

ARIZONA STATE LEGISLATURE
Forty-eighth Legislature – Second Regular Session

ARIZONA LEGISLATIVE COUNCIL

Minutes of Meeting
Monday, July 7, 2008
House Hearing Room 4 – 9:00 a.m.

Chairman Weiers called the meeting to order at 9:05 a.m. and roll call was taken.

Members Present

President Tim Bee, Vice-Chairman
Senator Chuck Gray
Senator Linda Gray
Senator Richard Miranda
Senator ThayerVerschoor

Speaker Jim Weiers, Chairman
Representative Doug Clark
Representative Linda Lopez
Representative David Lujan
Representative Bob Robson
Representative Bob Stump

Members Absent

Senator Marsha Arzberger
Senator Charlene Pesquiera

Representative Mark DeSimone

Committee Action

SCR 1042 – Adopted (9-1-0-4)
C-15-2008 – Adopted (10-0-0-4)
C-17-2008 – Adopted (9-1-0-4)
C-18-2008 – Adopted as amended (11-0-0-3)
C-19-2008 – Adopted (11-0-0-3)

C-20-2008 – Adopted as amended (10-1-0-3)
I-12-2008 – Adopted as amended (11-0-0-3)
I-14-2008 – Adopted as amended (11-0-0-3)
I-16-2008 – Adopted (10-1-0-3)
I-24-2008 – Adopted as amended (8-3-0-3)

INITIATIVE AND REFERENDUM AND THE PUBLICITY PAMPHLET:

Mike Braun, Executive Director, Legislative Council, advised that Legislative Council is mandated to comply with statutory requirements under A.R.S. §19-124 to prepare impartial analyses of the ballot measures that will appear on the November ballot. A packet was distributed which included the Initiative and Referendum and the Publicity Pamphlet and a copy of each measure (Attachment 1). He advised that the Publicity Pamphlet is published by the Secretary of State's Office each election year and mailed to each household with a registered voter. He reviewed the contents of the Publicity Pamphlet.

ADOPTION OF BALLOT ANALYSES:

SCR 1042, marriage; one man; one woman – DO PASS

Mike Braun, Executive Director, Legislative Council, explained SCR 1042 (Attachment 2). He advised that this measure amends the Arizona Constitution to provide that only a union of one man and one woman shall be valid or recognized as a marriage in this State.

Person in support of SCR 1042 who did not speak:

Peter Gentala, Center for Arizona Policy

Representative Robson moved that the Committee approve the language submitted by Legislative Council for SCR 1042. The motion carried by a roll call vote of 9-1-0-4 (Attachment 3).

C-15-2008, Medical Choice for Arizona – DO PASS

Mike Braun, Executive Director, Legislative Council, reviewed C-15-2008, a proposed amendment to the Arizona Constitution relating to medical choice for Arizona (Attachment 4).

Representative Robson moved that the Committee adopt the language submitted by Legislative Council for C-15-2008. The motion carried by a roll call vote of 10-0-0-4 (Attachment 5).

C-17-2008, Arizona Civil Rights Initiative – DO PASS

Mike Braun, Executive Director, Legislative Council, described the draft analysis on C-17-2008 which proposes to amend the Arizona Constitution to prohibit governmental entities from discriminating against or granting preferential treatment to any individual or group based on race, sex, color, ethnicity or nation origin in the operation of public employment, public education or public contracting (Attachment 6).

Representative Robson moved that the Committee adopt the language submitted by Legislative Council for C-17-2008. The motion carried by a roll call vote of 9-1-0-4 (Attachment 7).

C-18-2008, Protect Our Homes – DO PASS AMENDED

Mike Braun, Executive Director, Legislative Council, stated that C-18-2008 amends the Arizona Constitution to prohibit the State or any political subdivision of the State from imposing any new tax, fee or other assessment on the sale, purchase, transfer or other conveyance of any interest in real property (Attachment 8).

Representative Robson moved that the Committee adopt the language submitted by Legislative Council for C-18-2008.

Representative Robson moved that C-18-2008 be amended by the language in the Robson proposed revised draft (Attachment 9).

Representative Robson related that his proposed amendment to C-18-2008 adds clarifying language

Tom Farley, Arizona Association of Realtors, testified that the Association is the sponsoring organization for this proposition. He expressed support of the Robson amendment.

Question was called on the Robson amendment to C-18-2008 (Attachment 9). The motion carried.

Representative Robson moved that C-18-2008 as amended be adopted. The motion carried by a roll call vote of 11-0-0-3 (Attachment 10).

C-19-2008, Majority Rules – Let the People Decide – DO PASS

Mike Braun, Executive Director, Legislative Council, reviewed C-19-2008 which amends the Arizona Constitution and changes the voting requirement so that an initiative measure that establishes, imposes or raises a tax, fee or other revenue shall not become law unless it is approved at the election by a majority of qualified electors registered to vote in the State (Attachment 11).

Senator Chuck Gray raised the issue of whether it also includes raising penalties.

Vice-Chairman Bee moved that the Committee approve the language submitted by Legislative Council for C-19-2008. The motion carried by a roll call vote of 11-0-0-3 (Attachment 12).

C-20-2008, Conserving Arizona’s Water and Land – DO PASS AMENDED

Mike Braun, Executive Director, Legislative Council, described the draft analysis for C-20-2008 relating to conserving Arizona’s water and land (Attachment 13).

Senator Linda Gray questioned whether there is a definition of “reasonable.” Mr. Braun answered that “reasonable” is not further defined in the Constitution.

Janice Palmer, Arizona School Boards Association, reviewed the Association’s recommendations to amend C-20-2008.

Vice-Chairman Bee moved that the Committee adopt the language submitted by Legislative Council for C-20-2008.

Discussion ensued on the term “reasonable.”

Chairman Weiers recessed the meeting to the sound of the gavel. THE MEETING RECESSED AT 9:42 A.M.

THE MEETING RECONVENED AT 9:55 A.M. All Members were present except Senator Arzberger, Senator Pesquiera and Representative DeSimone.

Ms. Palmer distributed the Association's written recommendations to the proposed analysis (Attachment 14).

Discussion ensued on whether to strike the word "reasonable" and insert "unspecified."

Mark Winkleman, State Land Commissioner, testified that he sees the language proposed by the Association completely unnecessary and said it is contradictory to the Constitution. He suggested alternative language: page 1, line 14, strike "would no longer be available for sale" and insert "may no longer be available for sale."

Representative Lujan moved that C-20-2008 be amended as follows:

Line 14, after "land" insert "may" and strike "would no longer"

Line 14, strike "available for sale" and insert "sold at its conservation value"

Line 15, after "beneficiaries" insert "for uses consistent with conservation."

Senator Gray asked where the definition of "conservation value" is and where it appears.

Question was called on Representative Lujan's motion to amend C-20-2008. The motion failed.

In response to Representative Lujan's question, Mr. Winkleman advised that "reasonable" was chosen because circumstances dictate what is reasonable and the definition may vary from year to year.

Senator Verschoor moved that the Committee accept the changes proposed by Ms. Palmer to C-20-2008 (Attachment 14). The motion carried.

Representative Robson moved that C-20-2008 be further amended as follows:

Page 1, line 15, after "beneficiaries" insert "ALTHOUGH SOME REVENUE FROM LEASING MAY BE REALIZED." (Attachment 15).

Representative Robson noted that this is clarifying language.

Question was called on Representative Robson's motion that C-20-2008 be further amended as proposed. Division was called and by a hand vote of 6 to 5, the motion carried.

Vice-Chairman Bee moved that C-20-2008 as amended be adopted. The motion carried by a roll call vote of 10-1-0-3 (Attachment 16).

I-12-2008, Stop Illegal Hiring – DO PASS AMENDED

Mike Braun, Executive Director, Legislative Council, explained the proposed analysis for I-12-2008 which prohibits an employer from intentionally employing an alien who is not

authorized under federal law to work in the United States (Attachment 17). He noted that on page 2, line 28, the term “law” was omitted after “state.”

Representative Lujan commented that it appears that only the federal government has responsibility and he recommended that the analysis be amended to include language that the State would follow the process now in place (Attachment 18).

Vice-Chairman Bee moved that the Committee adopt the Legislative Council draft analysis for I-12-2008.

Representative Lujan moved that the analysis be amended as provided in Attachment 18. The motion carried.

Vice-Chairman Bee moved that I-12-2008 as amended be adopted. The motion carried by a roll call vote of 11-0-0-3 (Attachment 19).

I-14-2008, Homeowners’ Bill of Rights – DO PASS AMENDED

Mike Braun, Executive Director, Legislative Council, reviewed the draft analysis prepared by Legislative Council for I-14-2008 on Homeowners’ Bill of Rights (Attachment 20). He pointed out that “newly constructed” should be inserted on page 1, line 36, after the first “a.”

Vice-Chairman Bee moved that the Committee adopt the Legislative Council draft analysis for I-14-2008.

Vice-Chairman Bee further moved that the draft analysis be further amended as follows:

Page 1, line 36, after the first “a” insert “newly constructed.”

The motion carried.

Kevin O’Malley, representing Home Builders Association of Central Arizona, reviewed proposed amendments to the draft analysis recommended by the Association and proposed by Representative Clark (Attachment 21).

Person in support of the Association’s recommended changes who did not speak:

Spencer Kamps, Home Builders Association of Central Arizona

Senator Chuck Gray noted that “homeowner” has been changed to “purchaser.” He wondered whether this change applies to commercial property. Mr. O’Malley responded that this is not limited to homeowners. Senator Gray asked whether any of the language applies only to homeowners. Mr. O’Malley replied in the affirmative.

Discussion ensued on the language on page 2, lines 24-26. Representative Clark pointed out that this language refers to the deposit, not to the loan amount.

Vice-Chairman Bee moved that the proposed Clark amendment to I-14-2008 be adopted (Attachment 21).

Vice-Chairman Bee moved that the proposed Clark amendment be amended as follows:

Page 2, line 25, strike “~~home~~” insert “dwelling”

The motion carried.

Senator Linda Gray moved that the proposed Clark amendment be further amended as follows:

Page 1, line 3, strike “home” insert “dwelling”

The motion carried.

Vice-Chairman Bee moved that the proposed Clark amendment be further amended as follows:

Page 1, line 11, after “RESOLUTION” insert closed quotation mark

The motion carried.

Vice-Chairman Bee moved that the proposed Clark amendment be further amended as follows:

Page 2, line 15, after “a” insert “newly constructed”

The motion carried.

Vice-Chairman Bee moved that the proposed Clark amendment as amended be adopted (Attachment 21). The motion carried.

Vice-Chairman Bee moved that the draft analysis for I-14-2008 as amended be adopted. The motion carried by a roll call vote of 11-0-0-3 (Attachment 22).

I-16-2008, Payday Loan Reform Act – DO PASS

Mike Braun, Executive Director, Legislative Council, advised that the draft analysis for I-16-2008 prepared by Legislative Council provides for the indefinite continuation of deferred presentment services, commonly known as “payday loans” (Attachment 23).

Person in support of I-16-2008 who did not speak:

Stan Barnes, Arizonans for Financial Reform

Vice-Chairman Bee moved that the Committee adopt the Legislative Council draft analysis for I-16-2008. The motion carried by a roll call vote of 10-1-0-3 (Attachment 24).

I-24-2008, Transportation and Infrastructure Moving Arizona’s Economy Act – DO PASS AMENDED

Mike Braun, Executive Director, Legislative Council, briefly described Legislative Council’s draft analysis for I-24-2008, Transportation and Infrastructure Moving Arizona’s Economy Act (Attachment 25).

Senator Linda Gray noted that part of the money is going to build campsites. She feels that voters should know that part of the money for building highways will be used to build campsites. Mr. Braun noted that the draft analysis does not mention campsites but the initiative does.

Stan Barnes, representing TIME Coalition, advised that he has a problem with the first 13 lines of the measure as written by Legislative Council. He feels that the language does not follow the same protocol as the other initiatives. Additionally, referencing a 17.8% tax increase would give the voters a negative prompt and suggested replacing that language with “one cent on the dollar.” He provided a draft of proposed language (Attachment 26). He stated that he is asking for as much neutrality in the language as possible.

In response to Senator Linda Gray, Mr. Barnes related that the calculations are accurate.

Senator Miranda opined that the proposed amendment is fair and accurate.

Representative Robson said that the measure contains two issues: raising taxes and spelling out the benefits from the taxes. The Legislative Council analysis refers to both issues and he feels the analysis is factual.

Vice-Chairman Bee moved that the Committee adopt the Legislative Council draft analysis for I-24-2008.

Senator Miranda moved that the proposed amendment to I-24-2008 be adopted (Attachment 26). The motion failed.

Referring to Senator Linda Gray’s comment about campsites, Mr. Braun noted that the Director of the Department of Transportation does have authority relating to campsites.

Senator Linda Gray moved that the Legislative Council analysis for I-24-2008 be amended as follows:

Page 1, line 10, after “transportation” insert “, campsites”

The motion carried.

Senator Chuck Gray moved that the Legislative Council analysis for I-24-2008 be further amended as follows:

Page 1, line 1, after “Proposition ____” strike “, the Transportation and Infrastructure Moving Arizona’s Economy (“TIME”) Act,”

The motion carried.

Vice-Chairman Bee moved that the Legislative Council draft analysis for I-24-2008 as amended be adopted. The motion carried by a roll call vote of 8-3-0-3 (Attachment 27).

Without objection, the meeting adjourned at 11:17 a.m.

Joanne Bell, Committee Secretary
March 7, 2017

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