



## ARIZONA 2010 LEGISLATIVE REPORT

Despite limited victories for animal protection, the 2010 Arizona Legislative session was one of the most challenging in memory. Lawmakers were as usual, intent on passing bad bills aimed at wildlife and habitat protection and citizens' voting rights. This year voting rights dodged some bullets, but wildlife protection took major hits, and in one case brought an attack on voting rights along for the ride. And despite public outcry the governor signed several of these destructive measures into law.

### The Good Bills

#### Animals and Domestic Violence

Despite the rift among legislators, they passed a comprehensive bill that protects animals and humans as victims in domestic violence cases.

Bills were introduced addressing animal protection in domestic violence situations including SB 1086 (L. Gray, Paton, Barto) which adds animal cruelty to the definition of domestic violence, and SB 1085 (L. Gray, Aboud, Paton, Barto, Young Wright) which allows a court issuing an order of protection to grant the petitioner exclusive custody of an animal and order the respondent to stay away from the animal, and forbids them from taking, harming or otherwise disposing of the animal.

Both bills passed the Senate, but appeared unlikely to receive a final House vote. However on the last day of the session the language from the two bills was strategically incorporated into another bill, SB 1266, through floor amendments sponsored by Representatives Barto and Crandall. The amended bill passed unanimously and was signed by the governor.

#### Statewide Ban on Public Sale of Animals



A bill to extend the ban on the public animal sales statewide did not receive a final House vote as the result of a rift between legislative leaders over an unrelated measure. SB 1125; public sale of animals, sponsored by Sen. Al Melvin, would have removed the county population requirement that limits where unlawful public sale of animals is applicable

In 2008 the Arizona Legislature passed a bill prohibiting the public sale of animals, but the law applies only to counties with a population of more than 800,000. Yet animal control agencies and shelters in smaller counties report that unregulated public sale of animals is a burden for shelters, animals, and communities. The Animal Defense League of Arizona helped coordinate a meeting with shelters and animal control agencies from around the state. Volunteers asked agencies from rural counties what they would most like to see to help with the dog & cat overpopulation problem, and this is the bill they requested.

With support from Pinal County Animal Care and Control, Yuma Humane Society, and Western Arizona Humane Society, SB 1125 passed the full Senate and House committees. However on the last day of the session, House Speaker Kirk Adams refused to hear any Senate bills that were not already on the floor calendar. Despite the efforts of Rep. Frank Pratt and other lawmakers and supporters the bill was among many that died as the legislature abruptly adjourned.

### **Other Animal Protection Bills**

The legislature passed HB 2612, veterinarian regulations that reduce the time that a veterinarian must report suspicions of animal cruelty, neglect or fighting to authorities from 30 days to 48 hours. It also requires veterinarians to provide veterinary records to local law enforcement, upon request, to aid in any criminal investigation of cruelty, neglect or animal fighting. Sections of the original bill could have negatively impacted animals and their owners, but that language was amended thanks to Rep. Pratt, Kathleen Mayer, the Animal Defense League of Arizona, The Humane Society of the US, and others. The bill was subsequently signed by Gov. Brewer.

Two bills intended to protect racing greyhounds failed to be heard in committee. HB 2637 would have extended the South Tucson ban on administering anabolic steroids to racing dogs statewide, and SB 1294 would have removed the requirement for live racing as a condition for dog track simulcasting.

Other animal protection bills that failed included a measure to add animal fighting to the state racketeering statute; two wildlife protection bills; a bill requiring microchipping of dogs for kennel permits; and two animal shelter requirement measures.

## **The Bad Bills**

### **The Game & Fish Commission Bill**

Despite widespread opposition from diverse organizations, the Legislature passed a blatantly unfair measure affecting wildlife and habitat. SB 1200 s/e: game and fish commission board (Nelson) and its twin HB 2619 (JP Weiers), creates a "recommendation board" composed of ranchers and special interest hunters to appoint candidates to the Arizona Game and Fish Commission. Candidates that do not meet the board's narrow criteria would be disqualified, and the governor would be required to select only board-endorsed candidates. Everyone else would be screened from the process - even hunters and fishers who don't belong to clubs, hikers, wildlife watchers and, of course, all of us.

This damaging bill was opposed by former members of the Arizona Game & Fish Commission, Sierra Club, Arizona Audubon Society, Animal Defense League of Arizona, the state's two largest newspapers, and many other groups and individuals. Despite overwhelming opposition, lawmakers passed SB 1200, enabling a small group of trophy hunters and ranchers to take control of Arizona's wildlife by hijacking the Arizona Game & Fish Commission appointment process.



The people behind SB 1200 are the same ones that ran the referendum defeated in 2000, which would have required that all initiatives affecting wildlife pass by a two-

thirds majority. Voters soundly defeated the measure, which is indicative of the disconnect between legislators and their constituents.

In spite of being contacted by individuals and groups representing hundreds of thousands of Arizona citizens, the Governor decided to bow to the elite special interests, and signed SB 1200 into law.

### **The Constitutional Right to Hunt Bill**

The Legislature referred a measure to the November ballot which, if passed by voters, will place the right to hunt in the Arizona Constitution.

HCR 2008, right to hunt constitutional rights; hunting and fishing (J.P. Weiers, Gowan) declares "hunting, fishing and the harvesting of wildlife" a constitutional right. This bill will appear on the ballot as Proposition 109, could prevent any initiatives that impair taking of wildlife, and could allow a court to overturn the 1994 citizens' initiative that banned traps, snares, and poisons on Arizona's public lands. It also states that the Arizona legislature has primary authority for managing wildlife

If Prop 109 is passed, the damage to our state's wildlife and habitat could be significant. It is a blatant power grab by extremist groups to limit voter rights and to control Arizona's wildlife management decisions, which is owned by the state in public trust for all citizens. A coalition of groups will be launching an opposition campaign against Prop 109. Please contact us if you want to help at [humanevotersarizona@cox.net](mailto:humanevotersarizona@cox.net).

### **The Factory Farm Bill**

A bill to protect factory farms passed the Arizona Legislature by one vote and was signed by the governor. Pinal County's dust pollution is the worst in the US and yet our lawmakers granted exemptions to the industry responsible for the problem.



SB 1411, sponsored by Sen. Nelson, exempts dairies and feeding operations from county zoning regulations. Ironically, as the bill was on the House floor, the Arizona Republic published [front page articles](#) on Pinal County's dust pollution related to large industrial agricultural operations.

This measure is yet another example of how the industrial agricultural industry uses the political system for its own benefit, at the expense of Arizona's citizens and communities. In 2007 the Animal Defense League of Arizona worked with family farmers in Yuma to stop a proposed industrial hog facility that would have been built on pristine desert in a flood plain and housed almost 53,000 pigs. Around the same time there was a case in Cochise County where Faria Dairy built an adjacent animal feeding operation that threatened quality of life for nearby neighbors. The county sued the dairy for a zoning violation, and after a long court battle the dairy lost the case and settled with the county. This case was covered extensively by local paper Wilcox Range News, which referred to the measure as the "Save the Faria Dairy" bill.

Despite opposition from many citizens and organizations, and a [guest editorial](#) in Wilcox Range News, Governor Brewer signed SB 1411 into law. This factory farm

bill will likely impact property values and quality of life for citizens and enable industrial agricultural operations to expand and bypass zoning regulations throughout the state.

### **The Covance Protection Bill**

A bill was introduced in the Arizona Legislature on behalf of Covance, a controversial contract research laboratory that built an animal testing facility in Chandler. SB 1159 federally regulated research facility; animals (S. Pierce, S. Allen, Leff), would have exempted animal research facilities from the state animal cruelty law.

As you may know, Covance built a large animal testing facility in Chandler last year. Covance is a private lab that does animal testing for its clients, including manufacturers of tobacco, toxic, hazardous and corrosive household products and pesticides. Covance and its predecessors have a poor record on animal welfare and other issues (including bringing Ebola into the US three times). In 2006 the United States Department of Agriculture (USDA), which oversees animal research labs, cited Covance for serious violations of the Animal Welfare Act (AWA) including physical abuse of monkeys. Covance entered into a settlement agreement and paid a fine for its citations. More information: [ADLA Newsletter Spring/Summer 2006](#)



After discussing SB 1159 on Fox 10 TV news, Stephanie Nichols-Young, attorney and president of Animal Defense League of Arizona, testified against the bill in committee, exposing the fact that Covance was attempting to use the legislative process to exempt itself from state animal cruelty laws. She explained that Arizona has over a dozen animal research labs that have operated for decades without the need to seek protection from state animal cruelty statutes. She questioned why this is an issue now and why newcomer Covance is so concerned about animal cruelty violations that it is running a bill to exempt itself from state law.

Legislators passed SB 1159 out of committee by one vote but expressed concern about its potential ramifications. That was the one and only hearing the bill received during the session. ADLA volunteer Dr. Alan Binnie submitted this [pharmaceutical journal article](#) in which SB 1159 sponsor and committee chair Sen. Steve Pierce stated, "The bill was pulled. The group that wanted me to introduce it changed its mind and doesn't want to fight right now." The article specifically referred to the Animal Defense League of Arizona's vocal opposition to the failed bill.

### **Threats to Citizen Initiatives**

It wouldn't be an Arizona Legislative session without assaults on voters' rights. This year was no exception, with half a dozen bills introduced. Fortunately the most dangerous of these measures died at various stages in the process.

Arizona's public initiative process is the best tool we have for protecting animals and their habitat. Arizona's animal protection community has a long history of successful grassroots citizen's initiatives, including the 1994 ban on trapping and poisons on public lands, the 1998 ban on cockfighting, and the 2006 initiative which outlawed the cruel confinement of pigs and calves in industrialized livestock operations. In 1998, not only did voters ban cockfighting but they passed [Prop 105](#), a

Constitutional amendment which forbids the Arizona Legislature from repealing initiatives passed by voters.

This session, the worst bill aimed at our public voting process was SCR 1033, repeal 1998 proposition 105 (R. Pearce) and twin HCR 2010 (Gowan). If passed this measure would have completely repealed the Voters Protection Act (VPA), allowing lawmakers to revoke or amend the very initiatives our state protects.

Other measures aimed at citizens initiatives included bills requiring a re-vote on all previously approved voter initiatives that impact the General Fund; another allowing the legislature to amend or supersede measures requiring state funding, a bill to permit re-voting on initiatives to determine funding source, and HCR 2041, which would require submitting all voter-passed initiatives using state funds to a re-vote every eight years. Since the bill was retroactive, it would have required a re-vote on the Humane Farm Act, passed by voters in 2006. HCR 2041 was passed by the House but died in the Senate.

### **Other Anti-Animal Bills**

The Animal Defense League of Arizona and Greyhound Network News (GNN) again followed a proposal to allow slot machines at racetracks (racinos). In 2009 track lobbyists launched a media blitz to convince legislators to support racinos. Following that failed bid, Rep. Tobin stated that he had a bill ready to go for the 2010 session. That bill never materialized, but Sen. Harper sponsored a bill to expand gambling that would have enabled racinos. Fortunately that bill never even received a committee hearing.

### **Super Star Legislators**

Humane Voters of Arizona wishes to thank those special legislators that expended extraordinary efforts to protect animals and our public initiative process.

Representative Nancy Young Wright and Senator Jonathan Paton sponsored several animal protection measures. For the second year, Young Wright chaired a bipartisan animal protection caucus. Representative Kyrsten Sinema again sponsored several pro-animal bills.

Lawmakers that sponsored and/or voted favorably on animal-related measures and were present for all or most key bill votes include:

Representatives Ableser, Bradley, Cajero Bedford, Chad Campbell, Cloves Campbell, Chabin, Farley, Fleming, Lopes, Meyer, Meza, Schapira, Sinema, Tovar, Waters, and Young Wright

Senators Aboud, Burton Cahill, Chevront, Hale, McCune Davis, Landrum Taylor, and Paton

### **Legislators who helped on specific animal related measures**

Senator Al Melvin sponsored SB 1125, which would have expanded the public sale of animals statewide. He also sponsored bills to protect shelter animals.

Senators Linda Gray, Paula Aboud, J. Paton, and Representatives Nancy Barto and N. Young Wright sponsored SB 1085 and related bills to protect animals in domestic

violence cases. Representatives Barto and Rich Crandall were instrumental in passing the bill in the House through their floor amendments.

Representative Frank Pratt sponsored HB 2612, the veterinary regulation measure that offers animals increased protection, and helped with the public animal sale bill.

Representatives Russell Jones and Cecil Ash were the only Republicans in the legislature who opposed SB 1200, which hijacks the AZ Game and Fish Commission. Rep. Jones spoke out against the bill on the House floor.

Senator Hale strongly opposed the Covance bill in committee.

### **Unfriendly Lawmakers**

Representatives Jerry Weiers and David Gowan sponsored two bad wildlife bills that passed the legislature: SB 1200, which enables extreme hunting interests to control the AZ Game & Fish Commission, and HCR 2008, the Constitutional Right to Hunt amendment (Prop 109) that has been referred to the November ballot.

Representatives Stevens, Ash, Montenegro, Gowan, and Seel sponsored anti-initiative measure HCR 2041.

Representative Gowan not only sponsored both anti-wildlife bills and anti-initiative bill HCR 2041; he was the sole House sponsor of the most dangerous initiative related bill of the session. If passed by voters HCR 2010 would have repealed the Voter Protection Act, destroying Arizona's citizen initiative process. Fortunately the bill died early in the session. Senator Russell Pearce sponsored the Senate version of the bill.

Senator John Nelson sponsored both SB 1200 and SB 1125, and with their passage negatively affected wildlife and farm animals throughout the state.

Senators Steve Pierce, Sylvia Allen, and Barbara Leff sponsored the misguided Covance Protection bill.

Representative Kavanagh sponsored HCR 2039, which would have allowed legislators to amend or supersede measures requiring state funding.

Senator Jack Harper sponsored the Racino bill, which would have been disastrous for racing dogs.

Lawmakers that sponsored and/or voted unfavorably on animal-related measures include:

Representatives Adams, Barnes, Boone, Burges, Court, Driggs, Gowan, Kavanagh, Lesko, Mason, McComish, Montenegro, Murphy, Nichols, Quellan, Reeves, Seel, Stevens, Tobin, Vogt, Jerry Weiers, Jim Weiers, Williams, and Yarbrough

Senators Sylvia Allen, Antenori, Bunch, Burns, Gould, Chuck Gray, Harper, Leff, Nelson, Russell Pearce, Steve Pierce, and Verschoor

## Other Legislative Recognition

### Most Improved

Just a few years ago Senator Linda Gray had one of the worst voting records on animal protection bills. However, this session she sponsored three measures to protect animals in domestic violence situations.

In 2008, Representative Nancy Barto voted the wrong way on every animal protection bill. Her record improved this session, as the sponsor of all three domestic violence measures.

Hardly in the Most Improved category, but worthy of mention: Rep. Andy Biggs has one of the worst records in the legislature, consistently voting against every pro-animal bill. For example, in 2009 he was the only House member to oppose the Animal Omnibus Bill. This session he voted for two bad bills, but was a no-show on other key measures. Ironically, in his last term in the House, Rep. Biggs actually helped animals by simply not showing up to vote. Biggs is running unopposed for the AZ Senate.

### What Happened?

Representative Ben Miranda has a long history of supporting animal protection bills. However, this session he voted in favor of both detrimental wildlife measures – SB 1200 which hijacks the AZ Game & Fish Commission, and HCR 2008, the Right to Hunt amendment which was referred to the November ballot.

In 2009, Senator Rebecca Rios had a perfect voting score on animal-related bills. Senator Manny Alvarez had an almost perfect score. But this year they voted against SB 1125 which would have banned the roadside sale of animal statewide, and supported SB 1411, the Factory Farm bill, and HCR 2008, the Right to Hunt amendment (Prop 109) which will appear on the general election ballot

It is disappointing that these lawmakers are apparently turning their backs on an issue they once supported. They need to hear from constituents who care about animal protection.

### Quotes

*“One mark of a third-world country is the mistreatment of animals. The more backward the country, the more mistreatment there seems to be, and this is in line with the proper treatment of animals.”* Sen. Al Melvin, speaking in support of SB 1125, which would have banned the roadside sale of animals statewide

*“It is about stopping people from being able to sell animals by saying it is because that’s how we stop us from being cruel to animals.”* Sen. Sylvia Allen, explaining why she voted against SB 1125

## Super Star Supporters

Humane Voters of Arizona thanks Yvonne Anderson, Beth Lewallen, Heather Murphy, Sylvia Arena, Pima County Attorney Kathleen Mayer, Stephanie Nichols-Young and Karen Michael of Animal Defense League of Arizona, Kari Nienstedt of The Humane Society of the United States, Attorney Danielle Diamond, Arizona Coalition Against Domestic Violence, Pinal Animal Care Center, Yuma Humane

Society, Western Arizona Humane Society, Greyhound Network News, The Voters of Arizona, Tucson Dog Protection, GREY2K, and Sierra Club Director Sandy Bahr for her tireless efforts on behalf of Arizona's wildlife and habitat, and citizens' voting rights.

Also, Humane Voters of Arizona greatly appreciates all of the many volunteers who have contacted their lawmakers throughout each session. For more information on legislation visit the Animal Defense League of Arizona website at [www.adlaz.org](http://www.adlaz.org).

## **Legislative Scorecard**

Voting records are provided on key bills affecting animals, including citizen initiative measures. There are no actual points or grades assigned.

A checkmark indicates a pro-animal vote, while an "x" represents an anti-animal vote.

A blank column under a bill indicates that the legislator did not have the opportunity to vote on that measure.

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. Those actions are represented in the OTHER column by a positive icon ☺ or negative icon ☹. In the COMMENTS column, PS means that the legislator was the primary sponsor of a bill. Cosponsors are not included in the scorecard.

Although animal protection and initiative bills provide a gauge for reviewing lawmakers, other bills that impact animals are those that affect wildlife habitat. For legislative information on conservation measures, including voting records and scorecards visit the Arizona Sierra Club at [http://arizona.sierraclub.org/political\\_action/index.asp](http://arizona.sierraclub.org/political_action/index.asp)

For more information on this legislative report or on candidates, please email [humanevotersarizona@cox.net](mailto:humanevotersarizona@cox.net)