

ARIZONA STATE SENATE

50TH LEGISLATURE
SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON JUDICIARY

DATE: March 12, 2012 **TIME:** 2:00 p.m. **ROOM:** SHR 1

CHAIRMAN: Senator Ron Gould **VICE-CHAIRMAN:** Senator Andy Biggs

ANALYST: Garth Kamp **INTERN:** Hannah Meyer

ASSISTANT ANALYST: Cherie Stone **COMMITTEE SECRETARY:** Teri Occhiato

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Burges	X			HB 2284	DP
Senator Driggs	X			HB 2371	DP
Senator Gallardo	X			HB 2376	DP
Senator Lujan	X			HB 2382	DP
Senator Murphy	X			HB 2432	HELD
Senator Yarbrough	X			HB 2433	DPA
Senator Biggs, Vice-Chairman	X			HB 2434	HELD
Senator Gould, Chairman	X			HB 2449	DP
				HB 2457	DP
				HB 2461	HELD
				HB 2549	DP
				HB 2550	DP
				HB 2555	DP
				HB 2556	DP
				HB 2558	DP
				HB 2559	DP
				HB 2560	DPA
				HB 2612	DP
				HB 2625	DP
				HB 2676	DPA
				HB 2719	DP
				HB 2722	DP
				HB 2729	DP
				HB 2753	DP
				HB 2775	DPA/SE
				HB 2779	DP
				HB 2780	DP
				HB 2826	DP
				HB 2547 and HB 2557	NOT ASSIGNED

EXECUTIVE NOMINATIONS

<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
Paul C. Senseman, Jr.	Member, Commission on Appellate Court Appointments	CONFIRMATION

Chairman Gould called the meeting to order at 3:20 p.m. and attendance was taken.

APPROVAL OF MINUTES

Senator Gould stated that without objection, the minutes of March 5, 2012 were approved.

EXECUTIVE NOMINATIONS

Paul C. Senseman, Jr. – Commission on Appellate Court Appointments – CONFIRMATION RECOMMENDED

Paul C. Senseman, Jr. reviewed his resume and answered questions posed by the committee.

Senator Gould moved the Committee on Judiciary recommend to the full Senate the CONFIRMATION of Paul C. Senseman, Jr. as a Member of the Commission on Appellate Court Appointments. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 1).

CONSIDERATION OF BILLS

HB 2432 – secured appearance bond exoneration; remission (now: secured appearance bond; exoneration) – HELD

Senator Gould stated that HB 2432 would be HELD.

HB 2434 – bail bond requirements; cash; secured (now: bail bond prohibitions; felons) – HELD

Senator Gould stated that HB 2434 would be HELD.

HB 2461– historical prior felony conviction; definition – HELD

Senator Gould stated that HB 2461 would be HELD.

HB 2753 – notice; claim; public entity; employee – DO PASS

Garth Kamp, Judiciary Committee Analyst, explained HB 2753.

Representative Brophy McGee, bill sponsor, further explained HB 2753 and referred questions to Matthew Wright, Chief Counsel for the School Risk Retention Trust.

Matthew Wright, Chief Counsel, School Risk Retention Trust, further explained HB 2753.

Senator Biggs moved HB 2753 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 2).

HB 2371 – disposal of unclaimed property – DO PASS

Garth Kamp, Judiciary Committee Analyst, explained HB 2371.

Representative Farnsworth, bill sponsor, further explained HB 2371.

Senator Biggs moved HB 2371 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 3).

Senator Biggs explained his vote.

HB 2376 – court fees; payment method – DO PASS

Hannah Meyer, Judiciary Committee Intern, explained HB 2376.

Representative Farnsworth, bill sponsor, further explained HB 2376 and answered questions posed by the committee.

Senator Biggs moved HB 2376 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 3).

HB 2382 – criminal offenses; sentencing – DO PASS

Garth Kamp, Judiciary Committee Analyst, explained HB 2382.

Representative Farnsworth, bill sponsor, further explained HB 2382.

David Wick, Legislative Intern, Arizona Judicial Council, testified in support of HB 2382.

Senator Biggs moved HB 2382 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 5).

HB 2722 – elections; polling places; electioneering – DO PASS

Garth Kamp, Judiciary Committee Analyst, explained HB 2722.

Representative Farnsworth, bill sponsor, further explained HB 2722 and answered questions posed by the committee.

Karen Osborne, Director, Maricopa County Elections, testified in support of HB 2722.

Clint Bolick, Litigation Director, Goldwater Institute, testified in support of HB 2722.

Senator Biggs moved HB 2722 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 6).

HB 2625 – domestic relations; disposition of property (now: insurers; healthcare coverage; religious beliefs) – DO PASS

Cherie Stone, Judiciary Committee Assistant Analyst, explained HB 2625.

Representative Lesko, bill sponsor, further explained HB 2625 and answered questions posed by the committee.

Anjali Abraham, Public Policy Director, American Civil Liberties Union of Arizona, testified in opposition to HB 2625.

Liza Love, representing herself, testified in opposition to HB 2625 and answered questions posed by the committee.

Senator Biggs moved HB 2625 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 7).

Senator Yarbrough explained his vote.

HB 2676 – government entities; attorney fees – DO PASS AMENDED

Garth Kamp, Judiciary Committee Analyst, explained HB 2676 and the 5-line Gould amendment dated 3/9/12 at 11:29 a.m. (Attachment B).

Representative Kavanagh, bill sponsor, further explained HB 2676.

Senator Biggs moved HB 2676 be returned with a DO PASS recommendation.

Senator Biggs moved the 5-line Gould amendment dated 3/9/12 at 11:29 a.m. (Attachment B) be ADOPTED. The motion CARRIED by voice vote.

Senator Biggs moved HB 2676 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 8).

HB 2826 – consolidated election dates; political subdivisions – DO PASS

Garth Kamp, Judiciary Committee Analyst, explained HB 2826 and the 25-line Gould amendment dated 3/8/12 at 10:43 a.m. (Attachment C).

Representative Ugenti, bill sponsor, further explained HB 2826.

Jen Sweeney, Director, Government Affairs, Arizona Association of Counties, testified in opposition to HB 2826.

Wes Gullett, representing himself, testified in support of HB 2826 and answered questions posed by the committee.

Jim Waring, Councilman, City of Phoenix, representing himself, testified in support of HB 2826 and answered questions posed by the committee.

Wesley Harris, Chairman, North Phoenix Tea Party, representing himself, testified in support of HB 2826.

Karen Osborne, Director, Maricopa County Elections, testified in support of HB 2826 and answered questions posed by the committee.

Clint Bolick, Litigation Director, Goldwater Institute, testified in support of HB 2826 and answered questions posed by the committee.

Eric Frederick, representing himself, testified in support of HB 2826.

Senator Biggs moved HB 2826 be returned with a DO PASS recommendation.

Senator Biggs moved the 25-line Gould amendment dated 3/8/12 at 10:43 a.m. (Attachment C) be ADOPTED. The motion FAILED by a voice vote.

The motion that HB 2826 be returned with a DO PASS recommendation CARRIED with a roll call vote of 6-2-0 (Attachment 9).

Senators Gallardo, Murphy and Yarbrough explained their votes.

HB 2729– state regulation of firearms – DO PASS

Cherie Stone, Judiciary Committee Assistant Analyst, explained HB 2729 and the 3-line Biggs amendment dated 3/9/12 at 12:14 p.m. (Attachment D).

Representative Gowan, bill sponsor, further explained HB 2729.

John Wentling, Vice President, Arizona Citizens Defense League, testified in support of HB 2729 and answered questions posed by the committee.

John Thomas, Arizona Association of Chiefs of Police, testified in opposition to HB 2729 and answered questions posed by the committee.

Molly Greene, Salt River Project, testified as neutral to HB 2729.

Senator Biggs moved HB 2729 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 10).

Senator Biggs explained his vote.

HB 2433 – bail bond agent lists; solicitation – DO PASS AMENDED

Cherie Stone, Judiciary Committee Assistant Analyst, explained HB 2433 and the following amendments:

- 19-line Gould amendment dated 3/9/12 at 11:42 a.m. (Attachment E)
- 3-page Gould amendment dated 3/9/12 at 1:20 p.m. (Attachment F)

Representative Gowan, bill sponsor, further explained HB 2433.

Kim MacEachern, Attorney, Arizona Prosecuting Attorneys' Advisory Council, answered questions posed by the committee.

John Burns, President, Arizona Bail Bondsman Association, testified in support of HB 2433 and answered questions posed by the committee.

Senator Biggs moved HB 2433 be returned with a DO PASS recommendation.

Senator Biggs moved the 19-line Gould amendment dated 3/9/12 at 11:42 a.m. (Attachment E) be ADOPTED. The motion CARRIED by voice vote.

Senator Biggs moved the 3-page Gould amendment dated 3/9/12 at 1:20 p.m. (Attachment F) be ADOPTED. The motion CARRIED by voice vote.

Senator Biggs moved HB 2433 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 11).

HB 2284 – DUI; jury trial – DO PASS

Hannah Meyer, Judiciary Committee Intern, explained HB 2284.

Representative Smith, bill sponsor, further explained HB 2284 and answered questions posed by the committee.

Kim MacEachern, Attorney, Arizona Prosecuting Attorneys' Advisory Council, answered questions posed by the committee.

Senator Biggs moved HB 2284 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 12).

Senators Driggs, Murphy, Yarbrough and Biggs explained their votes.

HB 2457 – possession of weapons while hunting (now: hunting; possession of unauthorized weapons) – DO PASS

Cherie Stone, Judiciary Committee Assistant Analyst, explained HB 2457.

John Wentling, Vice President, Arizona Citizens Defense League, testified in support of HB 2457.

Senator Biggs moved HB 2457 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 13).

HB 2612 – technical correction; delinquent property; sale (now: political action committee; solicitation; clarification) – DO PASS

Garth Kamp, Judiciary Committee Analyst, explained HB 2612.

Representative Mesnard, bill sponsor, further explained HB 2612.

Senator Biggs moved HB 2612 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-1 (Attachment 14).

HB 2780 – animal cruelty; ranching dogs – DO PASS

Hannah Meyer, Judiciary Committee Intern, explained HB 2780.

Representative Judd, bill sponsor, further explained HB 2780 and answered questions posed by the committee.

Kathleen Meyer, Deputy Attorney, Pima County Attorney's Office, testified in opposition to HB 2780.

Patrick Bray, Deputy Director, Government Affairs, Arizona Cattlemen's Association, testified in support of HB 2780.

Mike Williams, Phoenix Law Enforcement Association, testified in opposition to HB 2780.

Jim Ogsbury, Legislative Director, League of Arizona Cities and Towns, testified in opposition to HB 2780.

Senator Biggs moved HB 2780 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-0 (Attachment 15).

Senators Driggs, Lujan, Murphy, Yarbrough and Gould explained their votes.

HB 2449 – supreme court; audit; hearing – DO PASS

Cherie Stone, Judiciary Committee Assistant Analyst, explained HB 2449.

Representative Gowan, bill sponsor, further explained HB 2449.

Senator Biggs moved HB 2449 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-1-0 (Attachment 16).

HB 2560 – adult protective services; attorney fees – DO PASS AMENDED

Cherie Stone, Judiciary Committee Assistant Analyst, explained HB 2560 and the 5-page Driggs amendment dated 3/9/12 at 10:00 a.m. (Attachment G).

Representative Vogt, bill sponsor, further explained HB 2560 and answered questions posed by the committee.

Dave Cohen, Arizona Health Care Association, testified in support of HB 2560.

Dana Roberts, Attorney, Arizona Trial Lawyers Association, testified in opposition to HB 2560.

John Checkett, representing himself, testified in support of HB 2560 and answered questions posed by the committee.

Senator Biggs moved HB 2560 be returned with a DO PASS recommendation.

Senator Driggs moved the 5-page Driggs amendment dated 3/9/12 at 10:00 a.m. (Attachment G) be ADOPTED. The motion CARRIED by voice vote.

Senator Biggs moved HB 2560 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-0 (Attachment 17).

Senator Yarbrough explained his vote.

RECESS

At 6:25 p.m. Senator Gould RECESSED the committee to the sound of the gavel.

RECONVENE

At 6:58 p.m. Senator Gould RECONVENED the committee.

HB 2775 – swimming pool pumps; energy efficiency (now: pool pump energy standards; repeal) – DO PASS AMENDED/STRIKE EVERYTHING

Hannah Meyer, Judiciary Committee Intern, explained the 9-page Biggs strike everything amendment dated 3/8/12 at 3:15 p.m. (Attachment H).

Ellen Zuckerman, Arizona Program Associate, Southwest Energy Efficiency Project, testified in opposition to HB 2775 and answered questions posed by the committee.

Russell Smoldon, Salt River Project, testified in opposition to HB 2775 and answered questions posed by the committee.

Steve Barnes, Safety and Compliance Manager, Association of Pool and Spa Professionals, testified in opposition to HB 2775 and answered questions posed by the committee.

Spencer Kamps, Deputy Director, Home Builders Association of Central Arizona, testified in support of the 9-page strike everything amendment but opposed the House engrossed bill.

Senator Biggs moved HB 2775 be returned with a DO PASS recommendation.

Senator Biggs moved the 9-page Biggs strike everything amendment dated 3/8/12 at 3:15 p.m. (Attachment H) be ADOPTED. The motion CARRIED with a voice vote.

Senator Biggs moved HB 2775 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 18).

HB 2719 – firearms; federal law; school perimeters – DO PASS

Cherie Stone, Judiciary Committee Assistant Analyst, explained HB 2719.

Representative Seel, bill sponsor, distributed a handout entitled "Federal 'Gun-Free School Zones' Phoenix Metro" (Attachment I), further explained HB 2719 and answered questions posed by the committee.

John Wentling, Vice President, Arizona Citizens Defense League, testified in support of HB 2719 and answered questions posed by the committee.

Senator Driggs moved HB 2719 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-0 (Attachment 19).

Senators Lujan, Murphy, Yarbrough and Biggs explained their votes.

HB 2549 – electronic; digital devices; stalking; threatening – DO PASS

Hannah Meyer, Judiciary Committee Intern, explained HB 2549.

Representative Vogt, bill sponsor, further explained HB 2549.

Kathleen Mayer, Deputy Pima County Attorney, Pima County Attorney’s Office, testified in support of HB 2549 and answered questions posed by the committee.

Senator Biggs moved HB 2549 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 20).

HB 2550 – victims’ rights; criminal offense; interviews – DO PASS

Hannah Meyer, Judiciary Committee Intern, explained HB 2550.

Representative Vogt, bill sponsor, further explained HB 2550.

Kathleen Mayer, Deputy Pima County Attorney, Pima County Attorney’s Office, testified in support of HB 2550.

Senator Driggs moved HB 2550 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 21).

HB 2555 – sexually violent person; escape; sentence – DO PASS

Hannah Meyer, Judiciary Committee Intern, explained HB 2555.

Representative Vogt, bill sponsor, further explained HB 2555.

Rebecca Baker, Deputy County Attorney, representing herself, testified in support of HB 2555.

Senator Biggs moved HB 2555 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 22).

HB 2556 – criminal restitution order – DO PASS

Hannah Meyer, Judiciary Committee Intern, explained HB 2556.

Representative Vogt, bill sponsor, further explained HB 2556 and answered questions posed by the committee.

Jason Frazier, MADD Victim Advocate, Mothers Against Drunk Driving, testified in support of HB 2556.

Senator Biggs moved HB 2556 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 23).

HB 2558 – victim restitution; civil actions – DO PASS

Hannah Meyer, Judiciary Committee Intern, explained HB 2558.

Representative Vogt, bill sponsor, further explained HB 2558.

Jason Frazier, MADD Victim Advocate, Mothers Against Drunk Driving, testified in support of HB 2558.

Senator Driggs moved HB 2558 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 24).

HB 2559 – victims' rights; courtroom posting – DO PASS

Hannah Meyer, Judiciary Committee Intern, explained HB 2559.

Representative Vogt, bill sponsor, further explained HB 2559.

Jason Frazier, MADD Victim Advocate, Mothers Against Drunk Driving, testified in support of HB 2559.

Senator Driggs moved HB 2559 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 25).

HB 2779 – clean elections; trigger reports; repeal – DO PASS

Garth Kamp, Judiciary Committee Analyst, explained HB 2779.

Senator Biggs moved HB 2779 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 26).

Attached is a list noting the individuals who registered their position on the bill (Attachment A).

There being no further business, the meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Teri Occhiato
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>)