It is that time of year again—time to get ready for the upcoming legislative session. As I approach my one-year anniversary at the Bar and my first article about the legislature for ARIZONA ATTORNEY, it’s time to look back at some legislative highlights from 2003, look forward at the 2004 regular session and give a brief review of how Arizona’s legislative process works. But first, let me tell you how the State Bar contributes to that process.

The State Bar’s Role
The State Bar Government Relations Department monitors legislation of interest to the Bar and to the Arizona Foundation for Legal Services & Education. Although some pundits argue that in 2004 more bills will be introduced than were last year, a number closer to the historic average.

Disclaimers Act, the Revised Uniform Trust Code and the Repeal of UCC Article 6 (Bulk Sales).

**Session Overview**
The 2003 legislative session was a momentous one. Term limits had their first impact on the legislature. Thirty-seven members who had not served in the legislature before took their oath in January 2003. Only twice in state history had there been more freshman legislators: in the first legislature in 1912 and in 1966, when 30 seats were added to the House.

Of the state’s 90 legislators, nine have law degrees, and eight are members of the Arizona Bar. The infamous 15-15 Senate split went the way of the dodo, and the Republicans once again had a majority in both the Senate and the House. Though there was not a new sheriff in town, legislative leadership did have to get used to dealing with a Democrat as governor.

The 46th Legislature ran from Jan. 14, 2003, through adjournment sine die June 19, 2003, at 5:57 p.m. The legislature considered the fewest number of bills (908) in 10 years and transmitted fewer than 300 bills to the governor. The session was the seventh-longest (158 days) on record, due in large part to the difficulties of developing a budget that would garner enough votes to pass and be signed by the governor. And the budget process was what everyone expected it to be—long. We have more of the same to look forward to in 2004.

**Focus on the Budget**
The 2004 session will be as fascinating as last year’s session, with the budget continuing to be of great concern. As of late October, the Joint Legislative Budget Committee has forecast an $860 million shortfall under the current funding formulas. In addition, as of the drafting of this article, the Supreme Court had not ruled on or accepted jurisdiction of the lawsuit challenging many of the line-item vetoes made to the budget by the governor.

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However, I believe that the state’s fiscal crisis will keep the number of bills down and the minds of legislators on the general fund budget.

**Bills of Interest**

Every bill that passes through the legislature has an impact on some attorney’s practice. You probably have become familiar with many new laws that affect your area through CLE opportunities. There are a few bills that I want to bring to your attention.

Several pieces of 2003 legislation were directed at the administration of the judiciary. The Bar opposed measures to amend the constitution to require senate confirmation of all judges and justices appointed by the governor, to ban the courts from establishing rules of law on a retroactive basis, and to keep the court from infringing “on the authority of the Legislature or the people to enact otherwise constitutional substantive, procedural and evidentiary laws”; all of these measures were held in legislative committee and died.

The Bar will monitor similar bills that will be introduced in 2004. And we will keep watch on the budget process and any effects it will have on the administration of and access to justice.

Chapter 106, formerly HB 2108, which was supported by the Bar, extended a law allowing peace officers and prosecutors to have their identifying data in public records kept confidential. That also includes the records of justices, judges, commissioners, public defenders and victims of domestic violence.

Litigators already know that the statutes regarding jury service have changed thanks to Chapter 200. Jury service is compulsory when summoned except when excused. Persons may be temporarily excused for specific reasons; to be permanently excused, the underlying grounds must be found to be permanent. The limit on a fine for failure to show for jury service is raised to $500. A surcharge also has been added to most court filing, appearance and clerk fees for a “lengthy trial fund.” Jurors who sit on trials that last more than 10 days may be paid replacement or supplemental wages out of the new fund.

**The Uniform Trust Code**

Last, but certainly not least, the Revised Uniform Trust Code made its way through the process, but not without a few bumps.

The lengthy legislation addressed nearly all the statutes pertaining to trust administration. As its name implies, the Code was model legislation conforming to revisions made by the National Conference of Commissioners on Uniform State Laws. Though the provisions of the law have been the topic of many CLEs over the last several months, this bill can serve as an example of how the process works and how nothing is ever over until the legislature adjourns.

Just like any other bill, the UTC started out as an idea, whose growth and development were fostered by the Probate and Trust Section of the Bar. It was in the works for a few years, and legislative liaisons from the section worked closely with the Government Relations office and other constituencies, including the banking industry, to put forth legislation that would be acceptable to all parties. After many hours of work, the bill was ready to be introduced in the legislature.

SB1351 (UTC) was introduced in the Senate toward the end of the introduction period. It was assigned to Senate committees and was heard at one of the last opportunities to hear bills in the house of origin. Once approved by the standing committee and Rules with a minor technical correction, the bill moved to the floor of the Senate, where it passed with few questions or concerns. After all, this was a consensus bill.

Then it was time for the legislation to move to the other chamber, the House of Representatives. The bill was assigned to committee and was ready for another hearing. Once again, with the deadline to hear bills in that chamber approaching, time was of the essence. The bill was heard by the only committee to which it was assigned on the last Tuesday to hear bills. The hearing went long, but by 6:00 p.m., the bill had passed, and we were ready for it to go to the floor of the House and then to the governor for her signature.

That was until we got the news. The next morning, the bill was assigned to an extra committee so it could be used to attach a “strike everything” amendment for a bill that was proving to have nine lives in a special Friday committee meeting. In a “strike everything” amendment, new language replaces all the language after the enabling phrase, the guts of the bill. When this occurs, the merits of the underlying bill are rarely, if ever, discussed. I called everyone involved to tell them it was looking as if the bill would die and that we would bring it back again next time around.

But nothing is ever over until it is over down at 1700 West Washington. I attended the special meeting of the committee that morning to pay my respects to a bill that so many people had worked so hard on over the last two years. I was also there in case something strange happened—which is exactly what happened.

The committee was one person shy of quorum, so the amendment could not be considered—the bill was alive! The chairman of the committee and the Speaker of the House complied with my request to remove the bill from the extra committee. The House passed the bill with a minor amendment, the Senate voted on the new version, and it was signed into law as Chapter 212 by the governor on May 12.

The legislative process is complicated and fast paced. Please feel free to contact the Government Relations Department if you have questions about the process, specific legislation or the Bar’s position on policy issues. I look forward to hearing from you.

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For a helpful chart that tracks these and other bills, go to [www.azbar.org](http://www.azbar.org) and click on Legislative Wrap-Up and “Positions on Bills.”