

ARIZONA STATE 49TH LEGISLATURE ACCOMPLISHMENTS

(AAA) 2010 SECOND REGULAR SESSION (Prepared by Senate Majority Staff)

Budget

Despite limited options and numerous federal, judicial and voter constraints, the Legislature managed a \$2.6 billion deficit in FY 11 that included over \$1 billion in budget cuts.

The budget included three ballot measures that will provide Arizona voters with an opportunity to reprioritize funds and determine how much government they are willing to pay for:

(A): First Things First repeal and redirect: \$325 M

(B): Land Conservation Fund (Growing Smarter): \$124 M

(C): May 18 vote was a choice between \$900 M in sales taxes or budget cuts. The Legislature rolled back unsustainable expansions of government spending from the previous governor (Back to half day kindergarten, for example).

If the voters agree to redirect First Things First and Growing Smarter dollars, the state will still need double digit annual revenue growth to cover the significant shortfalls in FY '12, '13, and '14 if the legislature is unable to come up with solutions to this continuing problem.

Tax Policy

(A) Enacted reforms to the government property lease excise tax (GPLET) to increase accountability and prevent abuses. **(HB 2504)**.

(B) Tightened up the law to shine more light on school district property tax levies accumulated cash balances. **(SB 1188)**.

(C) Prohibited state tax dollars from subsidizing school district governing board decisions to levy property taxes outside limits without voter approval. **(HB 2008-7th Special Session)**.

Immigration Reform/Border Security

- Illegal immigration has taken a tremendous financial and criminal toll on the state. **SB 1070 & HB 2162** make changes to laws relating to the enforcement of federal and state immigration laws. As the federal government has refused to enforce laws and secure the border, these bills allow local law enforcement to enforce federal laws on illegal immigration. In addition, **HB 2162** establishes the Joint Border Security Advisory Committee to report on the status of the Arizona/Mexico Border, and make recommendations regarding the growing border violence problem in Arizona.

- The Department of Public Safety is now required to seek grants to implement a one year pilot program targeting drug trafficking, illegal alien trafficking, and

human smuggling (**SB 1027**).

Education

- Making school administrators accountable, school district governing boards will be required to now structure superintendents' contracts so that 20% of his or her total annual compensation and benefits are based on performance (**HB 2521**).
- Created a K-3 Accountability and Assessment Task Force to determine the best accountability and assessment practices. Annual reports will be submitted to the Legislature and Secretary of State (**SB 1119**).
- Streamlining course numbering eased the transition for students transferring from community colleges to state universities by requiring a shared numbering system that identifies college courses that transfer toward a baccalaureate degree (**SB 1186**).
- Enhanced Arizona's school choice efforts by making it easier for taxpayers to receive credit for donations to school tuition organizations (STO's). Individual income tax filers can now apply for credit to either the previous tax year or the current tax year, for donations made between the close of the tax year and April 15 (**SB 1274**).
- Improved our school classification system by using a letter grade A, B, C, D or F similar to a student's report card. This will replace the "soft" and somewhat ambiguous labels (excelling, performing, etc.). Also improved the extent to which these labels reflect the efforts of our hardest working schools. With this change, 50% of the school or school district's grade determination must now consist of academic performance measurement: one half must be comprised of a measurement of academic gain for all enrolled pupils; and the other half must consist of a measurement of the 25% of pupils with the lowest academic performance measurement (**SB 1286**).
- Enacted several modifications giving school districts more flexibility to maintain and attract highly performing teachers and to facilitate and expedite the process to make corrections where a teacher's performance has been inadequate (**HB 2227**).
- Public schools must now ensure that third graders have demonstrated basic reading skills before they can be promoted to fourth grade (**HB 2732**).
- Alleviated administrative burdens and improved the process and accuracy of official K-12 student counts (**HB 2385**).

Public Safety/Judiciary

- In an effort to promote, protect and preserve our law enforcement families, **HB2296** entitles the surviving spouse and dependents of a law enforcement officer killed in the line of duty to receive payments for health insurance premiums from public monies.
- Removed restrictions on the sale and use of consumer fireworks to the public, allowing individual communities to prohibit the sale and use of fireworks (**HB 2246**).
- Expanded victim's rights by requiring divorced parents to be notified when a convicted or registered sex offender, or someone who has been convicted of a

dangerous crime against children, may have access to the child (**SB1095**).

Family Rights/Advocacy

- Required hospitals and facilities that perform abortions, as well as health professionals that treat women with complications due to an abortion, to submit a report to the Department of Health Services (DHS.) The report must provide non-patient identifiable information so DHS can prepare an annual statistical report on abortion data (**SB 1304**).
- Prohibited the use of any state or local public monies from being used to pay costs associated with abortion related care. Prohibited a state or local government entity from subscribing to a health insurance policy that provides abortion-related benefits, except in specified circumstances (**SB 1305**).
- Recognizing that parents know what is best for their children, **SB 1309** establishes the Parental Bill of Rights which outlines parental rights regarding education, health care, and the upbringing of a child. The bill also declares that unless otherwise required by law, the rights of parents of minor children must not be limited or denied.

Health

- Established a voluntary process for hospitals and local entities to provide a state match for graduate medical education and disproportionate share payments. As the State's ongoing fiscal crisis has dramatically impacted medical programs that are not federally required, affected parties have come up with alternative methods of funding (**HB 2116**).
- Provided some relief to the extreme licensing fee increases day care operators are experiencing. Facility owners will be allowed to pay their licensing fees on an annual basis – rather than a large sum every three years. The Department of Health Services may offer discounts in licensing rates if monies are available, and the agency could allow installment payments should a facility be unable to pay the full cost of the fee increase (**SB 1315**).
- Reinstated Kids Care, in response to the newly enacted federal health care law. Though the Legislature attempted to reduce its budgetary spending through the elimination of the program, the violation of the maintenance of effort requirements of the federal plan will keep the state from losing millions of dollars in matched funding. In addition, this bill provided the opportunity to rectify the elimination of coverage for adult disabled children receiving benefits through the state employee health plan – an assurance that legislators had given prior to the commencement of the regular session (**SB 1043**).
- Through enactment of the budget, safety net hospitals which met the federal definition of disproportionate share qualifying hospitals received payments to provide some financial aid to mitigate the costs incurred by providing uncompensated care.
- In a special session, the Legislature authorized the Governor to file suit against the Federal Government due the enactment of the wildly expensive and intrusive federal health care reform bill. The legislation charges that the Federal

government overstepped its bounds by infringing on a person's choice by requiring them to purchase insurance or face a penalty. The federal law imposes a regulation that should be reserved to the state under the 10th Amendment.

Consumer Advocacy

- With the heightened foreclosure crisis in the state, the Legislature responded with a variety of proposals to assist homeowners facing the loss of a home. **HB 2626** requires lenders to give homeowners an opportunity to meet in person to explore options to avoid foreclosure.
- Ensured that landlords properly notify, in advance, when a property is foreclosed upon. A tenant will have recourse if they are not notified of a pending foreclosure and could recover damages, and a security deposit, should a landlord not comply with the law (**HB 2766**).
- Provided oversight of a new industry – for-profit companies that charge upfront fees on homeowners facing foreclosure, with the promise of mitigating their loss or renegotiating the terms of their mortgage. Oftentimes homeowners do not see any benefit, are not released from their commitment from these companies to seek alternative help, and there is no place for them to turn. Consumers will see full disclosure on the services that will be provided, have an opportunity to cancel their agreements, and have recourse should they encounter difficulties with these businesses (**SB 1130**).

Natural Resources

- Several bills took steps toward addressing Arizona's ongoing concerns about water supply. **SB 1141** allowed the Central Arizona Project to obtain additional water supplies more cost-effectively, while **HB 2661** established a panel of water experts to evaluate and protect all of the state's water resources. **SB 1445** provided a solution to a water dispute between rural and urban Arizona, and **SB 1359** authorized the Department of Water Resources to obtain additional resources for their important operations.
- **SCR 1047** and **SB 1410** took major steps toward solving an ongoing challenge to military operations in Arizona. **SCR 1047** asks Arizona voters in November to amend state land laws to allow for the exchange of public land for several reasons. These proposals are vital to Arizona's military bases that have been threatened by encroaching development. The bills will enable the military to work with the State Land Department to protect both state land and the military operations that bring billions of dollars in economic benefit to the state each year.
- The staggering budget deficit forced cuts to the state parks system, frustrating many Arizonans. **SB 1349** gave the State Parks Board a tool that will allow parks to remain open across the state. **SB 1349** authorizes an emergency procurement process to allow the Parks Board to work with private entities to maintain park operations.
- **HB 2133**, **HB2165**, **SB 1193** and **SB 1408** all addressed air quality mandates on businesses and agriculture, protecting our air while eliminating overly burdensome regulations on the industries that greatly benefit Arizona's economy.

- **HB 2289** and **HB 2617** amended statutes to address overregulation of the mining industries in Arizona. This industry, which brings many jobs and economic benefits to the state, has been burdened by repetitive permit requirements that actually prevented cleanup efforts and environmental improvements. These proposals streamlined permits, regulation and oversight while maintaining significant state oversight of mining operations.

Veterans/Military

- Provided Purple Heart recipients with a full tuition waiver scholarship at any Arizona university or community college under the Board of Regents jurisdiction (**HB 2350**).
- Protected a veteran's benefits by prohibiting a court from awarding service connected federal disability benefits to another party, except for child and spousal support, pursuant to federal law (**HB 2348**).

Government Reform/Business Affairs

- Set forth the criteria for the State Compensation Fund to independently and privately mutualize by July 1, 2012. The timeframe will ensure that stakeholders and businesses currently obtaining workers compensation coverage can identify the necessary transition procedures prior to severing ties to the state. Policyholders will still receive full benefit under the independent company> However, the state will not be the inherent party should the company incur liability. The intent of the bill was to promote competition for workers compensation coverage, remove the state from liability implied by the moniker of the "State" compensation fund, and ultimately require that any assets due to the state be reported and followed through with by the board (**SB 1045**).
- Made great strides in extending accountability of how taxpayer dollars are spent at the local level. Comprehensive reporting on revenues and expenses over \$5,000 will be required of all cities and towns by 2013. People deserve the right to view the budgets of their government and understand what services are provided by the revenues collected. When technology becomes available, this website information is intended to be connected throughout the various levels of government – from a city and town, to a county, and to the state (**HB 2282**).
- Set forth numerous provisions intended to assist the business community in dealing with regulatory and licensing compliance. The bill allows for summary rulemaking to purge obsolete rules; authorizes a general permit for businesses where a new rule may be similar to existing business practices and does not violate any federal standards; establishes a standard for rule adoption that requires proposed rules to have a benefit that outweighs the cost of compliance; and creates the 10-member Commission on Privatization, Efficiency and Competition to examine procurement practices intended to limit government competition with private enterprise in offering

goods and services. The Secretary of State's office will move forward in developing a "one stop shop" for businesses to identify online what licensing requirements, laws and regulations apply to their industry (**HB 2260**).

- Ended a years-long dispute between general contractors and their subcontracted entities on payment of retention monies. The bill requires timely payment to subcontractors on a site for work performed. Through contract provisions, an owner can determine when a project is deemed complete and when the terms and conditions of a project are met prior to making full payment for services delivered. Resolution to this issue prevents extended litigation and factoring in the recovery costs into the pricing of services. This will ultimately reduce costs to future homeowners and commercial property owners (**SB 1375**).
- Required specified state agencies to provide public notice and opportunity for public comment on proposed rules at least 30 days before rules are adopted and created the State Agency Fee Commission. The Commission is structured to protect state businesses from being overly burdened by fees and unnecessary costs (**HB 2586**).

States' Rights

- Established Arizona's 10th Amendment right to regulate commerce inside state lines. The bill established that any firearm produced in the state is solely regulated by that state (**HB 2307**).
- Prohibited a state agency from adopting or enforcing a state or regional program to regulate greenhouse gas emissions for the purpose of addressing changes in atmospheric temperature without express legislative authorization. Arizona's citizens and industries would be greatly burdened by federal "cap and trade" proposals, but this new statute protects the state from federal environmental regulations that do not understand or reflect the state's unique situations and resources (**HB 2442**).
- Emphasized the state's preemptive authority over the laws relating to firearms. Specifically, the bill prohibits a political subdivision from enacting any firearms related ordinance or rule that is more prohibitive than state law and carries a penalty greater than any penalty prescribed in state law. This will provide consistency with the enforcement of gun laws in Arizona (**HB 2543**). A similar bill was enacted that related to knives (**SB 1153**).

Judicial Reform

- Passed a significant tort reform measure establishing the criteria for expert witnesses in civil and criminal trials. Through adoption of the *Daubert* standard, widely used throughout the country and at the federal level, witnesses must apply facts to a case based on reliable, sound science principles that are peer reviewed and within the context of the litigation under review. Decreasing the probability of "junk science" in the court room could curb frivolous tort lawsuits and make Arizona a stronger state for businesses dealing with litigation (**SB 1189**).
- Required corporations and labor unions to report independent expenditures made to support or defeat candidates for political office in Arizona. This law also

requires transparency in independent campaign media expenditures by mandating that major corporate and labor union fund sources for these campaign advertisements be disclosed as a part of the campaign ad (**HB 2788**).

- Removed carrying a concealed weapon without a permit as a crime under the weapons misconduct statutes. Substantially reduces the requirements to obtain a CCW permit for those who still want one (**SB 1108**).
- Gave greater authority to the Secretary of State to remove signatures on petitions that appear to be fraudulent, in that they do not comply with statutory guidelines. The bill requires the Secretary of State to number initiative and referendum measures for the ballot consecutively from the last number used in the previous election (**SB 1393**).

Ballot Initiatives

- The Legislature recognized the need for ballot referral reform in light of the budget crisis. As such, through **HCR1001/SCR1001**, voters will have an opportunity to repeal the Early Childhood Development and Health Board (**First Things First**) and *redirect* the funding to health and human services to children. Since approved by the voters, the tobacco revenues accrued for First Things First have amassed (over \$300 million unexpended) and a bureaucracy has been created. The mission of the program is to refer citizens to other state funded programs that are imperiled by the lack of funding (such as child care wait lists and subsidies, Kids Care, early childhood education programs within the existing school systems, immunization and other programs). Whether one is in agreement with the programs that may benefit from First Things First dollars, the state is obligated to fund them without revenues. Voters may not have fully recognized the agency and day care rating systems that were created by First Things First. The direct delivery of services implied by the title and campaign were misleading.
- As this State has experienced a change in executive leadership mid-term throughout the last two decades, it has become more apparent that an office of succession is a consideration that Arizona voters should make. If approved, **SCR 1013** would change the title of Secretary of State to that of **Lieutenant Governor** in 2015. The transition of leadership would be more transparent to the public, and voters would be certain that the candidates they are electing are indeed assuming the possibility of holding a higher office should extraordinary, albeit more frequent, circumstances occur.
- **HCR 2008** will ask voters to establish hunting, fishing and harvesting wildlife as constitutional rights for Arizona citizens. It prevents any law or rule that would restrict these rights. Arizona's citizens greatly benefit from the outdoor activities offered by our bountiful natural resources. **HCR2008** is an important step toward protecting our ability to practice those sports and activities.
- Over the past several election cycles, a number of citizen initiatives have been disqualified from the ballot after checks of petition signatures uncovered fraudulent signatures and highlighted the difficulty strict time constraints placed on the verification process. **HCR 2018** increases the time for filing an initiative petition to no less than six months preceding the date of the election for the

proposed measures.

(BBB) 2009 FIRST REGULAR SESSION (Prepared by House Majority Staff)

- (1) Passed a public/ private partnership bill that will, for the first time, enable Arizona to tap into the private capital market for building out our transportation infrastructure needs. **HB 2396**
- (2) Passed tort reform legislation to protect Emergency Room doctors and stop the flow of doctors leaving Arizona. **SB 1018**
- (3) Established a new, "Regulation-Oversight Committee" to ensure that excess regulation does not stifle Arizona businesses. **HB 2401**
- (4) Repealed the state property tax three times. (In the end, Gov. Brewer vetoed these repeals.) **SB 1025 (3rd Special Session), HB 2644/SB 1472, SB 1036/HB 2635**
- (5) Passed the "Red Tape Reduction Act" to free up our schools from burdensome and unnecessary paperwork, so they can focus more on educating our children and less on satisfying bureaucrats. **HB 2610** (originally) but then was put into budget bill **HB 2002 (3rd Special Session)**
- (6) Passed legislation ending the practice of "tenured" teachers receiving preference in hiring. **HB 2002 (3rd Special Session)**
- (7) Passed legislation that requires informed consent and a 24 hour waiting period before an abortion is performed; requires parental consent to be notarized for a minor to obtain an abortion; and allows pharmacies and health professionals to refuse to participate in the provision of an abortion, abortion medication or emergency contraception. **HB 2564/SB 1206**
- (8) Passed a ballot referendum to allow people the opportunity to opt out of government run healthcare. **HCR 2014**
- (9) Passed a ballot referendum to end race based preferences. **SCR 1031**
- (10) Voted for a tax relief package that was lauded in the pages of the Wall Street Journal and called the "anti California" tax relief package. (In the end, Gov. Brewer also vetoed this legislation.) **HB 2007 (3rd Special Session, didn't make it to the floor. SB 1029 (3rd Special Session, failed in Senate 3rd Read.)**

**(CCC) 2009- 2010 LEGISLATIVE RECORD FOR SENATOR AL MELVIN
- LEGISLATIVE DISTRICT 26**

Dear Friend & Neighbor,

America is at a historic crossroad and the election in November will determine if we remain a right of center nation or if the Democrats will continue to take us down the path of secular socialism. Democrats in Arizona want to duplicate what the Obama administration is doing to our country: excessive spending, socialized medicine, bloated government, etc. We can make Arizona a safe haven from the chaos created by the extreme left. We can secure our borders, create jobs, improve education and make government more responsible to our citizens.

I am pleased to have accomplished the following as your Senator in the year and a half that I have been in office:

* Awarded the 2010 Senator of the Year Award by the Arizona

Manufacturers Council.

* Received a 100 % Voting Recognition by the Tucson Metropolitan

Chamber of Commerce and the Center for Arizona Policy.

* 100% attendance at Senate daily roll call when Senate was in session

* 100% floor voting record (no Senate floor votes missed)

I was able to get the following bills passed as the Sponsor or Primary Cosponsor:

* **HB 2162**- immigration; border security (created a border security committee) and modified SB 1070 to protect it from legal challenges

* **SB 1274**- STO's; contribution date (changed contribution date from Dec 31 to Apr 15 for tuition tax credits)

* **HB 2600**- state holiday; Boy Scouts (makes Feb 8, Boy Scouts of America Day in Arizona, each year)

* **SB1122; SB 1123; SB 1124**: Bills to support AZ Dept. of Corrections

* **SB1376**- music therapists; qualifications (bill for music therapists to

help autistic children)

- * **SB 1429**- Arizona Gold Star Military Medal to be awarded to the family of each Arizona service man and woman killed in action in Iraq and Afganistan.

I will continue to work on passing the following bills in the following important areas next session:

* **NO TEXTING WHILE DRIVING** (SB 1334- cellular telephone use; texting; driving) This bill will save many lives in Arizona. This legislation is supported by every cell phone company doing business in Arizona and every automobile insurance company issuing policies in Arizona. It is also supported by the Arizona Highway Patrol and other law enforcement agencies in our state.

* **NO KILL ANIMAL SHELTERS BY 2020** by raising private money for free spaying and neutering to bring the number of unwanted dogs and cats down to a manageable level that can be adopted out to caring families.

* **TORT REFORM** to end frivolous lawsuits to lower medical costs in Arizona

* **ELL (English Language Learner)** teaching improvement by computer technology methods that have proven themselves in public schools throughout the USA

* **INMATE LABOR WORK PROGRAM** to clean up highways, fill pot holes, clean up graffiti, help in animal shelters, refurbish buildings, etc.

(inmates engaged in work programs have half the recidivism rate of inmates who are not in work programs)

* **ADDITIONAL BORDER SECURITY PROGRAMS** to complete building the fence, provide for volunteers to be trained in border surveillance, designate a 24 hour border security command post, train the Arizona National Guard near the border, etc.

