

ARIZONA STATE SENATE

47TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON JUDICIARY

DATE: March 30, 2006 **TIME:** 1:30 P.M. **ROOM:** SHR1

CHAIRMAN: Senator Huppenthal **VICE CHAIRMAN:** Senator Martin

ANALYST: Jennifer Eugster **INTERN:** Damion LeeNatali

ASSISTANT ANALYST: Leah Birk **COMMITTEE SECRETARY:** Shelley Ponce

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Aguirre	X			HB 2392	FAILED
Senator Brotherton	X			HB 2828	DPA
Senator Gould	X			HCR 2003	DPA/SE
Senator C. Gray	X				
Senator Harper	X				
Senator Miranda	X				
Senator Martin, Vice Chairman	X				
Senator Huppenthal, Chairman	X				

Chairman Huppenthal called the meeting to order at 1:34 p.m., and attendance was taken.

CONSIDERATION OF BILLS

HB 2828 – prisoners; medical treatment guardians – DO PASS AMENDED

Jennifer Eugster, Judiciary Committee Analyst, explained HB 2828.

Representative Lopes, bill sponsor, further explained HB 2828.

Senator Huppenthal explained his 9 line amendment dated 03/28/06 at 3:05 p.m. (Attachment A).

Senator Martin moved HB 2828 be returned with a DO PASS recommendation.

Senator Martin moved the 9 line Huppenthal amendment dated 03/28/06 at 3:05 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Martin moved HB 2828 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-0 (Attachment 1).

HCR 2003 – takings; public use; jury determination – DO PASS AMENDED/STRIKE EVERYTHING

Jennifer Eugster, Judiciary Committee Analyst, explained the 3 page Huppenthal strike everything amendment dated 03/28/06 at 3:14 p.m. (Attachment B).

Barry Aarons, Americans for Tax Reform, testified in support of HCR 2003.

Jennifer Daily, Arizona Education Association (AEA), distributed a letter from the AEA (Attachment C) and testified in opposition to HCR 2003.

Angel Rodriguez, Co-Director, American Federation of State, County, and Municipal Employees (AFSCME) Council 97, testified in opposition to HCR 2003.

Michael McGrath, Executive Director, Arizona American Federation of Labor – Congress of Industrial Organizations, testified in opposition to HCR 2003.

Terry Forthun, President, Arizona Federation of Teachers Unions, testified in opposition to HCR 2003.

Senator Martin moved HCR 2003 be returned with a DO PASS recommendation.

Senator Martin moved the 3 page Huppenthal strike everything amendment dated 03/28/06 at 3:14 p.m. be ADOPTED. The motion CARRIED by voice vote.

Mike Colletto, representing self, testified in opposition to HCR 2003.

Senator Martin moved HCR 2003 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-3-0 (Attachment 2).

In explanation of his vote, Senator Brotherton stated "There are a number of things about this bill and I think Mr. Aarons testimony was a bit disingenuous. The reason the firefighters and police are not in this, and he can come and tell me this is not accurate, is because the folks that are pushing this do not want to pick a fight with the firefighters and police. It is totally based on politics. It is not based on anything logical orthe only rational thing is to open up a big battle like this with the fire and police unions is definitely not going to go anywhere and so, but at the same time what it means is that it is basically singling out certain unions over others. That is hardly fair is it and I know one of the tenets, and often time the Republican party is talking about being fair, but I would like an explanation as to what is fair about saying that certain unions can support their lobbying efforts through union dues and others cannot. The Chairman mentioned when he was talking to Angel is that the last time they worked on something was when they were talking about performance pay, it was not talking about anyone's election here, it was not talking about a ballot measure, but we got lumped in here with elections and ballot measures lobbying and most of these unions when they are coming down here are talking to us about quality of life issues with regard to their members, such as getting pay raises, such as their benefits and now we are going to say that they have to jump through a bunch of hoops to do what unions are supposed to do, which is these unions are supposed to go to their employers, that is us, and talk about the issues that are important to them. You are saying that they have to go through certain hoops to do this and others do not. Those corporations do not and supposedly it is a big issue about money. Well, if we really want to fix this, there is a situation where we are using tax money to support this and I would say then build that into the structure and the government will be paid back for whatever cost there is for taking them out. I imagine that cost is minimal and that is why we do not have this bill in front of us, because we are talking about something that does not cost that much in a computerized automated world to be able to move this money out of somebody's paycheck and send it to the respective union. The idea here is to quash and attempt to quash the first amendment speech rights of a certain group of folks and I think that is very unfortunate. If someone does not like the fact that their money is being used for some sort of lobbying work, they do not have to be a member of the union, they can just step right out of it and they do not have to do that. I think that certainly if this moves to the Floor it is ripe for many amendments that would make it much more fair and I think it is unfortunate that we are trying to go after, not only unions in general, but just specific unions in order to try to stop them from representing the people that are their membership and who want to be represented by them because they have joined and pay their dues and I think it is unfair to send this off to the ballot and put it in front of people who actually do not have a dog in this fight. I certainly do not, as just a regular citizen, have any interest in whether or not these union dues go to one thing or another or they are building a union hall or they are building a swimming pool. That is up to those folks and it should not be a situation where the entire citizenry decides where these folks monies go or how it ishow they get consent from their members to spend the money. That is a union issue and should stay that way. Just like it should be an issue in the corporations that they make those decisions, but certainly corporations should be a part of this if we are going to move something forward like this. There are probably a lot more stockholders out there in the general public and various corporations that lobby us than there are union members and so that is a group that I think needs to be added to this bill. I vote 'no'."

In explanation of his vote, Senator Miranda stated "Working men and women need the opportunity to be represented in the political arena. I do not believe a majority of people ought to tell a minority of people what they should do and what decisions they can make with their paychecks and whether they want to give to an organization or not and how that money should be spent. I vote 'no'."

In explanation of his vote, Senator Huppenthal stated "Even though the unions are only 6%, that is still a huge population and I am never embarrassed when I make a point that even people, when you have any collective force it can be damaging to individual rights and any time we are taking action down here to strengthen people's individual rights to be properly represented that is never something we need to be embarrassed about and I vote 'aye'."

HB 2392 – home protection; self-defense - FAILED

Senator Huppenthal stated that no testimony would be heard.

Senator Martin moved HB 2392 be returned with a DO PASS recommendation.

Senator Martin moved the 9 page Martin strike everything amendment dated 03/28/06 at 4:31 p.m. (Attachment D) be ADOPTED. The motion CARRIED by voice vote.

Senator Brotherton explained his amendment.

Senator Brotherton moved his 11 line amendment dated 03/29/06 at 3:36 p.m. (Attachment E) be ADOPTED.

Senator Brotherton stated that he WITHDREW his amendment.

Senator Martin moved HB 2392 be returned with an AS AMENDED, DO PASS recommendation. The motion FAILED with a roll call vote of 3-5-0 (Attachment 3).

In explanation of his vote, Senator Brotherton stated "I did not actually say the striker was a joke. I am going to vote 'no'."

In explanation of his vote, Senator Gould stated "Apparently I missed an opportunity to put hoofcare practitioners on this bill. I am going to vote 'no'."

In explanation of his vote, Senator Martin stated "I did not get a chance to speak to the bill and I think it is a real shame. This is not because we have a shortage of attorneys. We have a shortage of professionals experienced in their industry that can become an attorney. I have an email here from a gentleman who has many years as an enrolled agent and a tax practitioner who battles with the IRS for his clients as well as various tax areas, has tremendous experience in tax law, in the profession of taxing rules and regulations, however in the State of Arizona he is not allowed to practice law. He can not go into tax court and represent his clients, whereas as an individual whohe is able to go through an apprenticeship program, actually in this case a correspondence program through the University of California and receive a law degree in California, sit for the California Bar Exam as well as then be on a probationary period essentially in California. He can go to California tax court but not in Arizona and so this helps professional folks who have an expertise in their industry, in their field. They are not allowed and can not afford to sit out two or three years of their livelihood to go to law school and so we take these greatest experts and experienced folks in their own field and take them out of there and prevent them from practicing in the area that have expertise in and this is a very limited bill modeled after a number of states and I vote 'aye'."

There being no further business, the meeting was adjourned at 2:19 p.m.

Respectfully submitted,

Shelley Ponce
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)