

**The Voice Of Corporate Special Interests In
The Halls Of Arizona's Legislature**

UPDATED FOR THE FIFTY FIRST LEGISLATURE - April 2013



About this report

The lead author on this report was Nick Surgey, Director of Research at the Center for Media and Democracy, with contributions and editing from Lisa Graves, Executive Director at the Center for Media and Democracy. The report also relies upon the work of DBA Press, Progress Now, People For the American Way Foundation, Color of Change, and Common Cause, and upon the hard work and diligent research of many others.

For further information on ALEC, and their activities in Arizona and other states, go to www.alecexposed.org

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KEY FINDINGS

ALEC, the American Legislative Exchange Council, serves as a voice for corporate special interests in state legislatures across the country, including Arizona. Through ALEC, corporate lobbyists draft, vote on, lobby for, and secure passage of a wide array of ALEC-approved bills designed to promote corporate interests. Numerous ALEC legislators vote as equals with corporate lobbyists and special interest group representatives on ALEC “model” bills, during ALEC task force meetings held behind closed doors at fancy resorts, and then use their elective offices and leadership positions in statehouses to get the ALEC agenda made into binding state law.

Every member of the current 2013 Republican leadership, in both the Arizona state House and Senate, is identified as a current or recent ALEC member. Arizona consistently has one of the highest concentrations of ALEC legislators of any state in the United States – at least 49 of the 90 legislators in 2011-2012 were members of ALEC.ⁱ This report identifies 35 current legislators as known to be current or recent ALEC members. Following a high turnover election in 2012, in which 29 new legislators were elected, the actual number is likely much higher, but ALEC refuses to disclose to the public the names of the public officials that are “members.”

ALEC legislative members in Arizona have been secretly operating a corporate-funded ALEC “scholarship” fund, soliciting donations from lobbyists and business interests, and using the money to fund their trips to ALEC conferences. These events are often held at luxurious resorts, where legislators are wined, dined and treated to entertainment, including NRA-sponsored shooting events and *Reynolds Tobacco*-sponsored cigar parties. **Recipients of corporate-funded trips include Arizona’s ALEC state co-chair, Rep. Debbie Lesko, and seven out of eight of the members of the current Republican leadership from the Arizona House and Senate, including some who have taken multiple trips over the past six years.**

After decades of functioning in relative obscurity, ALEC has been stripped of its anonymity by the Center for Media and Democracy’s ALECexposed.org project, and through the work of Progress Now, People for the American Way, Color of Change, and Common Cause. These groups and others have helped shine a light on ALEC’s secretive manipulation of public policy. Since 2012, at least 44 corporations and six non-profits have renounced their ALEC membership, including Coca-Cola, Pepsi, Bank of America, and Arizona’s American Traffic Solutions and Arizona Public Service Company.ⁱⁱ Despite the public’s increasing awareness, ALEC is still working behind the scenes to implement its extreme and dangerous agenda, in Arizona and elsewhere this year.

Some of the ALEC “model” bills found in the 2013 Arizona legislature would:

- Defund Arizona’s public school system by expanding vouchers and charter schools
- Eliminate the collective bargaining rights of organized workers
- Change laws dealing with class action lawsuits so corporations and manufacturers can escape liability for injuring or killing Arizonans
- Change state laws to strip the power of organized workers and labor unions in negotiating contracts and make it harder for workers to fund their unions

- Move to eliminate Arizona's public retirement security system and require employees to opt into risky defined contribution plans
- Undermine reforms in the federal Affordable Care Act that would expand healthcare coverage to Arizonans
- Oppose legislation to limit gun violence and make it harder to protect against gun deaths

This report adds new findings to two previous reports about ALEC's influence in Arizona, released in November 2011 and April 2012. ALEC bills introduced in past Arizona legislative sessions, include the controversial SB 1070 immigration law, several voter suppression and voter ID bills, a prison privatization bill, and anti-environment bills that promote a polluters' agenda.ⁱⁱⁱ

WHAT IS ALEC?

ALEC, the American Legislative Exchange Council, is a one-stop shop for corporations looking to cultivate state legislators and get special-interest legislation introduced and passed. Founded in 1973 by Paul Weyrich and others from the far right who helped build a nationwide corporate political infrastructure following the re-election of Richard Nixon, ALEC serves as a key vehicle for special interests in state capitols across the country.

When legislators in multiple states introduce similar or identical bills to boost corporate power and profits, undermine workers' rights, limit corporate accountability for pollution or harm to Americans, privatize public education or restrict voting rights, the odds are good that such legislation was written by corporate lobbyists working through ALEC. Every year, ALEC legislators introduce 800 to 1,000 model bills in the 50 state legislatures, and ALEC has boasted that approximately 20% of its bills are enacted into law.^{iv}

ALEC's major funders have included Exxon Mobil, and some of the most ideological billionaires and millionaires in the country: the Scaife family, the Coors family, the Koch brothers, the Bradley family, the Olin family, and the DeVos family of the Amway fortune. Members of ALEC's corporate board (which it has tried to rebrand as a private sector "advisory council") represent major corporations such as Altria, AT&T, Reynolds American, Koch Industries' lobbying arm ("Koch Companies Public Sector"), Pfizer, Peabody Energy and State Farm Insurance. According to the Center for Media and Democracy, over 98% of ALEC's \$7 million in annual revenue comes from corporations, special interests, and sources other than legislative dues (which run \$50 per year for legislators).^v

By paying hefty dues and sponsorship fees, corporations are able to participate in ALEC conferences and seminars, where their lobbyists and executives vote as equals alongside the elected officials they are paid well to influence. ALEC task forces are comprised of two equal contingents: representatives of corporations and special interests, and elected representatives. Together they vote on "model legislation" that is often drafted by corporate lawyers. Each task force is co-chaired by both elected officials and "private sector" members.

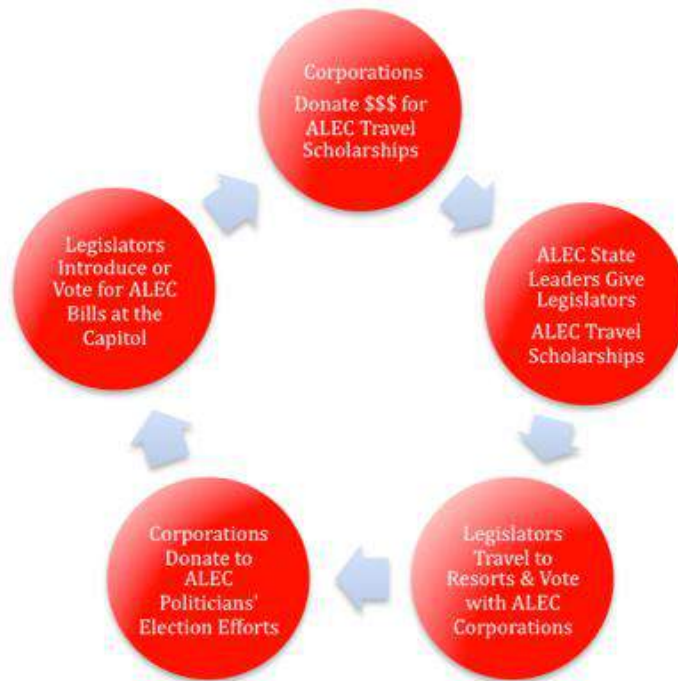
Furthermore, by giving monetary gifts to the ALEC "Scholarship Fund," many of these for-profit corporations enable numerous ALEC legislators to travel to ALEC conferences at lavish resorts where their spouses and kids can vacation alongside other legislators, lobbyists and their families.^{vi}

ALEC is more than a bill factory for corporate wish lists. ALEC's magazine states that members are "encouraged to contact ALEC's public affairs department for assistance with drafting press releases, booking radio and television appearances, building media lists, and participating in media training." They also provide "background research, talking points, sample press releases, and other media resources" related to their model legislation and resolutions.^{vii}

ALEC'S CORPORATE "SCHOLARSHIP" FUND IN ARIZONA

ALEC legislators in Arizona have been secretly operating an ALEC "scholarship" fund, soliciting undisclosed contributions from corporations, and using the money to pay for travel to ALEC conferences. Recent users of this corporate travel fund include seven of the current eight members of the Republican leadership, as well as ALEC Arizona state chair Rep. Debbie Lesko. Of the 35 current legislators identified as members of ALEC in this report, 31 (or 89%) received gifts from the "scholarship" fund between 2006 and 2011.

The Arizona scheme is part of a national network of ALEC state "scholarship" funds, which CMD estimated to have raised and spent at least \$4 million since 2006. The scheme was exposed in a recent report by the Center for Media and Democracy, DBA Press, and Common Cause: *Buying Influence: How the American Legislative Exchange Council Uses Corporate-Funded "Scholarships" to Send Lawmakers on Trips with Corporate Lobbyists*. The report details previously hidden payments and expenditures from the fund, listing all corporate contributions as well as the gifts received by legislators in Arizona in select recent years.

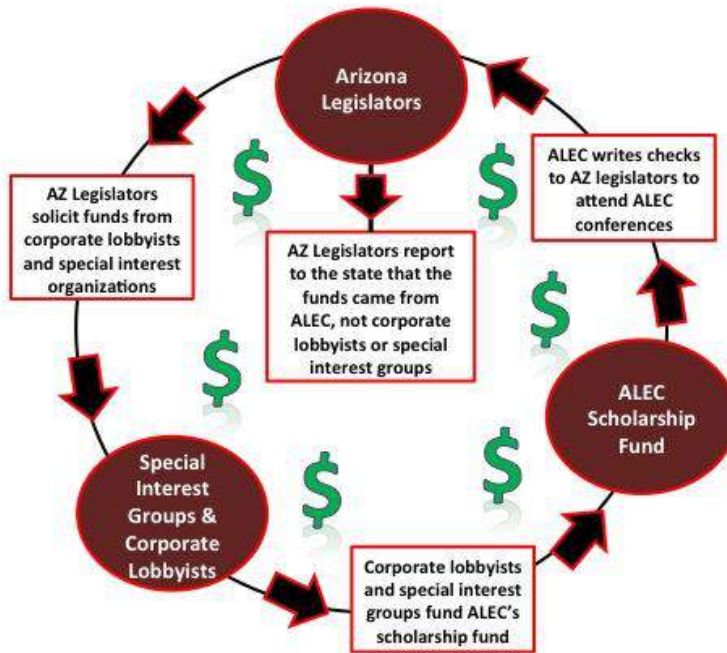


How the Corporate-Funded Travel for State Legislators Works

ALEC facilitates close partnerships between corporate lobbyists and legislators – a function mirrored in the operations of the state "scholarship" fund. ALEC Arizona legislative co-chair Rep. Lesko, and the Arizona corporate co-chair, the semi-private state utility called the *Salt River Project*, jointly solicited money from corporate lobbyists for the fund, which ranged in amounts from \$500 to \$11,000 between 2006 and 2011. Corporations, wishing to curry favor with legislators, make cash payments to the ALEC Arizona "scholarship" fund, which is then used to pay for legislators' ALEC travel expenses. This is consistent with the way an unusually candid ALEC conference advertisement describes ALEC: *"The format of the meetings provides the ideal climate for private sector-legislator communication."*^{viii}

ALEC'S CORPORATE "SCHOLARSHIP" FUND IN ARIZONA

How It Works



Corporate contributions to the fund, which are tax-deductible, are paid to ALEC and then the Arizona state co-chairs approve distributions of the money to legislators. While Arizona legislators must disclose gifts they receive over \$500, there is no requirement to disclose the original source of the “scholarship” funding – despite the active role legislators play in soliciting the money. The fund thus becomes a perfect conduit for hiding corporate lobbyist favors. For example, ALEC state co-chair, Rep. Lesko, who helped run the fund in 2010, received a total of \$3,989.32 in “scholarships” that year, but provided no detail in her disclosures as to the underlying source of the funds, which she actually helped solicit.^{ix}

NAME OF DONOR OF GIFTS OVER \$500	PUBLIC OFFICER OR MEMBER OF HOUSEHOLD – RECIPIENT
American Legislative Exchange Council	Debbie Lesko

The scheme shields the public from knowing who is trying to influence their elected officials, while ALEC legislators know precisely which corporations are writing the checks (see appendix). Indeed, materials obtained through public record requests reveal that Rep. Lesko encourages her colleagues to send thank you notes to the corporate lobbyists who give money to the fund. When asked by reporter Beau Hodai about contributors in 2010, then ALEC state co-chair Bob Burns replied, “I prefer not to do that. Maybe they don’t want that information shared.” The scheme appears designed to avoid just that disclosure, including to the very constituents a legislator is elected to represent.

In total, corporations between 2006 and 2011 paid at least \$170,943 to the fund, and at least \$204,470.84 was provided to legislators in the state. The total amount raised and spent in 2012 is not known. Despite attempts to keep this information under wraps, however, some of the details of the scheme have now been published in the *Buying Influence* report. The top corporate givers to the scheme in 2006-2011 included: Salt River Project (\$30,000), University of Phoenix (\$10,000), Freeport-McMoRan (\$12,000) and Apollo Group/Insight Schools (\$12,000). A detailed debit and credit sheet of known funds is included in the appendix.

What the Corporate Funding Buys, in addition to Enormous Influence

Summary of ALEC “scholarship” fund in Arizona 2006 – 2011*
 *Based on limited available data for 2011

	Corporate contributions	Gifts to legislators
2011	\$4,500.00*	\$11,750.00*
2010	\$93,640.00	\$92,294.16
2009	Unknown	\$20,509.10
2008	\$41,700.00	\$48,914.86
2007	\$19,500.00	\$27,338.52
2006	\$11,603.52	\$3,664.20
Total	\$170,943.52	\$204,470.84

Arizona legislators, who receive a base salary of \$24,000, can use the fund to pay their ALEC conference expenses, such as airline tickets, hotel rooms, conference fees, and some meals and drinks. Once they have arrived and unpacked, lawmakers are literally wined and dined by lobbyists, high-level corporate executives, and by representatives from special interest groups including *Americans for Prosperity* and the *Arizona Goldwater Institute*.

And it doesn’t end there. During the conferences, legislators also receive invitations to all-expenses paid corporate parties and events. Russell Smoldon, a lobbyist with Salt River Project, told reporter Beau Hodai in 2010: “We do a nice job with special events. We just kind of take it on ourselves, because I want things to be nice for these guys who make 24,000 dollars a year.”^{xi} Past events included a wine and cheese party by *Diageo*, cigar parties by *Reynolds Tobacco*, NRA-sponsored shooting events, and an exclusive party at an MLB game paid for by *Time Warner*.^{xii} Invitations frequently encourage legislators to bring their spouses along. None of this appears to be disclosed by Arizona legislators.

How Some States Have Responded to the Ethics Issues Raised by this Behavior

The states of Massachusetts, Minnesota, Nebraska and Utah have each acted to bar legislators from taking travel-related money from this type of corporate fund. Minnesota’s Campaign Finance and Public Disclosure Board, noting that corporations with lobbying interests were funding the “scholarships,” ruled: “the fact that the corporate money is passed through ALEC, a conduit for the gift, does not isolate the corporations from their status as givers.” In 1995, the Nebraska Accountability and Disclosure Commission issued an opinion on the scheme, which found lobbyists were using it to provide otherwise banned gifts of more than \$50 to lawmakers. In response, the Commission effectively killed the scheme.

An attempt to rein in the Arizona “scholarship” scheme was made in 2012 by Arizona State Rep. Steve Farley (D), who was elected to the state senate in 2012. He introduced the “ALEC Accountability Act of 2012” in the Arizona House. The bill would require legislators to itemize any gift of “lodging, travel, and registration fees” for themselves or a family member, to provide the name and address of the funder, and it would require that information to be made available online. The law would also have removed the current \$500 minimum reporting threshold. In the Republican controlled House, the bill failed and it was reportedly the only bill in the session to not receive a committee assignment, a symbol of the powerful hold ALEC has on the legislative leadership in the capitol in Phoenix.

Arizona Is One of the Biggest Users of the ALEC Corporate-Funded Trips

A full breakdown of the known ALEC corporate-funded gifts – in the form of trips -- to Arizona legislators, between 2006 and 2011, is included as the appendix of this report. Only one member of the current Republican leadership in the Arizona legislature, Senate President Andy Biggs, is not listed as participating in the scheme between 2006 and 2011 – although he was a member of ALEC’s Civil Justice Task Force in 2011/2012. However, CMD has helped document that ALEC’s task forces routinely provide travel funded by corporations on a task force; and the task force “scholarships” were not enumerated in the state scholarship report published by CMD/DBA/CC late last year.

Senator Biggs should be asked about who is actually underwriting any trips he has taken as part of his role in the ALEC task force to change the rules for injured Arizonans. His trips may have been paid for by task force scholarships rather than state scholarships, unless he paid his own way and was not ever reimbursed through the two corporate-funded trip schemes ALEC has created.

In all, seven Republicans with leadership posts in the Arizona statehouse, including current ALEC Arizona legislative chair Rep. Lesko, received a combined \$34,844 at least in gifts via the state scholarship during this period.

This amount is part of the total known spending on trips by Arizona elected officials from 2006-2011, which amounted to at least \$200K.

Known ALEC “scholarship” fund use by current Arizona Republican leadership 2006-2011
Speaker of the House Andy Tobin Received gifts from the fund amounting to \$1,145.60 in 2007, \$4,424.67 in 2010 and \$375.00 in 2011. In total: \$5,945.27
Majority Leader David M. Gowan Received gifts from the fund amounting to \$1,873.88 in 2009 and \$375.00 in 2010. In total: \$2,248.88
Speaker Pro Tempore Javan "J.D." Mesnard Received gifts from the fund amounting to \$39.40 in 2010 and \$375.00 in 2011. In total: \$414.40
Majority Whip Rick Gray Received gifts from the fund amounting to \$375.00 in 2011.
President Pro Tempore Sen. Gail Griffin Received gifts from the fund amounting to \$1,701.33 in 2010 and \$375.00 in 2011. In total: \$2,076.33
Majority Leader Sen. John P. McComish Received gifts from the fund amounting to \$1,279.02 in 2007, \$1,632.67 in 2008, \$1,794.74 in 2009, \$2,942.66 in 2010 and \$375.00 in 2011. In total: \$8,024.09
Majority Whip Sen. Adam Driggs Received gifts from the fund amounting to \$2,765.59 in 2007, \$1,673.32 in 2008, \$4,796.92 in 2010 and \$375.00 in 2011. In total: \$9,610.83
ALEC Arizona State Chair Rep. Debbie Lesko Received gifts from the fund amounting to \$1,785.44 in 2009, \$3,989.32 in 2010 and \$375.00 in 2011. In total: \$6,149.76
Total known to be received by current Republican leadership in years 2006-2011 = \$34,844.56.
The total to all Arizona legislators is at least \$204,470.84 during this period.

ALEC LEGISLATORS IN ARIZONA

In recent years, Arizona has consistently had one of the highest concentrations of ALEC legislators of any state in the United States. A September 2012 list of ALEC members, obtained through Arizona public record requests by the Center for Media and Democracy and Common Cause, identifies 35 current 2013 AZ legislators as members. These are listed on the following two pages of this report. Among the 90 members of the recently departed 2011-2012 Arizona Legislature (60 in the House and 30 in the Senate), 49 were documented as members of ALEC. Following a high turnover election in November, 13 ALEC members either retired or otherwise lost their seats. There were 26 freshman legislators in the AZ legislature this session, with three former members returning after a period away from the legislature. Plus, eight members moved between the Senate and the House.^{xiii} It is not yet known how many of the 29 new legislators have joined ALEC. As this information becomes available, it will be updated at www.alecexposed.org

The entire 2013 Republican leadership, in both the Arizona House and Senate, have been identified as members of ALEC. All of the ALEC members we have identified are Republicans, although ALEC describes itself as non-partisan or bipartisan. This is consistent with CMD's in-depth review in 2011, which found that of the 104 ALEC legislative leaders, 99% (103) were Republicans.^{xiv} Among Arizona Republican senators, 15 of 17 are known to have been part of ALEC, as are at least 20 of 36 Republicans from the House. The actual number is almost certainly much higher, but we do not yet know how many of the 29 freshman legislators have joined ALEC since the election and, although ALEC actively recruits legislators to join and get corporate-funded perks, it does not let the public know the names of all the elected officials who partake in its offerings.

This section of the report lists current legislators who have been verified as ALEC members. The side-by-side comparisons of ALEC model bills and actual legislation found later in this report list the legislative offices held by the bills' sponsors and co-sponsors at the time the bills were considered in the legislature.

ALEC MEMBERS IN THE ARIZONA HOUSE

Name	District	Known ALEC Task Force membership 2011/2012
Rep. Andy Tobin Speaker of the House	1	Commerce, Insurance and Economic Development
Rep. Karen Fann	1	None
Rep. Doris Goodale	5	Education
Rep. Brenda Barton	6	None
Rep. Frank Pratt	8	Public Safety and Elections
Rep. Steve M. Smith	11	Civil Justice
Rep. Eddie Farnsworth	12	None
Rep. David M. Gowan Majority Leader	14	Commerce, Insurance and Economic Development
Rep. David W. Stevens*	14	Commerce, Insurance and Economic Development
Rep. Javan "J.D." Mesnard Speaker Pro Tempore	17	Tax and Fiscal Policy
Rep. Thomas Forese	17	Communications and Technology
Rep. Bob Robson	18	Communications and Technology
Rep. Jeff Dial	18	Commerce, Insurance and Economic

		Development
Rep. Debbie Lesko	21	Commerce, Insurance and Economic Development
Rep. Rick Gray Majority Whip	21	None
Rep. John Kavanagh	23	Health and Human Services
Rep. Michelle Ugenti	23	None
Rep. Justin Pierce	25	Public Safety and Elections
Rep. Justin D. Olson	25	Education
Rep. Kate Brophy McGee	28	Civil Justice

*Listed as a member of ALEC task force in 2011. Current membership is not known. All other Representatives identified as ALEC member, in ALEC document dated September 2012, on file with the Center for Media and Democracy.

ALEC MEMBERS IN THE ARIZONA SENATE

Name	District	Known ALEC Task Force membership 2011/2012
Sen. Steve Pierce	1	Energy, Environment and Agriculture
Sen. Chester Crandell	6	Education
Sen. Andy Biggs* President	12	Civil Justice
Sen. Don Shooter	13	None
Sen. Gail Griffin President Pro Tempore	14	Civil Justice
Sen. Albert Anthony Melvin	11	Communications and Technology
Sen. Nancy Barto	15	Health and Human Services
Sen. Rich Crandall	16	None
Sen. Steven B. Yarbrough	17	Commerce, Insurance and Economic Development
Sen. John P. McComish Majority Leader	18	Tax and Fiscal Policy
Sen. Kimberly Yee	20	Tax and Fiscal Policy
Sen. Rick Murphy	21	International/Federal Relations
Sen. Judy M. Burges	22	None
Sen. Michele Reagan	23	Public Safety and Elections
Sen. Adam Driggs Majority Whip	28	Health and Human Services

*Listed as a member of ALEC task force in 2011. Current membership is not known. All other Senators identified as ALEC member, in ALEC document dated September 2012, on file with the Center for Media and Democracy.

AT HOME IN ARIZONA: ALEC CORPORATE MEMBERS

For decades, corporations have been using ALEC as a vehicle to get their bills introduced in Arizona. These corporations include major US brands and global corporations like Exxon Mobil, Pfizer and AT&T, which each have a seat on ALEC's corporate board. Below are the major corporations based in Arizona that are known to have been affiliated with ALEC in recent years:



Association of American Physicians & Surgeons

Alieta Eck, MD, President

Member of the ALEC Health and Human Services task force*

* Task Force membership is based on last known list, from July 2011.

Members: Approximately 3,000

The AAPS is an advocacy group for doctors who support the implementation of reactionary medical policies. They have a wide-ranging but extreme agenda, which has included opposition to federal healthcare reforms, abortion rights, over-the-counter contraceptives, LGBT rights, the FDA, Medicare, and Medicaid. Stephanie Mencimer of Mother Jones Magazine wrote of them in 2009: "despite the lab coats and the official-sounding name, the docs of the AAPS are hardly part of mainstream medical society. Think Glenn Beck with an MD."^{xv}

AAPS publishes the Journal of American Physicians and Surgeons, but it is not listed as a genuine scientific journal adhering to the ordinary norms of medical scholarship. Through this they promote ideological, unscientific, and often totally discredited positions, including claims that humans are not responsible for global warming, a purported link between the "gay male lifestyle" and a shorter lifespan, and a study claiming to link abortions with breast cancer. Through ALEC they are helping to write state legislation on healthcare.



Goldwater Institute

Thomas C. Patterson, Chairman

Member of the ALEC Tax and Fiscal Policy task force and the Energy, Environment and Agriculture task force, plus participation in other ALEC task forces.

Employees: Approximately 50 in Arizona

This Koch-funded think tank was established in 1988 and advocates for cutting government services and programs, limiting taxes even for the richest companies or individuals, and limiting regulations intended to protect Americans health and safety as well as precious natural resources. It consistently opposes fair or clean election reforms and protections for

the rights of workers, and it promotes bills that would redirect tax dollars from public schools to the profits of private education providers.

Goldwater regularly engages in litigation, including *NLRB v. State of Arizona* (challenging labor unions' use of a secret ballot), *Miller v. Arizona Corporation Commission* (challenging the Commission's right to make environmental policy) and *Arizona Advocacy Network Foundation v. Bennett* (arguing that Arizona's Clean Elections law is unconstitutional).

A reporter's guide to the bonuses, spending and other activities of the Goldwater Institute was written by the Center for Media and Democracy's Executive Director, Lisa Graves, and issued by CMD and Arizona Working Families in March. Amongst other things, the report exposes huge bonus payments to Goldwater lawyers, and up to \$1.9m in loans made to a private company led by Goldwater board member Norman McClelland. This detailed report is available here: <http://www.prwatch.org/news/2013/03/12021/reporters-guide-goldwater-institute>



Pinnacle West Capital Corporation

Donald E. Brandt, Chairman & CEO

Co-chair of the ALEC Energy, Environment and Agriculture task force.

Task Force membership is based on last known list, from July 2011.

Employees: 7,600

Pinnacle West Capital Corporation is the holding company that owns Arizona Public Services Company, the largest utility company in Arizona; it provides electricity to the northern and central parts of the state, including Phoenix. Roughly 40% of its energy comes from three nuclear reactors, a third from natural gas and a quarter from coal.



Salt River Project

David Rousseau, President

Member of ALEC's ALEC Energy, Environment and Agriculture task force

SRP is the ALEC Arizona Private Sector Chair

Employees: Approximately 4,400

SRP is two entities: the Salt River Project Agricultural Improvement and Power District, a political subdivision of the state of Arizona, provides electricity to Phoenix, and the Salt River Valley Water Users' Association, a private corporation, provides water throughout central Arizona.

ALEC IN ARIZONA - 2013 LEGISLATIVE SESSION

ALEC WORKING IN CONCERT WITH AFP, GOLDWATER INSTITUTE

An analysis of the 2013 legislative agenda of David Koch’s Americans for Prosperity, through its Arizona operation (AFP-AZ), and the Goldwater Institute’s [issues of focus and model legislation](#), show both organizations share a similar right-wing agenda with ALEC.

- At least six 2013 Arizona bills that share a similar intent to an ALEC model, are sponsored predominately by ALEC members, and are also listed in AFP-AZ’s 2013 legislative agenda. These bills deal with curbing workers’ union rights, expanding school vouchers, and imposing spending disclosure requirements for public entities (but not for the private entities benefiting from ALEC’s privatization agenda).
- Nearly all of the legislative issues that AFP-AZ states it will focus its attention on in 2013 have ALEC model-companion bills. These issues include blocking Medicaid expansion under the Affordable Care Act, passing what many call “paycheck deception” legislation, expanding school vouchers, eliminating pension and retirement guarantees, and advancing what it calls “transparency in collective bargaining” but which limits or silences workers’ voice in contract negotiations.
- Arizona’s HB 2588, which would set up a healthcare compact to undermine the federal Affordable Care Act, is a near carbon copy to an ALEC model and [a “model” bill produced by the Goldwater Institute](#).
- The Goldwater Institute’s “Issues” page shows that it opposes campaign finance regulations, supports union-busting “Right to Work” measures, supports school vouchers and expanding charter schools, and supports a constitutional convention under Article V of the U.S. Constitution to propose a balance budget amendment. Not surprisingly, all of these proposals have also been supported by David Koch’s Americans for Prosperity and the Koch-funded ALEC.

To further illustrate the connection between AFP, ALEC, and the Goldwater Institute’s agenda, the chart below documents the connections between [AFP-AZ’s 2013 legislative agenda](#), the ALEC model that it is related to, and the Goldwater Institute’s activities on the issue.

AFP-AZ Supported Issue	AFP-AZ’s Identified “Good” 2013 AZ Bills	ALEC’s Related Model(s)	Goldwater Institute’s Activity
Stopping the expansion of Medicaid under the Affordable Care Act	AFP-AZ states it opposes Gov. Jan Brewer’s decision to expand Medicaid	Freedom of Choice in Health Care Act; Resolution on Preserving States’ Rights Regarding Federal Health Insurance Exchanges and a Public Plan	In 2012, the Goldwater Institute produced a 30 second video opposing the establishment of a state health insurance exchange via the Affordable Care Act in Arizona. (It is unclear whether the video ran as an ad on TV or radio).
Paycheck	HB 2438, SB	Paycheck Protection	In April 2012, the

deception	1182, SB 1142, SB 1349, HB 2026	Act	Goldwater Institute released a report supporting what many others call “Paycheck Deception,” and Goldwater President Darcy Olsen wrote an op-ed in <i>The Arizona Republic</i> supporting the measure. The institute also created a “fact sheet” on the 2012 version of this bill in AZ, which AFP-AZ republished on its website .
Opposing union release time	HB 2343	Resolution on Release Time for Union Business	In 2013, the <i>Blog for Arizona</i> reported that the Goldwater Institute had drafted HB 2343. In 2012, the Goldwater Institute challenged the constitutionality of union ‘release time’ in court and released a report on union release time in 2011. The court later ruled in Goldwater’s favor. In 2012, the institute created a “fact sheet” on the union release time, which AFP-AZ republished on its website .
Truth in spending	HB 2285	Truth In Spending Act	In their annual legislative scorecard, the Goldwater Institute rated , in both 2011 and 2012 , an Arizona “truth in spending” bill. The institute asserted the bills would have a “positive impact.”
School vouchers & public education privatization	SB 1363, HB 2617, HB 2458, SB 1285	Education Enterprise Zone Act ; Parental Choice Scholarship Accountability Act ; Charter Schools Act ; Resolution Supporting Private Scholarship Tax Credits	Jonathan Butcher, Goldwater’s education director, wrote an article titled “Education Savings Accounts: The Next Frontier for School Choice” for the September/October 2011 issue of ALEC’s trade publication <i>Inside ALEC</i> . In both 2011 and 2012 , the Goldwater Institute

			rated several Arizona voucher and charter school bills, arguing the bills would have a positive impact in the state. The institute has also published many pro-public school privatization reports on its website.
Pension reform	HCR 2005, HB 2006, HB 2608	Public Employees' Portable Retirement Option (PRO) Act	The Goldwater Institute has published several reports calling for similar changes to Arizona's public pension system as ALEC's model and AFP's identified 2013 AZ bills.
"Transparency" in collective bargaining	HB 2330	Public Employee Bargaining Transparency Act	In January 2013 the Goldwater Institute published a report supporting HB 2330, calling the bill "terrific."
Regulatory and tort reform	HB 2322, HB 2321, HB 2319	Joint and Several Liability Act ; Product Liability Act ; Noneconomic Damage Awards Act	The Goldwater Institute, in past reports, including in 2004 and 2005 , have supported numerous measures that make it harder for Arizonans killed or injured by corporations, to hold companies fully accountable.

2013 ARIZONA LEGISLATION WITH ALEC DNA

(Arizona legislators listed in **RED** are known members of ALEC. Legislators listed in **ORANGE** have been documented to be members of ALEC in the past, but their current membership in the organization is not known.)

Eliminating a Public School through "Parent Trigger"

ALEC Model Legislation Parent Trigger Act	Arizona Legislation SB 1409
Summary: ALEC's Parent Trigger Act attempts to defund public schools and use taxpayer dollars for vouchers to subsidize private tuition. Arizona's own version of "Parent Trigger" (SB 1409) takes exact language from the ALEC	Sponsors: Sen. Rick Murphy (R) , Sen. Kelli Ward (R), Rep. Bob Thorpe (R), Sen. Judy Burges (R) , Rep. Mark Cardenas (D), Rep. Steve Montenegro (R), Rep. Rick Gray (R) , Rep. Steve Smith (R) , Rep. Adam Kwasman (R), Sen. Al Melvin (R) ,

ALEC Model Legislation Parent Trigger Act	Arizona Legislation SB 1409
model on the “restart model” section of the bill, which would allow parents to close a public school and convert it into a charter school ran by privatized firm. SB 1409 is also sponsored by at least five ALEC legislators.	Rep. Carl Seel (R) Status: No committee hearing
Section 5-A Restart model. A restart model is one in which an LEA converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that has been selected through a rigorous review process...(inset listed below).... A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.	Section A-2 IMPLEMENT THE RESTART MODEL, BY CONVERTING THE SCHOOL TO A CHARTER SCHOOL OR CLOSING AND REOPENING THE SCHOOL UNDER A CHARTER SCHOOL OPERATOR, A CHARTER MANAGEMENT ORGANIZATION OR AN EDUCATION MANAGEMENT ORGANIZATION THAT HAS BEEN SELECTED THROUGH A RIGOROUS REVIEW PROCESS. A SCHOOL THAT IMPLEMENTS A RESTART MODEL SHALL ENROLL, WITHIN THE GRADES IT SERVES, ANY FORMER PUPIL WHO WAS PREVIOUSLY ENROLLED AT THE SCHOOL AND WHO WISHES TO ATTEND THE NEW CHARTER SCHOOL.
Section 5-A A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides “whole-school operation” services to an LEA.	Section A-2.a "CHARTER MANAGEMENT ORGANIZATION" MEANS A NONPROFIT ORGANIZATION THAT OPERATES OR MANAGES CHARTER SCHOOLS BY CENTRALIZING OR SHARING CERTAIN FUNCTIONS AND RESOURCES AMONG SCHOOLS.

Blocking Implementation of Healthcare Reforms

ALEC Model Legislation Health Freedom Compact Act	Arizona Legislation HB 2588
Summary: ALEC’s “Health Freedom Compact Act” was presented and adopted at the 2011 meeting in Cincinnati, and Arizona’s HB 2588 is a near carbon copy of the ALEC model. Both bills set up a “healthcare compact” aimed at undermining the federal Affordable Card Act. The bill is also sponsored by at least six legislators who have a history in ALEC. In addition, the bill is also nearly identical to the Goldwater Institute’s “ Interstate Health Care Freedom Compact. ”	Sponsors: Rep. Carl Seel (R), Rep. John Allen (R), Rep. Doris Goodale (R), Rep. David Stevens (R), Rep. Adam Kwasman (R), Rep. Brenda Barton (R), Rep. Debbie Lesko (R), Rep. Bob Thorpe (R), Rep. Steve Smith (R), Rep. Karen Fann (R), Rep. Darin Mitchell (R) Status: House Second Read (2/13/2013). No committee hearing

<p style="text-align: center;">ALEC Model Legislation <u>Health Freedom Compact Act</u></p>	<p style="text-align: center;">Arizona Legislation <u>HB 2588</u></p>
<p>Section 2-B “Health care freedom laws” means any state law or constitutional amendment that protects and guarantees a resident’s freedom to pay or not to pay directly for lawful health care services and to participate or not to participate in health care plans and health care systems.</p>	<p>Article II-2 "HEALTH CARE FREEDOM LAWS" MEANS ANY STATE LAW OR CONSTITUTIONAL PROVISION THAT PROTECTS AND GUARANTEES A RESIDENT'S FREEDOM TO PAY OR NOT TO PAY DIRECTLY FOR LAWFUL HEALTH CARE SERVICES AND TO PARTICIPATE OR NOT TO PARTICIPATE IN HEALTH CARE PLANS AND HEALTH CARE SYSTEMS.</p>
<p>Section 2-D “Health care plan” means any legally binding arrangement under which at least one person or entity promises and undertakes, in exchange for consideration of a set or assessed amount of money, to make a payment to another party or a third party if a specified event occurs involving the provision of health care services.</p>	<p>Article II-3 "HEALTH CARE PLAN" MEANS ANY LEGALLY BINDING ARRANGEMENT UNDER WHICH AT LEAST ONE PERSON OR ENTITY PROMISES AND UNDERTAKES, IN EXCHANGE FOR CONSIDERATION OF A SET OR ASSESSED AMOUNT OF MONEY, TO MAKE A PAYMENT TO ANOTHER PARTY OR A THIRD PARTY IF A SPECIFIED EVENT OCCURS INVOLVING THE PROVISION OF HEALTH CARE SERVICES.</p>
<p>Section 2-E “Health care system” means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals in health care plans, or payment for, in full or in part, health care services or health care data or health care information for its participants.</p>	<p>Article II-4 "HEALTH CARE SYSTEM" MEANS ANY PUBLIC OR PRIVATE ENTITY WHOSE FUNCTION OR PURPOSE IS THE MANAGEMENT OF, PROCESSING OF, ENROLLMENT OF INDIVIDUALS IN HEALTH CARE PLANS OR PAYMENT FOR, IN FULL OR IN PART, HEALTH CARE SERVICES OR HEALTH CARE DATA OR HEALTH CARE INFORMATION FOR ITS PARTICIPANTS.</p>
<p>Section 2-F “Lawful health care services” means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation and that may be provided by persons or businesses otherwise permitted to offer such services.</p>	<p>Article II-5 "LAWFUL HEALTH CARE SERVICES" MEANS ANY HEALTH-RELATED SERVICE OR TREATMENT TO THE EXTENT THAT THE SERVICE OR TREATMENT IS PERMITTED OR NOT PROHIBITED BY LAW OR REGULATION AND THAT MAY BE PROVIDED BY PERSONS OR BUSINESSES OTHERWISE PERMITTED TO OFFER SUCH SERVICES.</p>
<p>Section 2-G “Pay directly” means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.</p>	<p>Article II-6 "PAY DIRECTLY" MEANS PAYMENT FOR LAWFUL HEALTH CARE SERVICES WITHOUT A PUBLIC OR PRIVATE THIRD PARTY, NOT INCLUDING AN EMPLOYER, PAYING FOR ANY PORTION OF THE SERVICE.</p>

<p align="center">ALEC Model Legislation <u>Health Freedom Compact Act</u></p>	<p align="center">Arizona Legislation <u>HB 2588</u></p>
<p>Section 2-I “State” means a state of the United States.</p>	<p>Article II-7 "STATE" MEANS A STATE OF THE UNITED STATES.</p>
<p>Section 3 Terms. Notwithstanding any state or federal law to the contrary:</p>	<p>Article III TERMS. NOTWITHSTANDING ANY STATE OR FEDERAL LAW TO THE CONTRARY:</p>
<p>Section 3-A Each party state shall give full faith and credit to the health care freedom criminal laws and health care freedom laws of every party state.</p>	<p>Article III-1 EACH PARTY STATE SHALL GIVE FULL FAITH AND CREDIT TO THE HEALTH CARE FREEDOM CRIMINAL LAWS AND HEALTH CARE FREEDOM LAWS OF EVERY PARTY STATE.</p>
<p>Section 3-B Governmental agents shall not deprive residents of party states of the rights and freedoms protected under their respective state’s health care freedom criminal laws and guaranteed by their respective state’s health care freedom laws.</p>	<p>Article III-2 A GOVERNMENTAL AGENT SHALL NOT DEPRIVE RESIDENTS OF PARTY STATES OF THE RIGHTS AND FREEDOMS PROTECTED UNDER THEIR RESPECTIVE STATE’S HEALTH CARE FREEDOM CRIMINAL LAWS AND GUARANTEED BY THEIR RESPECTIVE STATE’S HEALTH CARE FREEDOM LAWS.</p>
<p>Section 3-C Governmental agents shall not penalize residents of party states for exercising the rights and freedoms protected under their respective state’s health care freedom criminal laws and guaranteed by their respective state’s health care freedom laws.</p>	<p>Article III-3 GOVERNMENTAL AGENTS SHALL NOT PENALIZE RESIDENTS OF PARTY STATES FOR EXERCISING THE RIGHTS AND FREEDOMS PROTECTED UNDER THEIR RESPECTIVE STATE’S HEALTH CARE FREEDOM CRIMINAL LAWS AND GUARANTEED BY THEIR RESPECTIVE STATE’S HEALTH CARE FREEDOM LAWS.</p>
<p>Article 3-D The party states shall cooperate with each other and give each other mutual assistance in the prevention of crimes under the health care freedom criminal laws of any party state.</p>	<p>Article III-4 THE PARTY STATES SHALL COOPERATE WITH EACH OTHER AND GIVE EACH OTHER MUTUAL ASSISTANCE IN THE PREVENTION OF CRIMES UNDER THE HEALTH CARE FREEDOM CRIMINAL LAWS OF ANY PARTY STATE.</p>
<p>Article 3-E The party states shall cooperate with each other and give each other mutual assistance in the criminal prosecution of any person who violates the health care freedom criminal laws of any party state.</p>	<p>Article III-5 THE PARTY STATES SHALL COOPERATE WITH EACH OTHER AND GIVE EACH OTHER MUTUAL ASSISTANCE IN THE CRIMINAL PROSECUTION OF ANY PERSON WHO VIOLATES THE HEALTH CARE FREEDOM CRIMINAL LAWS OF ANY PARTY STATE.</p>
<p>Section 4 Enforcement. Notwithstanding any state or federal law to the contrary:</p>	<p>Article IV ENFORCEMENT. NOTWITHSTANDING ANY STATE OR FEDERAL LAW TO THE CONTRARY:</p>
<p>Section 4-A</p>	<p>Article IV-1</p>

<p align="center">ALEC Model Legislation <u>Health Freedom Compact Act</u></p>	<p align="center">Arizona Legislation <u>HB 2588</u></p>
<p>The chief law enforcement officer of each party state shall enforce this agreement and compact.</p>	<p>THE CHIEF LAW ENFORCEMENT OFFICER OF EACH PARTY STATE SHALL ENFORCE THIS AGREEMENT AND COMPACT.</p>
<p>Section 4-B A taxpaying resident of any party state has standing in the courts of any party state to require the chief law enforcement officer of any party state to enforce this agreement and compact.</p>	<p>Article IV-2 A TAXPAYING RESIDENT OF ANY PARTY STATE HAS STANDING IN THE COURTS OF ANY PARTY STATE TO REQUIRE THE CHIEF LAW ENFORCEMENT OFFICER OF ANY PARTY STATE TO ENFORCE THIS AGREEMENT AND COMPACT.</p>
<p>Section 5 Compact Administrator and Interchange of Information.</p>	<p>Article V COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION</p>
<p>Section 5-A The governor of each party state or the governor's designee is the compact administrator. The compact administrator shall:</p> <ol style="list-style-type: none"> 1. Maintain an accurate list of all party states. 2. Consistent with Paragraphs C and D, transmit in a timely fashion to other party states citations of all current health care freedom laws and current health care freedom criminal laws of the compact administrator's respective state. 3. Receive and maintain a complete list of the health care freedom laws and health care freedom criminal laws of each party state. 4. Formulate all necessary and proper procedures to effectuate this compact. 5. Delegate needed tasks to other state agencies. 	<p>Article V-A THE GOVERNOR OF EACH PARTY STATE OR THE GOVERNOR'S DESIGNEE IS THE COMPACT ADMINISTRATOR. THE COMPACT ADMINISTRATOR SHALL:</p> <ol style="list-style-type: none"> 1. MAINTAIN AN ACCURATE LIST OF ALL PARTY STATES. 2. CONSISTENT WITH SUBSECTIONS C AND D, TRANSMIT IN A TIMELY FASHION TO OTHER PARTY STATES CITATIONS OF ALL CURRENT HEALTH CARE FREEDOM LAWS AND CURRENT HEALTH CARE FREEDOM CRIMINAL LAWS OF THE COMPACT ADMINISTRATOR'S RESPECTIVE STATE. 3. RECEIVE AND MAINTAIN A COMPLETE LIST OF THE HEALTH CARE FREEDOM LAWS AND HEALTH CARE FREEDOM CRIMINAL LAWS OF EACH PARTY STATE. 4. FORMULATE ALL NECESSARY AND PROPER PROCEDURES TO EFFECTUATE THIS COMPACT. 5. DELEGATE NEEDED TASKS TO OTHER STATE AGENCIES.
<p>Section 5-B The compact administrator of each party state shall furnish to the compact administrator of each party state any information or documents that are reasonable necessary to facilitate the administration of this compact.</p>	<p>Article V-B THE COMPACT ADMINISTRATOR OF EACH PARTY STATE SHALL FURNISH TO THE COMPACT ADMINISTRATOR OF EACH PARTY STATE ANY INFORMATION OR DOCUMENTS THAT ARE REASONABLY NECESSARY TO FACILITATE THE ADMINISTRATION OF THIS COMPACT.</p>
<p>Section 5-C Within ten days after executing this agreement and compact, and thereafter on the close of each of their respective</p>	<p>Article V-C WITHIN TEN DAYS AFTER EXECUTING THIS AGREEMENT AND COMPACT, AND THEREAFTER ON THE CLOSE OF EACH</p>

<p style="text-align: center;">ALEC Model Legislation <u>Health Freedom Compact Act</u></p>	<p style="text-align: center;">Arizona Legislation <u>HB 2588</u></p>
<p>succeeding legislative sessions, the party state shall notify each other in writing and by appropriate citation of each of their current health care freedom laws, which shall be deemed within the subject matter of this agreement and compact, unless the compact administrator of one or more party states gives specific notice in writing to all other party states within sixty days of such notice that it objects to the inclusion of such law or laws in this agreement and compact.</p>	<p>OF THEIR RESPECTIVE SUCCEEDING LEGISLATIVE SESSIONS, THE PARTY STATES SHALL NOTIFY EACH OTHER IN WRITING AND BY APPROPRIATE CITATION OF EACH OF THEIR CURRENT HEALTH CARE FREEDOM LAWS, WHICH SHALL BE DEEMED WITHIN THE SUBJECT MATTER OF THIS AGREEMENT AND COMPACT, UNLESS THE COMPACT ADMINISTRATOR OF ONE OR MORE PARTY STATES GIVES SPECIFIC NOTICE IN WRITING TO ALL OTHER PARTY STATES WITHIN SIXTY DAYS OF SUCH NOTICE THAT IT OBJECTS TO THE INCLUSION OF SUCH LAW OR LAWS IN THIS AGREEMENT AND COMPACT.</p>
<p>Section 5-D Within ten days after executing this agreement and compact, and thereafter on the close of each of their respective succeeding legislative sessions, the party states shall notify each other in writing and by appropriate citation of each of their current health care freedom criminal laws, which shall be deemed within the subject matter of this agreement and compact, unless the compact administrator or one or more party states gives specific notice in writing to all other party states within sixty days of such notice that it objects to the inclusion of such law or laws in this agreement and compact.</p>	<p>Article V-D WITHIN TEN DAYS AFTER EXECUTING THIS AGREEMENT AND COMPACT, AND THEREAFTER ON THE CLOSE OF EACH OF THEIR RESPECTIVE SUCCEEDING LEGISLATIVE SESSIONS, THE PARTY STATES SHALL NOTIFY EACH OTHER IN WRITING AND BY APPROPRIATE CITATION OF EACH OF THEIR CURRENT HEALTH CARE FREEDOM CRIMINAL LAWS, WHICH SHALL BE DEEMED WITHIN THE SUBJECT MATTER OF THIS AGREEMENT AND COMPACT, UNLESS THE COMPACT ADMINISTRATOR OF ONE OR MORE PARTY STATES GIVES SPECIFIC NOTICE IN WRITING TO ALL OTHER PARTY STATES WITHIN SIXTY DAYS OF SUCH NOTICE THAT IT OBJECTS TO THE INCLUSION OF SUCH LAW OR LAWS IN THIS AGREEMENT AND COMPACT.</p>
<p>Section 6 Entry into Effect and Withdrawal.</p>	<p>Article VI ENTRY INTO EFFECT AND WITHDRAWAL</p>
<p>Section 6-A This compact is deemed accepted when at least two states deliver a notice of confirmation, which is duly executed by their respective authorized representative and which acknowledges complete agreement to the terms of this compact, to each other's governor, the Office of the Clerk of the United States House of Representatives, the Office of the Secretary of the United States Senate, the President of the United States Senate, and the Speaker of the United States House of</p>	<p>Article VI-A A. THIS COMPACT IS DEEMED ACCEPTED WHEN AT LEAST TWO STATES DELIVER A NOTICE OF CONFIRMATION, WHICH IS DULY EXECUTED BY THEIR RESPECTIVE AUTHORIZED REPRESENTATIVE AND WHICH ACKNOWLEDGES COMPLETE AGREEMENT TO THE TERMS OF THIS COMPACT, TO EACH OTHER'S GOVERNOR, THE OFFICE OF THE CLERK OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE OFFICE OF</p>

<p style="text-align: center;">ALEC Model Legislation <u>Health Freedom Compact Act</u></p>	<p style="text-align: center;">Arizona Legislation <u>HB 2588</u></p>
<p>Representatives. Thereafter, the compact is deemed accepted by any state when a respective notice of confirmation, which is duly executed by the state’s respective authorized representative and which acknowledges complete agreement to the terms of this compact, is delivered to each party state’s compact administrator, the Office of the Clerk of the United States House of Representatives, the Office of the Secretary of the United States Senate, the President of the United States Senate, and the Speaker of the United States House of Representatives.</p>	<p>THE SECRETARY OF THE UNITED STATES SENATE, THE PRESIDENT OF THE UNITED STATES SENATE AND THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES. THEREAFTER, THE COMPACT IS DEEMED ACCEPTED BY ANY STATE WHEN A RESPECTIVE NOTICE OF CONFIRMATION, WHICH IS DULY EXECUTED BY THE STATE’S RESPECTIVE AUTHORIZED REPRESENTATIVE AND WHICH ACKNOWLEDGES COMPLETE AGREEMENT TO THE TERMS OF THIS COMPACT, IS DELIVERED TO EACH PARTY STATE’S COMPACT ADMINISTRATOR, THE OFFICE OF THE CLERK OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE OFFICE OF THE SECRETARY OF THE UNITED STATES SENATE, THE PRESIDENT OF THE UNITED STATES SENATE AND THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES.</p>
<p>Section 4-B Four years after this compact first becomes effective, any party state may withdraw from this compact by enacting a joint resolution declaring such withdrawal and delivering notice of the withdrawal to each other party state. A withdrawal does not affect the validity or applicability of the compact to states remaining party to the compact.</p>	<p>Article VI-B FOUR YEARS AFTER THIS COMPACT FIRST BECOMES EFFECTIVE, ANY PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A JOINT RESOLUTION DECLARING SUCH WITHDRAWAL AND DELIVERING NOTICE OF THE WITHDRAWAL TO EACH OTHER PARTY STATE. A WITHDRAWAL DOES NOT AFFECT THE VALIDITY OR APPLICABILITY OF THE COMPACT TO STATES REMAINING PARTY TO THE COMPACT.</p>
<p>Section 7 Construction and Severability</p>	<p>Article VII CONSTRUCTION AND SEVERABILITY</p>
<p>Section 7-A This compact shall be liberally construed so as to effectuate its purposes.</p>	<p>Article VII-A THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE ITS PURPOSES.</p>
<p>Section 7-B The compact is not intended to:</p> <ol style="list-style-type: none"> 1. Affect which health care services a health care provider or hospital is required to perform or provide under state or federal law. 2. Affect which health care services are permitted by state or federal law. 	<p>Article VII-B THIS COMPACT IS NOT INTENDED TO:</p> <ol style="list-style-type: none"> 1. AFFECT WHICH HEALTH CARE SERVICES A HEALTH CARE PROVIDER OR HOSPITAL IS REQUIRED TO PERFORM OR PROVIDE UNDER STATE OR FEDERAL LAW. 2. AFFECT WHICH HEALTH CARE SERVICES ARE PERMITTED BY STATE OR FEDERAL LAW.

<p style="text-align: center;">ALEC Model Legislation Health Freedom Compact Act</p>	<p style="text-align: center;">Arizona Legislation HB 2588</p>
<p>Section 7-C This compact is intended to operate as the law of the nation with respect to the party states under 4 United States Code Section 112, to supersede any inconsistent state and federal law and to establish vested rights in favor of residents of the party states in the enjoyment of the rights and freedoms protected by their respective health care freedom criminal laws and guaranteed by their respective health care freedom laws.</p>	<p>Article VII-C THIS COMPACT IS INTENDED TO OPERATE AS THE LAW OF THE NATION WITH RESPECT TO THE PARTY STATES UNDER 4 UNITED STATES CODE SECTION 112, TO SUPERSEDE ANY INCONSISTENT STATE AND FEDERAL LAW AND TO ESTABLISH VESTED RIGHTS IN FAVOR OF RESIDENTS OF THE PARTY STATES IN THE ENJOYMENT OF THE RIGHTS AND FREEDOMS PROTECTED BY THEIR RESPECTIVE HEALTH CARE FREEDOM CRIMINAL LAWS AND GUARANTEED BY THEIR RESPECTIVE HEALTH CARE FREEDOM LAWS.</p>
<p>Section 7-D If any phrase, clause, sentence, or provision of this compact is declared in a final judgment by a court of competent jurisdiction to be contrary to the Constitution of the United States or is otherwise held invalid, the validity of the remainder of this compact shall not be affected.</p>	<p>Article VII-D IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS DECLARED IN A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE CONTRARY TO THE CONSTITUTION OF THE UNITED STATES OR IS OTHERWISE HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS COMPACT SHALL NOT BE AFFECTED.</p>
<p>Section 7-E If the applicability of any phrase, clause, sentence, or provision of this compact to any government, agency, person, or circumstance is declared in a final judgment by a court of competent jurisdiction to be contrary to the Constitution of the United States or is otherwise held invalid, the validity of the remainder of this compact and the applicability of the remainder of this compact to any government, agency, person, or circumstance shall not be affected.</p>	<p>Article VII-E IF THE APPLICABILITY OF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE IS DECLARED IN A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE CONTRARY TO THE CONSTITUTION OF THE UNITED STATES OR IS OTHERWISE HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY OF THE REMAINDER OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED.</p>
<p>Section 7-F If this compact is held to be contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the affected party state as to all severable matters.</p>	<p>Article VII-F IF THIS COMPACT IS HELD TO BE CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND EFFECT AS TO THE AFFECTED PARTY STATE AS TO ALL SEVERABLE</p>

ALEC Model Legislation Health Freedom Compact Act	Arizona Legislation HB 2588
	MATTERS.

Limiting Retirement Security for Public Workers

ALEC Model Legislation Public Employees' Portable Retirement Option (PRO) Act	Arizona Legislation HB 2653
Summary: Both HB 2653 and the ALEC model are a move to eliminate public pensions, and replacing them with defined contribution plans or 401(K)s. HB 2653 takes direct language from the ALEC model in the bill's definitions section.	Sponsors: Rep. Darin Mitchell (R), Rep. David Livingston (R), Rep. Carl Seel (R), Rep. Adam Kwasman (R), Rep. Steve Montenegro (R), Rep. Bob Thorpe (R), Rep. Debbie Lesko (R) , Rep. Warren Petersen (R) Status: No committee hearing
Section 3-I "Employer contribution" means an amount deposited into the member's individual account on a periodic basis coinciding with the employee's regular pay period by an employer from its own funds.	Section 38-798, Line 7 "EMPLOYER CONTRIBUTION" MEANS AN AMOUNT DEPOSITED IN A MEMBER'S INDIVIDUAL ANNUITY ACCOUNT ON A PERIODIC BASIS COINCIDING WITH THE EMPLOYEE'S REGULAR PAY PERIOD BY AN EMPLOYER FROM THE EMPLOYER'S OWN MONIES.
Section 3-D "Existing employer" means any public employer of a member of the existing retirement system.	Section 28-798, Line 8 "EXISTING EMPLOYER" MEANS ANY EMPLOYER WHO EMPLOYED OR EMPLOYS A MEMBER OF THE EXISTING RETIREMENT SYSTEM.
Section 3-H "Member contribution" means an amount reduced from the employee's regular pay, and deposited into the member's individual account within a defined contribution plan.	Section 28-798, Line 11 "MEMBER CONTRIBUTION" MEANS AN AMOUNT REDUCED FROM THE MEMBER'S REGULAR PAY AND DEPOSITED IN THE MEMBER'S INDIVIDUAL ANNUITY ACCOUNT IN THE DEFINED CONTRIBUTION SYSTEM.
Section 3-A "Retirement" means a member's withdrawal from the active employment of an employer and completion of all conditions precedent to retirement.	Section 28-798, Line 12 "RETIREMENT" MEANS A MEMBER'S WITHDRAWAL FROM THE ACTIVE EMPLOYMENT OF AN EMPLOYER AND COMPLETION OF ALL CONDITIONS PRECEDENT TO RETIREMENT.

Limiting Rights of Injured Arizonans through Restricting Class Actions

ALEC Model Legislation Class Actions Improvements Act	Arizona Legislation SB 1452
Summary: SB 1452 and the ALEC model	Sponsors: Sen. Kimberly Yee (R), Sen.

<p align="center">ALEC Model Legislation <u>Class Actions Improvements Act</u></p>	<p align="center">Arizona Legislation <u>SB 1452</u></p>
<p>would greatly limit class action lawsuits, a major vehicle for confronting a large corporation's widespread practices that cause injury or are discriminatory. Therefore, both bills would have the effect of protecting large manufacturers of goods and large service providers from liability. Most of SB 1452 is a direct copy of the ALEC model and at least ten of the bill's 13 sponsors are ALEC legislators.</p>	<p>Steve Pierce (R), Rep. Karen Fann (R), Sen. Al Melvin (R), Rep. Doris Goodale (R), Sen. Adam Driggs (R), Sen. Michele Reagan (R), Sen. Chester Crandell (R), Sen. Bob Worsley (R), Sen. John McComish (R), Sen. Kelli Ward (R), Sen. Gail Griffin (R), Rep. Heather Carter (R)</p> <p>Status: Bill failed 3/18/13, motion to reconsider passed 3/18/13</p>
<p>Section 2-A One or more members of a class of [name of state] residents may sue as representative parties on behalf of all members of the class only if</p> <ol style="list-style-type: none"> (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact as to which the court or jury could reasonably reach conclusions or findings applicable to all class members, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, (4) the representative parties will fairly and adequately protect the interests of the class, and (5) the class is defined so as to permit the identification of class members before any merits adjudications occur, and (6) non-residents may join in the class in case of a sudden accident or natural event culminating in an accident that results in death or injury incurred at a specific location. 	<p>Article 4, Section 12-1871</p> <p>A. ONE OR MORE MEMBERS OF A CLASS OF PERSONS WHO ARE RESIDENTS OF THIS STATE MAY SUE AS REPRESENTATIVE PARTIES ON BEHALF OF ALL MEMBERS OF THE CLASS IF ALL OF THE FOLLOWING APPLY:</p> <ol style="list-style-type: none"> 1. THE CLASS IS SO NUMEROUS THAT JOINDER OF ALL MEMBERS IS IMPRACTICABLE. 2. THERE ARE QUESTIONS OF LAW OR FACT AS TO WHICH THE COURT OR A JURY COULD REASONABLY REACH CONCLUSIONS OR FINDINGS THAT APPLY TO ALL CLASS MEMBERS. 3. THE CLAIMS OR DEFENSES OF THE REPRESENTATIVE PARTIES ARE TYPICAL OF THE CLAIMS OR DEFENSES OF THE CLASS. 4. THE REPRESENTATIVE PARTIES WILL FAIRLY AND ADEQUATELY PROTECT THE INTERESTS OF THE CLASS. 5. THE CLASS IS DEFINED SO AS TO PERMIT THE IDENTIFICATION OF CLASS MEMBERS BEFORE ANY ADJUDICATIONS ON THE MERITS OCCUR. <p>B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A NONRESIDENT OF THIS STATE MAY BECOME A MEMBER OF A CLASS IF THE CLAIMS OF THE CLASS ARISE FROM A SUDDEN ACCIDENT OR NATURAL EVENT THAT CULMINATES IN AN ACCIDENT THAT RESULTS IN A DEATH OR INJURY AT A SPECIFIC LOCATION.</p>
<p>Section 2-B An action may be maintained as a class action if the prerequisites of subdivision (a) are satisfied, and in addition:</p>	<p>Article 4, Section 12-1872.A AN ACTION MAY BE MAINTAINED AS A CLASS ACTION IF BOTH SECTION 12-1871 AND ANY OF THE FOLLOWING</p>

<p style="text-align: center;">ALEC Model Legislation <u>Class Actions Improvements Act</u></p>	<p style="text-align: center;">Arizona Legislation <u>SB 1452</u></p>
	<p>APPLY:</p>
<p>Section 2-B.1 (1) the prosecution of separate actions by or against individual members of the class would create a risk of (A) inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class, or (B) adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests; or</p>	<p>Article 4, Section 12-1872.A-1 1. THE PROSECUTION OF SEPARATE ACTIONS BY OR AGAINST INDIVIDUAL MEMBERS OF THE CLASS WOULD CREATE A RISK OF EITHER: (a) INCONSISTENT OR VARYING ADJUDICATIONS WITH RESPECT TO INDIVIDUAL MEMBERS OF THE CLASS THAT WOULD ESTABLISH INCOMPATIBLE STANDARDS OF CONDUCT FOR THE PARTY OPPOSING THE CLASS. (b) ADJUDICATIONS WITH RESPECT TO INDIVIDUAL MEMBERS OF THE CLASS THAT WOULD, AS A PRACTICAL MATTER, BE DISPOSITIVE OF THE INTERESTS OF THE OTHER MEMBERS WHO ARE NOT PARTIES TO THE ADJUDICATIONS OR WOULD SUBSTANTIALLY IMPAIR OR IMPEDE THEIR ABILITY TO PROTECT THEIR INTERESTS.</p>
<p>Section 2-B.2 (2) the party seeking to maintain the class action does not seek any monetary relief and the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or</p>	<p>Article 4, Section 12-1872.A-2 2. THE PARTY THAT SEEKS TO MAINTAIN THE CLASS ACTION DOES NOT SEEK ANY MONETARY RELIEF AND THE PARTY THAT OPPOSES THE CLASS HAS ACTED OR REFUSED TO ACT ON GROUNDS THAT ARE GENERALLY APPLICABLE TO THE CLASS, THEREBY MAKING APPROPRIATE FINAL INJUNCTIVE RELIEF OR CORRESPONDING DECLARATORY RELIEF WITH RESPECT TO THE CLASS AS A WHOLE.</p>
<p>Section 2-B.3 (3) the court finds (i) that the questions of law or fact as to which the court or jury could reasonably reach conclusions or findings applicable to all class members predominate over any questions affecting only individual members, (ii) that the evidence likely to be admitted at trial regarding the elements of the claims for which certification is sought and of the defenses thereto is substantially the same as to all class members, and (iii) that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The</p>	<p>Article 4, Section 12-1872.A-3 3. THE COURT FINDS THAT ALL OF THE FOLLOWING APPLY: (a) THE QUESTIONS OF LAW OR FACT AS TO WHICH THE COURT OR A JURY COULD REASONABLY REACH CONCLUSIONS OR FINDINGS THAT APPLY TO ALL CLASS MEMBERS PREDOMINATE OVER ANY QUESTIONS THAT AFFECT ONLY INDIVIDUAL MEMBERS. (b) THE EVIDENCE THAT IS LIKELY TO BE ADMITTED AT TRIAL REGARDING THE ELEMENTS OF THE CLAIMS FOR WHICH CERTIFICATION IS SOUGHT AND OF THE DEFENSES TO THE CLAIMS IS SUBSTANTIALLY THE SAME AS TO ALL</p>

<p style="text-align: center;">ALEC Model Legislation <u>Class Actions Improvements Act</u></p>	<p style="text-align: center;">Arizona Legislation <u>SB 1452</u></p>
<p>matters pertinent to the findings include: (A) the interest of members of the class in individually controlling the prosecution or defense of separate actions; (B) the extent, nature, and maturity of any litigation concerning the controversy already commenced by or against members of the class; (C) whether it is probable that the amount which may be recovered by individual class members will be large enough in relation to the expense and effort of administering the action to justify maintaining the case as a class action; (D) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; (E) the difficulties likely to be encountered in the management of a class action; and (F) the extent to which the allegations at issue are subject to the jurisdiction of federal or state regulatory agencies.</p>	<p>CLASS MEMBERS. (c) A CLASS ACTION IS SUPERIOR TO OTHER AVAILABLE METHODS FOR THE FAIR AND EFFICIENT ADJUDICATION OF THE CONTROVERSY. B. FOR THE PURPOSES OF SUBSECTION A, PARAGRAPH 3 OF THIS SECTION, MATTERS THAT ARE PERTINENT TO THE FINDINGS INCLUDE: 1. THE INTEREST OF MEMBERS OF THE CLASS IN INDIVIDUALLY CONTROLLING THE PROSECUTION OR DEFENSE OF SEPARATE ACTIONS. 2. THE EXTENT, NATURE AND MATURITY OF ANY LITIGATION CONCERNING THE CONTROVERSY ALREADY COMMENCED BY OR AGAINST MEMBERS OF THE CLASS. 3. WHETHER IT IS PROBABLE THAT THE AMOUNT THAT MAY BE RECOVERED BY INDIVIDUAL CLASS MEMBERS WILL BE LARGE ENOUGH IN RELATION TO THE EXPENSE AND EFFORT OF ADMINISTERING THE ACTION TO JUSTIFY MAINTAINING THE CASE AS A CLASS ACTION. 4. THE DESIRABILITY OR UNDESIRABILITY OF CONCENTRATING THE LITIGATION OF THE CLAIMS IN THE PARTICULAR FORUM. 5. THE DIFFICULTIES THAT ARE LIKELY TO BE ENCOUNTERED IN THE MANAGEMENT OF A CLASS ACTION. 6. THE EXTENT TO WHICH THE ALLEGATIONS AT ISSUE ARE SUBJECT TO THE JURISDICTION OF FEDERAL OR STATE REGULATORY AGENCIES.</p>
<p>Section 2-C.1 (1) When practicable after the commencement of an action brought as a class action, the court shall, after hearing, determine by order whether it is to be so maintained. An order under this subsection may be altered, amended, or withdrawn at any time before the decision on the merits</p>	<p>Article 4, Section 12-1873.A A. AFTER THE COMMENCEMENT OF AN ACTION THAT IS BROUGHT AS A CLASS ACTION AND AFTER A HEARING, THE COURT SHALL DETERMINE BY ORDER WHETHER THE ACTION IS TO BE MAINTAINED AS A CLASS ACTION. THE COURT MAY CONDITION, ALTER, AMEND OR WITHDRAW ITS ORDER AT ANY TIME BEFORE THE DECISION ON THE MERITS.</p>
<p>Section 2-C.2 (2) If the court finds that the action should be maintained as a class action, it shall certify the action accordingly on the basis of a written decision setting forth all</p>	<p>Article 4, Section 12-1873.B B. IF THE COURT FINDS THAT AN ACTION SHOULD BE MAINTAINED AS A CLASS ACTION, THE COURT SHALL CERTIFY THE ACTION IN WRITING,</p>

<p style="text-align: center;">ALEC Model Legislation <u>Class Actions Improvements Act</u></p>	<p style="text-align: center;">Arizona Legislation <u>SB 1452</u></p>
<p>reasons why the action may be so maintained and describing all evidence in support of the determination.</p>	<p>SHALL SET FORTH ITS REASONS AS TO WHY THE ACTION SHOULD BE MAINTAINED AS A CLASS ACTION AND SHALL DESCRIBE ALL EVIDENCE IN SUPPORT OF ITS DETERMINATION.</p>
<p>Section 2-C.3 (3) A court shall not certify that an action may be maintained as a class action unless, on the basis of a full record on the relevant issues, the proponents proffer clear and convincing evidence that the action complies with all requirements for such certification. Any doubt as to whether this burden has been met shall be resolved in favor of denying class certification. The court shall decertify a class action upon any showing that an action has ceased to satisfy the applicable prerequisites for maintaining the case as a class action.</p>	<p>Article 4, Section 12-1873.C C. THE COURT SHALL NOT CERTIFY AN ACTION AS A CLASS ACTION UNLESS, ON THE BASIS OF A FULL RECORD ON THE RELEVANT ISSUES, THE PROponents OFFER CLEAR AND CONVINCING EVIDENCE THAT THE ACTION COMPLIES WITH ALL THE REQUIREMENTS FOR CERTIFICATION. IF THE COURT DOUBTS WHETHER THIS BURDEN HAS BEEN MET, THE COURT SHALL DENY THE CLASS CERTIFICATION. THE COURT SHALL DECERTIFY A CLASS ACTION ON ANY SHOWING THAT AN ACTION HAS CEASED TO MEET THE APPLICABLE PREREQUISITES FOR MAINTAINING A CLASS ACTION UNDER SECTION 12-1871.</p>
<p>Section 2-C.4 (4) There shall be a rebuttable presumption against the maintenance of a class action as to claims for which class members would have to prove knowledge, reliance, or causation on an individual basis.</p>	<p>Article 4, Section 12-1873.D D. THERE IS A REBUTTABLE PRESUMPTION AGAINST THE MAINTENANCE OF A CLASS ACTION AS TO CLAIMS FOR WHICH CLASS MEMBERS WOULD HAVE TO PROVE KNOWLEDGE, RELIANCE OR CAUSATION ON AN INDIVIDUAL BASIS.</p>
<p>Section 2-C.5 (5) The determination that an action may be maintained as a class action shall not relieve any member of the class from the burden of proving all elements of the member's cause of action, including individual injury and the amount of damages.</p>	<p>Article 4, Section 12-1873.E E. A MEMBER OF A CLASS ACTION IS NOT RELIEVED FROM THE BURDEN OF PROVING ALL ELEMENTS OF THE MEMBER'S CAUSE OF ACTION, INCLUDING INDIVIDUAL INJURY AND THE AMOUNT OF DAMAGES.</p>
<p>Section 2-C.6 (6) In any class action maintained under subsection (b)(3), the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice shall include: (i) a general description of the action, including the relief sought, and the names of the representative parties; (ii) a statement of the right of a member of the class to be excluded from the action</p>	<p>Article 4, Section 12-1873.F F. IN ANY CLASS ACTION THAT IS MAINTAINED PURSUANT TO SECTION 12-1872, SUBSECTION A, PARAGRAPH 3, THE COURT SHALL DIRECT THE BEST NOTICE PRACTICABLE TO THE MEMBERS OF THE CLASS, INCLUDING INDIVIDUAL NOTICE TO ALL MEMBERS WHO CAN BE IDENTIFIED THROUGH REASONABLE EFFORT. THE NOTICE SHALL INCLUDE ALL OF THE FOLLOWING: 1. A GENERAL DESCRIPTION OF THE</p>

<p style="text-align: center;">ALEC Model Legislation <u>Class Actions Improvements Act</u></p>	<p style="text-align: center;">Arizona Legislation <u>SB 1452</u></p>
<p>by submitting an election to be excluded, including the manner and time for exercising the election;</p> <p>(iii) a description of possible financial consequences for the class;</p> <p>(iv) a general description of any counterclaim or notice of intent to assert a counterclaim by or against members of the class, including the relief sought;</p> <p>(v) a statement that the judgment, whether favorable or not, will bind members of the class who are not excluded from the action;</p> <p>(vi) a statement that any member of the class may intervene in the action and designate separate counsel;</p> <p>(vii) the address of counsel to whom members of the proposed class may direct inquiries; and</p> <p>(viii) other information that the court deems appropriate.</p>	<p>ACTION, INCLUDING THE RELIEF SOUGHT AND THE NAMES OF THE REPRESENTATIVE PARTIES.</p> <p>2. A STATEMENT OF THE RIGHT OF A MEMBER OF THE CLASS TO BE EXCLUDED FROM THE ACTION BY SUBMITTING AN ELECTION TO BE EXCLUDED, INCLUDING THE MANNER AND TIME FOR EXERCISING THE ELECTION.</p> <p>3. A DESCRIPTION OF POSSIBLE FINANCIAL CONSEQUENCES FOR THE CLASS.</p> <p>4. A GENERAL DESCRIPTION OF ANY COUNTERCLAIM OR NOTICE OF INTENT TO ASSERT A COUNTERCLAIM BY OR AGAINST MEMBERS OF THE CLASS, INCLUDING THE RELIEF SOUGHT.</p> <p>5. A STATEMENT THAT THE JUDGMENT, WHETHER FAVORABLE OR NOT, WILL BIND MEMBERS OF THE CLASS WHO ARE NOT EXCLUDED FROM THE ACTION.</p> <p>6. A STATEMENT THAT ANY MEMBER OF THE CLASS MAY INTERVENE IN THE ACTION AND DESIGNATE SEPARATE COUNSEL.</p> <p>7. THE ADDRESS OF COUNSEL TO WHOM MEMBERS OF THE PROPOSED CLASS MAY DIRECT INQUIRIES.</p> <p>8. ANY OTHER INFORMATION THAT THE COURT DEEMS APPROPRIATE.</p>
<p>Section 2-C.7</p> <p>(7) The plaintiff shall bear the expense of the notification required by the foregoing subsection. The court may require other parties to the litigation to cooperate in securing the names and addresses of the persons within the class for the purpose of providing individual notice, but any costs incurred by the party in providing such cooperation shall be paid initially by the party claiming the class action. Upon termination of the action, the court may allow as taxable costs all or part of the expenses incurred by the prevailing party.</p>	<p>Article 4, Section 12-1873.G</p> <p>G. THE PLAINTIFF SHALL BEAR THE EXPENSE OF THE NOTIFICATION THAT IS REQUIRED BY SUBSECTION F OF THIS SECTION. THE COURT MAY REQUIRE OTHER PARTIES TO THE LITIGATION TO COOPERATE IN SECURING THE NAMES AND ADDRESSES OF THE PERSONS WITHIN THE CLASS FOR THE PURPOSE OF PROVIDING INDIVIDUAL NOTICE, BUT ANY COSTS INCURRED BY THE PARTY IN PROVIDING THIS COOPERATION SHALL BE PAID INITIALLY BY THE PARTY CLAIMING THE CLASS ACTION. ON TERMINATION OF THE ACTION, THE COURT MAY ALLOW AS TAXABLE COSTS ALL OR PART OF THE EXPENSES THAT ARE INCURRED BY THE PREVAILING PARTY.</p>

<p style="text-align: center;">ALEC Model Legislation <u>Class Actions Improvements Act</u></p>	<p style="text-align: center;">Arizona Legislation <u>SB 1452</u></p>
<p>Section 2-C.8 (8) The judgment in an action maintained as a class action under subsections (b)(1) or (b)(2), whether or not favorable to the class, shall include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action under subdivision (b)(3), whether or not favorable to the class, shall include and specify or describe those to whom the notice provided in subsection (c)(2) was directed, and who have not requested exclusion, and whom the court finds to be members of the class.</p>	<p>Article 4, Section 12-1873.H H. WHETHER OR NOT FAVORABLE TO THE CLASS, THE JUDGMENT IN AN ACTION THAT IS MAINTAINED AS A CLASS ACTION UNDER SECTION 12-1872, SUBSECTION A, PARAGRAPH 1 OR 2 SHALL INCLUDE AND DESCRIBE THOSE WHOM THE COURT FINDS TO BE MEMBERS OF THE CLASS. WHETHER OR NOT FAVORABLE TO THE CLASS, THE JUDGMENT IN AN ACTION THAT IS MAINTAINED AS A CLASS ACTION UNDER SECTION 12-1872, SUBSECTION A, PARAGRAPH 3 SHALL INCLUDE AND SPECIFY OR DESCRIBE THOSE TO WHOM THE NOTICE PROVIDED IN SUBSECTION F OF THIS SECTION WAS DIRECTED AND WHO HAVE NOT REQUESTED EXCLUSION AND WHOM THE COURT FINDS TO BE MEMBERS OF THE CLASS.</p>
<p>Section 2-C.9 (9) When appropriate, a class may be divided into subclasses and each subclass treated as a class, and the provisions of this rule shall then be construed and applied accordingly.</p>	<p>Article 4, Section 12-1873.I I. IF APPROPRIATE, THE COURT MAY DO EITHER OF THE FOLLOWING: 1. ALLOW AN ACTION TO BE MAINTAINED AS A CLASS ACTION FOR A PARTICULAR ISSUE. 2. DIVIDE A CLASS INTO SUBCLASSES AND EACH SUBCLASS SHALL BE TREATED AS A CLASS.</p>
<p>Section 2-E In the conduct of actions to which this [section/rule] applies, the court may make appropriate orders: (1) determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument; (2) requiring, for the protection of members of the class or otherwise for the fair conduct of the action, that notice be given in such manner as the court may direct to some or all of the members of any step in the action, or of the proposed entry of judgment, or of the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present claims and defenses, or otherwise to come into the action; (3) imposing conditions on the representative parties or on intervenors; (4) requiring that the pleadings be</p>	<p>Article 4, Section 12-1874 IN THE CONDUCT OF CLASS ACTIONS, THE COURT MAY MAKE ORDERS THAT: 1. DETERMINE THE COURSE OF THE PROCEEDINGS OR THAT PRESCRIBE MEASURES TO PREVENT UNDUE REPETITION OR COMPLICATION IN THE PRESENTATION OF EVIDENCE OR ARGUMENT. 2. FOR THE PROTECTION OF THE CLASS MEMBERS OR FOR THE FAIR CONDUCT OF THE ACTION, REQUIRE THAT NOTICE BE GIVEN IN ANY MANNER THE COURT DIRECTS TO SOME OR ALL OF THE MEMBERS OF ANY STEP IN THE ACTION, OF THE PROPOSED ENTRY OF JUDGMENT OR OF THE OPPORTUNITY OF MEMBERS TO SIGNIFY WHETHER THEY CONSIDER THE REPRESENTATION TO BE FAIR AND ADEQUATE, TO INTERVENE AND PRESENT CLAIMS AND DEFENSES OR OTHERWISE TO COME INTO THE</p>

<p style="text-align: center;">ALEC Model Legislation <u>Class Actions Improvements Act</u></p>	<p style="text-align: center;">Arizona Legislation <u>SB 1452</u></p>
<p>amended to eliminate therefrom allegations as to representation of absent persons, and that the action proceed accordingly; (5) dealing with similar procedural matters.</p>	<p>ACTION. 3. IMPOSE CONDITIONS ON THE REPRESENTATIVE PARTIES OR ON INTERVENORS. 4. REQUIRE THAT THE PLEADINGS BE AMENDED TO ELIMINATE ALLEGATIONS AS TO REPRESENTATION OF ABSENT PERSONS AND THAT THE ACTION PROCEED ACCORDINGLY. 5. DEAL WITH SIMILAR PROCEDURAL MATTERS. 6. COMBINE WITH ANY OTHER APPROPRIATE PRETRIAL ORDER</p>
<p>Section 2-F (1) A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs. (2) Before approving the dismissal or a compromise of an action that the court has determined may be maintained as a class action, the court shall hold a hearing to determine whether the terms of the proposed dismissal or compromise are fair, reasonable and adequate for the class. At such hearing, all parties to the action, including members of the class, shall be permitted an opportunity to be heard as the court may direct.</p>	<p>Article 4, Section 12-1875 A. A CLASS ACTION SHALL NOT BE DISMISSED OR COMPROMISED WITHOUT THE APPROVAL OF THE COURT. B. THE COURT SHALL DIRECT THE MANNER IN WHICH NOTICE OF THE PROPOSED DISMISSAL OR COMPROMISE SHALL BE GIVEN TO ALL CLASS MEMBERS. C. BEFORE APPROVING THE DISMISSAL OR COMPROMISE OF A CLASS ACTION, THE COURT SHALL HOLD A HEARING TO DETERMINE IF THE TERMS OF THE PROPOSED DISMISSAL OR COMPROMISE ARE FAIR, REASONABLE AND ADEQUATE FOR THE CLASS. THE COURT SHALL PERMIT ALL PARTIES TO THE ACTION, INCLUDING MEMBERS OF THE CLASS, THE OPPORTUNITY TO BE HEARD.</p>
<p>Section 2-G Representative parties and intervenors are subject to discovery in the same manner as parties in other civil actions. Other class members are subject to discovery in the same manner as persons who are not parties, but may be required by the court to submit to discovery procedures applicable to the representative parties and intervenors.</p>	<p>Article 4, Section 12-1876 A. REPRESENTATIVE PARTIES AND INTERVENORS ARE SUBJECT TO DISCOVERY IN THE SAME MANNER AS PARTIES IN OTHER CIVIL ACTIONS. B. OTHER CLASS MEMBERS ARE SUBJECT TO DISCOVERY IN THE SAME MANNER AS PERSONS WHO ARE NOT PARTIES BUT THE COURT MAY REQUIRE THESE MEMBERS TO SUBMIT TO DISCOVERY PROCEDURES THAT ARE APPLICABLE TO THE REPRESENTATIVE PARTIES AND INTERVENORS.</p>

Supporting the Second Amendment

ALEC Model Legislation Resolution on the Second Amendment to the U.S. Constitution	Arizona Legislation SCR 1015
<p>Summary: Both Arizona’s SCR 1015 and the ALEC model are resolutions reaffirming that state’s support for the NRA’s analysis of the Second Amendment. SCR 1015 takes exact statements out of ALEC’s model resolution supporting guns, and of its nine sponsors, at least eight have a history of ALEC membership.</p> <p>For more details on the ALEC/NRA agenda in Arizona, see: http://www.prwatch.org/news/2013/01/11937/nra-and-koch-backed-alec-have-fought-gun-buyback-programs-across-country</p>	<p>Sponsors: Sen. Gail Griffin (R), Sen. Nancy Barto (R), Sen. Judy Burges (R), Sen. Rick Murphy (R), Rep. Karen Fann (R), Sen. Don Shooter (R), Rep. David Gowan (R), Sen. Kelli Ward (R), Rep. David Stevens (R)</p> <p>Status: Passed Senate 2/18/13 --passed House Committee 3/6/13</p>
<p>WHEREAS it is estimated that more than 70 million individuals, representing more than half of the households in America, have chosen to exercise that right; and</p>	<p>Whereas, it is estimated that more than 70 million people, representing more than half of the households in America, have chosen to lawfully exercise the right to bear arms and defend themselves and their families; and</p>
<p>WHEREAS more than 99.8 percent of all lawfully-owned firearms in America will not be used in crime in any given year; and</p>	<p>Whereas, the vast majority of all lawfully owned firearms in America are not used in crimes; and</p>

Limiting Budget Flexibility

ALEC Model Legislation The Balanced Budget Amendment Resolution	Arizona Legislation HCR 2022
<p>Summary: HCR 2022 copies language out of the ALEC model to call for a constitutional convention under Article V of the U.S. Constitution to propose a balanced budget amendment to the constitution.</p>	<p>Sponsors: Rep. Bob Thorpe (R), Rep. Karen Fann (R), Rep. David Livingston (R), Rep. Steve Smith (R), Rep. David Gowan (R), Rep. Ethan Orr (R), Rep. Brenda Barton (R), Rep. Adam Kwasman (R)</p> <p>Status: No committee hearing</p>
<p>BE IT FURTHER RESOLVED, effective [insert date] that pursuant to Article V of the Constitution of the United States, the legislature of the state makes application to the Congress of the United States of America to call a convention for the specific and exclusive purpose of</p>	<p>That, pursuant to article V of the Constitution of the United States, the Legislature of the State of Arizona formally applies to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States</p>

<p style="text-align: center;">ALEC Model Legislation <u>The Balanced Budget Amendment Resolution</u></p>	<p style="text-align: center;">Arizona Legislation <u>HCR 2022</u></p>
<p>proposing an amendment to the Constitution of the United States, for submission to the states for ratification, requiring, with certain exceptions, that for each fiscal year the president of the United States submit and the Congress of the United States adopt a balanced federal budget.</p>	<p>requiring that in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year, together with any related and appropriate fiscal restraints.</p>
<p>BE IT FURTHER RESOLVED, that this application by this legislature constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the Legislatures of the several states have made application for a similar convention pursuant to Article V or the Congress has proposed an amendment to the Constitution of the United States similar in subject matter to that contained in this Joint Resolution.</p>	<p>That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application on the same subject, and supersedes all previous applications by this Legislature on the same subject.</p>
<p>BE IT FURTHER RESOLVED, that certified copies of this Joint Resolution be transmitted by the Secretary of State to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of this state's delegation to the Congress and to the presiding officer of each house of each state legislature in the United States.</p>	<p>That the Secretary of State of the State of Arizona transmit a copy of this Resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, each Member of Congress from the State of Arizona and the presiding officers of each house of the several state legislatures.</p>

Limiting Union Release Time

<p style="text-align: center;">ALEC Model Legislation <u>Prohibition on Paid Union Activity (Release Time) by Public Employees Act</u></p>	<p style="text-align: center;">Arizona Legislation <u>SB 1348</u></p>
<p>Summary: This ALEC model was presented at <u>the Spring 2012 Commerce, Insurance, and Economic Development Task Force Summit</u> in Charlotte, North Carolina, by the Goldwater Institute's Byron Schломach. ALEC's model and Arizona's SB 1348, which are near carbon-copies of each other, would prohibit union release time for public employees. SB 1348 is sponsored by at least ten legislators who are current ALEC members or have a history in ALEC.</p>	<p>Sponsors: Sen. Rick Murphy (R), Rep. Carl Seel (R), Sen. Andy Biggs (R), Sen. Kelli Ward (R), Rep. David Stevens (R), Sen. Judy Burges (R), Rep. Steve Smith (R), Sen. Gail Griffin (R), Sen. Steve Yarbrough (R), Rep. Bob Thorpe (R), Rep. Adam Kwasman (R), Sen. Nancy Barto (R), Sen. Don Shooter (R), Rep. Rick Gray (R)</p> <p>Status: Passed Senate committee 2/18/13 Senate Caucus 3/19/13 ready for floor debate</p>

<p align="center">ALEC Model Legislation <u>Prohibition on Paid Union Activity</u> <u>(Release Time) by Public Employees Act</u></p>	<p align="center">Arizona Legislation <u>SB 1348</u></p>
<p>Section 1</p> <p>(A) “Employment bargain” means any formal or informal employment contract, agreement or understanding regarding the wages, benefits or terms and conditions of employment of any public employee.</p> <p>(B) “Public employee” means any individual who is employed by a public employer.</p> <p>(C) “Public employer” means any branch, department, division, office, agency or political subdivision of this state that has employees.</p> <p>(D) “Union” means any association or organization, incorporated or unincorporated, that primarily exists to represent the interests of member employees in wages, benefits and terms and conditions of employment.</p> <p>(E) “Union activities” means activities that are performed by a union, union members or representatives that relate to advocating the interests of member employees in wages, benefits, terms and conditions of employment or the enforcement, fulfillment or advancement of the union’s organizational purposes, obligations, external relations or internal policies and procedures.</p>	<p>Section 23-1421: Definitions</p> <p>1. "EMPLOYMENT BARGAIN" MEANS ANY FORMAL OR INFORMAL EMPLOYMENT CONTRACT, AGREEMENT OR UNDERSTANDING REGARDING THE WAGES, BENEFITS OR TERMS AND CONDITIONS OF EMPLOYMENT OF ANY PUBLIC EMPLOYEE.</p> <p>2. "PUBLIC EMPLOYEE" MEANS ANY INDIVIDUAL WHO IS EMPLOYED BY A PUBLIC EMPLOYER.</p> <p>3. "PUBLIC EMPLOYER" MEANS ANY BRANCH, DEPARTMENT, DIVISION, OFFICE, AGENCY OR POLITICAL SUBDIVISION OF THIS STATE THAT HAS EMPLOYEES.</p> <p>4. "UNION" MEANS ANY ASSOCIATION OR ORGANIZATION, INCORPORATED OR UNINCORPORATED, THAT PRIMARILY EXISTS TO REPRESENT THE INTERESTS OF MEMBER EMPLOYEES IN WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT.</p> <p>5. "UNION ACTIVITIES" MEANS ACTIVITIES THAT ARE PERFORMED BY A UNION, UNION MEMBERS OR REPRESENTATIVES THAT RELATE TO ADVOCATING THE INTERESTS OF MEMBER EMPLOYEES IN WAGES, BENEFITS, TERMS AND CONDITIONS OF EMPLOYMENT OR THE ENFORCEMENT, FULFILLMENT OR ADVANCEMENT OF THE UNION'S ORGANIZATIONAL PURPOSES, OBLIGATIONS, EXTERNAL RELATIONS OR INTERNAL POLICIES AND PROCEDURES.</p>
<p>Section 2-A</p> <p>A public employer shall not enter into any employment bargain with any public employee or union to compensate any public employee or third party for union activities. Any employment bargain that includes compensation to public employees or third parties for union activities is declared to be against the public policy of this state and is void.</p>	<p>Section 23-1422-A</p> <p>A PUBLIC EMPLOYER SHALL NOT ENTER INTO ANY EMPLOYMENT BARGAIN WITH ANY PUBLIC EMPLOYEE OR UNION TO COMPENSATE ANY PUBLIC EMPLOYEE OR THIRD PARTY FOR UNION ACTIVITIES. ANY EMPLOYMENT BARGAIN THAT INCLUDES COMPENSATION TO PUBLIC EMPLOYEES OR THIRD PARTIES FOR UNION ACTIVITIES IS DECLARED TO BE AGAINST THE PUBLIC POLICY OF THIS STATE AND IS VOID.</p>
<p>Section 2-B & C</p> <p>(B) This section does not prohibit a public employee from receiving compensated</p>	<p>Section 23-1422-B</p> <p>THIS SECTION DOES NOT:</p> <p>1. PROHIBIT A PUBLIC EMPLOYEE</p>

<p align="center">ALEC Model Legislation <u>Prohibition on Paid Union Activity</u> <u>(Release Time) by Public Employees Act</u></p>	<p align="center">Arizona Legislation <u>SB 1348</u></p>
<p>leave time for any personal purpose, provided that such compensated leave time is not knowingly taken or given to compensate for union activities.</p> <p>(C) This section does not apply to any existing non-executory contracts in effect before the effective date of this section but an existing contract shall not be renewed if the contract has any terms that conflict with this section.</p>	<p>FROM RECEIVING COMPENSATED LEAVE TIME FOR ANY PERSONAL PURPOSE.</p> <p>2. PROHIBIT A LAW ENFORCEMENT OFFICER, AS DEFINED IN SECTION 38-1101, FROM ENGAGING IN ACTIVITIES ON BEHALF OF A UNION, INCLUDING REPRESENTATION OF OTHER LAW ENFORCEMENT OFFICERS PURSUANT TO TITLE 38, CHAPTER 8, EXCEPT THAT A LAW ENFORCEMENT OFFICER SHALL NOT BE COMPENSATED BY A PUBLIC EMPLOYER FOR ACTIVITIES RELATED TO UNION MEMBER RECRUITMENT OR PARTICIPATION IN CONVENTIONS THAT ARE ORGANIZED BY A UNION.</p> <p>3. APPLY TO ANY EXISTING NON- EXECUTORY CONTRACTS IN EFFECT BEFORE THE EFFECTIVE DATE OF THIS SECTION BUT AN EXISTING CONTRACT SHALL NOT BE RENEWED IF THE CONTRACT HAS ANY TERMS THAT CONFLICT WITH THIS SECTION.</p>
<p>Section 2-D</p> <p>The attorney general shall enforce this section. Any taxpayer of the jurisdiction in which a violation of this section occurs has standing in any court of record to bring a special action against any agent or agency of this state or its political subdivisions to remedy any violation of any provision of this section.</p>	<p>Section 23-1422-C</p> <p>THE ATTORNEY GENERAL SHALL ENFORCE THIS SECTION. ANY TAXPAYER OF THE JURISDICTION IN WHICH A VIOLATION OF THIS SECTION OCCURS HAS STANDING IN ANY COURT OF RECORD TO BRING A SPECIAL ACTION AGAINST ANY AGENT OR AGENCY OF THIS STATE OR ITS POLITICAL SUBDIVISIONS TO REMEDY ANY VIOLATION OF ANY PROVISION OF THIS SECTION.</p>
<p>Section 3-A</p> <p>The regulation of public sector union employment bargains is a matter of statewide concern and is not subject to further inconsistent regulation by a county, city, town or other political subdivision of this state. This article preempts all inconsistent rules, regulations, codes, ordinances and other laws adopted by a county, city, town or other political subdivision of this state regarding public sector union employment bargains.</p>	<p>Section 23-1423</p> <p>THE REGULATION OF PUBLIC SECTOR UNION EMPLOYMENT BARGAINS IS A MATTER OF STATEWIDE CONCERN AND IS NOT SUBJECT TO FURTHER INCONSISTENT REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE. THIS ARTICLE PREEMPTS ALL INCONSISTENT RULES, REGULATIONS, CODES, ORDINANCES AND OTHER LAWS ADOPTED BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE REGARDING PUBLIC SECTOR UNION EMPLOYMENT BARGAINS.</p>

2013 ARIZONA LEGISLATION WITH THE SAME INTENT AS ALEC MODELS

While the following bills do not share exact language with ALEC models, they do share common goals and the same intent as ALEC models, and were primarily sponsored or co-sponsored by ALEC legislators.

Requiring Written Renewals of Payroll Deductions

AZ Bill: [SB 1349](#); [SB 1182](#)

SB 1349 Sponsors: **Sen. Rick Murphy (R)**, Rep. Carl Seel (R), **Sen. Andy Biggs (R)**, **Rep. David Stevens (R)**, **Sen. Judy Burges (R)**, **Rep. Steve Smith (R)**, **Sen. Gail Griffin (R)**, **Sen. Steve Yarbrough (R)**, Rep. Bob Thorpe (R), Rep. Adam Kwasman (R), **Sen. Nancy Barto (R)**, **Sen. Don Shooter (R)**, **Rep. Rick Gray (R)**, **Sen. Kimberly Yee (R)**

SB 1182 Sponsors: **Sen. Rick Murphy (R)**, **Sen. Andy Biggs (R)**, **Sen. Judy Burges (R)**, **Sen. Gail Griffin (R)**, **Sen. Steve Yarbrough (R)**, **Sen. Nancy Barto (R)**, **Sen. Kimberly Yee (R)**, **Sen. Al Melvin (R)**, Sen. Kelli Ward (R)

SB 1349 Status: Passed Senate committee 2/18/13 Senate caucus 3/19/13 ready for floor debate

SB 1182 Status: Failed to Pass Senate (2/21/2013)

ALEC Model: [Prohibition of Negative Check-off Act](#); [Paycheck Protection Act](#), [Public Employer Payroll Deduction Policy Act](#); [Prohibition on Compensation Deductions Act](#)

Summary: SB 1349 and SB 1182 would prohibit payroll deduction for union dues unless written or electronic permission is granted annually. Similar to several ALEC models, particularly ALEC's "Prohibition of Negative Check-off Act" which requires explicit approval from employees to deduct dues, SB 1349 is sponsored by at least nine current ALEC members and two legislators who have a history in ALEC, while all but one of SB 1182's nine sponsors have a history as members of ALEC. Both bills are also listed as part of David Koch's [Americans for Prosperity-Arizona 2013 legislative agenda](#).

Limiting Automatic Union Deductions via Paychecks

AZ Bill: [HB 2438](#)

Sponsors: Rep TJ Shope (R), **Rep. John Kavanagh (R)**, **Rep. David Stevens (R)**, Rep. David Livingston (R), **Rep. Justin Olson (R)**, Rep. John Allen (R), Rep. Warren Petersen (R), **Rep. Eddie Farnsworth (R)**, **Rep. Javan Mesnard (R)**, Rep. Bob Thorpe (R), **Rep. Brenda Barton (R)**, **Rep. Justin Pierce (R)**, **Rep. Doris Goodale (R)**, Rep. Darin Mitchell (R), Rep. Kelly Townsend (R), Rep. Sonny Borrelli (R), Carl Seel (R), **Rep. David Gowan (R)**, Rep. Steve Montenegro (R), **Sen. Don Shooter (R)**, **Rep. Karen Fann (R)**, **Rep. Steve Smith (R)**, **Rep. Rick Gray (R)**, **Rep. Frank Pratt (R)**

Status: Not assigned to House Committee

ALEC Model: [Paycheck Protection Act](#); [Prohibition on Compensation Deductions Act](#); [Public Employer Payroll Deduction Policy Act](#)

Summary: HB 2438 is one several paycheck deception bills introduced in the Arizona legislature in 2013, attempting to make it difficult for unions to raise funds for First Amendment-related activities. ALEC has several paycheck deception model bills, and at least 13 current ALEC legislators are sponsors of HB 2438. The bill is also listed in David Koch's [Americans for Prosperity-Arizona 2013 legislative agenda](#).

Limiting Worker Negotiations & Collective Bargaining

AZ Bill: [HB 2330](#)

Sponsors: Rep. Warren Peterson (R), **Rep. David Stevens (R)**, Rep. Steve Montenegro (R), **Rep. Thomas Forese (R)**

Status: Passed House committee 1/29/13

ALEC Model: [Public Employee Bargaining Transparency Act](#)

Summary: Both Arizona's HB 2330 and ALEC's "Public Employee Bargaining Transparency Act" attempts to hamper public sector unions' bargaining position during contract negotiations even though private sector negotiations would not be subject to similar transparency. HB 2330 is sponsored by two legislators who have a history in ALEC and is listed in David Koch's [Americans for Prosperity-Arizona 2013 legislative agenda](#).

Limiting Union Release Time

AZ Bill: [HB 2343](#)

HB 2343 Sponsors: Rep. Warren Peterson (R), **Rep. Karen Fann (R)**, Rep. Adam Kwasman (R), **Rep. Javan Mesnard (R)**, **Rep. Debbie Lesko (R)**, Rep. Steve Montenegro (R), **Sen. Chester Crandell (R)**, Rep. Kelly Townsend (R), **Sen. Kelly Ward (R)**

HB 2343 Status: Passed House committee 2/19/13

ALEC Model: [Resolution on Release Time for Union Business](#)

Summary: While the ALEC model is a resolution opposing public employee release time for union activities, Arizona's HB 2343 would prohibit paid public employee release time dedicated to union activities. In addition to having a similar intent to ALEC's "Resolution on Release Time for Union Business," HB 2343 is sponsored by at least five ALEC legislators (including Arizona ALEC Co-chair Debbie Lesko). David Koch's Americans for Prosperity-Arizona listed HB 2343 on its [2013 legislative agenda](#).

Privatizing and Underfunding Public Education through Tax Credits

AZ Bill: [HB 2617](#)

Sponsors: **Rep. Justin Olson (R)**, **Rep. David Gowan (R)**, **Rep. Debbie Lesko (R)**, Rep. Ethan Orr (R), **Rep. David Stevens (R)**, **Rep. Brenda Barton (R)**, **Rep. Eddie Farnsworth (R)**, Rep. David Livingston (R), **Rep. Justin Pierce (R)**, Rep. Kelly Townsend (R), **Rep. Al Melvin (R)**, Rep. John Allen (R), **Rep. John Kavanagh (R)**, Rep. Darin Mitchell (R), Rep. Carl Seel (R), **Sen. Judy Burges (R)**, Rep. Sonny Borrelli (R), **Rep. Thomas Forese (R)**, **Rep. Javan Mesnard (R)**, **Rep. Frank Pratt (R)**, **Sen. Nancy Barto (R)**, Sen. Kelli Ward (R), Rep. Paul Boyer (R), Rep. Adam Kwasman (R), Rep. Steve Montenegro (R), **Rep. Steve Smith (R)**, **Sen. Rick Murphy (R)**, **Rep. Karen Fann (R)**, **Rep. Rick Gray (R)**, Rep. Warren Peterson (R), Rep. Bob Thorpe (R), Sen. Barbara McGuire (D), **Rep. Kimberly Yee (R)**

Status: Passed House 3/07/13 -- passed Senate Committee 3/25/13

ALEC Model: [The Great Schools Tax Credit Program Act](#); [The Family Education Tax Credit Program Act](#); [Resolution Supporting Private Scholarship Tax Credits](#)

Summary: HB 2617 attempts to further privatize Arizona's public school system by making it easier for school tuition organizations to submit approval requests to the state via a website. The bill also expands the tax credit program for corporations that that give money to be used as "scholarships" to pay tuitions and fees to private schools. This type of corporate tax credit program is included in several ALEC model bills. HB 2617 is sponsored by at least 18 current ALEC legislators and is included in David Koch's Americans for Prosperity-Arizona [2013 legislative agenda](#).

Expanding "Charter Schools"

AZ Bill: [HB 2494](#)

Sponsors: Rep. Paul Boyer (R), Rep. Doug Coleman (R), **Rep Debbie Lesko (R)**, Rep. Bob Thorpe (R), **Rep. Doris Goodale (R)**, Rep. Kelly Townsend (R)

Status: Passed House 2/18/13 --passed Senate COW 3/19/13

ALEC Model: [Charter Schools Act](#); [Next Generation Charter Schools Act](#)

Summary: Arizona's HB 2494 is an attempt to defund public schools through charter school expansion, by requiring that charter schools must enroll all eligible students who submit a timely application. ALEC has a long history of pushing for education privatization via charter schools, most notably in its "Charter Schools Act" and "Next Generation Charter Schools Act." The bill is co-sponsored by two ALEC members: Rep. Dorie Goodale and ALEC's state chair in the Arizona, Rep. Debbie Lesko.

Expanding Online "Schools" and Private Profits

AZ Bill: [HB 2493](#)

Sponsors: Rep. Paul Boyer (R), Rep. Doug Coleman (R), **Rep Debbie Lesko (R)**, Rep. Bob Thorpe (R)

Status: House Second Read (1/30/2013). No committee hearing

ALEC Model: [Virtual Public Schools Act](#)

Summary: Arizona’s HB 2493 establishes state education requirements for online, or “virtual,” schools, and provides that the funding for online schooling be paid by the state in the full amount that a public school and charter school would cost, even though online schools do not provide buildings, athletic facilities, transportation, air conditioning, or other features routinely provided by public schools. And, as the Center for Media and Democracy has documented, the difference amounts to huge profits for virtual school companies and huge salaries and stock benefits for their executives, all at public expense. See <http://www.prwatch.org/news/2012/11/11883/taxpayer-enriched-companies-back-jeb-bushs-foundation-excellence-education-its-bu> Similarly, ALEC’s “Virtual Public Schools Act” requires that online and virtual schools must be recognized as public schools and be provided resources on the same basis as any other public school in the state. The bill is co-sponsored by ALEC’s state chair, Rep. Debbie Lesko (R).

Changing Spending Disclosure

AZ Bill: [HB 2285](#)

Sponsors: **Rep Steve Smith (R), Rep. David Stevens (R)**

Status: Passed House Committee 2/13/13

ALEC Model: [Truth in Spending Act](#)

Summary: According to HB 2285’s [official legislative summary](#), the bill “mandates the Joint Legislative Budget Committee to compute and transmit truth in spending estimates and requires the Legislature to hold a public hearing if the Estimates are exceeded by proposed appropriations.” ALEC’s “Truth in Spending Act,” both similar in name and intent, would require each state agency to include with its spending requests a summary of all money spent or passed through the agency in the preceding year and an estimate of the money expected to be spent or passed through the agency in the current fiscal year. The bill’s two sponsors both have a history in ALEC and HB 2285 is included in David Koch’s Americans for Prosperity-Arizona [2013 legislative agenda](#).

Limiting Budget Flexibility through Constitutional Amendment

AZ Bill: [HB 2328](#)

Sponsors: Rep. Adam Kwasman (R), Rep. David Livingston (R), **Rep. David Stevens (R)**, Rep. Sonny Borrelli (R), Rep. Steve Montenegro (R), Rep. Kelly Townsend (R), **Rep. David Gowan (R)**, Rep. Warren Petersen (R), Rep. Bob Thorpe (R)

Status: Failed in House Rules

ALEC Model: [The Balanced Budget Amendment Resolution](#)

Summary: Arizona’s HB 2328 calls on Arizona to enter into the “[Compact for America](#)” group, aimed at calling a constitutional convention to propose a balanced budget amendment

to the U.S. Constitution under Article V. ALEC’s model resolution also calls for also calls for a constitutional convention to propose a balanced budget amendment under Article V. This bill was also [supported](#) by the Goldwater Institute.

Expanding the Use of Prison Labor

AZ Bill: [SCR 1009](#)

Sponsors: **Sen. Al Melvin (R)**

Status: Ready for Senate 3rd reading

ALEC Model: [Inmate Labor Disclosure Act](#); [Prison Industries Act](#)

Summary: Senate Concurrent Resolution 1009 is a statement of support for prison inmate labor for both public entities and private corporations. ALEC’s “Inmate Labor Disclosure Act” and “Prison Industries Act” support similar inmate labor programs. Senator Al Melvin, the resolution’s sole sponsor, was an ALEC member until at least December 2010.

APPENDIX

Data presented here is from the 2012 report by the Center for Media and Democracy, Common Cause & D.B.A. Press, titled:

“Buying Influence: How the American Legislative Exchange Council Uses Corporate-Funded “Scholarships” to Send Lawmakers on Trips with Corporate Lobbyists.”

This report is available online at:

<http://www.alecexposed.org/wiki/Junkets>

ALEC “Scholarships” and Arizona¹

ALEC Corporate-Funded Gifts for Travel to ALEC Events²

	Corporations/Lawmakers	Money In	Money Out
2011	CashAmerica	\$2,000.00	
	Maximus	\$1,000.00	
	Rural/Metro Corporation	\$1,500.00	
	Andrew Tobin		\$375.00
	Brenda Barton		\$325.00
	Cecil Ash		\$375.00
	David Gowan		\$375.00
	Doris Goodale		\$375.00
	Jack Harper		\$375.00
	Jeff Dial		\$325.00
	John McComish		\$375.00
	Justin Pierce		\$325.00
	Peggy Judd		\$325.00
	Rick Gray		\$375.00
	Stephen Yarborough		\$375.00
	Steve Court		\$375.00
	Steve Pierce		\$375.00
	Sylvia Allen		\$375.00
	Eddie Farnsworth		\$375.00
	Chester Crandall		\$375.00
	Debbie Lesko		\$375.00
	Russ Jones		\$375.00
	Kimberly Yee		\$375.00
	Lori Klein		\$375.00
	Nancy McLain		\$375.00
	Frank Pratt		\$375.00
	John Fillmore		\$375.00
	Terry Proud		\$375.00
	Al Melvin		\$325.00
	J.D. Mesnard		\$375.00
	Nancy Barto		\$375.00
	Adam Driggs		\$375.00
	Gail Griffin		\$375.00
	Michelle Ugenti		\$375.00
	Steve Smith		\$375.00

There may be other ALEC members in our list who did not receive "scholarship" gifts. Also, due to lack of public disclosure, in most cases a full list of ALEC legislative members is not available. For a list of known ALEC members in your state, visit <http://bit.ly/cutALECTies>.

² Data is available for 2011, 2010, 2009, 2008, 2007, and 2006. Due to lack of public disclosure, no data is available about any trips funded after January 2012 or prior to 2006.

Data for Arizona for the years 2009 to 2011 is not complete because open records requests have not yet revealed all relevant data about corporate donations or legislators who received the money via ALEC. The total amount of money raised and spent on ALEC "scholarships" in Arizona in 2012 is unknown. One \$375 reimbursement is known to have been processed in January 2012, but there is no indication that Arizona's ALEC members have stopped raising money for their legislative trips or that this is the only trip funded.

ALEC “Scholarships” and Arizona (cont’d)

	Corporations/Lawmakers	Money In	Money Out
2010	Peabody Energy	\$2,000.00	
	Adam Driggs		\$1,612.91
	Veridus LLC	\$1,000.00	
	Pamela Gorman		\$1,391.38
	Salt River Project	\$5,000.00	
	Sanofi-Aventis	\$3,000.00	
	Freeport-McMoran	\$4,000.00	
	Salt River Project	\$10,000.00	
	APS	\$5,000.00	
	AZ Society of Practicing Accountants	\$500.00	
	Apollo Group (Insight Schools)	\$10,000.00	
	Issacson & Moore, P.C.	\$1,000.00	
	Arizona Optometric Association	\$500.00	
	Veridus LLC	\$500.00	
	Transfer from NM Scholarship Fund	\$5,000.00	
	Southwest Gas Corporation	\$500.00	
	Peabody Energy	\$2,000.00	
	Andrew Tobin		\$1,221.77
	Frank Pratt		\$1,071.67
	John Kavanagh		\$1,448.36
	John McComish		\$1,221.77
	Russell Pearce		\$1,308.15
	Steven Yarbrough		\$1,494.86
	Nancy Barto		\$1,083.48
	Russ Jones		\$1,566.36
	Sharon Jarnagin		\$662.36
	Ed Bunch		\$1,457.22
	Robert Burns		\$859.14
	Adam Driggs		\$1,221.77
	Cecil Ash		\$1,221.77
	Kirk Adams		\$1,452.95
	Debbie Lesko		\$1,789.90
	Nancy McLain		\$1,183.77
	Issacson & Moore, P.C.	\$1,000.00	
	The Aarons Company, LLC	\$200.00	
	Justin Olson (AM'11)		\$1,880.66
	Apollo Groups, Inc.	\$2,500.00	
	Arizona Assisted Living	\$750.00	
	Arizona Society of Practicing Accountants	\$500.00	
	Rebecca P. Fenger	\$40.00	
	Robert S. Lynch & Associates	\$50.00	
	Salt River Project	\$10,000.00	
	Justin Olson		\$2,099.44
	Arizona Association of Realtors	\$6,000.00	
	Turf Paradise	\$4,000.00	
	Arizona Chamber of Commerce	\$1,000.00	

ALEC “Scholarships” and Arizona (cont’d)

	Corporations/Lawmakers	Money In	Money Out
2010	Adam Driggs		\$1,962.24
	Albert Melvin		\$2,428.84
	Brenda Barton		\$2,016.44
	Don Shooter		\$2,074.84
	Jack Harper		\$2,022.09
	John McComish		\$1,720.89
	Pinnacle West Capital Corp.	\$5,000.00	
	Russell Pearce		\$100.00
	Steve Court		\$1,278.72
	Arizona Association of Community Managers	\$500.00	
	Arizona Dairymen PAC	\$500.00	
	Karen Fann		\$2,016.45
	Peggy Judd		\$1,816.68
	Robson Communities	\$500.00	
	Veridus LLC	\$1,000.00	
	Arizona Restaurant & Hospitality Association	\$500.00	
	Janson Vogt		\$2,021.24
	Kimberly Yee		\$2,433.21
	Kirk Adams		\$2,019.89
	Rich Crandall		\$1,058.91
	Scott Bundgaard		\$428.20
	Steve Smith		\$1,394.44
	Steven Yarbrough		\$1,299.03
	Sylvia Allen		\$2,003.01
	Doris Goodale		\$1,374.87
	Nancy McLain		\$1,533.68
	Andrew Tobin		\$1,717.63
	Cecil Ash		\$1,916.83
	Gail Griffin		\$1,701.33
	John Fillmore		\$2,121.40
	Andrew Tobin		\$1,485.27
	Brookline College	\$2,000.00	
	Chester Crandell		\$1,603.94
	Chuck Gray		\$2,159.64
	Debbie Lesko		\$2,199.42
	Edwin Farnsworth		\$2,175.04
	Freeport-McMoran	\$4,000.00	
	Javan Mesnard		\$39.40
	Jeff Dial		\$2,552.44
	Kate Brophy McGee		\$1,761.43
	Steve Urie		\$2,192.43
	Bob Robson		\$1,748.43
	Lori Klein		\$892.42
	Tom Forese		\$1,869.43
	Amanda Reeve		\$1,928.14

ALEC “Scholarships” and Arizona (cont’d)

	Corporations/Lawmakers	Money In	Money Out
2010	Registration Rebates for Housing	\$100.00	
	Tucson Electric Power Company	\$500.00	
	Association of Highway Patrolmen of AZ PAC	\$1,000.00	
	Enterprise Leasing Company of Phoenix LLC	\$1,000.00	
	R&R Arizona Government & Public Affairs LLC	\$1,000.00	
2009	Robert Burns		\$1,546.77
	Thayer Verschoor		\$1,747.57
	David Gowan		\$1,873.88
	John McComish		\$1,794.74
	Lauren Hendrix		\$1,851.04
	Sam Crump		\$1,930.61
	Sylvia Allen		\$1,562.88
	Jerry Weiers		\$1,695.88
	Russell Pearce		\$1,729.47
	Debbie Lesko		\$1,785.44
	Nancy McClain		\$1,563.56
	Doris Goodale		\$1,427.26
2008	Steve Yarbrough		\$1,660.40
	James Weiers		\$2,036.10
	Robert Stump		\$1,455.05
	Eli Lilly	\$1,000.00	
	Qwest Communications, Inc.	\$2,500.00	
	Salt River Project	\$5,000.00	
	APS	\$2,500.00	
	Wyeth	\$1,500.00	
	University of Phoenix	\$10,000.00	
	Schering Corporation	\$1,000.00	
	BNSF Railway Company	\$1,000.00	
	Southwest Gas Corporation	\$500.00	
	Arizona Society of Practicing Accountants	\$500.00	
	Maximus	\$1,000.00	
	Sanofi-aventis	\$500.00	
	PhRMA	\$1,500.00	
	Doug Clark		\$2,393.34
	Sprint Nextel	\$2,000.00	
	Freeport-McMoran Cooper & Gold	\$4,000.00	
	Pamela Gorman		\$2,043.56
	John Kavanagh		\$1,434.48
	John McComish		\$1,632.67
	Nancy McLain		\$1,645.29
	Kirk Adams		\$1,608.67
	Robert Burns		\$1,686.09
	Steve Yarbrough		\$2,275.53
	Barbara Leff		\$2,003.72
	Qwest Communications, Inc.	\$3,000.00	

ALEC “Scholarships” and Arizona (cont’d)

	Corporations/Lawmakers	Money In	Money Out
2008	Southwest Ambulance Inc.	\$1,500.00	
	American Legislative Exchange Council	\$700.00	
	Judy Burges		\$1,388.15
	Kirk Adams		\$393.93
	James Waring		\$267.62
	Doug Quelland		\$1,390.92
	Steve Court		\$1,837.43
	Pamela Gorman		\$658.31
	Russell Pearce		\$2,026.73
	Syvia Allen		\$1,602.24
	Bob Burns		\$807.62
	Sam Crump		\$1,677.14
	Nancy Barto		\$1,414.00
	Albert Melvin		\$1,390.07
	Laurin Hendrix		\$1,738.52
	John Huppenthal		\$1,339.24
	Debbie Lasko		\$1,599.65
	Rich Crandall		\$980.37
	Cecil Ash		\$1,463.63
	Adam Driggs		\$1,673.32
	Nancy McLain		\$1,621.93
	Ray Barnes		\$1,714.14
	Peabody Investments Corp.	\$1,500.00	
	Bob Burns		\$55.00
2007	United Services Automobile Association	\$1,000.00	
	John Kavanagh		\$175.00
	Adam Driggs		\$175.00
	Doug Clark		\$175.00
	Sam Crump		\$175.00
	Pamela Gorman		\$250.00
	Eli Lilly	\$1,000.00	
	Robert Burns		\$52.65
	Richard Miranda		\$274.80
	Russell Pearce		\$298.08
	Sam Crump		\$124.60
	Adam Driggs		\$76.11
	Bob Robson		\$98.36
	Doug Clark		\$356.59
	Pfizer	\$5,000.00	
	Peabody	\$1,500.00	
	Border Reallocation	\$11,000.00	
	Adam Driggs		\$444.80
	Warde Nichols		\$543.82
	Nancy Barto		\$610.55
	Russell Pearce		\$752.92
	Steve Yarbrough		\$1,062.36

ALEC “Scholarships” and Arizona (cont’d)

	Corporations/Lawmakers	Money In	Money Out
2007	Doug Clark		\$459.81
	Ray Barnes		\$672.41
	Tom Boone		\$195.86
	Pamela Gorman		\$727.62
	Robert Burns		\$815.14
	John Kavanagh		\$643.97
	John McComish		\$549.22
	Bob Robson		\$131.23
	James Weirs		\$828.18
	Sharon Jarnagin		\$1,561.72
	James Waring		\$202.75
	Kirk Adams		\$495.74
	Sam Crump		\$1,658.51
	Doug Clark		\$1,868.19
	Pamela Gorman		\$646.61
	Bob Robson		\$1,879.45
	Adam Driggs		\$2,069.68
	Chuck Gray		\$1,696.16
	Andy Tobin		\$1,145.60
	Robert Burns		\$993.42
	Russell Pearce		\$1,721.81
	John McComish		\$729.80
2006	Coca-Cola	\$2,000.00	
	FedEx Corporation	\$1,000.00	
	United Parcel Service	\$1,000.00	
	Rural Metro Corporation	\$1,000.00	
	Gary Pierce		\$958.40
	Robert Stump		\$1,103.52
	Ken Bennett		\$72.03
	Peabody Energy	\$1,500.00	
	James P. Weiers		\$1,530.25
	Truf Paradise	\$500.00	
	Arizona Private School Association	\$500.00	
	Robert Stump	\$103.52	
	James Weiers	\$500.00	
	Eli Lilly Transfer	\$1,000.00	
	Resolution Copper Mining, LLC	\$500.00	
	Johnson & Johnson	\$1,000.00	
	Johnson & Johnson	\$1,000.0	

ENDNOTES

ⁱ People For The American Way Foundation, Common Cause, "[ALEC in Arizona: The Voice of Corporate Special Interests in the Halls of Arizona's Legislature](#)," 2011.

Center for Media and Democracy, Common Cause, People For The American Way Foundation, Progress Now, "[ALEC in Arizona: The Voice Of Corporate Special Interests In The Halls Of Arizona's Legislature](#)," 2012.

ⁱⁱ Sourcewatch, "[Corporations that Have Cut Ties to ALEC](#)," Accessed April 1, 2013.

ⁱⁱⁱ People For The American Way Foundation, Common Cause, "[ALEC in Arizona: The Voice of Corporate Special Interests in the Halls of Arizona's Legislature](#)," 2011.

Center for Media and Democracy, Common Cause, People For The American Way Foundation, Progress Now, "[ALEC in Arizona: The Voice Of Corporate Special Interests In The Halls Of Arizona's Legislature](#)," 2012.

^{iv} "[ALEC Exposed: Decoding ALEC PR](#)," Center for Media and Democracy, 2012.

^v Lisa Graves, "[A CMD Special Report on ALEC's Funding and Spending](#)," Center for Media and Democracy, July 13, 2011.

^{vi} Beau Hodai, "[Rep. Farley Proposes Some Strong Arizona Sunshine on ALEC 'Scholarships'](#)," Center for Media and Democracy, January 12, 2012.

PFAW Foundation, Progress Ohio, Common Cause, and the Center for Media and Democracy; "[ALEC in Ohio: The Corporate Special Interests that Help Write Ohio's Laws](#)," 2012.

"[CMD Asks Wisconsin Ethics Board to Examine Corporate-funded Gifts to ALEC Legislators](#)," Center for Media and Democracy, March 23, 2012.

^{vii} [ALEC Exposed Source Documents](#) #1, p. 45

^{viii} Center for Media and Democracy, DBA Press, Common Cause, "[Buying Influence: How the American Legislative Exchange Council Uses Corporate-Funded "Scholarships" to Send Lawmakers on Trips with Corporate Lobbyists](#)," 2012.

^{ix} Arizona Secretary of State, [2010 financial disclosure report of Rep. Lesko](#), Accessed April 1, 2013

^x Center for Media and Democracy, DBA Press, Common Cause, "[Buying Influence: How the American Legislative Exchange Council Uses Corporate-Funded "Scholarships" to Send Lawmakers on Trips with Corporate Lobbyists](#)," 2012.

^{xi} Ibid

^{xii} Ibid

^{xiii} Associated Press, "[Ariz. Legislature will see a large freshman class](#)," November 19, 2012

^{xiv} Lisa Graves, "[ALEC Goes After the Center for Media and Democracy](#)," Center for Media and Democracy, August 29, 2012

^{xv} Stephanie Mencimer, "[The Tea Party's Favorite Doctors](#)," *Mother Jones*, 18 November 2009.