



Children's Action Alliance

A Voice for Arizona's Children since 1988

WHO'S FOR KIDS AND WHO'S JUST KIDDING?

A 2010 Legislative Wrap-Up and Report Card for Kids

May 7, 2010

Children's Action Alliance (CAA) is a voice for Arizona children at the state capitol and in the community. With thousands of dedicated Arizonans across the state, we work to build momentum for improvements in child care and early education, juvenile justice, health coverage, protection from abuse and neglect, and family income so kids can grow up healthy and strong.

Each year, the 90 members of our state legislature vote on dozens of bills that shape the health, education, and safety of Arizona children and families. The Governor decides policy with her veto or signature.

This report card tracks votes on nine bills in the House of Representatives and eight bills in the Senate in 2010. During the legislative session, Children's Action Alliance analyzed and took a stand on each of the bills, asking lawmakers to vote "yes" or "no" for kids.

CAA believes that every lawmaker has the responsibility to vote for kids. And our legislators should be held accountable and measured on their performance.

In the chart, a ★ is shown for each vote for kids that corresponds to our recommendation. A "NV" for "not voting" indicates that the legislator did not vote or was absent. If the legislator cast a vote contrary to what's best for kids, the vote box is left blank. "NV" votes are not counted in the legislator's overall percentage score.



Arizona's Children Need YOUR Voice!

Children can't vote. It's up to you to be their voice in the halls of power.

You can make a difference by contacting your own state senator and representatives and asking them to vote for kids. Talk with them about policies you support for children and families.

You can help Children's Action Alliance remain a strong voice for children by joining our action network or by making a tax-deductible donation. To learn more, visit www.azchildren.org.

THE 2010 LEGISLATIVE SESSION

HB 2010 - Eliminate KidsCare (The Health Budget Bill from the 7th Special Session)

Opposed by CAA, this bill passed the House and Senate and was signed by Governor Brewer.

This budget bill not only eliminated funding for KidsCare, it erased from Arizona law the statutory provisions for the children's health insurance program. This would result in thousands of kids losing their health insurance as of June 15, and without KidsCare many working parents would have no options to afford coverage for their children.

HB 2148 – Adoption Restrictions

Opposed by CAA, this bill passed the House, but was never voted on by the full Senate.

This bill would have mandated that the Arizona Dept of Economic Security and adoption agencies give primary consideration to placement of a foster child with a married couple. Single people would only be eligible to adopt if a qualified married couple is not available, with certain exceptions. This mandate would have limited a child's chance for the best forever home by creating barriers for single people to adopt.

HB 2250 - Tax Cuts

Opposed by CAA, this bill passed the House, but was never voted on by the full Senate.

This bill would have enacted multiple tax giveaways for corporations beginning in Fiscal Year 2012 when Arizona will still be facing multibillion dollar deficits and cuts to education and health care. HB 2250 would have cost the state more than \$940 million annually when it was phased in. There was no guarantee that this bill would create jobs since businesses would qualify for the tax cuts regardless of whether they were hiring or laying off workers in the state. These cuts would have been permanent and would have added to Arizona's structural budget deficit.

HB 2370 (strike everything) – Revival of Payday Loans - vote in Senate Appropriations ONLY

CAA opposed all efforts by the payday lenders to continue to charge triple digit interest rates.

Current state law gives payday loans special permission to charge fees ten times higher than the interest rate cap on all other loans. But this special permission sunsets on June 30. In 2008, the payday lenders spent millions of dollars on a campaign to convince Arizona voters to let them stay in our communities and continue to charge 400% interest. Arizona voters said NO by an overwhelming 60% vote. The industry turned to the legislature to delay the sunset and pushed one bill (HB 2161) and two strike everything amendments (HB 2035 s/e and HB 2370 s/e). HB 2161 and HB 2035 s/e were never heard in committee, and HB 2370 s/e was voted down in the Senate Appropriations Committee.

HB 2419 – Sibling Visitation for Foster and Adopted Children

Supported by CAA, this bill passed the House and Senate and was signed by Governor Brewer.

Supporting the importance of sibling connections, this legislation requires the Arizona Department of Economic Security to make reasonable efforts to place siblings together in foster care, guardianship or adoptive placements, and, if that is not possible, to maintain frequent visitation or on-going contact between all siblings. The juvenile court must review these placement decisions and can determine that such placement, visitation or contact may be contrary to a child's safety or well-being.



THE 2010 LEGISLATIVE SESSION

HCR 2001 – Repeal of First Things First Early Childhood Fund (from the 7th Special Session)

Opposed by CAA, this referendum passed the House and Senate; does not require the Governor's signature.

HCR 2001 puts on the November ballot a vote to repeal or affirm the First Things First early childhood state agency and funding. First Things First is a state agency that was established in 2006 by ballot initiative when Arizona voters approved a new tax of 80 cents per pack of cigarettes dedicated to help Arizona children start kindergarten healthy and ready to succeed. If passed by the voters, the state agency and volunteer regional councils would be eliminated. All fund balances and annual tobacco tax revenues of \$150 million per year would be diverted to the state general fund.

SB 1009 – Age of Youth Offenders in Adult Court

Supported by CAA, this bill passed the House and Senate and was signed by Governor Brewer.

This legislation clarifies state law to designate that if a case involving a youth is filed in adult court, it is based on the child's age at the time of the alleged offense - not on the age at the time the charges are filed. In Arizona, the prosecution of certain youth cases in adult court is allowed or required based on the child's age. Without this clarification, prosecutors could delay filing charges solely for the purpose of moving the case to adult criminal court.

SB 1035 – Guardians ad litem and Attorneys

Supported by CAA, this bill passed the House and Senate and was signed by Governor Brewer.

To address inconsistent and sometimes very poor representation of children by guardians ad litem (GALs) and attorneys in dependency court, this legislation requires GALs and attorneys appointed for children to meet with the child before the preliminary protective hearing, if possible, or within 14 days after the hearing and before each subsequent substantive hearing.

SB 1043 s/e – Partially Restore KidsCare

Supported by CAA, this bill passed the House and Senate and was signed by Governor Brewer.

A majority of legislators and Governor Brewer eliminated KidsCare in March (see HB 2010) but SB 1043 (as a "strike everything" bill) restores the KidsCare statutory provisions and appropriates \$9 million to keep covering the children who are currently enrolled. This bill also restores AHCCCS health coverage for 310,000 Arizonans, contingent on new federal funds. This move is only the first step to making sure that children get the health coverage they need. Read more in UNFINISHED BUSINESS on page 8.

SB 1104 – TABOR

Opposed by CAA, this bill passed the Senate, but was never voted on by the full House.

SB 1104 would have restricted Arizona's budget appropriations to the previous year's appropriation, adjusted only for state population plus inflation. This formula threatens Arizona's economy, health care and education because it ignores the real cost of state services. SB 1104 would have made today's budget crisis permanent.

SB 1266 – Sexting

CAA worked to amend this bill to reduce more harmful outcomes for teens. It passed the House and Senate and was signed by Governor Brewer.

As introduced, SB 1266 created a delinquency offense for teens using cell phones and computers to transmit explicit sexual material (also known as "sexting"). As passed, sexting sanctions vary from a petty offense (fine only) to a misdemeanor, depending on who sends, who receives and what a teen does when receiving such pictures. Teens could also be referred to a diversion program. Without this legislation, Arizona laws would have required much more serious criminal sanctions for convictions of sexting offenses. The final bill also included other protections for domestic violence victims.

| State Representative | District | HB 2010 | HB 2148 | HB 2250 | HB 2419 | HCR 2001 | SB 1009 | SB 1035 | SB 1043 | SB 1266 | 2010 Grade for Kids |
|----------------------------------|----------|---------|---------|---------|---------|----------|---------|---------|---------|---------|---------------------|
| Ed Ableser | 17 | ★ | ★ | ★ | ★ | ★ | ★ | NV | ★ | ★ | 100% |
| Kirk Adams | 19 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Frank Antenori (resigned 3/4/10) | 30 | ✕ | | | ✕ | ✕ | ✕ | ✕ | ✕ | ✕ | 0% |
| Cecil Ash | 18 | | ★ | | ★ | | ★ | ★ | ★ | ★ | 67% |
| Ray Barnes | 7 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Nancy Barto | 7 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Andy Biggs | 22 | | | | ★ | | ★ | ★ | | NV | 38% |
| Tom Boone | 4 | | | | ★ | | ★ | ★ | ★ | NV | 50% |
| David Bradley | 28 | ★ | NV | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Jack Brown | 5 | ★ | | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 89% |
| Judy Burges | 4 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Olivia Cajero Bedford | 27 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Chad Campbell | 14 | ★ | ★ | ★ | ★ | ★ | NV | ★ | ★ | ★ | 100% |
| Cloves Campbell, Jr. | 16 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | NV | 100% |
| Tom Chabin | 2 | ★ | NV | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Steve Court | 18 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Rich Crandall | 19 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Sam Crump (resigned 2/1/10) | 6 | ✕ | ✕ | | ✕ | ✕ | ✕ | ✕ | ✕ | ✕ | 0% |
| Christopher Deschene | 2 | ★ | ★ | ★ | ★ | ★ | ★ | NV | NV | ★ | 100% |
| Adam Driggs | 11 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Steve Farley | 28 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Patricia Fleming | 25 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Martha Garcia | 13 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Doris Goodale | 3 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| David Gowan | 30 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Matt Heinz | 29 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | | NV | 88% |
| Laurin Hendrix | 22 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Russell Jones | 24 | | | | ★ | | NV | ★ | ★ | ★ | 50% |
| John Kavanagh | 8 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Bill Konopnicki | 5 | | | | ★ | ★ | ★ | ★ | ★ | ★ | 67% |
| Debbie Lesko | 9 | | | | ★ | | ★ | ★ | | ★ | 44% |

★ = a vote for kids

NV = not voting or absent
does not count in % score

blank = no vote for kids

| State Representative | District | HB 2010 | HB 2148 | HB 2250 | HB 2419 | HCR 2001 | SB 1009 | SB 1035 | SB 1043 | SB 1266 | 2010 Grade for Kids |
|-------------------------------|----------|---------|---------|---------|---------|----------|---------|---------|---------|---------|---------------------|
| Phil Lopes | 27 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| David Lujan | 15 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Lucy Mason | 1 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| John McComish | 20 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Barbara McGuire | 23 | ★ | | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 89% |
| Nancy McLain | 3 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Eric Meyer | 11 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Robert Meza | 14 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Ben Miranda | 16 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Steve Montenegro | 12 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Rick Murphy | 9 | | | | ★ | | ★ | ★ | | ★ | 44% |
| Warde Nichols | 21 | | | | ★ | | ★ | NV | ★ | ★ | 50% |
| Lynne Pancrazi | 24 | ★ | ★ | ★ | NV | ★ | ★ | ★ | ★ | ★ | 100% |
| Daniel Patterson | 29 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Frank Pratt | 23 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Doug Quelland | 10 | ★ | | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 89% |
| Michele Reagan | 8 | | ★ | | ★ | | ★ | ★ | ★ | ★ | 67% |
| Amanda Reeve (seated 2/17/10) | 6 | | | ✕ | ★ | | ★ | ★ | ★ | ★ | 63% |
| David Schapira | 17 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Carl Seel | 6 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Kyrsten Sinema | 15 | ★ | NV | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| David Stevens | 25 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Andrew Tobin | 1 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Anna Tovar | 13 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Ted Vogt (seated 3/16/10) | 30 | ✕ | ✕ | ✕ | ★ | ✕ | ★ | ★ | ★ | ★ | 100% |
| Rae Waters | 20 | ★ | ★ | NV | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Jerry Weiers | 12 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Jim Weiers | 10 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Vic Williams | 26 | | | | ★ | ★ | NV | NV | ★ | ★ | 57% |
| Steven Yarbrough | 21 | | | | ★ | | ★ | ★ | ★ | ★ | 56% |
| Nancy Young Wright | 26 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |

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does not count in % score

blank = no vote for kids

| State Senator | District | HB 2010 | HB 2419 | HCR 2001 | SB 1009 | SB 1035 | SB 1043 | SB 1104 | SB 1266 | 2010 Grade for Kids |
|--------------------------------|----------|---------|---------|----------|---------|---------|---------|---------|---------|---------------------|
| Paula Aboud | 28 | ★ | ★ | ★ | ★ | NV | ★ | ★ | ★ | 100% |
| Amanda Aguirre | 24 | ★ | NV | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Carolyn Allen | 8 | NV | ★ | | ★ | NV | NV | ★ | NV | 75% |
| Sylvia Allen | 5 | | ★ | | ★ | ★ | | | ★ | 50% |
| Manny Alvarez | 25 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Frank Antenori (seated 3/4/10) | 30 | | ★ | | ★ | ★ | ★ | | ★ | 63% |
| David Braswell | 6 | | ★ | | ★ | ★ | | | ★ | 50% |
| Ed Bunch | 7 | | ★ | | ★ | ★ | ★ | | ★ | 63% |
| Robert "Bob" Burns | 9 | | ★ | | ★ | ★ | | | ★ | 50% |
| Meg Burton Cahill | 17 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Ken Chevront | 15 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Jorge Luis Garcia | 27 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Ron Gould | 3 | | ★ | | ★ | ★ | | | ★ | 50% |
| Chuck Gray | 19 | | ★ | | ★ | NV | NV | | NV | 40% |
| Linda Gray | 10 | | ★ | | ★ | ★ | ★ | | ★ | 63% |
| Albert Hale | 2 | ★ | NV | ★ | NV | ★ | ★ | ★ | ★ | 100% |
| Jack Harper | 4 | | ★ | | ★ | ★ | | | ★ | 50% |
| John Huppenthal | 20 | | ★ | | ★ | ★ | | | ★ | 50% |
| Leah Landrum Taylor | 16 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Barbara Leff | 11 | | ★ | | ★ | ★ | ★ | | NV | 57% |
| Linda Lopez | 29 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Debbie McCune Davis | 14 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Al Melvin | 26 | | ★ | | ★ | ★ | ★ | | ★ | 63% |
| Richard Miranda | 13 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| John Nelson | 12 | | ★ | | ★ | ★ | | NV | ★ | 57% |
| Russell Pearce | 18 | | ★ | | ★ | ★ | | | ★ | 50% |
| Steve Pierce | 1 | | ★ | | ★ | ★ | | | ★ | 50% |
| Rebecca Rios | 23 | ★ | ★ | ★ | ★ | ★ | ★ | ★ | ★ | 100% |
| Jay Tibshraeny | 21 | ★ | ★ | ★ | ★ | ★ | ★ | | ★ | 88% |
| Thayer Verschoor | 22 | | ★ | | ★ | ★ | | | ★ | 50% |

★ = a vote for kids

NV = not voting or absent
does not count in % score

blank = no vote for kids

THE STATE BUDGET

Due to a combination of the national economic crisis and past tax cuts, Arizona's state revenues have fallen from \$9 billion in Fiscal Year 2007 to an estimated \$6.2 billion this year, leaving enormous shortfalls in our state budget. Since January of 2009, Governor Brewer and legislators have voted on a series of budget cuts and policies that together shape our budget situation. To address the deficit, they have:

- cut spending on state services by \$2 billion
- swept \$1.2 billion from funds for special purposes
- borrowed \$2 billion
- delayed \$1.4 billion in payments
- asked voters to move \$500 million from First Things First early childhood services and from land preservation to the general fund, and
- asked voters whether they want to raise the state sales tax

Health, human services, and education have been cut by \$1.6 billion. Parents and children have been hit hard, with doors being shut to preschool and full-day kindergarten, KidsCare health coverage, child care assistance, mentoring for parents, treatment for youth in the juvenile justice system, behavioral health services, Child Protective Services, therapies for children with special needs and emergency food and shelter. The damage to Arizona's economy and children's health, education, and security will be severe as these budget cuts continue to phase in.

Unfortunately, our budget pain will continue. The legislative budget office projects that revenue collections will be lower than the amounts in the budgets that have already been adopted for both this fiscal year and next fiscal year. While the number of students in public schools and universities, the number of prisoners, and the number of people needing health care coverage are growing, it is likely that state revenues will not bounce back to 2007 levels for at least three more years.

Arizona needs leaders who will look down the road not only in terms of sustainable revenue to support the needs of the state, but also to how funding decisions made today will affect the future of Arizona and, in particular, its children and families.



UNFINISHED BUSINESS

Tax Reform

There was strong emotion and controversy this year over proposals to raise taxes and proposals to cut taxes. But there was no serious discussion of quality tax reform. Arizona's tax system has many weaknesses, including some areas that are far too complex, outdated, and out of line with other states. More than 20 years of steady tax cuts have resulted in Swiss-cheese tax policy for which we are now paying the price.

Over the years, workgroups and commissions and interest groups have presented a range of very solid recommendations for tax reform to make our tax system simpler, make revenues more stable and predictable, and match our tax policy with our economy and our common goals. Given the size of our deficit and the fact that we can't pay our bills, any tax reform package must include an overall increase in revenues or it will endanger the assets most important to Arizona families and businesses. The next legislature can take responsibility for building Arizona's future by addressing tax reform in a serious way.

(UNFINISHED BUSINESS continued on next page)

UNFINISHED BUSINESS (continued from page 7)

Unemployment Insurance Modernization

Legislation was introduced (HB 2712) that would have updated the method of determining eligibility for unemployment insurance (UI) benefits and also extend benefits to individuals who are in training for high-demand jobs. By adopting the changes in this bill, Arizona would receive \$150 million in federal funds to deposit into the state's unemployment trust fund. This federal funding is important because Arizona's UI trust fund was depleted in March due to the high unemployment rate. The state began borrowing funds from the federal Department of Labor to keep UI benefits flowing. The Department of Economic Security expects to borrow more than \$240 million this year. SB 1041 called for a special assessment on employers to begin repaying the federal loan and avoid future interest payments. Neither bill was adopted.

KidsCare

Although lawmakers restored KidsCare this session, they did not remove the enrollment freeze that has been in place since January 1st. With this freeze, more than 100 uninsured children will continue to be turned away from the health care they need every day. As of May 1, AHCCCS reports that 40,484 kids have already been frozen out of KidsCare and state officials project that with the freeze in place, enrollment in KidsCare will be cut in half by June of 2011. Opening enrollment will cost the state only \$11 million and bring large returns to our economy, health care system and families.

Child Care Subsidies

Child Care subsidies give qualified parents a voucher to choose the child care that works best for their families while they go to work. Since February 2009, all eligible low income working families who applied for child care assistance have been turned away due to budget cuts. More than 11,000 children have been turned away and the number of participating children has dropped from 29,000 in January 2009 to 16,000 in February 2010. If no state funding is allocated to open up the program to new applicants, Arizona will be violating federal requirements. We will lose federal funding and the vouchers. More parents will be forced to quit their jobs or leave their children in unstable and dangerous situations.

Juvenile Justice Reform

To reduce state spending, Governor Brewer proposed eliminating the Arizona Department of Juvenile Corrections (DJC) by July 2010. Her proposal would have shifted most all responsibility for juvenile justice to the counties – with no resources or planning. The legislature rejected this proposal, established a sunset date of July 2011, and created a Commission on Juvenile Corrections Reform to make recommendations in November 2010 for improvement based on best practices.



Children's Action Alliance (CAA) is a non-profit, non-partisan research, education and advocacy organization dedicated to promoting the well-being of Arizona's children and families.

2010 Board of Directors

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