

# ANIMAL DEFENSE LEAGUE OF ARIZONA 2005 LEGISLATIVE SCORECARD



The Arizona Legislature demonstrated an indifference to people and animals during its 2005 session. Some lawmakers ignored the need to ban cruel practices like hog-dog fighting and horse slaughter, and instead focused on stigmatizing those who advocate for animal protection. They sought to once again undermine processes that the public can use to protect animals.

The 2005 Legislative Scorecard represents how lawmakers voted on key bills affecting Arizona's animals. A checkmark indicates a pro-animal vote, while an "x" represents an anti-animal vote. Legislators were graded on the overall percentage of votes; absences were not included. Additional points were added or subtracted from lawmakers who were primary sponsors of bills affecting animals.

We based our score on those bills that, if passed, would significantly affect animal protection in Arizona. Introduced measures that did not receive a committee hearing were not included. Additional points were added or subtracted from lawmakers who were primary sponsors of bills or otherwise influenced legislation affecting animals.

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.

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' January 2006, Animal Defense League of Arizona

The 2005 Legislative Scorecard was compiled and written by Karen Michael. Karen has spent countless volunteer hours researching animal protection issues and monitoring the legislative process in Arizona. She serves on the board of directors for the Animal Defense League of Arizona.

We wish to thank Sandy Bahr, Conservation Outreach Director of the Sierra Club, for her tireless efforts on behalf of wildlife and the environment. We also appreciate the efforts of Duane Adams, former Legislative Director of the Arizona Humane Society, for his many years of work for animal protection in our state. We also thank Susan Culp, Executive Director of the Arizona League of Conservation Voters, and ACLU Director Eleanor Eisenberg.

## Pro-Animal Legislators

The following legislators received an A grade for their efforts to protect animals:

Senators Brotherton, L. Aguirre, Chevront, J. Garcia, Giffords Hale, Miranda, Mitchell, Rios, and Soltero; Representatives Downing, Garcia, A. Aguirre, Bradley, Burton Cahill, Cajero Bedford, Gallardo, Hershberger, Huffman, Kirkpatrick, Landrum Taylor, Lopes, Lopez, Lujan, McCune Davis, Meza, B. Miranda, O'Halleran, Prezelski, Sinema, and Tom.

### ***Above and beyond...***

Special thanks go to lawmakers that took extra steps to help animals:

- ▷ Senator Brotherton and Representative Downing, for their efforts against the animal terrorist bills.
- ▷ Representatives Downing and O'Halleran, for their efforts to pass the animal fighting bill (which was blocked by Rep. Farnsworth).
- ▷ Rep. Marian McClure, who helped with the animal fighting bill and other pro-animal measures.
- ▷ Rep. Kyrsten Sinema, for her floor amendment to ban cruel factory farming operations.
- ▷ Senator Mitchell, for his help with the factory farming amendment and for sponsoring a bill to ban horse slaughter.

## Anti-Animal Legislators

The following legislators received an F grade for their actions against animal protection:

Representatives Farnsworth, Biggs, Konopnicki, J. Allen, Anderson, Barnes, Boone, Brown, Burges, Carpenter, Chase, Gorman, Gray, Knaperek, McComish, McLain, Murphy, Nelson, Nichols, Paton, Peace, Pierce, Quelland, Robson, Rosati, Smith, Stump, James Weiers, Jerry Weiers, and Yarbrough; Senators Verschoor, Bee, Blendu, Burns, Cannell, Flake, Gould, Gray, Harper, Huppenthal, Jarrett, Johnson, Leff, Martin, Tibshraeny, and Waring

### ***Worse than a failing grade?***

Legislators who expended great efforts to either pass anti-animal bills or kill animal protection measures include:

- ▷ Senator Verschoor, who sponsored bad initiative legislation as well as numerous mutated versions of the animal terrorist bill.
- ▷ Representative Eddie Farnsworth, who single-handedly killed the animal fighting bill that would have banned hog-dog fighting, a cruel bloodsport that takes place in Arizona. As Chair of the Judiciary Committee, Farnsworth refused to place the bill on the agenda before the session deadline, and then refused to let Rep. O'Halleran hear the bill in his committee.
- ▷ Representatives Andy Biggs, Eddie Farnsworth, and Senator Thayer Verschoor, who pushed animal and ecological terrorism measures during the past two sessions. These lawmakers sought to stigmatize animal activists while failing to address any real problem.

# Lawmakers Strike Again at Initiative Process

Arguably the most important tool for protecting Arizona's animals is the public initiative process. Thanks to grassroots citizens' ballot measures, cruel leghold traps were banned on public lands in 1994, and cockfighting was outlawed in 1998. As the result of its effectiveness, the citizen initiative process is consistently targeted by politicians. In what has become an annual ritual, state legislators run bills aimed at eroding public voting rights. Lawmakers have continually blamed voters for Arizona's budget disaster, despite their own multi-million dollar tax breaks to dog tracks, the stadium tax and alternative-fuel debacle. Their solution is to dismantle the public's constitutional rights -- which were enacted at statehood in 1912. This session was no exception.

## HCR 2045

### **Voter-Approved Expenditures; Adjustment** *(Konopnicki)*

This measure, which would be referred to the ballot, allows the Arizona Legislature to reduce funding for an initiative or referendum if lawmakers determine that funds are insufficient to cover costs. If the amount is reduced, that amount will serve as a base for future allocations. HCR 2045 applies retroactively to 1998. If passed, the state Legislature will have the power to withhold funding from ballot measures passed by voters.

▷ Status: Died; Passed House; Held in Senate Committee

## SCR 1029

### **Constitutional Amendments, Single Subject** *(Huppenthal: Gould, Verschoor)*

This resolution proposed to refer to the voters a measure to eliminate the separate-amendment provision of the Arizona Constitution. As Sierra Club lobbyist Sandy Bahr explains:

SCR 1029 refers to the voters a measure to eliminate the provisions in the Arizona Constitution which require only one subject, one question, be asked in a single constitutional amendment. It proposed to replace this provision with the lower standard for statutes. According to a recent Arizona Supreme Court decision on the single amendment provision,

The clear import of this provision is that voters must be allowed to express their separate opinion as to each proposed constitutional amendment. SCR1029 is one of the worst ideas we have seen in recent days -- and there have been many. That means we could be looking at 100-page constitutional amendments that throw in everything but the kitchen sink. How does that serve the state of Arizona or the public's interest?

▷ Status: Died; Passed Senate; Held in House Committee

# Animal and Ecological Terrorist Bills

The model “animal and ecological terrorism” bill was drafted by the American Legislative Exchange Council (ALEC), which has been promoting the bill to state legislators across the country. ALEC is an out-of-state lobbying group funded in part by trophy hunters, trappers, and arms manufacturers. According to a 2002 report by Defenders of Wildlife and the Natural Resources Defense Council, corporations and trade associations “funnel cash through ALEC to curry favor with state lawmakers through junkets and other largesse in the hopes of enacting special interest legislation -- all the while keeping safely outside the public eye.”

Arizona legislators introduced animal and ecological terrorist bills in both the 2004 and 2005 sessions. According to language in the original introduced bills, under certain circumstances, an individual who videotapes animals at a circus, rodeo, or greyhound race could be charged with a felony, labeled a terrorist, and possibly sued for triple damages for economic loss. The person’s name, address, and photograph would be posted on a state-run terrorist website for at least three years. Although this provision was eventually removed in both sessions, the final bill that passed the legislature was vetoed twice by Governor Napolitano, who stated that the measure “is overbroad, unnecessary, and susceptible to a host of unintended and negative consequences.”

The vast majority of environmental and animal rights organizations do not condone violence, property damage or other criminal activity. Moreover, the animal and ecoterrorist bill contains penalties for crimes that are already covered under strong existing laws. The final bill that the Governor signed was substantially watered down from its original wording. However, it sets a precedent by adding “animal and ecological terrorism” to Arizona’s RICO (racketeering) statutes.

## SB 1333

### **Ecological and Animal Terrorism** (*Verschoor, Bee, Burns R., Flake, et al*)

The Animal and Ecological Terrorist Bill is the same legislation that Governor Napolitano vetoed in 2004. It creates a specific definition for animal and ecological terrorism and provides for terrorists to be prosecuted under RICO statutes (the Racketeer Influenced and Corrupt Organization statutes are used to prosecute organized crime). The bill includes circuses, rodeos, trapping, and horse/dog events in its definitions of animal activities and facilities.

- ▷ Status: Passed Legislature; Vetoed by Governor Janet Napolitano

## SB 1166

### **Strike Everything; Terrorism; Animal, Ecological** (*Verschoor*)

After the Governor vetoed SB 1333, lawmakers resurrected animal terrorism legislation by means of a strike all amendment on an unrelated bill. SB 1166 contained the same language as the previous bill. Although the bill was later amended to remove some of the offending language, it still contained penalties for crimes that are already covered under strong existing laws. Regardless of compromised language, the bill remained a politically motivated, blatant attempt to stigmatize animal and conservation advocates. SB 1166 S/E ultimately passed the Legislature and was signed by Governor Napolitano, making Arizona the first state to add animal or ecological terrorism to the definition of racketeering, subject to prosecution under RICO statutes.

- ▷ Status: Passed Legislature; Signed by Governor Janet Napolitano

# Wildlife and Habitat Protection

The Heritage Fund was created by a voter initiative passed in 1990 by a nearly 2-to-1 vote. Money for the Heritage Fund comes from the state lottery; up to \$20 million in annual lottery revenue is to be divided evenly between the Game and Fish Department and the State Parks Department. These monies acquire important habitat for endangered and threatened species, as well as provide funding for environmental education. Attempted raids on the Heritage Fund are predictable events of each legislative session. This year was no different, with lawmakers attempting to divert more than a million-and-a-half dollars designated for wildlife protection.

## SB 1067

### **Appropriation; Zuni tribe water settlement** (*Flake, Bee, Blendu, et al*)

This bill diverts \$1.6 million from the Arizona Game and Fish Heritage Fund to pay for the State's obligation relating to the settlement of the Zuni Indian Tribe's water rights. While recognizing the importance of the water settlement, meeting the state's obligation to it with Heritage Funds is inappropriate. These dollars were approved by the voters to protect wildlife and wildlife habitat. According to Sierra Club Lobbyist Sandy Bahr, this bill represents the 33rd time the legislature has tried to take these dollars for other purposes since the Heritage Fund was instituted. (*Note: The Zuni water settlement was funded by the state after the Governor vetoed this bill.*)

▷ Status: Passed Legislature; Vetoed by Governor Janet Napolitano

## SCM 1002

### **Endangered Species Act, Urging Reform** (*Flake, Blendu, Jarrett*)

This is a postcard to Congress requesting reform of the Endangered Species Act to protect property owners. The Endangered Species Act, passed in 1973, provides broad protection for species of fish, wildlife and plants that are listed as threatened or endangered in the U.S. or elsewhere. Provisions are made for listing species, as well as for recovery plans and the designation of critical habitat for listed species. Although this measure has no official effect, it represents disregard for the protection of Arizona's endangered animals, plants, and their habitats.

▷ Status: Passed Legislature; Transmitted to the Secretary of State

## SB 1288

### **Slaughter of Horses Prohibited** (*Mitchell*)

This bill would prohibit equine slaughter. We strongly support legislation to ban equine slaughter. Arizona horses destined for slaughter are loaded into double-decked trailers designed for cattle\* where they are unable to move around or even raise their heads. These horses, including foals and pregnant mares, travel more than 1,000 miles without food, water, or rest, to a slaughterhouse in Texas. \*The use of double-decked trailers to transport slaughter-bound horses was banned by a 2002 bill sponsored by Senator Herb Guenther. However, loopholes in the law make it virtually impossible to enforce.

▷ Status: Died; Was not heard in committee

# Other Animal-Related House Bills

## HB 2127

### **Compassionate Hunting Opportunities** (*Biggs*)

This measure allows the transfer of a big game permit or tag to a nonprofit organization for use by a minor with a life threatening medical condition. Current Arizona law states that big game licenses are not transferable (although parents may transfer their license to their children). Since the Phoenix-based Make-A-Wish Foundation quit granting hunting trips to terminally ill children, other groups have been organizing hunts across the country. Those involved include the Safari Club International (trophy hunting group), Hunt of a Lifetime, the National Rifle Association, and Ted Nugent. *(Although we opposed this bill, it was not included in scoring because it does not significantly impact animals on a wide-spread level.)*

▷ Status: Passed Legislature; Signed by Governor Janet Napolitano

## HB 2230

### **Accidents; Injured Animals; Leaving Scene** (*Brown, Chase, Downing, et al*)

The bill specifies that the driver of a vehicle that injures an animal must take actions to care for the victim. We support this legislation, which unfortunately was DOA (dead on arrival).

▷ Status: Died; Was not heard in committee

## HB 2302

### **Cruelty to Animals** (*Nelson*)

This bill, which would have made amendments to state cruelty statutes, failed to receive a hearing.

▷ Status: Died; Was not heard in committee

## HB 2179

### **Strike Everything; Animal Fighting** (*Downing*)

This bill amends the state cruelty statute to make owning or training any animal with the intent to engage in animal fighting a felony. This bill addresses hog-dog fighting, where feral pigs, whose tusks blunted with bolt cutters, are put in a ring with trained attack dogs. These barbaric fights frequently result in severe injuries to both animals, especially the defenseless pigs. Representative Downing introduced the bill following the December 2004 arrest of two Arizona hog-dog fight organizers. The couple was charged with animal cruelty and drug possession, and 12 pit bulls and 32 boars were seized from their property. HB 2179 was single-handedly killed by Representative Farnsworth (see score-card). Although we hope that the legislature bans this cruel blood sport in the future, the fact remains that animal advocates attempted to pass bills to outlaw cockfighting with no success - over a forty year period. Eventually cockfighting was banned in 1998 as the result of a grassroots citizens' initiative.

▷ Status: Died; Was not heard in committee

## HB 2344

### **County Animal Control; Charitable Organizations** (*McClure, Gray, Reagan*)

This bill allows counties employing an animal control agent to either establish or acquire charitable organizations for the purpose of soliciting donations for use by the county's animal control agent. Specifically limits the services that donations may be solicited for to low cost spay and neuter services, public education and outreach efforts, pet adoption efforts, care for pets that are victims of cruelty or neglect and support for volunteer programs. We support efforts for public outreach and funds that benefit spay-neuter services.

▷ Status: Passed Legislature; Signed by Governor Janet Napolitano

## Arizona State Senate

NAME	SB 1166	SB 1067	HCR 2045	SB 1333	ACTIONS	SCORE	GRADE
Bill Brotherton	✓	✓	✓	✓	☺	125%	A+
Harry E. Mitchell	✓	✓	✓	✓	☺	100%	A+
Linda Aguirre	✓	✓	✓	✓		100%	A
Ken Chevront		✓	✓	✓		100%	A
Jorge Luis Garcia	✓	✓	✓	✓		100%	A
Gabrielle Giffords	✓	✓	✓	✓		100%	A
Albert Hale			✓	✓		100%	A
Richard Miranda		✓	✓	✓		100%	A
Rebecca Rios	✓	✓	✓	✓		100%	A
Victor Soltero		✓	✓	✓		100%	A
Carolyn S. Allen	x	✓	✓	x		50%	C
Toni Hellon	x	✓		x		33%	D
Marsha Arzberger	x	x	x	✓		25%	D
Timothy S. Bee	x	x	x	x		0%	F
Ken Bennett	x	x		x		0%	F
Robert Blendu	x	x	x			0%	F
Robert "Bob" Burns	x	x	x	x		0%	F
Robert Cannell	x	x	x	x		0%	F
Jake Flake	x	x	x	x		0%	F
Linda Gray	x	x	x	x		0%	F
Jack W. Harper	x	x	x	x		0%	F
Marilyn Jarrett	x	x	x	x		0%	F
Karen Johnson	x	x	x	x		0%	F
Barbara Leff	x	x	x	x		0%	F
Dean Martin	x	x	x	x		0%	F
Jay Tibshraeny		x	x	x		0%	F
Jim Waring	x	x	x	x		0%	F
Ron Gould	x	x	x	x	☹	-25%	F
John Huppenthal	x	x	x	x	☹	-25%	F
Thayer Verschoor	x	x	x	x	☹	-50%	F

## Arizona State House

NAME	SB 1166	SB 1067	HCR 2045	SB 1333	ACTIONS	SCORE	GRADE
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. Alvarez	✓	✗	✓	✓		75%	B
Stephen Tully	✗	✗	✗	✓		75%	B
Michele Reagan	✗	✓	✗	✓		50%	C
Pete Rios	✓	✗	✗	✓		50%	C
Russell L. Jones		✓	✗	✗		33%	D
Lucy Mason	✗	✓	✗	✗		33%	D
Marian A. McClure	✗	✓	✗	✗		33%	D
Jennifer J. Burns	✗	✓	✗	✗		25%	D-
Trish Groe	✗	✗	✓	✗		25%	D-

## Arizona State House

NAME	SB 1166	SB 1067	HCR 2045	SB 1333	ACTIONS	SCORE	GRADE
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