

YELLOW SHEET REPORT

·NEWS NOTES AND GOSSIP·

WE'VE GOT THE STATS YOU'VE ALL BEEN WAITING FOR

Ducey finished signing and vetoing bills on Friday, meaning we can finally calculate lawmakers' batting averages for the year. Dunn had the best ratio of home runs per at bat, having sponsored five bills, four of which Ducey signed into law, giving him a batting average of 80 percent with no vetoes. Also batting above 50 percent were Petersen (71 percent), Weninger (68 percent), Farnsworth (64 percent), Pratt (64 percent), Pace (60 percent), J Allen (56 percent), Livingston (53 percent) and Boyer (52 percent). Brophy McGee was the most prolific at putting new laws on the books this session, with 27 of her 54 prime sponsored bills receiving Ducey's signature, giving her a batting average of 50 percent.



Livingston would have tied Brophy McGee for most new laws, but Ducey's veto of his *per diem* increase left him one bill short. Carter sponsored the most bills, 71 in all, but only 17 were filed into law. Mendez was close behind her, though far less successful, having sponsored 70 bills, none of which became law. And Andrade was the Legislature's most prolific co-sponsor, having signed on to 200 bills sponsored by other lawmakers. Bowie had the most bills signed into law of any Democrat, with two. Seven other Democrats – Bolding, Teller, Gabaldon, Steele, Jermaine, Rios and Contreras – each had one bill signed into law. In total, Democrats sponsored 503 bills, and had nine signed into law, giving them a batting average of 1.8 percent. Republicans on the other hand, had a collective batting average of 34 percent, having sponsored 914 bills, 311 of which made it into law. Only three Republicans who sponsored bills didn't have any signed into law this year: Toma was zero for 14, Stringer (who was forced to resign in March) was zero for five, and Roberts was zero for two. Additionally, three lawmakers didn't sponsor a single bill: Meza, Nutt and Pierce (who joined the Legislature replacing Stringer after the bill filing deadline). Mesnard had the most bills vetoed – Ducey rejected three of his bills, or 13 percent. Kern had the most bills vetoed among House lawmakers – Ducey rejected two of his bills, or 12 percent. A spreadsheet showing lawmakers' batting averages can be viewed in the “documents” section ([LINK](#)).

THIS MUST BE WHY HIS COLLEAGUES LOVE HIM

E Farnsworth has long boasted of his role as a “gatekeeper” and once again this year, his jud committee was one of the most difficult to get bills through, even for Republicans. Farnsworth told our reporter earlier this year that he tried to kill Boyer's statute of limitations bill because the founding fathers intended to have lawmakers serve as gatekeepers, and his job as Senate jud chairman meant he needed to kill bad bills. In a 2010 interview for *Arizona Capitol Times*' “Meet the Freshman” publication, he said too many lawmakers were proud of how many laws they got passed. “The question for me is how many bills did I kill as a chairman? In four years, I probably killed 500 bills. I'm far prouder of being a gatekeeper of freedom than voting for a bill that tells people what to do. I'm very proud of my reputation,” Farnsworth said ([LINK](#)). Our reporter's analysis of committee reports from Legislation On Line Arizona (LOLA) data proves that E

Farnsworth is one of the Legislature’s strictest gatekeepers. While the vast majority of Democratic bills languish in committees, chairmen typically let their Republican colleagues’ bills be heard. Farnsworth had 67 Republican-sponsored bills referred to his committee, and 16 of those – including Boyer’s bill and a Mesnard bill that would have prohibited discrimination against pregnant women in the workplace – were held or never scheduled. That’s a kill rate of 24 percent among Republican bills. But he wasn’t the strictest chair. That honor belongs to S Allen, who killed 30 percent of the Republican bills assigned to her Senate educ. J Allen killed 29 percent of Republican bills assigned to his House jud. Barto killed 19 percent of Republican bills assigned to House hel-hu ser and Mesnard killed 18 percent of GOP bills assigned to his Senate fin. Our analysis did not include either chamber’s rules or appro committees, where many bills go to die.

SOME FOLKS SLIDE PAST THE GOALIES, SOME RUN INTO THEM

Among Republicans, Rivero had the worst luck at getting bills past committee chairmen. Eight of the 14 bills he sponsored this session died without committee votes. Roberts came next: He only sponsored two bills this session, and J Allen never scheduled a hearing for one of them. And Fillmore came in an unenviable third place – six of his 13 bills died without committee votes. Carter (18) and Brophy McGee (13) had the most bills killed by committee neglect. But because the two are among the Republican Party’s most prolific bill-writers – Carter sponsored 67 bills this year; Brophy McGee, 52 – they performed better percentage-wise than many of their peers. Cobb and Weninger did the best at getting bills past committee chairmen. Only one of Weninger’s 19 bills and only two of Cobb’s 37 died without a committee vote.



AMONG THIEVES AND PROSECUTORS



Toma told our reporter he doesn’t know how he’ll work with prosecutors who have “no honor” next session after he learned that several of them lobbied to kill Mesnard’s S1334 (sentencing; repetitive offenders), even after it was amended to address prosecutors’ concerns. Ducey vetoed the bill Friday evening, saying in a one-line memo that he was “concerned with the unintended consequences that may arise from this legislation and the effect these changes would have on victims.” The bill initially aimed to eliminate a practice that allows prosecutors to charge people as repetitive offenders and pursue enhanced sentences, even if those defendants have never been sentenced for a crime

before. Mesnard, who gave up one of his bills for Toma’s striker amendment after Toma’s original bill was stalled in E Farnsworth’s jud, told his Republican Senate colleagues that the current law doesn’t make sense. “For me, it defies the purpose of an enhanced sentence. It’s being enhanced because you obviously didn’t learn your lesson,” Mesnard said. In response to complaints from prosecutors, Mesnard, Toma and other lawmakers agreed to water down the bill. The version sent to Ducey would still have allowed prosecutors to charge people who have not previously been convicted or sentenced, provided the crimes they’re charged with occurred at different times. Yavapai County Attorney Sheila Polk was involved in writing that language, Toma said, and prosecutors changed their position to neutral on the amended bill. However, Polk went on to contact E Farnsworth on the last day of session to talk about her concerns with the bill, Fann told our reporter. And Toma said he’s heard that Maricopa County Attorney Bill Montgomery, Pima County Attorney Barbara LaWall and several sheriffs also lobbied to kill the bill after changes. “The problem when someone doesn’t keep their word is that you can’t trust them anymore,” Toma said. “I don’t know where we go from here if someone has no honor.”

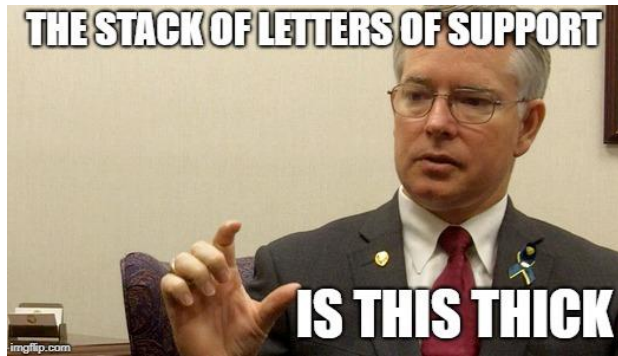
THAT'S ALMOST AS GOOD, RIGHT?

Arizona didn't succeed in ratifying the Equal Rights Amendment this year, but Steele did make it to late-night television for her advocacy of the amendment. Comedian John Oliver did a 15-minute dive into the ERA on HBO's "Last Week Tonight" Sunday, and he featured a clip of Steele talking about how Arizona could make history by being the 38th state to ratify the amendment. "If we do this, this goes down in the history books. Arizona goes down in the history books," Steele said on the show. Despite having support from three Republican senators this session, the ERA ratification never got a hearing in E

Farnsworth's judgment and an attempt to bypass him and bring it to the floor was unsuccessful. Even if Arizona or another state succeed in ratifying the Equal Rights Amendment next session, that doesn't mean the amendment will take effect. The deadline set for states to ratify it was 1982, though Congress could change or eliminate that deadline.



NOBODY READS FORM LETTERS ANYWAY



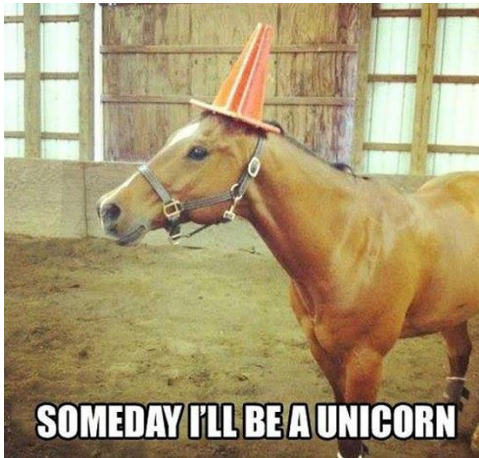
The ACLU of Arizona is reviving its auto-generated letter against Maricopa County Attorney Bill Montgomery, now that he is once again seeking a seat on the Arizona Supreme Court. The last time around, people sent nearly 1,000 letters to the Commission on Appellate Court Appointments; and since this new vacancy is within the same year, the commission has kept all of those letters on file ([YS, 3/6](#)). The new letter seems to be directed at the four newest members of the commission who did not vote for or against Montgomery when he was vying for

Pelander's seat. The ACLU tweeted, "Gov. @dougducey put new people on the commission that picks Supreme Court nominees. Three of the four members who were replaced on the commission voted against nominating Montgomery last time ([YS, 6/3](#)). Let's make sure the new commissioners know about Bill Montgomery's horrific civil liberties record," linking to the letter that anybody can fill out ([LINK](#)). More than 850 people have submitted the letter so far, according to the ACLU.

SO YOU'RE SAYING THERE'S A CHANCE

Only two Democrats applied to the Court of Appeals vacancy and the remaining nine applicants are Republican – meaning at least one Democrat will make the short-list sent to Ducey. The two Dems are David Gass, a judge on the Maricopa County Superior Court and the former counsel for the House, and Snell & Wilmer attorney Andrew Jacobs, who was one of the five finalists vying for Pelander's seat earlier this year. Jacobs has applied once again for the opening on the Supreme Court. The Commission on Appellate Court Appointments has a rule that the commission must submit at least three names to the governor, with no more than two-thirds of those representing the same party. If the commission submits more than three names, no more than 60 percent can be from the same political party. This means at a minimum, either Jacobs or Gass will automatically be on the shortlist that goes to Ducey, but if the commission wants to submit more than three candidates, both of them will be there. Jacobs has a leg up on the competition since the commission interviewed him already for the Supreme Court job, as did the governor. Ducey has appointed 10 judges to the Court of Appeals so far, and only one was a Democrat – Maria Elena Cruz ([YS, 3/13](#)), another Supreme Court finalist who is up for the new seat.

WELL, HE'S PERSISTENT AT LEAST



Kent Cattani, a judge on the Court of Appeals Division I who was a finalist for the last Supreme Court vacancy and is now up for the new seat on the highest court, is the only person in Arizona history to apply for all seven seats on the Arizona Supreme Court. Cattani first applied for the Supreme Court when Justice Michael Ryan retired. Vice Chief Justice Robert Brutinel received that appointment and Cattani did not make it to the final list. In 2012, Andrew Hurwitz left the court when Obama appointed him to the Ninth Circuit, and Kent Cattani applied for the second time, losing out to Justice Ann Scott Timmer. Cattani made the final list that time and the next three times to no avail. He lost his bid to Justice Bolick in early 2016, both expansion seats to Justices Andrew Gould and John Lopez in late 2016, and most recently to his colleague Justice James

Beene. Cattani is already 61 so if he doesn't get appointed to replace Chief Justice Scott Bales, he may not have another opportunity. The law states a justice must be younger than 65 when first joining the court, and the court also has a mandatory retirement at 70.

WHEN YOU HEAR BILL, KEEP IN MIND WHO YOU'RE HEARING

Montgomery joined KTAR's Bruce and Pamela Show Friday to discuss the Phoenix Police Department's social media scandal ([YS, 6/5](#)) and a follow-up story from *Phoenix New Times* about the history of some of the officers involved in the scandal ([LINK](#)).

Montgomery's first words on the show were a dig at the alternative weekly paper. "Whenever you read the *New Times*, you need to keep in mind what it is that you're reading," he said to the hosts, who replied they would take it with a grain of salt. Reporter Meg O'Connor ran a background check on the 97 officers in the database against court records, the Maricopa County Attorney's Office's Brady list, and news clips. She found several were involved in "directly killing people," seven were accused of injuring others, 31 were named in federal lawsuits and another eight who turned up on the Brady List, the same list Kern appeared on ([YS, 3/5](#)).



·PRESS RELEASES AND NEWS CLIPS·

Sen. Peshlakai joins national movement to adopt comprehensive Veterans Bill of Rights

AZ is national leader on veterans issues but more can be done, especially on suicide prevention and homelessness

STATE CAPITOL, PHOENIX – Senator Jamescita Peshlakai (LD7), an Army veteran, today announced that she will join lawmakers across the country in introducing a Veterans Bill of Rights for the 2020 legislative session, with hers being tailored specifically to build on Arizona's already significant efforts to serve our veterans. The Veterans Bill of Rights will act as guiding principles on which to base future policy for Arizona's veterans.

[The Veterans Bill of Rights](#) will honor Arizona veterans' service to our country by:

- Enshrining veterans' access to jobs; college degrees, certificates, and licenses; and healthcare;
- Preventing veteran suicide and increasing veterans' access to mental health services; and
- Ending veteran homelessness.

“Veterans make incredible sacrifices defending our country, but often they have challenges finding jobs, education, physical and mental healthcare, and housing once they complete their service,” said Senator Peshlakai. “It’s our legislature’s duty to help ensure that Arizona veterans get the benefits and resources they deserve. While we have done much over the last decade to help Arizona veterans, we can still do more. I will be working with stakeholder and constituent groups throughout the interim to find both legislative and non-legislative solutions to our veterans' unmet needs. With their help, I will introduce an Arizona-specific Veterans Bill of Rights next session that fills those gaps. By participating in this national effort, I hope to show other states how Arizona delivers on the promise to give veterans and their families the very best.”

The Problem

Our nation’s veterans serve and protect us in the military – but too often, we fail to serve and protect them when they return home: Nationally, only 30% return to civilian life with a job, nearly two million along with four million of their family members lack basic health coverage, 20 veterans die from suicide every day, and over 40,000 are without a home on any given night.

The Solution: The Veterans Bill of Rights

Veterans deserve better. The Veterans Bill of Rights is a package of simple changes and cost-effective tools that will make a dramatic difference for veterans. From leveraging veterans' unique experience and training to propel them toward jobs, to proven programs that help with re-entry to civilian life, to services that make it easier for vets to access high quality healthcare and secure housing it is a common-sense way to improve veterans' lives and honor their service.

Representatives Townsend Applauds Enactment of Election Reform Legislation

STATE CAPITOL, PHOENIX – Representative Kelly Townsend (R-16), chair of the House Elections Committee, today applauded Governor Doug Ducey for signing HB 2039 into law.

HB 2039 requires county recorders to post on their websites the number of voters registered using the state or federal form who have not provided proof of citizenship, as well as the number of votes cast using federal only ballots. Under Arizona law, federal voters who have not shown proof of citizenship are ineligible to vote in Arizona elections.

“Particularly after the last election cycle, I think voters will appreciate more transparency from county recorders,” said Representative Townsend. “By requiring county recorders to share the number of registered voters who haven’t shown proof of citizenship, HB 2039 will provide voters with important information about their electoral process.”

“I thank my colleagues for passing this legislation and applaud Governor Ducey for signing it into law.”

The bill also makes a technical correction to SB 1090, which requires voters who receive emergency ballots to present proof of identification and sign an affidavit stating that they have experienced or are experiencing an emergency.

Martha McSally Defends Senate's Failure To Work For Arizonans: "Whatever."

Asked about the GOP-controlled Senate's lack of legislative accomplishments, Martha McSally replied, "OK, whatever."

PHOENIX – "OK, whatever." That was **U.S. Sen. Martha McSally's** [reply when asked about criticism](#) that the Mitch McConnell-led and Republican-controlled Senate isn't getting things done for working families and is instead hyper-focused on giving lifetime appointments to President Trump's anti-health care judges, [the likes of which McSally keeps voting to confirm](#).

The McConnell-McSally Senate isn't getting things done for Arizonans:

- Republicans have failed to take up [House of Representatives-passed legislation](#) to address rising health care costs and prescription drug pricing.
- Republicans have failed to take up [the House-passed "For the People Act"](#) – a package of anti-corruption measures that would strengthen the democratic process, take on corporate special interests, and reduce the influence of money in politics; and,
- Republicans have failed to put forward a broad, bipartisan infrastructure package that could mean large-scale investment in Arizona's economy and good-paying jobs for Arizona working families.

McSally's "OK, whatever" indifference on tackling issues important to Arizonans is all the more notable when you consider what she and her Republican colleagues *have* actually done:

- McSally has [refused to stand up for Arizona](#) and oppose national Republicans' ongoing lawsuit to strike down federal protections for Arizonans with pre-existing conditions;
- McSally and Republicans passed their 2017 tax law, which is [making corporate CEOs richer than ever](#), while shifting the tax burden from corporations to hardworking families; and,
- McSally has [regularly voted to give](#) lifetime appointments to anti-health care judges.

"Arizonans deserve a Senator who will work for them, and Martha McSally's 'OK, whatever' attitude proves that she's part of a broken Washington system that's working for powerful corporate special interests, but isn't getting things done for hardworking Arizona families," **said Brad Bainum, Arizona Democratic Party spokesperson.**

Vision screenings coming to schools in Arizona

(Phoenix, State Capitol) ---- Governor Ducey on Friday signed **SB 1456**, a bill sponsored by Senator Sylvia Allen that directs schools in Arizona to provide vision screening services to students.

Hearing evaluations have been performed in schools for decades by the Department of Health Services. **SB 1456** will now provide a framework to bring vision screenings into schools.

"When a child can't see properly, they will of course struggle in school," said Senator Allen, Chair of the Senate Committee on Education. "And young children don't necessarily know they have vision issues. They may think what they're seeing is normal vision."

The bill directs schools to provide vision screenings when a child begins school and up to two additional grade levels. Screenings will be done by a school nurse, volunteer or other school employee who has undergone training.

Bill to help organizations working with patients with Parkinson's, Alzheimer's signed into law

(Phoenix, State Capitol) --- Governor Ducey on Friday signed **SB 1027**, a bill sponsored by Senator Vince Leach that will allow groups doing outstanding work with dementia patients to take advantage of a new incentive for Arizonans to donate.

Up until now, charitable individual tax money could be directed to organizations providing services to children with a chronic illness or physical disability. But many people have needs later in life, such as those diagnosed with Parkinson's or Alzheimer's diseases.

"I have seen firsthand the amazing work these organizations are providing, and they're doing high-quality work on limited budgets," said Senator Leach. "With this bill, these groups will be able to expand their services and bring better outcomes to thousands of Arizonans."

To qualify for the charitable tax credits, the organization must spend at least 50% of its budget on services to individuals having a chronic illness or physical disability.

Chávez calls Vatican's rejection of gender fluidity "a harmful step backwards"

PHOENIX, State Capitol – Rep. César Chávez, D-Phoenix, released the following statement in response to the Vatican's newly [released document](#) arguing against acceptance of individuals who are transgender or gender fluid. The document, "Male and Female He Created Them: Towards a Path of Dialogue on the Question of Gender Theory in Education," was created as a guide for Catholic educators and students.

"This is a step backwards that will bring real harm to real people," said Chávez. "We just repealed Arizona's harmful and antiquated 'no promo' law, which forbade mention of homosexuality in a positive light in school sex education classes and fostered state-sanctioned discrimination for nearly three decades. Now the Vatican, against all evidence, is instructing Catholic schools to do the same thing when it comes to transgender or gender-fluid individuals. Sexuality and gender identity is not a choice. Arguing otherwise puts innocent individuals who only want to be who they are and live their lives at risk of further persecution and discrimination."

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"QUOTE OF THE DAY"

"The problem when someone doesn't keep their word is that you can't trust them anymore... I don't know where we go from here if someone has no honor."

- Toma, on working with prosecutors