

# Arizona Legislative Scorecard 2006

Humane  
Voters of  
Arizona



## Summary

Because of the nature of the session, the 2006 Legislative Report is based on a different scoring system than the 2005 Report. Although voting records are provided on key issues there are no actual points or grades assigned. Voting records are provided for Senators only, since the majority of key bills or actions took place in the Senate rather than the House. However, all legislators are included in our overall analysis.

The 2006 Legislative Session centered on the bill that would have nullified the humane farms ballot measure. We gave the most weight to SCR 1035 because of its danger to the initiative and the fact that if passed, it would automatically appear on the November ballot.

The Senate Vote tally is based on how law-

makers voted on key bills impacting Arizona's animals. A checkmark indicates a pro-animal vote, while an "x" represents an anti-animal vote.

Bill voting records represent one public aspect of the legislative process. However, many factors that affect measures are not subject to public scrutiny. The efforts of lawmakers, lobbyists, and others to influence legislation largely take place within the "hidden" political process. That is why additional actions by lawmakers were also taken into consideration, such as sponsoring bills or influencing the passage or defeat of animal related measures.

We have included the 2005 Legislative Report prepared by the Animal Defense League of Arizona to provide an overall view of how legislators voted during their two year term.



## Acknowledgments

*We are extremely grateful to the many individuals and nonprofit groups for their efforts to stop the back-door attempt to overthrow the humane farms initiative and our voting rights. Special thanks go to the humane initiative campaign sponsors, staff, and Chair Cheryl Naumann; Arizona Humane Society Lobbyist Yvonne Anderson; the Animal Defense League of Arizona; Commentator Matthew Scully, Tim Hogan, Arizona Center for Law in the Public Interest; former Legislators Kathleen Dunbar and Carmine Cardamone, Sierra Club Lobbyist Sandy Bahr, and especially to all the volunteers that took the time to contact their lawmakers, showing that we really can make a difference.*

# 2006 Session Pro-Animal Protection Legislators

Special thanks go to lawmakers that expended efforts to help animals:

Senators Aboud, Allen, Brotherton, Hellon, Leff, and Mitchell not only voted against SCR 1035, but spoke out against the bill in Caucus and/or on the Senate Floor. We greatly appreciate the courage and conviction of these lawmakers, who were instrumental in stopping this dangerous legislation.

The following legislators sponsored animal friendly bills:

Representatives Sinema, Downey, A. Aguirre, Gallardo, M. Garcia, Landrum Taylor, Lopez, Lujan, Mason, McCune Davis, Bradley, McComish, Meza, Prezelski, and Tom

Senator Rebecca Rios spoke out in committee in support of Jennifer Martin's confirmation to the Arizona Game & Fish Commission, refuting sexist statements made by Martin's opponents.

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# 2006 Session Anti-Animal Protection Legislators

The following legislators sponsored and/or spoke out in support of SCR 1035:

Senators Flake, Arzberger, Jarrett, Verschoor, R. Burns, Cannell, and Harper; Representatives Brown, Jones, Groe, Konopnicki, and Stump.

The following lawmakers went the extra mile to negatively impact animal protection:

Legislative Council Committee Members Senator Verschoor, Senator Chuck Gray and Representative Linda Gray, for proposing a destructive amendment to accurate ballot analysis of Prop 204. The amendment, which failed, would have appeared in the voters' publicity pamphlet.

Senate President Ken Bennett, who refused to allow Jennifer Martin's confirmation to be voted on by the full Senate.

Representative Eddie Farnsworth, who denied hearings for two animal protection bills in his Judiciary Committee.

# Targeting the Humane Treatment of Farm Animals Act

The primary focus of the 2006 Legislative Session was a dangerous bill that targeted the Humane Treatment of Farm Animals Act.

Innocuously titled the 'food and agricultural security' act, SCR 1035 was specifically designed to undercut the pending citizen's initiative to provide more humane treatment for animals in large industrial farms.

As introduced, SCR 1035 would have amended the Arizona Constitution to delegate all legislative power on agricultural issues to an un-named agency, thus preventing citizens or legislators from passing any agricultural laws. Furthermore it would have nullified any laws passed after Jan.1, 2006 (which would include the Humane Treatment of Farm Animals Act). Moreover, as a resolution, the measure would have bypassed a possible gubernatorial veto and landed on the 2006 ballot.

The bill was the brainchild of cattle industry lobbyist Bas Aja and was sponsored by Senator Jake Flake, whose district includes the state's only large industrial hog operation.

The sponsoring groups of the Humane Treatment of Farm Animals Act, including ADLA, strongly opposed SCR 1035, and launched a grassroots effort to kill the measure. Legislators reported receiving extraordinary amounts of calls and emails from outraged citizens. Numerous articles on the bill appeared in newspapers statewide, including guest editorials in Capitol Times, by representatives of ADLA and the Arizona Humane Society. The Arizona



Republic published "Sunless Hell", a moving and powerful commentary on factory farming by renowned author Matthew Scully. The state's two largest newspapers ran scathing editorials denouncing the bill.

Despite public outcry the bill advanced to a floor vote. Senators Aboud, Allen, Leff, and Mitchell spoke out against the bill in Caucus. The debate heated up in the Senate Committee of the Whole, where Sen. Aboud expressed strong opposition to the bill, refuting Sen. Flake's claim that his proposed amendment addressed opponents' concerns. She raised numerous points concerning the bill's vague language and unintended consequences. Sen. Brotherton expressed concerns about how the bill would impact local control and enforcement of criminal statutes. Sen. Allen also spoke out against SCR 1035 and held up an enormous stack of emails she received from constituents opposed to the bill. When the floor vote was counted, SCR 1035 had been defeated by a 15-12-2 margin.

## Prop 204 Legislative Council Hearing

Arizona law requires the state Legislative Council to provide voters with an “impartial analysis of the provisions of each ballot measure. The analysis is drafted by nonpartisan staff and submitted to the Legislative Council Committee for consideration.

The analysis for Prop 204 (Humane Treatment of Farm Animals Act) was accurate and concise – factors that were not appreciated by initiative opponents.

Initiative opponents offered several detrimental changes to the wording to the ballot analysis. Initiative supporters, including ADLA, argued that the impartial analysis remain unchanged. Committee members Representative Linda Gray and Senators Verschoor and Chuck Gray proposed destructive amendments to the analysis, which if passed, would appear in the voters publicity pamphlet. The Gray amendment ultimately failed.

## Quotes on SCR 1035

Flake believes farming and ranching are highly complex activities — so much so that, he says, the industry should essentially be exempted from regulation by the Legislature... As Flake undoubtedly knows, biomedical engineering and nuclear fission are at least as complex as agriculture, yet these industries are not exempt from state regulations. *Arizona Daily Star Editorial [Feb. 28, 2006]*

Constitutional expert Paul Bender, a professor and former Dean at the Sandra Day O'Connor College of Law at Arizona State University, called the proposal unwise and downright “nutty.” He warned that if it is passed it would not only strip citizens of a fundamental right to pass initiatives in this area, it also could affect the lives of Arizonans far into the future”...“Lots of laws that you and I would not think of as agriculture laws limit and restrict the production of agricultural products”... “This is an industry trying to exempt itself from regulation. Any industry that can get legislators to exempt them from all future regulation, with some limits, must have lots of power.”

Tim Hogan, executive director of the Arizona Center for Law in the Public Interest, stated, “It scares the heck out of me. It carves out an unprecedented exemption for agriculture. It seems like a radical departure from the way we have governed for a couple hundred years in this country.” *Amanda J. Crawford, Arizona Republic*

“It is apparently a back-door attempt to try to limit initiative rights, but a court would have to interpret conflicting provisions in the constitution to determine the ultimate effect. SCR 1035 is radical in that it attacks the core framework of our state government - the three branches and separation of powers. It is bad policy for Arizona.” *Stephanie Nichols-Young, ADLA*

“There are many reasons for lawmakers to oppose SCR 1035, and no good reason to pass it. The bill is a backroom power play inspired by a distrust of the people and a fear of democracy, and should be summarily voted down.” *Capitol Times Guest Editorial by Humane Farms Chair Cheryl Naumann*

# Blocking Biologist's Game & Fish Commission Confirmation

Senate President Ken Bennett refused to allow Jennifer Martin's nomination to the Arizona Game & Fish Commission to come before the full Senate for a vote. As a wildlife biologist and previous Game & Fish employee, Martin is extremely well qualified for the position. However, according to some, she should not be appointed because she is a woman. At Martin's recent committee hearing, former Game & Fish Commissioners spoke out in her support, as did a representative for the National Rifle Association.

However, Pete Cimellaro of Arizona Sportsmen for Wildlife opposed her confirmation, stating that commission duties would detract from the time she needs to spend with her "young family". Senator Rebecca Rios responded, "We don't often hear those types



of comments associated with males, so I take some offense at that."

Despite being confirmed by the Senate Committee, Senator Bennett refused to allow Ms. Martin to have an up or down vote by the full Senate.

## Wildlife-Related Bills

**HB 2129 Now: illegal hunting; penalties** (J.P. Weiers, Mason, et al) increases penalties for wildlife poaching, for the illegal killing or wounding of specified wildlife, and unlawful killing of trophy animals or endangered species. The bill was amended to include the wildlife feeding measure.

**Status: Passed.** Passed Legislature; signed by Governor Napolitano.

**SB 1438 unlawful feeding of wildlife** (Hellon: Cannell, L. Lopez) classifies unlawful feeding of wildlife as a petty offense, and exempts feeding of birds and tree squirrels.

The bill was promoted by the Arizona Game & Fish Dept. as the result of increasing human-wildlife conflicts.

**Status: Passed.** Original bill was killed by Rep. Eddie Farnsworth, Chair of House Judiciary committee, but later was attached to HB 2129, which was passed and signed by the Governor.

# Other Animal-Related Measures

The Animal Defense League of Arizona tracked other bills relating to animals, including the following:

**HB 2120 animal cruelty; law enforcement animals** (Lopez, et al) This bill provides a felony penalty for harming or killing a law enforcement animal. ADLA supported this measure.

**Status: Dead.** Rep. Farnsworth refused to hear it in his Judiciary Committee.

**HB 2447 vicious animals; attack** (Lujan, Aguirre A, Gallardo, et al) Increases penalties for multiple attacks by domestic animals; requires that they be spayed or neutered and micro chipped. ADLA supported this bill.

**Status: Dead.** Rep. Farnsworth did not hear the bill in his Judiciary Committee.

**SB 1160 Now: animal welfare; rescue; bestiality** (Nelson) After several recent incidents, the Arizona Humane Society launched an effort to outlaw bestiality. The bill made bestiality a class 6 felony and included Rep. Downey's amendment requiring the offender to undergo psychological counseling and not to reside in any household where animals are present. ADLA supported this bill.

**Status: Passed.** Passed Legislature unanimously; signed by the Governor.



**SCR 1008; Constitutional amendments; single subject.** (Huppenthal) Ironically as the result of its effectiveness, the public initiative process is continually targeted by legislators. This measure would have significantly weakened amendments to Arizona's Constitution by allowing several unrelated topics to be packaged together in one amendment. The bill would have replaced the separate-amendment rule, which requires each constitutional amendment to be voted on separately, with a lower standard than is used for statutes. ADLA opposed this bill.

**Status: Dead.** Passed the Senate; died in House.

<b>SENATE MEMBER</b>	<b>SCR 1035</b>	<b>SCR 1008</b>	<b>Martin</b>	<b>ACTIONS</b>
Paula Aboud	✓	✓		☺
Carolyn S. Allen	✓			☺
Toni Hellon	✓	✓		☺
Harry E. Mitchell	✓	✓		☺
Bill Brotherton	✓	✓		☺
Barbara Leff	✓	x		☺
Rebecca Rios	✓	✓	✓	☺
Richard Miranda	✓	✓		
Linda Aguirre	✓	✓		
Ed Ableser				
Albert Hale	✓			
Victor Soltero		✓		
Ken Chevront	✓	✓		
Jorge Luis Garcia	✓	✓		
Jim Waring	✓	x		
Jay Tibshraeny	✓	x		
John Huppenthal	✓	x		☹
Karen Johnson		x		
Timothy S. Bee	x	x	✓	
Robert Blendu	x	x	✓	
Robert "Bob" Burns	x	x		
Dean Martin	x	x		
Marsha Arzberger	x	✓	✓	☹
Robert Cannell	x	✓	x	☹
Marilyn Jarrett		x	x	☹
Ron Gould	x	x		☹
Jack W. Harper	x	x		☹
Thayer Verschoor	x	x		☹
Linda Gray	x	x		☹
Ken Bennett	x	x		☹
Jake Flake	x	x	x	☹

HOUSE MEMBER	SB 1166	SB 1067	HCR 2045	SB 1333	ACTIONS	SCORE	GRADE	2006 Actions
Ted Downing	✓	✓	✓	✓	☺	125%	A+	☺
Martha Garcia	✓	✓	✓	✓		100%	A	☺
Amanda Aguirre	✓	✓	✓	✓		100%	A	☺
David T. Bradley		✓	✓	✓		100%	A	☺
Meg Burton Cahill	✓	✓	✓	✓		100%	A	
Olivia Cajero Bedford	✓	✓	✓	✓		100%	A	
Steve Gallardo	✓	✓	✓	✓		100%	A	☺
Pete Hershberger	✓	✓	✓	✓		100%	A	
Steve Huffman		✓	✓			100%	A	
Ann Kirkpatrick	✓	✓	✓	✓		100%	A	
Leah Landrum Taylor		✓	✓	✓		100%	A	☺
Phil Lopes	✓	✓	✓	✓		100%	A	
Linda Lopez	✓	✓	✓	✓		100%	A	
David M. Lujan	✓	✓	✓	✓		100%	A	☺
Debbie McCune Davis	✓	✓	✓	✓		100%	A	☺
Robert Meza	✓	✓	✓	✓		100%	A	
Ben R. Miranda	✓	✓	✓	✓		100%	A	
Tom O'Halleran	✓	✓	✓	✓		100%	A	
Tom Prezelski	✓	✓	✓	✓		100%	A	☺
Kyrsten Sinema		✓	✓	✓		100%	A	☺
Albert Tom	✓	✓	✓	✓		100%	A	☺
Manuel V. "Manny" Alvarez	✓	x	✓	✓		75%	B	
Stephen Tully	x	x	x	✓		75%	B	
Michele Reagan	x	✓	x	✓		50%	C	
Pete Rios	✓	x	x	✓		50%	C	
Russell L. Jones		✓	x	x		33%	D	
Lucy Mason	x	✓	x	x		33%	D	☺
Marian A. McClure	x	✓	x	x		33%	D	
Jennifer J. Burns	x	✓	x	x		25%	D-	
Trish Groe	x	x	✓	x		25%	D-	☹
John M. Allen	x	x	x	x		0%	F	
Mark Anderson		x	x	x		0%	F	
Ray Barnes	x	x	x	x		0%	F	
Tom Boone	x	x	x	x		0%	F	
Jack A. Brown	x	x	x	x		0%	F	☹
Judy Burges	x	x	x	x		0%	F	

Ted Carpenter	x	x	x	x	0%	F	
Cheryl Chase	x	x	x	x	0%	F	
Pamela Gorman	x	x	x	x	0%	F	
Chuck Gray	x	x	x	x	0%	F	☹
Laura Knaperek	x	x	x	x	0%	F	
John McComish				x	0%	F	☺
Nancy G. McLain	x	x		x	0%	F	
Rick A. Murphy	x		x	x	0%	F	
John B. Nelson	x			x	0%	F	
Warde Nichols			x	x	0%	F	
Jonathan Paton	x	x	x	x	0%	F	
Russell K. Pearce	x	x	x	x	0%	F	
Gary L. Pierce	x	x	x		0%	F	
Doug Quelland	x	x	x	x	0%	F	
Bob Robson	x	x	x	x	0%	F	
Colette Rosati	x	x	x	x	0%	F	
David Burnell Smith	x	x	x	x	0%	F	
Bob Stump	x	x	x	x	0%	F	☹
James P. Weiers	x	x	x	x	0%	F	
Jerry P. Weiers	x	x	x	x	0%	F	
Steven B. Yarbrough	x	x	x	x	0%	F	
Andy Biggs	x	x	x	x	☹	-25%	F
Bill Konopnicki	x		x	x	☹	-25%	F
Eddie Farnsworth	x	x		x	☹	-50%	F