ARIZONA STATE LEGISLATURE

LEGISLATIVE COUNCIL

Minutes of the Meeting
July 20, 2022
9:00 A.M., House Hearing Room 1

Members of the public may access a livestream of the meeting here:
https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2022071007

Members Present:
Senator Karen Fann
Senator David Gowan
Senator Rick Gray
Senator Warren Petersen
Senator Martin Quezada
Senator Rebecca Rios
Representative "Rusty" Bowers, Chair 2022
Representative Leo Biasiucci
Representative Frank Carroll
Representative Domingo DeGrazia
Representative Timothy M. Dunn
Representative Jennifer Pawlik
Representative Marcelino Quiñonez

Members Excused:
Senator Lupe Contreras

Staff:
Mike Braun, Executive Director, Legislative Council
Marge Ray, Council Attorney, Legislative Council
Michele Hanigsberg, Council Attorney, Legislative Council
Nadine Sapien, Chief Editor, Legislative Council
Leigh Anne Timiney, Council Attorney, Legislative Council
Elizabeth Dunfee, Council Attorney, Legislative Council

Chairman Bowers called the meeting to order at 9:06 a.m. and attendance was noted.

Mike Braun, Executive Director, Legislative Council, explained the statutory requirements of the information included in the publicity pamphlets for ballot propositions and the layout of the information and explained that the purpose of the Council was to adopt an impartial analysis of each ballot measure. Mr. Braun distributed a sample publicity pamphlet (Attachment A) and explained the pamphlet, Proposition 105 litigation and new procedures enacted this year.

Approval of August 19, 2020 Executive Committee Action

Mike Braun, Executive Director, Legislative Council, electronically distributed a copy of the minutes dated August 19, 2020 from the Legislative Council Executive Committee (Attachment B) and explained the reason and action of the Executive Committee.
Mr. Braun explained that the full Legislative Council was required to report and adopt the Executive Committee actions from August 19, 2020.

Senator Fann moved the approval of the Executive Committee action adopted on August 19, 2020 (Attachment B). The motion CARRIED by voice vote.

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: Prop. 128 – voter protection act; court determinations

Mike Braun, Executive Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 128 (Attachment C) and explained how ballot information was distributed. Mr. Braun stated that Legislative Council did not receive any comments from members outside of Legislative Council on Proposition 128 and the Staff Draft complies with the provisions of Section 19-124.

James Barton, Attorney, Barton Mendez Soto Law Firm, offered a suggestion on the Staff Draft to Proposition 128 and answered questions posed by the Council.

Mr. Braun offered comments on the suggested language offered by Mr. Barton.

Senator Quezada moved to include the verbal language suggested by Mr. Barton as follows:

Insert "any part of" after "if" and before "the measure is" on line 2.

The motion carried by voice vote.

Representative Quiñonez moved the adoption of the Draft analysis for Proposition 128 prepared by the staff of the Legislative Council as amended. The motion CARRIED with a roll call vote of 13-0-1 (Attachment 1).

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: Prop. 129 – initiatives; single subject; title

Mike Braun, Executive Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 129 (Attachment D). Mr. Braun stated that Legislative Council did not receive any outside comments on Proposition 129 and explained that it complies with the provisions of Section 19-124. Mr. Braun answered questions posed by the Council.

James Barton, Attorney, Barton Mendez Soto Law Firm, offered language changes to Proposition 129 and answered questions posed by the Council. Senator Gray offered comments on the proposed changes and stated that he was not in support.
Mr. Barton answered additional questions posed by the Council.

Mr. Braun offered comments on the suggested language offered by Mr. Barton, read Article 22, Section 14, of the Arizona Constitution and answered questions posed by the Council.

Senator Quezada moved to include the language suggested by Mr. Barton as follows:

Line 1, strike "expressly require" insert "add the requirement"

The motion FAILED by voice vote.

Senator Fann moved the adoption of the Draft analysis for Proposition 129 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 12-1-1 (Attachment 2).

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: Prop. 130 – constitutional property tax exemptions

Elizabeth Dunfee, Council Attorney, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 130 (Attachment E), explained that Legislative Council did not receive any outside comments on Proposition 130 and the analysis comports with the requirements of Section 19-124 in that it is impartial and written in a clear and concise manner avoiding technical terms where possible.

Senator Fann moved the adoption of the Draft analysis for Proposition 130 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 13-0-1 (Attachment 3).

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: Prop. 131 – lieutenant governor; joint ticket

Leigh Anne Timiney, Council Attorney, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 131 (Attachment F), explained that Legislative Council did not receive any outside comments on Proposition 131 and the analysis comports with the requirements of Section 19-124.

Senator Fann moved the adoption of the Draft analysis for Proposition 131 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 13-0-1 (Attachment 4).
Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124:
Prop. 132 – initiatives; supermajority vote; requirement

Mike Braun, Executive Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 132 (Attachment G) and explained that Legislative Council did not receive any outside comments and the analysis comports with the requirements of Section 19-124.

Senator Fann moved the adoption of the Draft analysis for Proposition 132 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 13-0-1 (Attachment 5).

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124:
Prop. 308 – tuition; postsecondary education

Mike Braun, Executive Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 308 (Attachment H) and explained that Legislative Council did not receive any outside comments and Proposition 308 comports with Section 19-124.

Reyna Montoya, CEO Alliento Education Fund, suggested language recommendations to Proposition 308.

Tyler Montague, President, Yes on 308, suggested language recommendations to Proposition 308.

Mr. Braun offered comments on the suggested language recommendations.

The Council discussed the Staff Draft analysis and the suggested language recommendations.

Mr. Braun answered questions posed by the Council and explained the JLBC fiscal explanations presented on the ballot.

Representative Quiñonez moved to include the verbal language as follows:

Line 15, insert after the period, “This applies to any qualifying Arizona student that moves out of state and wishes to return to Arizona as an in-state student.”

Mr. Braun offered comments on the suggested language and answered questions posed by the Council.
Representative Bowers called for the vote on Representative Quiñonez’s verbal amendment to the Draft analysis for Proposition 308. The motion FAILED by voice vote.

Mr. Braun answered questions posed by the Council.

Senator Quezada moved to include language as follows:

Line 14, strike “even if the student does” insert “including students that do”

The Chairman was in doubt with the voice vote. The motion FAILED by a show of hands of 5-8-1.

Senator Fann moved the adoption of the Draft analysis for Proposition 308 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 8-5-1 (Attachment 6).

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: Prop. 309 – voter identification; affidavit; procedure

Mike Braun, Executive Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 309 (Attachment I) and explained that Legislative Council did not receive any outside comments on Proposition 309 and the analysis comports with Section 19-124.

Senator Fann moved the adoption of the Draft analysis for Proposition 309 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 13-0-1 (Attachment 7).

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: Prop. 310 – fire districts; funding; TPT increment

Elizabeth Dunfee, Council Attorney, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 310 (Attachment J) and stated that the analysis comports with the requirements of Section 19-124 in that it is impartial and written in a clear and concise manner and that stated there were no comments received outside of Legislative Council. Ms. Dunfee distributed the Gray Proposed Amendment to Legislative Council Staff Draft (Attachment K) to Proposition 310.

Senator Gray explained his amendment (Attachment K) and answered questions posed by the Council.

Mr. Braun answered questions posed by the Council regarding the proposed amendment.
Senator Gray moved to include the Gray Proposed Amendment (Attachment K) to Proposition 310. The motion CARRIED by voice vote.

Senator Fann moved the adoption of the Draft analysis for Proposition 310 prepared by the staff of the Legislative Council as amended. The motion CARRIED with a roll call vote of 12-1-1 (Attachment 8).

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124:
I-4-2022 – Voters’ Right to Know Act

Marge Ray, Council Attorney, Legislative Council, electronically distributed the Staff Draft analysis for Proposition I-04-2022 (Attachment L) and stated that it complies with the requirements of Section 19-124 in that it is impartial and written in clear and concise language avoiding technical terms wherever possible.

Terry Goddard, Co-Chairman, Voters’ Right to Know, offered comments on the analysis and the possible inaccuracies. Mr. Goddard distributed and explained suggested language recommendations to the Staff Draft analysis to Proposition I-04-2022 (Attachment M) and answered questions posed by the Council.

Mr. Braun clarified that Legislative Council does not solicit input for any proposals and appreciated the courtesy copy from Mr. Goddard.

Josh Bender, Attorney, Osborn Maledon Law Firm, continued the explanation on the suggested language (Attachment M) and answered questions posed by the Council.

Mr. Goddard further explained the suggested language recommendations.

Mike Braun, Executive Director, Legislative Council, reviewed the suggested language and stated Legislative Council would consider some of the recommended language.

Mr. Goddard answered additional questions posed by the Council.

Representative Bowers informed the Council that Proposition I-04-2022 would be held until after lunch to allow time to review.

Senator Fann asked if there were any additional suggestions from the Council to be considered over the lunch break.

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124:
I-5-2022 – Predatory Debt Collection Protection Act
Michele Hanigsberg, Council Attorney, Legislative Council, electronically distributed the Staff Draft analysis for Proposition I-05-2022 (Attachment N) and stated that it comports with the requirements of Section 19-124 in that it is impartial and written in clear and concise language, avoiding technical terms wherever possible. Ms. Hanigsberg answered questions posed by the Council.

James Barton, Attorney, Arizonans Fed Up with Failing Healthcare, offered comments on the dollar amount in the initiative.

Mr. Braun offered comments.

Senator Fann moved the adoption of the Draft analysis for I-05-2022 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 13-0-1 (Attachment 9).

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: I-16-2022 – Arizona Fair Elections Act

Marge Ray, Council Attorney, Legislative Council, electronically distributed the Staff Draft analysis for Proposition I-16-2022 (Attachment O) and stated that it complies with the requirements of Section 19-124 in that it is impartial and written in clear and concise language avoiding technical terms wherever possible. Ms. Ray distributed the Fann Proposed Amendment to Legislative Council Staff Draft (Attachment P).

Mike Braun, Executive Director, Legislative Council, answered questions posed by the Council and clarified the changes in the Fann Proposed Amendment.

James Barton, Attorney, Barton Mendez Soto Law Firm, testified in support of the Fann Proposed Amendment (Attachment P) and suggested a change in the Staff Draft analysis concerning distribution of the early ballots. Mr. Barton answered questions posed by the Council.

Mr. Braun answered additional questions posed by the Council.

Representative Bowers informed the Council that Proposition I-16-2022 would be held until after lunch to allow time to review.

RECESS

At 11:39 a.m. the Chairman recessed the meeting to the sound of the gavel.

RECONVENE

At 1:09 p.m. the Chairman called the meeting to order.
Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: I-4-2022 – Voters’ Right to Know Act – (continued)

Mike Braun, Executive Director, Legislative Council, reviewed the suggested language received earlier from Mr. Bender (Attachment M) and explained the changes from the suggested language.

Senator Fann moved the adoption of the Draft analysis as amended by Legislative Council for Proposition I-04-2022 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 13-0-1 (Attachment 10).

Senator Fann explained her vote.

Mr. Goddard thanked the Council.

RECESS

At 1:20 p.m. the Chairman recessed the meeting to the sound of the gavel.

RECONVENE

At 1:56 p.m. the Chairman called the meeting to order.

Adoption of Ballot Analysis Pursuant to Arizona Revised Statutes, Section 19-124: I-16-2022 – Arizona Fair Elections Act – (continued)

Mike Braun, Executive Director, Legislative Council, referred to the Staff Draft analysis of I-16-2022 (Attachment O) and the Fann Proposed Amendment to Legislative Council Staff Draft (Attachment P) and distributed the Revised Fann Proposed Amendment (Attachment Q) to Legislative Council Staff Draft which incorporated some of the suggestions from Mr. Barton. Mr. Braun explained the changes, reviewed the redrafted provisions and answered questions posed by the Council.

Senator Quezada moved to include the verbal language to the Revised Fann Proposed Amendment (Attachment Q) as follows:

Page 1, line 5, strike "POLITICAL"

The Chairman was in doubt with the voice vote. The motion FAILED by a show of hands of 5-8-1.

Senator Fann moved the adoption of the amended Draft analysis for Proposition I-16-2022 (Attachment Q) as prepared by the staff of the Legislative Council as amended. The motion CARRIED with a roll call vote of 13-0-1 (Attachment 11).
Representative Bowers explained his vote.

**Appointment of Executive Director**

Mike Braun, Executive Director, Legislative Council, explained the Legislative Council rules and the requirement for an appointment of an Executive Director of the Legislative Council.

Senator Fann moved the appointment of Michael Braun as the Executive Director of the Arizona Legislative Council. The motion CARRIED with a roll call vote of 13-0-1 (Attachment 12).

Senator Quezada and Representative Bowers explained their votes.

There being no further business, the meeting was adjourned at 2:15 p.m.

Attached are forms noting the individuals who submitted a Speaker slip on the agenda items (Attachment R).

Respectfully submitted,

Tracey Gardner
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)