

ARIZONA STATE LEGISLATURE
Fiftieth Legislature – Second Regular Session

LEGISLATIVE COUNCIL

Minutes of Interim Meeting
Thursday, August 23, 2012
House Hearing Room 4 -- 10:30 a.m.

Chairman Tobin called the meeting to order at 10:38 a.m. and attendance was noted by the secretary.

Members Present

President Steve Pierce, Vice-Chairman
Senator Biggs
Senator Gray
Senator Klein
Senator Landrum Taylor
Senator Schapira

Speaker Andy Tobin, Chairman
Representative Court
Representative Farley
Representative Hale
Representative Lesko
Representative Montenegro

Members Absent

Senator Yarbrough

Representative Campbell

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes Section 19-124 on Proposition 204 - quality education and jobs act

Mike Braun, Director, Legislative Council, related that after adoption of the Chairman's draft analysis of Proposition 204, the Quality Education and Jobs Supporting I-16-2012 Committee challenged its impartiality at the superior court level in four areas. The superior court judge found in the Committee's favor on three of the four areas. Legislative Members authorized Legislative Council to file a special action with the Supreme Court on those three issues and the Supreme Court concurred with the trial court ruling, so the issue before Members is the adoption of a revised analysis for this measure. He added that he is aware of one draft proposal.

Senator Biggs provided a proposed analysis of Proposition 204 (Attachment 1), opining that it conforms to the order from the Supreme Court and accurately explains the proposition.

Senator Biggs moved that after discussion, the Council adopt the proposed analysis of Proposition 204 (Attachment 1).

Mr. Braun indicated that the Supreme Court ruled that the previous measure met statutory standards, except that it did not indicate that the proposed new tax increase would go into effect when the existing temporary tax increase expires. This is addressed in the proposed analysis by

striking the language on page 1, lines 1 and 2, and inserting the proposed language on lines 2 through 7 (Attachment 1).

A lengthy discussion followed among the Members about the accuracy and clarity of the proposed language.

Mr. Braun advised that the next issue cited by the Supreme Court is that the previous measure did not fairly describe the adjustment or lack thereof to the sales tax base, which is addressed on page 1, line 18, of the proposed analysis (Attachment 1). He opined that although he does not believe it is accurate, the language will satisfy the Court's concerns. The third challenge to the previous measure was the sentence stating that the proposition fails to define who qualifies as a "resident" for purposes of university scholarships; that language is removed on page 2, lines 30 and 31, of the proposed analysis (Attachment 1).

Question was called on the motion that the Council adopt the proposed analysis of Proposition 204 (Attachment 1). The motion carried by a roll call vote of 8-4-0-2 (Attachment 2).

Without objection, the meeting adjourned at 11:13 a.m.

Linda Taylor, Committee Secretary
August 23, 2012

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