

ARIZONA STATE LEGISLATURE

LEGISLATIVE COUNCIL

Minutes of the Meeting
June 28, 2016
11:30 A.M., House Hearing Room 3

Members Present:

Speaker David M. Gowan, Chairman
Senator Sylvia Allen
Senator David Bradley
Senator Gail Griffin
Senator Katie Hobbs
Senator Steve Smith
Senator Steve Yarbrough

President Andy Biggs, Vice Chair
Representative Ken Clark
Representative Stefanie Mach
Representative Javan D. Mesnard

Members Absent:

Representative Rick Gray
Representative Albert Hale
Representative David W. Stevens

Staff:

Mike Braun, Executive Director, Legislative Council
Ken Behringer, General Counsel, Legislative Council
Patricia Probst, Assistant Director, Legislative Council

Chairman Gowan called the meeting to order at 11:40 a.m. and attendance was noted.

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: I-08 Regulation and Taxation of Marijuana Act

Mike Braun, Executive Director, Legislative Council, distributed the following handouts and explained the Committee's purpose for meeting:

“Arizona Ballot Proposition Guide” (Attachment A)
“Proposition [I-08-2016], Analysis by Legislative Council, [Chairman's Draft]”
(Attachment B)
“Proposed amendment to Chairman's Draft analysis of I-08-2016”
(Attachment C)

Mr. Braun stated that Legislative Council staff believe the Chairman's Draft meets the requirements for ballot measure analysis.

J.P. Holyoak, Chairman, Campaign to Regulate Marijuana Like Alcohol, thanked the Committee for their work in putting together the Chairman's Draft, stated that he is in

favor of the wording and cautioned against making any changes that could affect the Draft's impartiality. Mr. Holyoak answered questions posed by the Committee.

Seth Leibsohn, Chairman, Arizonans for Responsible Drug Policy, Chairman, Not My Kid, thanked the Council and made suggestions for wording changes to the Chairman's Draft, expressing his concern over the initiative's far-reaching nature and the need for special clarity.

Ryan Hurley, Attorney, Rose Law Group, representing the Campaign to Regulate Marijuana Like Alcohol, suggested language to fix an issue with the proposed amendment, and suggested additional language to the Chairman's Draft to address effect on workplace policies. Mr. Hurley briefly addressed comments given by Mr. Leibsohn and answered questions posed by the Committee.

Bill Montgomery, Maricopa County Attorney, Board Member, Not My Kid, representing himself, spoke to the impact the initiative would have on current law and suggested language be added to the Chairman's Draft to further clarify for the public the initiative's effects. Mr. Montgomery answered questions posed by the Committee.

Senator Smith questioned how the Joint Legislative Budget Committee staff came to the amounts listed on the Fiscal Impact Summary (Attachment D).

Mr. Braun addressed Senator Smith's questions.

Patrick Moran, Joint Legislative Budget Committee staff, answered questions posed by the Committee.

Mr. Braun answered additional questions posed by the Committee.

Senator Allen suggested adding clarifying language regarding several points.

Mr. Braun answered additional questions posed by the Committee.

Mr. Hurley answered additional questions posed by the Committee.

The Committee discussed the differences between the regulation of alcohol and the regulations in the initiative, especially in regard to Driving Under the Influence (DUI).

Mr. Hurley answered additional questions posed by the Committee.

Mr. Montgomery answered additional questions posed by the Committee.

Recess

At 12:55 p.m. Representative Gowan recessed the Committee to the sound of the gavel.

Reconvene

At 1:38 p.m. the Committee reconvened.

Mr. Braun explained the proposed Gowan amendment (Attachment C) to the Chairman's Draft and the following verbal amendment to the proposed amendment:

After "including" insert "not more than 5 grams of"

Senator Biggs moved the David M. Gowan proposed amendment distributed to the Committee this day amend the proposition analysis by Legislative Council.

Senator Biggs moved the line "not more than five grams of" be inserted as delineated by Mr. Braun to the Gowan proposed amendment.

Mr. Braun answered additional questions posed by the Committee.

Representative Gowan stated that without objection the verbal amendment was placed into the proposed amendment.

Senator Biggs moved the Gowan amendment distributed to the Committee this day be adopted as amended. The motion carried with a voice vote.

Representative Mach moved the following verbal amendment to the Chairman's Draft be adopted:

Page 3, line 13, after "\$300" insert "and community restitution"

Mr. Braun stated his opinion that Representative Mach's motion is an accurate and concise statement that meets the statutory requirements.

The motion carried with a voice vote.

Mr. Braun explained a verbal amendment that was to be offered to the analysis as follows: Page 2, line 3, after the "." insert "(Under current state statute, a person violates the DUI statute when any drug or its metabolite is present in the person's body.)". Mr. Braun stated that is almost verbatim a recitation of the Section A3 of the current DUI statutes.

Senator Biggs moved that the Committee adopt the amendment as iterated by Mr. Braun. The motion carried with a voice vote.

Senator Biggs moved the Committee adopt the Chairman's Draft analysis as amended. The motion carried with a roll call vote of 11-0-3 (Attachment 1).

Attached is a list noting the individuals who registered their position on the presentations (Attachment E).

There being no further business, the meeting was adjourned at 1:44 p.m.

Respectfully submitted,

Shelley Ponce
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)