

## **ACC 2003 Legislative Wrap-up**

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On Thursday, June 19th, the Arizona Legislature adjourned sine die (without setting a date to reconvene) at 5:57 p.m. This year's legislative session lasted 158 days, making it the 7th-longest regular session in state history.

The 2003 legislative session featured the introduction of 998 bills, memorials, and resolutions. Of these proposals, 285 bills and 26 resolutions were approved. The number of bills both introduced and passed was the lowest in 10 years, largely due to heavy emphasis on the state's budget. Meanwhile, the governor vetoed 17 bills, thereby reducing the number of bills signed or filed to 268.

This year's Legislature was significantly affected by term limits and, consequently, saw the largest number of incoming legislators in recent history. In fact, the turnover was so significant in the House of Representatives that over half of its 60 members were true freshmen. In addition to these legislative changes, both the Senate and the House were once again dominated by Republicans and experienced new leadership. All of these factors, combined with the presence of the state's first Democratic governor in two decades, created a situation that led to a very lengthy and, at times, tumultuous session.

The budget dominated much of the attention this session. In the end, however, most of the proposed large cuts to health, education, and social services did not materialize as Republican legislators in the Senate negotiated a compromise with Democratic Senators on a final budget package that preserved funding for vital programs. In an unusual move, the governor was also able to line-item veto several other proposed budget reductions, thereby further increasing state funding.

In addition to focusing on effects of the state's budget on the poor and others, the Arizona Catholic Conference (ACC) also had a very busy and successful year in protecting its interests, both in defeating all of the bills it opposed and by lobbying to pass a variety of important bills. The ACC's diverse interests included: life issues, matters of religious freedom, education, welfare, health, immigration and others.

### **Life Issues**

With respect to life issues, the ACC was instrumental in a collaborative effort to successfully defeat two bills (SB 1087 and HB 2374) that would have required all physicians and hospitals to provide "emergency contraception" (i.e., the "morning-after" pill) on demand to victims of sexual assault, even if the medication was certain to result in an abortion. Similarly, the ACC was also successful in defeating a bill to legalize "assisted suicide" (HB 2454) in Arizona.

Regarding life issues that were supported by the ACC, two bills (HB 2493 and SB 1035) were introduced to provide "informed consent" and a 24-hour waiting period before an abortion is performed. Although the Senate narrowly failed to approve "informed consent," this session marked the first time in 14 years that the House of Representatives had passed such a bill. In addition to supporting these life-related bills, the ACC also continued to raise awareness and educate lawmakers on death penalty matters by once again initiating bills to eliminate the death penalty for all minors (HB 2337) and to allow death-row inmates to be restored to competency without being executed (SB 1198).

## **Religious Freedom**

Matters of religious freedom were a primary focus this session for the ACC. Perhaps the most important of these issues was an attempt to repeal a portion of last year's "mandatory contraception" law. Under the present law, all Arizona employers who provide prescription coverage for their employees must also include prescription contraceptive coverage. The only exception in the current law is for certain "religious employers" when contraception is against the tenets of their faith, but only if they primarily employ and serve people of the same faith.

The focus of SB 1089 was to provide a slightly larger exception so that all nonprofit religious organizations whose religious tenets oppose the use of contraceptives would not be forced by the government to violate their faith just because they serve the community at large. After months of extensive lobbying, SB 1089 was passed by the legislature only to be vetoed by the governor. Because of the veto, the three dioceses in Arizona are probably the only Catholic organizations that clearly remain exempt in the present statute. Consequently, the possibility remains that Arizona may join New York and California in pursuing litigation of this matter in order to protect the religious freedom of other Catholic organizations.

## **Education**

Protecting the school-tuition tax credits was another top priority for the ACC during a very tight fiscal year at the legislature. With the tremendous support of the legislative leadership, Catholic schools were spared from any reductions in this vital funding source.

In fact, not only were the tuition tax credits preserved, but a bill supported by the ACC to actually expand the tax credits to corporations (SB 1263) passed the Senate and came within four votes of passing in the House. The fact that the primary debate surrounding tuition tax credits became a potential multi-million dollar expansion, rather than possible elimination, was a very positive development this session for Catholic schools.

## **Health, Welfare, and Immigration**

An important welfare-related bill supported by the ACC that was successfully passed into law was HB 2136. Essentially this bill allows TANF (welfare) recipients to receive child support payments that otherwise were being kept by the government. This bill was necessary because in Arizona welfare mothers are denied TANF benefits for children conceived and born after they begin receiving benefits. A gross inequity in the law further exacerbated this problem by denying not only additional TANF benefits, but also any child-support payments that up until now were not fully passed through to the mother.

Immigration and health issues were also prevalent on the ACC's agenda this session. In particular, the ACC helped successfully oppose a measure (HB 2243) to prohibit universities and community colleges from admitting illegal immigrants and force all health care institutions to report illegal immigrants to the INS. Meanwhile, legislation encouraging Congress to consider a guest worker program (SCM 1001) was passed, but the perennial bill to allow non-citizens to obtain a driver's license (SB 1152) failed.

With respect to health issues, HB 2530 was another bill that was supported by the ACC and successfully approved by the Legislature. This measure will now be placed on the ballot so that voters will have the opportunity to create a special taxing district in Maricopa County to keep the county hospital in operation. This bill and the preservation of health-related concerns in the state's budget were positive developments, especially for indigent recipients all over the state.

## **Child Abuse**

Important changes were also passed into law pertaining to the "duty to report" child abuse. Pursuant to legislation that was introduced by the Maricopa County Attorney's Office and supported by the ACC (SB 1352), the "duty to report" now exists where there is a "reasonable belief" that child abuse has occurred. Additionally, the penalty for violating this statutory duty is increased from a class-1 misdemeanor to a class-6 felony. The ACC was ultimately supportive of this bill after ensuring that the seal of confession was preserved.

## **Conclusion**

The effective date for legislation passed this session, and all other legislation except those with emergency clauses or specified effective dates, is Sept. 18, 2003.

In conclusion, the Arizona Catholic Conference had an effective year lobbying on the most significant bills of interest to the Catholic community in Arizona. As preparations begin for next year's regular session, the ACC will remain ever vigilant in both promoting and defending these issues in the public policy arena.

*Ronald Johnson is executive director of the Arizona Catholic Conference, the public policy arm of the bishops of the dioceses of Phoenix and Tucson and the Diocese of Gallup, N.M., which includes the northeastern part of the state of Arizona.*