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ARIZONA STATE SENATE

50TH LEGISLATURE
SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON JUDICIARY

DATE: February 27, 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

Committee Members

	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Burges	X			HB 2036	DPA/SE
Senator Driggs	X			HB2241	DP
Senator Gallardo	X			HB2374	DP
Senator Lujan	X			HB2379	HELD
Senator Murphy	X				
Senator Yarbrough	X				
Senator Biggs, Vice-Chairman	X				
Senator Gould, Chairman	X				

Chairman Gould called the meeting to order at 4:51 p.m. and attendance was taken.

APPROVAL OF MINUTES

Senator Gould stated that without objection, the minutes of February 20, 2012 were approved.

CONSIDERATION OF BILLS

HB 2379 – comprehensive election law amendments – HELD

Senator Gould stated that HB 2379 would be held.

HB 2374 – deferred prosecution program; conditions – DO PASS

Hannah Meyer, Judiciary Committee Intern, explained HB 2374 and answered questions posed by the committee.

Representative Farnsworth, bill sponsor, further explained HB 2374 and answered questions posed by the committee.

Rebecca Baker, Deputy County Attorney, Maricopa County Attorney's Office, testified in support of HB 2374 and answered questions posed by the committee.

Senator Driggs moved HB 2374 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 1).

HB 2241 – statute of limitations; moving violation – DO PASS

Hannah Meyer, Judiciary Committee Intern, explained HB 2241 and answered questions posed by the committee.

Representative Montenegro bill sponsor, further explained HB 2241 and answered questions posed by the committee.

Rebecca Baker, Deputy County Attorney, Maricopa County Attorney's Office, testified in support of HB 2241 and answered questions posed by the committee.

Nicole Eades, representing herself, testified in support of HB 2241 and answered questions posed by the committee.

Senator Biggs moved HB 2241 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 2).

HB 2036 – private attorney retention; contingency fees – DO PASS AMENDED/STRIKE EVERYTHING

Cherie Stone, Judiciary Committee Assistant Analyst, explained the 27-page Yarbrough strike everything amendment dated 2/23/12 at 2:53 p.m. (Attachment B) and the following amendments to the strike everything amendment and answered questions posed by the committee:

9-line Gallardo amendment dated 2/24/12 at 1:57 p.m. (Attachment C).
6-line Lujan amendment dated 2/24/12 at 2:01 p.m. (Attachment D).
5-line Lujan amendment dated 2/24/12 at 2:03 p.m. (Attachment E).
4-line Lujan amendment dated 2/24/12 at 2:05 p.m. (Attachment F).

Representative Yee, bill sponsor, distributed a handout entitled “Testimony in Support of Prohibition of Abortion at 20 Weeks” (Attachment G), distributed a packet of medical documentation (Attachment H), further explained HB 2036 and answered questions posed by the committee.

Eric Reuss M.D., representing himself, testified in opposition to HB 2036 and answered questions posed by the committee.

Anjali Abraham, Public Policy Director, American Civil Liberties Union of Arizona, testified in opposition to HB 2036 and answered questions posed by the committee.

Kat Sabine, representing herself, testified in opposition to HB 2036 and answered questions posed by the committee.

Bridget Sharpe, representing herself, testified in opposition to HB 2036 and answered questions posed by the committee.

Micki Kloss, PhD., representing herself, testified in opposition to HB 2036 and answered questions posed by the committee.

Serah Blain, Secular Coalition for Arizona, testified in opposition to HB 2036 and answered questions posed by the committee.

Anna Flynn, representing herself, testified in opposition to HB 2036 and answered questions posed by the committee.

Dr. Robert Hardy, representing himself, testified in opposition to HB 2036 and answered questions posed by the committee.

Robin Snyder, representing herself, testified in support of HB 2036 and answered questions posed by the committee.

Kris Forbes, representing herself, testified in support of HB 2036 and answered questions posed by the committee.

Delronda Boyd, representing herself, testified in support of HB 2036 and answered questions posed by the committee.

Paul Liu, representing himself, testified in support of HB 2036 and answered questions posed by the committee.

Michael Czerkes, representing himself, testified in support of HB 2036 and answered questions posed by the committee.

Theresa Ulmer, Consultant, Planned Parenthood Arizona, distributed a copy of a letter addressed to Senator Gould from a group of medical physicians regarding HB 2036 (Attachment I) and

distributed a packet of letters with testimonies from doctors about HB 2036 (Attachment J). Ms. Ulmer testified in opposition to HB 2036 and answered questions posed by the committee.

Deborah Sheasby, Legal Counsel, Center for Arizona Policy, testified in support of HB 2036 and answered questions posed by the committee and distributed a "Family Issue Fact Sheet" (Attachment JJ).

Senator Biggs moved HB 2036 be returned with a DO PASS recommendation.

Senator Yarbrough moved the 27-page Yarbrough strike everything amendment dated 2/23/12 at 2:53 p.m. (Attachment B) be ADOPTED.

Senator Biggs moved the following verbal amendment (Attachment K) to the strike everything amendment dated 2/23/12 at 2:53 p.m.:

**Page 24, line 1, after the second comma strike remainder of line
Line 2, strike "In-Clinic Abortion Procedures (2011),"**
Amend title to conform

The motion CARRIED by voice vote.

Senator Gallardo moved the 9-line Gallardo amendment dated 2/24/12 at 1:57 p.m. (Attachment C). The motion FAILED by voice vote.

Senator Lujan moved the 6-line Lujan amendment dated 2/24/12 at 2:01 p.m. (Attachment D). The motion FAILED by voice vote.

Senator Lujan moved the 5-line Lujan amendment dated 2/24/12 at 2:03 p.m. (Attachment E). The motion FAILED by voice vote.

Senator Lujan moved the 4-line Lujan amendment dated 2/24/12 at 2:05 p.m. (Attachment F). The motion FAILED by voice vote.

Senator Yarbrough moved the 27-page Yarbrough strike everything amendment dated 2/23/12 at 2:53 p.m. (Attachment B) AS AMENDED be ADOPTED. The motion CARRIED by voice vote.

Senator Biggs moved HB 2036 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-2-0 (Attachment 3).

Senators Burges, Gallardo, Lujan, Yarbrough, Biggs and Gould explained their votes.

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 7:10 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>)