

ARIZONA STATE LEGISLATURE
Fiftieth Legislature – Second Regular Session

LEGISLATIVE COUNCIL

Minutes of Interim Meeting
Monday, June 25, 2012
House Hearing Room 4 -- 3:00 p.m.

Chairman Tobin called the meeting to order at 3:13 p.m. and attendance was noted by the secretary.

Members Present

President Steve Pierce, Vice-Chairman
Senator Andy Biggs
Senator Linda Gray
Senator Lori Klein
Senator Leah Landrum Taylor
Senator David Schapira
Senator Steve Yarbrough

Speaker Andrew Tobin, Chairman
Representative Chad Campbell
Representative Steve Court
Representative Steve Farley
Representative Rick Gray
Representative Ted Vogt (for Representative
Debbie Lesko)

Members Absent

Representative Albert Hale

Mike Braun, Director, Legislative Council, explained that the Council is tasked under Arizona Revised Statutes § 19-123 with adopting an impartial ballot analysis for every measure that appears on the November ballot, which becomes part of the publicity pamphlet that is sent to every registered voter household prior to ballot time for the general election. He reviewed an example of information provided on the publicity pamphlet (Attachment 1).

**ADOPTION OF BALLOT ANALYSES PURSUANT TO ARIZONA REVISED
STATUTES SECTION 19-124**

Prop 114 – crime victims; protection from liability

Mr. Braun opined that the Chairman’s Draft of Prop 114 (Attachment 2) is an accurate description of the measure, SCR1020 (Attachment 3).

President Pierce moved that the Council approve the Chairman’s Draft of Prop 114 (Attachment 2). The motion carried by a roll call vote of 13-0-0-1 (Attachment 4).

Prop 115 – judicial selection; procedure

Mr. Braun opined that the Chairman’s Draft of Prop 115 (Attachment 5) is an accurate description of the measure, SCR1001 (Attachment 6). He noted that Senator Gray has a proposed amendment clarifying an exception to information that shall appear on the Supreme Court website, which replicates language in the measure (Attachment 7).

President Pierce moved that the Council approve the Chairman’s Draft of Prop 115 (Attachment 5).

Senator Gray moved that the Gray amendment to the Chairman’s Draft of Prop 115 (Attachment 7) be adopted.

Senator Gray related that the Gray amendment clarifies what is supposed to be available on the Supreme Court website.

Question was called on the motion that the Gray amendment to the Chairman’s Draft of Prop 115 (Attachment 7) be adopted. The motion carried.

President Pierce moved that the Council adopt the Chairman’s Draft of Prop 115 (Attachment 5) as amended. The motion carried by a roll call vote of 13-0-0-1 (Attachment 8).

Prop 116 – personal property tax exemption amount

Mr. Braun opined that the Chairman’s Draft of Prop 116 (Attachment 9) is an accurate description of the measure, SCR1012 (Attachment 10). Amendments from Speaker Tobin (Attachment 11) and Senator Biggs (Attachment 12) are almost identical, except that the Biggs amendment notes that Prop 116 will be known as the Small Business Job Creation Act. Both amendments specify that the state, not the Legislature, will exempt the taxation and clarify that *personal property* refers to equipment and machinery.

President Pierce moved that the Council adopt the Chairman’s Draft of Prop 116 (Attachment 9).

Senator Biggs moved that the Biggs amendment to the Chairman’s Draft of Prop 116 (Attachment 12) be adopted.

Farrell Quinlan, State Director, National Federation of Independent Business, related that he worked with Senator Biggs to draft SCR1012. In speaking about this issue to different groups and voters, he discovered that many people do not understand the meaning of *personal property*. Clarification in the Biggs amendment will allow voters to know what they are voting on.

In response to questions, Mr. Braun indicated that he has no recommendation in relation to the naming of Prop 116 with the Biggs amendment. There have been instances in the past where a

Council analysis specifically referenced a popular name and the Council rejected the proposal, but he cannot cite a legal standard. The only reference to jobs in the measure is in section 2, which names the measure; there is no mention of job creation in the JLBC analysis (Attachment 13).

Senator Schapira noted that there is an anticipated \$8.2 million “hit” to the General Fund mentioned in the JLBC analysis that is not mentioned in the Biggs amendment. There is no mention of jobs in the JLBC analysis, which is mentioned in the Biggs amendment. Mr. Braun agreed.

Senator Biggs commented that during hearings in the Senate and House, experts testified that SCR1012 would have a potential immediate impact of as high as 6,000 to 8,000 jobs.

Speaker Tobin stated that Prop 116 will be moved to the end of the agenda for further discussion.

Senator Biggs withdrew the motion that the Biggs amendment to the Chairman’s Draft of Prop 116 (Attachment 12) be adopted.

President Pierce withdrew the motion that the Council adopt the Chairman’s Draft to Prop 116 (Attachment 9).

Prop 117 – property tax assessed valuation; limitation

Mr. Braun opined that the Chairman’s Draft of Prop 117 (Attachment 14) is an accurate summary of the measure, SCR1025 (Attachment 15).

President Pierce moved that the Council adopt the Chairman’s Draft of Prop 117 (Attachment 14).

Senator Schapira explained that the Schapira amendment (Attachment 16) reflects language from the fiscal note prepared by JLBC on SCR1025 regarding local government impact (Attachment 17).

In response to a question, Mr. Braun advised that there will be no JLBC fiscal impact statement in the publicity pamphlet for legislatively-referred measures; only for initiatives.

Senator Schapira moved that the Schapira amendment to the Chairman’s Draft of Prop 117 (Attachment 16) be adopted.

Senator Yarbrough submitted that the language in the Schapira amendment is outside the purview of the act and confusing.

Senator Schapira responded that this issue is confusing and clarification would be beneficial to the voters. The language was taken from the fiscal note, and since there will not be a fiscal impact statement in the publicity pamphlet, it is important to note the fiscal impact on school districts and local governments.

Senator Landrum Taylor said language in the Schapira amendment would save time for school districts by not having to repeatedly explain the measure and make the issue clear to voters.

Question was called on the motion that the Schapira amendment to the Chairman's Draft of Prop 117 (Attachment 16) be adopted. The motion failed.

Question was called on the motion that the Council adopt the Chairman's Draft of Prop 117 (Attachment 14). The motion carried by a roll call vote of 13-0-0-1 (Attachment 18).

Prop 118 – permanent state land fund; distribution

Mr. Braun opined that the Chairman's Draft of Prop 118 (Attachment 19) accurately reflects the measure, HCR2056 (Attachment 20).

President Pierce moved that the Council adopt the Chairman's Draft of Prop 118 (Attachment 19). The motion carried by a roll call vote of 13-0-0-1 (Attachment 21).

Prop 119 – military preservation; land exchanges

Mr. Braun opined that the Chairman's Draft of Prop 119 (Attachment 22) is an accurate description of the measure, SCR1001 (Attachment 23). He pointed out that the language replicates a portion of a prior ballot measure.

President Pierce moved that the Council adopt the Chairman's Draft of Prop 119 (Attachment 22). The motion carried by a roll call vote of 13-0-0-1 (Attachment 24).

Prop 120 – state sovereignty

Mr. Braun related that the Chairman's Draft of Prop 120 (Attachment 25) is an accurate description of the measure, HCR2004 (Attachment 26). An amendment offered by Speaker Tobin (Attachment 27) strikes language on lines 14 and 15: *relating to the management, operation, use and disposition of state trust lands.*

President Pierce moved that the Council adopt the Chairman's Draft of Prop 120 (Attachment 25).

President Pierce moved that the Tobin amendment to the Chairman's Draft of Prop 120 (Attachment 27) be adopted.

Speaker Tobin stated that the Tobin amendment (Attachment 27) was suggested by the sponsor as a better description of the measure.

Question was called on the motion that the Tobin amendment to the Chairman's Draft of Prop 120 (Attachment 27) be adopted. The motion carried.

Sandy Bahr, Chapter Director, Sierra Club – Grand Canyon Chapter, contended that the Council's impartial analysis for Prop 120 should include the fact that the measure is contrary to Arizona's Enabling Act, which can only be amended by the U.S. Congress, and repeals the consent for the conditions under which Arizona became a state. There is no conditional enactment as with previous measures that required Enabling Act changes. It is also contrary and in direct conflict with other provisions of the Arizona Constitution and does not indicate that the measure is contrary to provisions of the U.S. Constitution.

President Pierce moved that the Council adopt the Chairman's Draft of Prop 120 (Attachment 25) as amended. The motion carried by a roll call vote of 9-4-0-1 (Attachment 28).

C-03-2012 – open elections/open government act

Mr. Braun noted that it was brought to his attention that the Chairman's Draft of C-03-2012 (Attachment 29) was not acceptable so Speaker Tobin authorized Legislative Council to prepare a substitute analysis (Attachment 30). It clarifies that if there is more than one office to be elected, such as in a particular district, it is necessary to double the number of people that will appear on the election ballot. He pointed out that on line 9, there should be a space after "ELECTION", and with that change, the substitute analysis (Attachment 30) is an accurate description of the ballot measure (Attachment 31).

President Pierce moved that the Council adopt the Chairman's Draft to C-03-2012 (Attachment 29).

President Pierce moved that the Tobin amendment to the Chairman's Draft of C-03-2012 (Attachment 30) be adopted.

In response to questions, Mr. Braun stated that if the measure is adopted, it will apply in January 2014, and the provisions of the constitutional amendment will supersede any statutes or other inconsistent constitutional provisions. It specifies that the Legislature, Secretary of State and local officials shall promptly make changes and additions to state statutes, regulations and elections procedures that are necessary to fully implement the provisions of the constitutional amendment in time for the primary in 2014. The measure does not address who will create the procedure.

He related that the language on lines 2 through 4 of the Tobin amendment (Attachment 30) clarifies that the longstanding primary election that allows registered independent and party voters to select general candidates will be eliminated. In its place will be a primary election system in which registered voters may vote for candidates regardless of political affiliation.

Senator Biggs submitted that the Tobin amendment should be more specific about the fact that parties will no longer elect a nominee for the general election.

Senator Biggs moved that the Tobin amendment to the Chairman’s Draft of C-03-2012 (Attachment 30) be amended as follows:

Lines 2 and 3, strike “registered independent and party voters to select general election candidates” and insert “EACH RECOGNIZED POLITICAL PARTY IN ARIZONA TO SELECT ITS NOMINEE FOR THE GENERAL ELECTION”

Senator Schapira suggested the following change to the Tobin amendment in place of the Biggs verbal amendment: Line 3, strike “select” and insert “NOMINATE”. He commented that Mr. Biggs’ verbal comment does not reflect the fact that Independents also participate in the process.

Mr. Court suggested the following change to the Biggs’ verbal amendment: after “PARTY” insert “AND INDEPENDENT VOTERS”.

Mr. Biggs pointed out that Independents participate, but do not select their own nominee.

Dr. Ted Downing, former State Representative, representing self, offered language to address any ambiguities and increase clarity: On lines 2 and 3 of the Tobin amendment, strike “that allows registered independent and party voters to select general election candidates” and insert “BY REPLACING THE CURRENT PARTY-NOMINATED GENERAL ELECTION WITH A VOTER-NOMINATED CANDIDATE”. He said this is the most concise way to make the distinction between the open primary version and the current system. He added that he is the author of the measure and there was much discussion on this issue.

Senator Biggs said the implication of that language is that current nominees are not elected by voters; however, other than the party, it is necessary to also obtain a significant number of Independent votes, so candidates are still being elected by voters.

Senator Yarbrough submitted that voters need to understand that the status quo that has been in existence for 100 years will be eliminated under this process.

Jim Drake, Assistant Secretary of State, Secretary of State’s Office, in response to a question, advised that there is no formal across-the-board, uniform designation of Independent voters. For the primary election, Independent voters can select any party ballot, except Libertarian.

A brief discussion followed between Dr. Downing and Senator Biggs about Independent and Libertarian Party voters in the primary election.

Carolyn Allen, representing self, expressed appreciation for the Tobin amendment, noting that she has been involved in developing this measure. She said she is present to introduce Dr. Downing who authored the measure and wanted to make sure it is accurate.

Senator Yarbrough suggested a change to the Biggs verbal amendment to the Tobin amendment: After “ITS” insert “OWN” to which Senator Biggs agreed.

In response to a question, Mr. Braun noted that the measure states that it is not applicable for elections in which no party affiliation, registration or preference appear on the election ballot.

Dr. Downing pointed out that the initiative makes an exception, not only for the President, but also the Vice President, which he asked to be included in the Tobin amendment.

Mr. Braun pointed out that the language regarding the President appears on line 13 of the Tobin amendment.

Representative Gray endorsed retaining the current language since voters do not elect the Vice President, who is chosen by the President.

Question was called on the motion that the Tobin amendment to the Chairman’s Draft to C-03-2012 (Attachment 30) be amended as follows:

Lines 2 and 3, strike “registered independent and party voters to select general election candidates” and insert “EACH RECOGNIZED POLITICAL PARTY IN ARIZONA TO SELECT ITS OWN NOMINEE FOR THE GENERAL ELECTION”

The motion carried.

Senator Gray remarked that the language in the Tobin amendment (Attachment 30) states that the signature requirement for candidates wishing to run in the open primary election for an office would be based on the total votes cast for all candidates for that office at the previous general election, but it does not provide a percentage. If there were 30,000 votes in an election, it would be necessary to obtain 30,000 signatures.

Mr. Braun clarified that language is in subsection D of the measure (Attachment 31). Some action would be required if the measure passes, and presumably the Legislature would decide the appropriate percentage in which all of the votes for the office in the last general election should be based. In response to a question, he indicated that the measure states that everybody who wants to run for a particular office would have to obtain the same number of signatures, whether the candidate has no affiliation or a political party affiliation, and with this measure, a candidate can make up their own party preference using up to 20 characters.

In response to a question, Dr. Downing noted that subsection H of the measure is called the “Level Playing Field” initiative. Under this measure, there would be a single signature requirement set for all candidates who want to be on the primary election ballot. He responded to questions regarding the following:

- Filling vacant legislative seats if the candidate has no party affiliation.
- Section 2, subsection B, paragraph 1 of the measure.
- Who will pay for the top two primary election.
- Fiscal impact summary prepared by JLBC for the publicity pamphlet (Attachment 13).

- Who will be able to obtain a voter registration list.

Mr. Drake said he interprets the language in the measure to mean that information from the statewide database would be available, not only to candidates, but to anyone requesting it from the Secretary of State's Office.

Senator Biggs moved that the Tobin amendment to the Chairman's Draft of C-03-2012 (Attachment 30) be further amended as follows:

Line 5, after the period, insert "A FUNDING SOURCE HAS NOT BEEN IDENTIFIED THAT WILL PAY THE COST OF THE OPEN TOP TWO PRIMARY ELECTION THAT WILL REPLACE THE CURRENT SYSTEM."

The motion carried.

Senator Yarbrough suggested adding language at the end of the Tobin amendment stating that the proposition makes the entire statewide voter database available to any person upon request.

Ken Bennett, Secretary of State, indicated that he is not aware of language in the measure addressing the statewide voter database; it may be an effect depending on what type of legislation is adopted if the measure is passed by the voters. In response to a question, he said this proposition would require a substantial rewrite of Title 16.

Discussion followed about potential verbal amendments to address issues raised.

In response to a question, Secretary Bennett advised that the measure does not address the impact on the funding mechanisms of candidates, including Clean Elections.

Discussion followed about subsection H of the measure.

Representative Farley moved that the Tobin amendment to the Chairman's Draft to C-03-2012 (Attachment 30) be further amended as follows:

After line 32, add: "THE PROPOSITION LEAVES TO FUTURE LEGISLATURES A NUMBER OF ISSUES, INCLUDING WHO WILL HAVE ACCESS TO THE STATEWIDE VOTER DATABASE, HOW VACANCIES WILL BE HANDLED, WHAT PERCENTAGE OF VOTES WILL BE SET EACH YEAR AS THE NUMBER OF PETITION SIGNATURES REQUIRED BY EACH CANDIDATE FOR EACH OFFICE TO QUALIFY FOR THE BALLOT, HOW TO PAY FOR THE TWO TIER ELECTION."

After a brief discussion with Dr. Downing, President Pierce suggested adding language about the cost to the state to create conforming legislation, which, he opined, will be significant.

In response to a question, Dr. Downing clarified that the measure does not address recall elections. If someone is recalled, another open primary would be needed in order to be constitutional under this change.

Representative Farley moved a substitute motion that the Tobin amendment to the Chairman’s Draft to C-03-2012 (Attachment 30) be further amended as follows:

After line 32, add: “THE PROPOSITION LEAVES TO FUTURE LEGISLATURES A NUMBER OF ISSUES, INCLUDING WHO WILL HAVE ACCESS TO THE STATEWIDE VOTER DATABASE, HOW VACANCIES WILL BE HANDLED, WHAT PERCENTAGE OF VOTES WILL BE SET EACH YEAR AS THE NUMBER OF PETITION SIGNATURES REQUIRED BY EACH CANDIDATE FOR EACH OFFICE TO QUALIFY FOR THE BALLOT, HOW RECALL ELECTIONS WILL BE HANDLED, WHO WILL PAY FOR THE TWO TIER ELECTION AND THE COST OF THE IMPLEMENTATION AND CONFORMING LEGISLATION.”

Senator Schapira stated that since there is no reference to a partisan primary, he does not believe the initiative will have an impact on recall elections. The Members agreed to eliminate the language regarding recall elections.

Senator Gray asked if approval would be needed by the U.S. Department of Justice, which Mr. Downing said he is amenable to including. He noted that the Legislature does not make the decisions listed in the verbal amendment, except for certain elections, but he has no interest in correcting the language.

Representative Farley recommended the following change to the substitute motion:

After “LEGISLATURES” insert “AND GOVERNING BODIES”

Senator Schapira suggested changing “WHO WILL PAY” to “HOW TO PAY”

Question was called on the substitute motion that the Tobin amendment to the Chairman’s Draft to C-03-2012 (Attachment 30) be further amended as follows:

“THE PROPOSITION LEAVES TO FUTURE LEGISLATURES AND GOVERNING BODIES A NUMBER OF ISSUES, INCLUDING WHO WILL HAVE ACCESS TO THE STATEWIDE VOTER DATABASE, HOW VACANCIES WILL BE HANDLED, WHAT PERCENTAGE OF VOTES WILL BE SET EACH YEAR AS THE NUMBER OF PETITION SIGNATURES REQUIRED BY EACH CANDIDATE FOR EACH OFFICE TO QUALIFY FOR THE BALLOT, HOW TO PAY FOR THE TWO TIER ELECTION AND HOW TO PAY FOR THE COST OF IMPLEMENTATION AND CONFORMING LEGISLATION. THE DEPARTMENT OF JUSTICE MUST PRECLEAR ANY CHANGES.”

The motion carried.

President Pierce moved that the Tobin amendment to the Chairman’s Draft to C-03-2012 (Attachment 30) as amended be adopted. The motion carried.

President Pierce moved that the Council adopt the Chairman's Draft to C-03-2012 (Attachment 29) as amended. The motion carried by a roll call vote of 12-1-0-1 (Attachment 32).

C-04-2012 – checks and balances in government

Mr. Braun opined that the Chairman's Draft of C-04-2012 (Attachment 33) accurately summarizes the ballot measure (Attachment 34).

President Pierce moved that the Council adopt the Chairman's Draft to C-04-2012 (Attachment 33). The motion carried by a roll call vote of 10-1-0-3 (Attachment 35).

I-16-2012 – quality education and jobs act

Mr. Braun submitted that the Chairman's Draft of I-16-2012 (Attachment 36) accurately describes the ballot measure (Attachment 37). He added that an amendment offered by Senator Gray (Attachment 38) addresses three items:

- Distribution of money collected if it is less than \$1 billion.
- Allocation of money transferred to the School Facilities Board (SFB).
- Audit provision.

President Pierce moved that the Council adopt the Chairman's Draft of I-16-2012 (Attachment 36).

Senator Biggs moved that the Biggs amendment to the Chairman's Draft of I-16-2012 (Attachment 39) be adopted.

Senator Biggs explained that the Biggs amendment (Attachment 39) indicates that the proposition does not define the term *resident* for purposes of the scholarships.

Ann-Eve Pedersen, representing self, testified that the universities have a strict system for determining who is a resident of the state for many purposes. This measure would conform to residency requirements currently in place, which includes citizenship.

David Martin, President, Arizona Chapter Associated General Contractors, opined that the language in the Biggs amendment is an editorial comment that does not deal with the facts in the ballot initiative. Residency requirements are defined; therefore, stating that the proposition fails to define is incorrect.

Senator Gray noted that section 15-1642.01 on page 4 of the initiative states that the Arizona Board of Regents (ABOR) shall establish the university scholarship, operations and infrastructure fund and adopt rules to administer the fund. There is no requirement to comply with Arizona statutes. Ms. Pedersen responded that if the intent was to have new residency

requirements, such language would have to be included in the proposition. The initiative states that scholarships will be provided to resident students based on financial need or academic achievement. If the proposition does not redefine resident, the current residency requirements would be binding.

Representative Farley suggested replacing “fails to” with “DOES NOT”, which Senator Biggs did not agree to.

Question was called on the motion that the Biggs amendment to the Chairman’s Draft of I-16-2012 (Attachment 39) be adopted. The motion carried.

Mr. Martin remarked that proponents of the proposition exercised the initiative process and turned in 290,000 signatures to the Secretary of State’s Office asking that this measure be placed on the ballot; however, the Council is asking for a response to language for the voter pamphlet without adequate time to review the language.

Mr. Braun explained that Legislative Council is required to submit the ballot analyses language to the Secretary of State’s Office on June 28, 2012. The general practice is to meet the filing deadline as closely as possible in order to determine which measures appear to have the best chance of being placed on the ballot.

Senator Gray moved that the Gray amendment to the Chairman’s Draft of I-16-2012 (Attachment 38) be adopted.

Senator Gray related that if \$1 billion is not collected, the amendment clarifies that it will be distributed in the order listed in the initiative. Also, money distributed to the SFB must be used to pay existing debt before funding new construction or repairs. Additionally, the amendment requires a third-party audit of fund distributions every five years, except no audit is required for the Children’s Health Insurance Program (CHIP) Fund, the Family Stability and Self-Sufficiency Fund, the State General Fund and to Indian Tribal postsecondary educational institutions, which mirrors language in the initiative.

Ms. Pedersen made the following comments:

- According to the measure, the money is to be distributed proportionately each month to each fund, and if \$1 billion is not collected, the amounts will be reduced proportionately.
- The language in the Gray amendment relating to the SFB is a good clarification.
- The measure does not add additional auditing requirements, but if there are pre-existing auditing requirements for the CHIP, those will continue.

Discussion followed about the language in the Gray amendment relating to audits and distribution of money collected.

Mr. Braun opined that the language on page 12, lines 30 through 33 of the measure (Attachment 37), states that if the new sales tax does not bring in \$1 billion, the amounts are reduced on a pro-rata basis. He does not know how that will actually work, but the Gray

amendment was drafted inaccurately. It should be changed on line 4 by striking “IN THE FOLLOWING ORDER” and inserting “PROPORTIONATELY”.

Further discussion followed about the audit provisions.

Mr. Farley suggested that on line 14 of the Gray amendment, after “NO” insert “STATE”. Senator Gray agreed.

Mr. Martin pointed out that section 14 of the measure requires audits of the entire initiative and does not preclude those programs from the audit; it only precludes that section. It is an issue of timing since one section requires a three-year audit and one requires a five-year audit.

Senator Gray moved that the Gray amendment to the Chairman’s Draft of I-16-2012 (Attachment 38) be amended as follows:

Lines 3 and 4, strike “DISTRIBUTED IN THE FOLLOWING ORDER” and insert “PROPORTIONATELY DISTRIBUTED AS FOLLOWS”

Line 14, after “NO” insert “STATE”

Mr. Braun related that the language in section 14 is a timing mechanism so no matter when the audits are done under subsection I, subsection K will kick in and exclude certain recipients from auditing.

Question was called that the Gray amendment to the Chairman’s Draft of I-16-2012 (Attachment 38) be amended as follows:

Lines 3 and 4, strike “DISTRIBUTED IN THE FOLLOWING ORDER” and insert “PROPORTIONATELY DISTRIBUTED AS FOLLOWS”

Line 14, after “NO” insert “STATE”

The motion carried.

Representative Farley moved that the Farley amendment to the Chairman’s Draft to I-16-2012 (Attachment 40) be adopted.

Representative Farley explained that the current language gives the impression that this is a new tax on top of an existing tax, but the new tax will not take effect until the temporary tax is eliminated, which the voters need to know.

Senator Biggs pointed out that it is not a continuation of the existing tax as stated on lines 5 and 6 of the Farley amendment (Attachment 40). After a brief discussion, Mr. Farley agreed to remove that language.

Ann-Eve Pedersen, representing self, stated that this is intended to be a seamless transition for the consumer, which should be reflected in the language. She added that there are statutes to determine who is a citizen for community college entrance in A.R.S. § 15-1803, which states that students must have lawful status in Arizona in order to qualify.

In response to questions, Ms. Pedersen advised that the language in the initiative on page 2, lines 37 and 38, stating that 25 percent of the performance measurements shall be based on student engagement was provided by the Superintendent of Public Instruction John Huppenthal. Studies show that the level to which students are engaged in school tends to increase their performance. Different surveys are done in different localities to measure student engagement. Conforming language is not necessary for two years because the measure will not go into effect in 2013, so it technically does not take effect in the next Legislative Session.

Question was called on the motion that the Farley amendment to the Chairman's Draft of I-16-2012 (Attachment 40), with the language on lines 5 and 6 regarding continuation of the existing temporary tax removed, be adopted. The motion failed.

President Pierce moved that the Gray amendment to the Chairman's Draft of I-16-2012 (Attachment 38) as amended be adopted. The motion carried.

President Pierce moved that the Council adopt the Chairman's Draft of I-16-2012 (Attachment 36) as amended. The motion carried by a roll call vote of 8-4-0-2 (Attachment 41).

I-18-2012 – Arizona natural resources protection act

Mr. Braun opined that the Chairman's Draft to I-18-2012 (Attachment 42) accurately describes the measure (Attachment 43).

President Pierce moved that the Council adopt the Chairman's Draft of I-18-2012 (Attachment 42). The motion carried by a roll call vote of 11-1-0-2 (Attachment 44).

Prop 116 – personal property tax exemption amount (CONTINUED)

Mr. Braun opined that the Chairman's Draft of Prop 116 (Attachment 9) is accurate. Two amendments were offered.

President Pierce moved that the Council adopt the Chairman's Draft to Prop 116 (Attachment 9).

Senator Biggs moved that the Biggs amendment to the Chairman's Draft to Prop 116 (Attachment 12) be adopted. The motion carried.

President Pierce moved that the Council adopt the Chairman's Draft to Prop 116 (Attachment 9) as amended. The motion carried by a roll call vote of 9-2-0-3 (Attachment 45).

Acceptance of Capitol Renovation Plan Presented by the Arizona Second Century Initiative

John Driggs, former Mayor of Phoenix; Coordinator, Arizona Second Century Initiative, presented the Arizona State Capitol Renewal Master Plan (Attachment 46), noting that this process began in 2007. It will be necessary to raise \$500,000 for the design to connect the House and Senate buildings to the State Capitol building, after which the Legislature will decide how to introduce legislative function back into the State Capitol building, as well as improve the museum experience for visitors and students.

Mr. Braun advised that approval of the plan and further direction to keep working is needed from the Council. No construction can begin without review and approval of plans by the Council Members.

Mayor Driggs stated it is anticipated that the design and a cost estimate will be available during the 2013 Session for the Council's review.

Jim Drake, Assistant Secretary of State, Secretary of State's Office, stated that he is supportive of the goal of greater legislative use and willing to work with Mr. Driggs, but he is concerned that the museum experience will be lost to students and visitors.

Mayor Driggs responded that this is an unusual opportunity to do something unique and obtain the "go ahead" on a day when the national focus is on Arizona. Students going through those hallowed halls should be able to see evidence of legislative work. He plans to improve the museum through a collaborative process.

Senator Gray moved that the Council accept the Arizona State Capitol Renewal Master Plan dated June 25, 2012 (Attachment 46); further, that the Council authorizes the Executive Director to work cooperatively with the Arizona Second Century Initiative in developing the next phase of the Master Plan for the Renewal of the Capitol, which is the design for the proposed elevated walkways connecting the House and Senate Office Buildings and the Executive Tower to the Capitol. This process shall involve collaboration with all tenants of the Capitol, including the Arizona Capitol Museum, the primary occupant of the original Capitol Building. This phase shall be funded by the private sector. The designs and documents created during this phase shall be presented at a future meeting of the Council for review and approval prior to the commencement of construction.

President Pierce complemented Mayor Driggs on his work. He suggested another design to make the buildings look old, and that the architects consider finding out the cost to destroy and rebuild the House and Senate buildings. Mayor Driggs replied that he will pass the suggestion along to the architects.

Question was called and the motion carried.

Without objection, the meeting adjourned at 6:55 p.m.

Linda Taylor, Committee Secretary
July 2, 2012

(Original minutes, attachments and audio on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)