Chairman Weiers called the meeting to order at 1:10 P.M. and attendance was noted by the secretary.

**Members Present**

Senator Ken Bennett, Vice-Chairman  
Representative Jim Weiers, Chairman  
Senator Ed Ableser  
Representative Leah Landrum Taylor  
Senator Linda Aguirre  
Representative Linda Lopez  
Senator Chuck Gray  
Representative David Lujan  
Senator Linda Gray  
Representative Bob Robson  
Senator Thayer Verschoor  
Representative Gary Pierce  
Representative Steve Tully

**Members Absent**

Senator Richard Miranda

**Committee Action**

- HCR 2028 (2005)  
  bail; undocumented immigrants – DPA (13-0-0-1)
  municipal debt; capacity – DP (13-0-0-1)
- HCR 2036 (2006)  
  English as official language – DPA (13-0-0-1)
- HCR 2045 (2006)  
  state trust land reform – DPA (13-0-0-1)
- HCR 2045 (2006)  
  ON RECONSIDERATION – DPA (12-0-0-2)
- HCR 2056 (2006)  
  local government levy limits; rebase – DPA (12-0-0-2)
- SCR 1001 (2006)  
  standing; federal violation; damages – DPA (10-3-0-1)
- SCR 1031 (2006)  
  public programs; citizens – DPA (12-0-0-2)
- SCR 1033 (2006)  
  methamphetamine; probation ineligibility – DPA (12-0-0-2)
- C-02-2006  
  Protect Marriage Arizona – DP (12-0-0-2)
- C-03-2006  
  Conserving Arizona’s Future – DPA (11-0-0-3)
- I-01-2006  
  Arizonans for Voter Rewards – DPA (11-0-0-3)
- I-05-2006  
  Smoke-Free Arizona Act – DPA (12-0-0-2)
- I-07-2006  
  Humane Treatment of Farm Animals Act – DPA (12-0-0-2)
- I-11-2006  
  Your Right to Vote – DPA (12-0-0-2)
- I-13-2006  
  Raise the Minimum Wage for Working Arizonans Act – DPA (12-0-0-2)
I-16-2006     First Things First for Arizona’s Children – DPA (12-0-0-2)
I-21-2006     Private Property Rights Protection Act – DPA (12-0-0-2)
I-22-2006     Arizona Non-Smoker Protection Act – DPA (12-0-0-2)

Speakers Present

Mike Braun, Executive Director, Arizona Legislative Council
Mark Faull, Maricopa County Attorney’s Office
Edwin Cook, Arizona Prosecuting Attorneys’ Advisory Council
Michael Liburdi, Nature Conservancy
Lisa Hauser, Arizona Together, Arizona Non-Smoker Protection Commission and Campaign for Arizona Farmers and Ranchers
Bas Aja, Arizona Cattlemen’s Association
Becky Burnham, Home Builders Association of Central Arizona
Mark Osterloh, Arizonans for Voter Rewards
Michelle Pabis, American Cancer Society
Stephanie Nichols-Young, Animal Defense League of Arizona, Arizonans for Humane Farms
Sam Coopersmith, Arizona Minimum Wage Coalition
Cheryl Nauman, Arizonans for Humane Farms

Persons recognized who did not speak (Page 8).

REVIEW OF THE PUBLICITY PAMPHLET

Mike Braun, Executive Director, Arizona Legislative Council, stated he would like to remind members and inform new members of what it is precisely that will be adopted today and where it appears and where it does not appear. First of all, this committee is actually required by statute to adopt the analyses. The analyses actually appear only in one place and that is the publicity pamphlet that the Secretary of State sends to each household before the election. In the materials that were sent to the members’ offices today together with the agenda are the initiative and referenda summaries and the publicity pamphlet (Attachment 1). What this does on the front page is summarize what is to be adopted today; equally important, on the inside pages, it gives an example of the publicity pamphlet entry from a number of years so it can be seen by looking inside this document that at some point the Secretary of State’s office assigns a proposition number to each one of these measures. Today all the draft analyses list the number in blank as it has not been assigned yet. The first thing that appears is the proposition number; the second thing is the official title. For the legislatively referred measures it is the legal title that all are familiar with that is on the front page of the HCR or SCR; it is not the reference title; it is not the short title; it is the lengthy legal title. And for an initiative measure it is the legal title as created by the initiative proponents.

Mr. Braun said that the actual text of the measure in full appears next. After the text, appears the Analysis that will be adopted today. This is set off in the publicity pamphlet with the heading “Analysis by Legislative Council.” It appears right after the text of the measure. After the Analysis by Legislative Council for initiative measures there is a fiscal impact statement that is prepared by the staff of the Joint Legislative Budget Committee (JLBC). For any of the measures that are referred by the Legislature, the law does not allow for or require a fiscal statement by JLBC, but for initiative measures, it does. Immediately after either the Legislative Council
Analysis or the JLBC Analysis come the pro and con statements that anyone can submit to the Secretary of State’s office upon payment of the required fee. The last page, by law, shows the ballot format. The descriptive title is created by the Secretary of State’s office with the approval of the Attorney General’s office.

The final entry for a particular proposition is the effect of a “yes” or a “no” vote which is prepared by the Secretary of State with the approval of the Attorney General. For the purpose of trying to help differentiate between the 18 measures on the drafts, the short title is listed as the referendum moves through the legislative process; but that short title does not appear anywhere in the publicity pamphlet and does not appear on the ballot. Mr. Braun stated that, by law, copies of the drafts of the analyses of the measures are sent to all 90 members of the Legislature.

**HCR 2028 (2005) bail; undocumented immigrants – DO PASS AMENDED (13-0-0-1)**

Mike Braun, Executive Director, Arizona Legislative Council, stated no comments were received from other members of the Legislature concerning this measure; nor are there any staff comments.

Mark Faull, Maricopa County Attorney’s Office, said he was involved in the drafting of HCR 2028 and the only comment he has is that the current text states “including aggravated driving under influence.” Since this is the only class 4 felony that is named in the description, he thinks it would add confusion or imply that there was something different about aggravated driving under the influence. He said that since it is redundant, that phrase could probably be deleted. Representative Robson and Senator Linda Gray agreed that it would be confusing and should be deleted.

- **Senator Bennett moved that the Legislative Council Analysis proposed for HCR 2028 do pass (Attachment 2).**

- **Senator Linda Gray moved that an amendment be adopted to the Analysis as follows: line 21 after the word “offenses” strike “and aggravated driving under the influence.” The motion carried.**

- **Senator Bennett moved that the Analysis by the Legislative Council as amended do pass. The motion carried by a roll call vote of 13-0-0-1 (Attachment 3).**

**HCR 2001 (2005) municipal debt; capacity – DO PASS (13-0-0-1)**

Mike Braun, Executive Director, Arizona Legislative Council, stated they did not receive any comments from the legislators and that they are not aware of any staff-recommended changes.

- **Senator Bennett moved that the Legislative Council Analysis proposed for HCR 2001 do pass (Attachment 4).**

- **Senator Chuck Gray moved that the proposed Legislative Council Analysis be amended as follows: line 10 after “public safety” strike the comma and “law enforcement, fire and emergency.” The motion failed.**
Question was called on the motion that the Legislative Council Analysis proposed for HCR 2001 do pass. The motion carried by a roll call vote of 13-0-0-1 (Attachment 5).


Mike Braun, Executive Director, Arizona Legislative Council, stated no comments were received from members of the Legislature concerning this measure; neither are there any staff recommendations.

Senator Bennett moved that the Analysis by Legislative Council for HCR 2036 be adopted (Attachment 6).

Representative Lopez stated that the amendment she would like to present tracks more closely the actual language of the HCR. Senator Bennett said he would not object to the amendment except for a concern about using the phrase “under certain limited circumstances.” He thinks the essence is reflected without this phrase. Representative Lopez agreed that the amendment would not include “under certain limited circumstances” (Attachment 7).

Representative Lopez moved her amendment (Attachment 7) excluding the language “under certain limited circumstances” on line 18. The motion carried.

Senator Bennett said that the language on lines 2 and 3 of the proposed Analysis seems to be combining two paragraphs from the actual resolution when the Analysis says that “any person performing an official act of the state or a local government would be required to preserve, protect and enhance the role of English as the official language.” He commented that on page 2 of the actual body of the HCR, lines 40-44, it says the “representatives of government in this state shall preserve, protect and enhance the role of English as the official language of the government of Arizona.” In the HCR also, page 3, section 4 states simply that “official actions shall be conducted in English.” The Analysis connects these two different sections. Senator Bennett said he does not want to give the voters the impression that HCR 2036 creates a standard that says every official act of government has to preserve, protect and enhance the English language. His suggestion is to strike lines 2 and 3 of the Analysis beginning with the words “Any person...” and replace them with the language from the HCR. It would then read “Representatives of the state or local government would be required to preserve, protect and enhance the role of English as the official language.”

Senator Bennett moved that the Analysis proposed by Legislative Council be amended as follows: lines 2 and 3, strike the words “Any person performing an official act” and replace them with the word Representatives.” The motion carried.

Senator Bennett moved that the Analysis be amended on line 25 to strike the comma after the word “court” and replace it with a period. Delete “and,” capitalize “if,” strike “to” and replace it with “they may be awarded” and on line 26 before the word “attorney” put “reasonable.” The motion carried.
Representative Tully moved that the Analysis be further amended to insert the following sentence on line 25 after “court.” and before “If the person...”:
“However, these actions cannot proceed unless the person has notified the Attorney General of the alleged violation and the Attorney General or other appropriate representative of government has not provided appropriate relief within a reasonable time.” The motion carried.

Senator Bennett moved that the Analysis as proposed by the Legislative Council do pass as amended. The motion carried by a roll call vote of 13-0-0-1 (Attachment 8).


See Motion for Reconsideration, Page 15

Mike Braun, Executive Director, Arizona Legislative Council, stated they did not receive any comments from the legislators and that he is not aware of any technical infirmities with the Analysis.

Senator Bennett moved that the Analysis as proposed for HCR 2045 by the Legislative Council do pass (Attachment 9).

Senator Bennett observed that in the Analysis the acknowledgement that 400,000 acres of state trust land would be set aside is not identified until paragraph 8 which is preceded by 7 other items, several of which are of a technical nature of how these things happen. It would seem fairer for the voters to be able to identify the actual proposed amendments to the constitution at the beginning. This would involve moving paragraph 8 forward and renumbering.

Senator Bennett moved that HCR 2045 be amended as follows: paragraph 8 would be paragraph 1, and paragraph 7 would become paragraph 2 followed by the other paragraphs. The motion carried.

Mr. Braun noted that sometimes in the Analyses, the numbers are written in words and other times written numerically. He suggested that, for the sake of consistency, every time this shows up in an Analysis, it be amended.

Senator Linda Gray moved that on line 36 the words “four hundred thousand” be changed to the numbers “400,000.” The motion carried.

Senator Bennett moved that the Analysis as proposed by the Legislative Council do pass as amended. The motion carried by a roll call vote of 13-0-0-1 (Attachment 10).


Mike Braun, Executive Director, Arizona Legislative Council, stated that no comments were received by the members of the Legislature regarding this Analysis but wanted to point out that on line 9 there is an extra word “limit” that already is on line 8, and also that this is another
opportunity to make the numbers consistent by spelling them out or using figures, e.g., lines 3 and 10 the words “two” are spelled out.

Senator Bennett moved that the Analysis as proposed for HCR 2056 by the Legislative Council do pass (Attachment 11).

Representative Robson moved that the proposed Analysis be amended as follows: lines 3 and 10, strike the words “two” and replace them with “2.” In line 9 strike the word “limit.” The motion carried.

Representative Landrum-Taylor moved that the proposed Analysis be amended as follows: line 7 strike “known as the 2006 Taxpayer Protection Act” (Attachment 12). The motion failed.

Senator Bennett moved that the Analysis as proposed by the Legislative Council do pass as amended. The motion carried by a roll call vote of 12-0-0-2 (Attachment 13).

SCR 1001 (2006) standing; federal violations; damages – DO PASS AMENDED (10-3-0-1)

Mike Braun, Executive Director, Arizona Legislative Council, stated the only comment received was from Senator Harper, who could not be present, and asked that Mr. Braun relay the question that if a person entered this country legally and their visa expired, would they be prohibited punitive damages. Mr. Braun said he does not believe that situation is covered by the resolution. That situation is covered in many different spots in state statutes and even in some measures that will be on the ballot in November, e.g., HCR 2028 that was already discussed, but it appears to him that this particular SCR uses a different standard and he believes the answer is no.

Senator Bennett moved that the Analysis as proposed for SCR 1001 by the Legislative Council do pass (Attachment 14).

Senator Bennett asked Mr. Braun about Senator Harper’s concerns and commented that in the resolution it states that “A person who is present in this state in violation of federal immigration law related to improper entry by an alien shall not be awarded punitive damages in any action in any court in this state.” He asked if it would not be reasonable to use such a phrase in the Analysis to define it in almost identical terms as the resolution. Members discussed whether or not the intent of the resolution is intended to cover those people who enter legally but overstay their visa.

Mr. Lujan moved the Legislative Council Analysis be amended as follows: line 1 after the word “may” strike the remainder of the line and strike lines 2 and 3 up to the word “punitive.” Line 1, after the word “may,” add “be awarded punitive damages in addition to compensatory damages” and in line 4 strike “in excess of” and at the end of that sentence before the period insert “and to discourage others from engaging in similar wrongful conduct.” In line 6 after “from” delete “receiving” and insert “being awarded” (Attachment 15). The motion failed.
Senator Bennett moved that the Legislative Council Analysis be amended as follows: line 7, strike the words “entered the United States” and replace them with “is present in this state” and after “law” add “related to improper entry.” The motion carried.

Representative Lujan moved that the Legislative Council Analysis be amended as follows: line 4, at the end of paragraph 1 after the word “wrong,” add “and to discourage others from engaging in similar wrongful conduct.” The motion carried.

Senator Bennett moved that the Analysis as proposed by the Legislative Council do pass as amended. The motion carried by a roll call vote of 10-3-0-1 (Attachment 16).


Mike Braun, Executive Director, Arizona Legislative Council, stated that no comments were received by the members of the Legislature regarding this Analysis but wanted to point out that on further reflection he believes it contains an error on line 13. After the word “guardians” the comma should be deleted and the word “and” inserted and after the word “caretakers” the words “and the children in their care” should be deleted.

Representative Robson moved that the Analysis as proposed for SCR 1031 by the Legislative Council do pass (Attachment 17).

Representative Robson moved that the amendment as recommended by Mr. Braun for the Legislative Council Analysis be adopted. The motion carried.

Senator Linda Gray moved that her amendment to the Legislative Council Analysis be adopted (Attachment 18). The motion carried.

Representative Robson moved that the Analysis as proposed by the Legislative Council do pass as amended. The motion carried by a roll call vote of 12-0-0-2 (Attachment 19).

**SCR 1033 (2006) methamphetamine; probation ineligibility – DO PASS AMENDED (12-0-0-2)**

Mike Braun, Executive Director, Arizona Legislative Council, stated that no comments were received by the members of the Legislature regarding this Analysis. He believes a number of people pointed out that the Analysis is not as clear as it should be. That portion is on lines 14 and 15 of the draft Analysis. The Analysis gives the impression that it is talking about first-time offenders when, in reality, A.R.S. 13-901.01 talks about a person who was convicted for the first time or the second time. He said he does understand the confusion.

Representative Robson moved that the Analysis as proposed for SCR 1033 by the Legislative Council do pass (Attachment 20).
Edwin Cook, Arizona Prosecuting Attorneys’ Advisory Council, stated he would encourage the committee to make some adjustments to the Analysis that would convey the crux of the proposal itself in more simple terms. For example, “controlled substance” includes all drugs and this proposition specifically deals with methamphetamine and its paraphernalia; and he believes that really conveys more to the voter what they are voting for or against. What this proposition does is actually remove probation eligibility under one special probation statute that does not allow the court to impose jail, which is a condition of probation, and puts it under the general probation statute that restores to the court the ability to impose jail as a term of probation. The first offense is probation eligible; the second offense may be probational. So it is actually simple though there is a complexity because of the nature of the statutes involved. Senator Bennett asked that a copy of his proposed amendment (Attachment 21) be given to Mr. Cook.

Senator Bennett clarified that the Proposition merely adds the tool of potential incarceration for the judge to use as an encouragement for the person to get rehab and treatment. Senator Aguirre suggested that the word “force” used in the Analysis be changed to “encourage.” Representative Tully commented that when the judge gives an order, it is not just an encouragement; it is a mandated court order for them to get treatment. It is not saying “will you please follow the court’s order?” “Force” is clear and to the point. “Encourage” is less clear and is not accurate. Senator Aguirre said then that it could be changed to “require.” Chairman Weiers suggested the word “impel.”

Senator Bennett moved his proposed amendment (Attachment 21) striking on line 24 the words “or prison.” The motion carried.

Senator Bennett moved that the Analysis as proposed by the Legislative Council do pass as amended. The motion carried by a roll call vote of 12-0-0-2 (Attachment 22).

C-02-2006 Protect Marriage Arizona – DO PASS (12-0-0-2)

Mike Braun, Executive Director, Arizona Legislative Council, stated no comments were received from any members of the Legislature nor are they aware of any changes that need to be made to the drafting Analysis.

Senator Bennett moved that the Analysis as proposed for C-02-2006 by the Legislative Council do pass (Attachment 23).

Persons recognized who are in support of the Legislative Council Analysis for C-02-2006 who did not speak:

   Jennifer Clark, Protect Marriage Arizona  
   Lisa Hauser, Arizona Together

Question was called on the motion that the Analysis as proposed for C-02-2006 by the Legislative Council do pass. The motion carried by a roll call vote of 12-0-0-2 (Attachment 24).
Mike Braun, Executive Director, Arizona Legislative Council, stated no comments were received from any members of the Legislature nor are they aware of any changes that need to be made to the drafting Analysis.

Senator Bennett moved that the Analysis as proposed for C-02-2006 by the Legislative Council do pass (Attachment 25).

Michael Liburdi, Nature Conservancy, stated that the purpose of this initiative is to safeguard and protect approximately 650,000 acres of state trust land. That is why they want one of the changes to be that the purpose goes first in the Analysis. It needs to be made clear, though no longer available for sale, the land will still be available for lease. Mr. Liburdi explained the rest of the proposed amendment of Senator Aguirre, a copy of which was given to all the members (Attachment 26) and answered questions. He said he also wants to eliminate the language about the costs associated with the board being paid from the proceeds of the sale of trust lands. He said he fears that it will be misleading because the Legislature is certainly free to, and he hopes will, provide funding for this board of trustees as its primary funding source. He explained why he believes this would not fall under the requirement of a new initiative having its own independent funding source.

Senator Bennett said he thinks one of the fundamental elements of the proposal is this mechanism, by which for the first time, proceeds from the sale or lease of state trust lands could be in part diverted to pay for the expenses of the board. He said he could not support an Analysis that left that out. But maybe something could be said like, “if not appropriated by the Legislature.” He said that, otherwise, it would be a misrepresentation to the voters to leave it out.

Mr. Liburdi said that it is entirely conceivable that the board could be funded entirely by the Legislature or some other source. He believes that it is misleading to suggest to the voters that the way it reads right now is that the only funding source would be from the sale of state trust lands. Representative Tully stated that the people looking at this need to know that the property may be sold for something less than its full economic value. Mr. Liburdi stated that the constitution still requires an appraisal and it prohibits the sale of that land for anything less than the appraisal value, and secondly, by saying that it does not have to be the highest amount of financial receipts, is very misleading. Mr. Tully said that is the reason the proposition is being brought forward, to dispose of the land in a different fashion than what is allowed now. It should be clear in the Analysis that the rules of the game are to be changed.

Senator Aguirre moved that her amendment to the proposed Analysis by the Legislative Council be adopted (Attachment 26). The motion failed.

Becky Burnham, Home Builders Association of Central Arizona, explained her proposed amendment. Because of the complexity of the amendment offered verbally. Chairman Weiers said the Analysis would be on hold until a written copy of the proposed amendment could be had and for now they would move on to the next item. He asked Senator Bennett to withdraw his motion.
Senator Bennett withdrew his motion that the Analysis as proposed for C-03-2006 by the Legislative Council do pass (Attachment 25).

**Chairman Weiers stated that this action would be set aside for a few minutes and they proceeded to item 11.  See page 14 for continuation of C-03-2006.

**I-01-2006 Arizonans for Voter Rewards – DO PASS (11-0-0-3)**

Mike Braun, Executive Director, Arizona Legislative Council, stated no comments were received from any members of the Legislature nor are they aware of any corrections that need to be made to the draft Analysis (Attachment 27).

Mark Osterloh, Arizonans for Voter Rewards, stated that the Analysis is fair, accurate and simple and urged the committee to adopt it.

In answer to questions, Mr. Braun said, under the existing law, 70% of the unclaimed prize recycles for lottery purposes with 30 percent going to court-appointed advocacy fund. This proposition only touches the 70 percent. Of this 70 percent, twenty percent goes to voter rewards and 50 per cent to lottery purposes.

Senator Bennett, acting as chairman, announced the meeting is recessed until the sound of the gavel, approximately 5 minutes.

THE MEETING RECESSED AT 4:40 P.M.

THE MEETING RECONVENED AT 4:49 P.M.

Senator Bennett moved that the Analysis as proposed for I-01-2006 by the Legislative Council do pass. The motion carried by a roll call vote of 11-0-0-3 (Attachment 28).

**I-05-2006 Smoke-Free Arizona Act – DO PASS AMENDED (12-0-0-2)**

Mike Braun, Executive Director, Arizona Legislative Council, stated he did not receive any comments from the legislators on the Analysis (Attachment 29). He said, however, that he failed to describe the offense for persons who smoke where smoking is prohibited, which he did include in the Analysis for the “Arizona Non-Smoker Protection Act” I-22-2006.

Senator Bennett moved that the Analysis as proposed for I-05-2006 by the Legislative Council do pass (Attachment 29).

Representative Tully moved his amendment (Attachment 30) with the following changes: On line 15 replace “DHS” with “Department of Health Services (DHS)” and on line 21 replace “Department of Health Services (DHS) with “DHS.” The motion carried.
Michelle Pabis, American Cancer Society, whose request to speak was not received before the vote, voiced her opposition to the amendment that was just adopted.

Lisa Hauser, Arizona Non-Smoker Protection Commission, spoke in favor of the amendment to mention in the Analysis that a person smoking where smoking is prohibited would be guilty of a petty offense.

Senator Linda Gray moved that the sentence, “A person who smokes where smoking is prohibited would be guilty of a petty offense.” be added to the Analysis on line 20. The motion carried.

Senator Bennett moved that the Analysis as proposed for I-05-2006 by the Legislative Council do pass as amended. The motion carried by a roll call vote of 12-0-0-2 (Attachment 31).

I-07-2006 Humane Treatment of Farm Animals Act – DO PASS AMENDED (12-0-0-2)

Mike Braun, Executive Director, Arizona Legislative Council, stated no comments were received from other members of the Legislature concerning this measure; nor are there any staff comments.

Senator Bennett moved that the Analysis as proposed for I-07-2006 by the Legislative Council do pass (Attachment 32).

Stephanie Nichols-Young, Animal Defense League of Arizona, Arizonans for Humane Farms, stated her support of the Analysis and offered to answer questions.

Rita Hauser, Campaign for Arizona’s Farmers and Ranchers, said her concern is that this proposition adds a section to Arizona’s criminal code. Rather than having language that says Prop. _____ would “prohibit a person,” she would like it to be “make it a crime to.” The second amendment would be to include language from the proposition “to tether and confine.”

Senator Verschoor remarked that it could say it is the highest level of misdemeanor, right below felony. Most people would not know that.

Cheryl Nauman, Arizonans for Humane Farms, said she believes the Legislative Council Analysis is accurate. She said including “tethering” would mirror the proposition. She believes that the words “first-class misdemeanor” would be more accurate than “crime.”

Senator Linda Gray said it could be stated that it is a class one misdemeanor which is punishable for an individual by a maximum of 6 months in jail and a fine of $2,500.

Ms. Hauser suggested that if time in jail and fine are mentioned, it would be accurate to include not only what it is for an individual but also for an enterprise. She would also like a mention that it will be part of the criminal code.
Senator Chuck Gray moved that on line 1 “prohibit” be stricken and in its place insert “make it a class one misdemeanor punishable by up to 6 months in jail and a $2,500 fine.”

Senator Verschoor stated that people can easily think of a misdemeanor as not criminal and he thinks that the word “criminal” ought to be in it. People do not really understand the difference between crime, misdemeanor and felony -- what a level 1, 2 or 3 is and what is criminal and what is civil. He believes the word “criminal” should be included.

Senator Chuck Gray withdrew his motion.

Senator Chuck Gray moved that in the Analysis on line 1 the word “prohibit” be stricken and “make it a class one misdemeanor punishable by up to 6 months in jail and a $2,500 fine” inserted in its place. Also strike “from” and insert “to” and strike “ing” and replace with “e.” The motion failed.

Representative Tully moved an amendment that the Analysis say: On line 1: “Prop._____would amend the Arizona Criminal Code to make it a class one misdemeanor to tether or confine a pig during pregnancy…” The motion carried.

Senator Bennett moved that the Analysis as proposed for I-07-2006 by the Legislative Council do pass as amended. The motion carried by a roll call vote of 12-0-0-2 (Attachment 33).

I-11-2006 Your Right to Vote – DO PASS AMENDED (12-0-0-2)

Mike Braun, Executive Director, Arizona Legislative Council, stated no comments were received from other members of the Legislature concerning this measure; nor are there any staff comments (Attachment 34).

Senator Bennett moved that the Analysis as proposed for I-11-2006 by the Legislative Council do pass (Attachment 34).

Representative Lujan moved his amendment to the Analysis by Legislative Council for I-11-2006 be adopted (Attachment 35). The motion carried.

Senator Linda Gray moved that the Analysis be amended to include the words “not fewer than 15 days” in the Analysis by Legislative Council on lines 3 and 4 (Attachment 36). The motion carried.

Senator Bennett moved that the Analysis as proposed for I-11-2006 by the Legislative Council do pass as amended. The motion carried by a roll call vote of 12-0-0-2 (Attachment 37).
I-13-2006 Raise the Minimum Wage for Working Arizonans Act
– DO PASS AMENDED (12-0-0-2)

Mike Braun, Executive Director, Arizona Legislative Council, stated no comments were received from other members of the Legislature concerning this measure although there are some technical mistakes – on lines 12 and 13 the word “however” is used twice and on line 18 after “Proposition ______” the period that follows needs to be deleted.

Sam Coopersmith, Arizona Minimum Wage Coalition, mentioned two other technical issues, the first of which is on line 7 where it says “would apply to all businesses except.” He said it might be better to say “would not apply to the following” since none of the first five listed are businesses. He stated the other technical issue is line 11, and that he would like to amend the Analysis to contain the actual language in the Arizona statute which parallels the federal minimum wage statute as follows “employees who regularly receive tips may be paid up to $3.00 per hour less if the employer can establish that wages plus tips equal or exceed the minimum wage for hours worked as under federal law” (cf. A.R.S. 23-363). Senator Linda Gray suggested that the Analysis also include a description of the civil penalties for non-compliance.

Senator Bennett moved that the Analysis as proposed for I-13-2006 by the Legislative Council do pass (Attachment 38).

Representative Lopez moved that her amendment to I-13-2006 be adopted as written (Attachment 39) with the change that the two commas following the word “state” on line 12 be deleted. The motion failed.

Senator Chuck Gray moved the Analysis by Legislative Council be amended on line 7 by striking “businesses” and inserting “employers” and on line 18 striking the period before “also.” The motion carried.

Senator Chuck Gray moved that on line 12 the first “However,” including the comma, be stricken and the “p” in “political” be capitalized. Senator Gray withdrew his motion and suggested Representative Tully make his motion.

Representative Tully moved that lines 12 and 13 of the Analysis by Legislative Council be deleted and replaced with the following: “4. The State of Arizona government, but political subdivisions of this state would have to comply with the state minimum wage law.” The motion carried.

Representative Lopez moved that on line 11 of the Analysis by Legislative Council after the word “tips” the following words be added “and who are otherwise exempt under federal minimum wage law.” The motion carried.

Senator Bennett moved that the Analysis as proposed for I-13-2006 by the Legislative Council do pass as amended. The motion carried by a roll call vote of 12-0-0-2 (Attachment 40).
I-16-2006 First Things First for Arizona’s Children – DO PASS AMENDED (12-0-0-2)

Mike Braun, Executive Director, Arizona Legislative Council, stated no comments were received from other members of the Legislature concerning this measure. He commented that on line 9 there is a mistake of a double period.

Senator Bennett moved that the Analysis as proposed for I-16-2006 by the Legislative Council do pass (Attachment 41).

Senator Linda Gray moved the Analysis be amended to strike the second period in Line 9. The motion carried.

Senator Linda Gray moved her amendment as written (Attachment 42) to the Analysis as proposed for I-16-2006 by the Legislative Council with the following changes: replace “shall” with “would” in two places – lines 28 and 30.

Senator Bennett moved that the Analysis as proposed for I-16-2006 by the Legislative Council do pass as amended. The motion carried by a roll call vote of 12-0-0-2 (Attachment 43).

C-03-2006 Conserving Arizona’s Future – DO PASS AMENDED (11-0-0-3)

** Continued from page 10:

Senator Bennett moved that the Analysis as proposed for C-03-(2006) by the Legislative Council do pass (Attachment 25).

Senator Chuck Gray moved his amendment as written (Attachment 44) to the Analysis as proposed for C-03-2006 with the caveat that on line 21 the comma and the extra “b” be stricken and on line 3 that the first “of” be stricken. The motion carried.

Senator Bennett moved that the two sentences comprising lines 18 through most of 20 be renumbered as paragraph 1; a new paragraph 2 would begin with “Generally” and include all the elements of Senator Chuck Gray’s amendment and what was paragraph 1 on lines 12 through 17 would become a new paragraph 3, except for a period on line 14 after “schools” and add “universities governance” before “administration, teaching, education or advocacy.” Senator Bennett withdrew his motion.

Senator Bennett moved that paragraph 2 of the Analysis as amended end on line 20 with the word “institutions.” Paragraph 3 would begin the next sentence “Generally....” and include all the elements of Senator Chuck Gray’s amendment and on line 14 a period would follow after “schools” and the words “universities governance or” added before “administration, teaching” and “education” added before “or advocacy.” The motion carried.

LEGISLATIVE COUNCIL
July 10, 2006
Representative Tully moved an amendment to the Analysis on page two, line 1 of the amended Analysis after the word “may” to add the words “convey title to state trust lands in exchange for an agreement to receive a share of anticipated gross revenues generated by the subsequent lease or sale of the land.” The motion carried.

Senator Ableser moved an amendment to the Analysis to change the order of the paragraphs. The motion failed.

Senator Bennett moved that the Analysis as proposed for C-03-2006 by the Legislative Council do pass as amended. The motion carried by a roll call vote of 11-0-0-3 (Attachment 45).

HCR 2045 (2006) state trust land reform – DO PASS AMENDED (12-0-0-2) ON RECONSIDERATION (See Page 5):

Senator Bennett moved that the action on HCR 2045 be reconsidered. The motion carried.

Senator Bennett moved that the Analysis for HCR 2045 (2006) be approved with the changes made for C-03-2006 in the introductory paragraph. The motion carried.

Senator Bennett moved that the Analysis as proposed for HCR 2045 by the Legislative Council do pass as amended. The motion carried by a roll call vote of 12-0-0-2 (Attachment 46).

I-21-2006 Private Property Rights Protection Act – DO PASS AMENDED (12-0-0-2)

Mike Braun, Executive Director, Arizona Legislative Council, stated no comments were received from other members of the Legislature concerning this measure nor is he aware of any technical changes that need to be made.

Senator Bennett moved that the Analysis as proposed for I-21-2006 by the Legislative Council do pass (Attachment 47).

Representative Robson moved his amendment (Attachment 48) to I-21-2006 be adopted. The motion carried.

Senator Chuck Gray moved that on line 18 after “The” the words “state and federal constitutions” be stricken and replaced with “Arizona constitution prohibits.” The motion carried.

Senator Bennett moved that the Analysis by Legislative Council for I-21-2006 as amended do pass. The motion carried by a roll call vote of 12-0-0-2 (Attachment 49).
I-22-2006 Arizona Non-Smoker Protection Act – DO PASS AMENDED (12-0-0-2)

Mike Braun, Executive Director, Arizona Legislative Council, stated no comments were received from other members of the Legislature concerning this measure nor is he aware of any technical changes that need to be made.

Senator Bennett moved that the Analysis as proposed for I-22-2006 by the Legislative Council do pass (Attachment 50).

Representative Tully moved his amendment to the Analysis be adopted (Attachment 51). The motion carried.

Representative Lopez moved that the Analysis be further amended as follows: On line 23 change the word “prohibit” by “preempt.”

Lisa Hauser, Arizona Together, stated that it would be more accurate to use the word “supersede” than “repeal.” Mr. Robson suggested using the word “preempt” as used in the measure itself.

Michelle Pabis, American Cancer Society, agreed that it is important to use the word “preempt.”

Senator Bennett moved that the Analysis by Legislative Council for I-22-2006 as amended do pass. The motion carried by a roll call vote of 12-0-0-2 (Attachment 52).

Without objection, the meeting adjourned at 7:30 p.m.

Pat Hudock, Committee Secretary
July 18, 2006

(Original minutes, attachments and tape on file in the Office of the Chief Clerk)