOPTED. The motion CARRIED by voice vote.

Senator Sinema moved SB 1464 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 14).

SB 1500 - political signs; time limit – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1500.

Senator Driggs, bill sponsor, further explained the bill and answered questions posed by the Committee members.

Senator Driggs moved SB 1500 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-1-0 (Attachment 15).

SB 1307 - public right-of-way; political signs – DO PASS AMENDED

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1307.

Senator Allen, bill sponsor, further explained the bill and answered questions posed by the Committee members.

Senator Gould moved that the rules be waived to allow for a substantive verbal amendment to SB 1307. The motion CARRIED by a voice vote.

Senator Biggs moved SB 1307 be returned with a DO PASS recommendation.

Senator Biggs moved the following verbal amendment to SB 1307:

**“Page 1, strike line 27.” (Attachment G)
The motion CARRIED by a voice vote.**

Senator Biggs moved SB 1307 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 16).

SB 1534 - aggressive dogs; vicious animal assault – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1534.

Senator Melvin, bill sponsor, further explained the bill and answered questions posed by the Committee members.

Ray Churay, Deputy Director, Maricopa County Sheriff’s Office, testified in support of the bill and answered questions posed by the Committee members.

Lee Miller, Lobbyist, Maricopa County, testified in support of the bill.

Senator Biggs moved SB 1534 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 17).

Senator Biggs explained his vote.

SB 1081 - minors; protective proceedings – DO PASS AMENDED

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1081 and the 7-page Gould amendment dated 2/10/11 at 3:59 p.m. (Attachment H) and answered questions posed by the Committee members.

Senator Gray, bill sponsor, further explained the bill and answered questions posed by the Committee members.

Amy Love, Arizona Supreme Court, testified in support of the bill.

Senator Biggs moved SB 1081 be returned with a DO PASS recommendation.

Senator Biggs moved the 7-page Gould amendment dated 2/10/11 at 3:59 p.m. (Attachment H) be ADOPTED. The motion CARRIED by voice vote.

Senator Biggs moved SB 1081 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 18).

SB 1504 - arbitration; waiver; restriction – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1504 and answered questions posed by the Committee members.

Senator Driggs moved SB 1504 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 19).

SB 1505 - nuclear security guards; weapons ranges – DO PASS

Sharon Langford, Judiciary Committee Assistant Research Analyst, explained SB 1505.

Senator Driggs, bill sponsor, further explained the bill.

Senator Biggs moved SB 1505 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 20).

SB 1600 - failure to pay fine; assessment – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1600.

Jerry Landau, Legislative Liaison, Arizona Supreme Court, Administrative Office of the Courts, spoke in favor of the bill and answered questions posed by the Committee members.

Jen Sweeney, Government Affairs Director, Arizona Association of Counties, spoke in favor of the bill.

Senator Driggs moved SB 1600 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 21).

SB 1305 - clean elections; trigger reports; repeal – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1305 and answered questions posed by the Committee members.

Senator Biggs moved SB 1305 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 22).

SCR 1034 - federal actions; state nullification – HELD

Senator Gould announced that SCR 1034 would be HELD.

SCR 1055 - federal term limits amendment – FAILED

Amy Povinelli, Judiciary Committee Research Intern, explained SCR 1055.

Senator Biggs moved SCR 1055 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 1-7-0 (Attachment 23).

SB 1330 - early ballots; notarized signature; delivery – FAILED

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1330.

Senator Antenori, bill sponsor, further explained the bill and answered questions posed by the Committee members.

Karen Osborne, Elections Director, Maricopa County, testified in opposition of the bill.

Senator Biggs moved SB 1330 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 3-5-0 (Attachment 24).

Senators Driggs, Murphy and Sinema explained their votes.

SB 1331 - polling places; political parties; organization – DO PASS

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1331.

Senator Antenori, bill sponsor, further explained the bill and answered questions posed by the Committee members.

Karen Osborne, Elections Director, Maricopa County, testified in opposition of the bill.

Jen Sweeney, Government Affairs Director, Arizona Association of Counties, testified in opposition to the bill.

Senator Biggs moved SB 1331 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 25).

Senators Driggs, Gallardo, McComish, Murphy and Sinema explained their votes.

SB 1355 – punitive damages; evidence; proportionality – FAILED

Garth Kamp, Judiciary Committee Research Analyst, explained SB 1355.

Senator Antenori, bill sponsor, further explained the bill and answered questions posed by the Committee members.

John Curtin, Attorney, Arizona Trail Lawyers Association, testified in opposition to the bill.

Senator Biggs moved SB 1355 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 2-6-0 (Attachment 26).

Senators Driggs, Murphy and Sinema explained their votes.

SB 1356 - evading arrest or detention; crime – DO PASS

Amy Povinelli, Judiciary Committee Research Intern, explained SB 1356.

Senator Antenori, bill sponsor, further explained the bill and answered questions posed by the Committee members.

Jason Winsky, Police Officer, testified in support of the bill.

John Burns, President, Arizona Bail Bondsman Association, testified as neutral on the bill.

Senator Biggs moved SB 1356 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 27).

SB 1367 - court-ordered outpatient treatment; notification – DO PASS

Sharon Langford, Judiciary Committee Assistant Research Analyst, explained SB 1367.

Senator Antenori, bill sponsor, further explained the bill.

Rebecca Baker, Deputy County Attorney, Maricopa County Attorney’s Office, testified in support of the bill.

Senator Biggs moved SB 1367 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 28).

SB 1368 - human smuggling organization; offense; penalty – DO PASS

Sharon Langford, Judiciary Committee Assistant Research Analyst, explained SB 1368.

Senator Antenori, bill sponsor, further explained the bill and answered questions posed by the Committee members.

Rebecca Baker, Deputy County Attorney, Maricopa County Attorney's Office, testified in support of the bill.

Senator Biggs moved SB 1368 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-1-0 (Attachment 29).

Senators Gallardo and Sinema explained their votes.

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Ciera Sarager
Committee Secretary

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