

ARIZONA STATE LEGISLATURE

LEGISLATIVE COUNCIL

Minutes of the Meeting
July 8, 2024
9:00 A.M., Senate Hearing Room 1

Members of the public may access a livestream of the meeting here:

<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2024071002>

Members Present:

Senator Warren Petersen, Chair 2023
Senator Shawna Bolick
Senator Sonny Borrelli
Senator Denise "Mitzi" Epstein
Senator Brian Fernandez
Senator Sine Kerr
Senator Juan Mendez

Representative Ben Toma, Chair 2024
Representative Lupe Contreras
Representative Travis Grantham
Representative Nancy Gutierrez
Representative Teresa Martinez
Representative Quang Nguyen
Representative Stephanie Stahl-Hamilton

Staff:

Mike Braun, Executive Director, Legislative Council
Elizabeth Dunfee, Assistant Director, Legislative Council
Michele Hanigsberg, Council Attorney, Legislative Council
Hannah Nies, General Counsel, Legislative Council
Steve Primack, Deputy Director, Legislative
Marge Ray, Council Attorney, Legislative Council
Nadine Sapien, Chief Editor, Legislative Council
Cameron Toering, Council Attorney, Legislative Council

Chairman Toma called the meeting to order at 9:04 a.m. and attendance was noted.

Representative Toma made opening remarks.

Update regarding Wesley Bolin Plaza Monuments and Memorials, including the Buffalo Soldiers Monument

Mike Braun, Executive Director, Legislative Council, gave an update and highlighted the issues that the Arizona Legislative Council encountered in managing and erecting monuments and memorials, including the Buffalo Soldiers monument at Wesley Bolin Plaza. Mr. Braun publicly thanked the Council for giving him the opportunity to raise these issues and expressed his strong support for appointing a subcommittee to review these issues.

Michelle London-Marable, Deputy Commander, introduced Commander Fred Marable to the Council members and gave background information of the Buffalo Soldiers Arizona Territory Monument. Deputy Commander London-Marable offered comments and urged the Council on helping with this issue.

Representative Toma stated that he will be appointing a subcommittee of the Arizona Legislative Council to study this matter and to make recommendations to the full Council and the Legislature prior to the start of the next legislative session.

Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124

Mike Braun, Executive Director, Legislative Council, explained that the reason for the Council meeting today is to adopt an impartial analysis of each ballot measure and further explained the statutory requirements of the information included in the publicity pamphlets for ballot propositions and the layout of the information. Mr. Braun distributed a sample publicity pamphlet for Proposition 209 that was published in 2022 (Attachment A) and explained the pamphlet. Mr. Braun answered questions posed by the Council.

Prop. 133 – primary elections; eligible candidates

Marge Ray, Council Attorney, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 133 (Attachment B) and stated that the analysis complies with the requirements of Section 19-124.

Representative Toma called for public testimony. However, no one came forward.

Senator Petersen moved the adoption of the Draft analysis for Proposition 133 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 14-0-0 (Attachment 1).

Representative Contreras explained his vote.

Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes Section 19-124: Prop. 134 – initiative; referendum; signatures; legislative districts

Cameron Toering, Council Attorney, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 134 (Attachment C) and stated that the analysis comports with the requirements of Section 19-124.

Daniel Harris, representing the Arizona Farm Bureau, testified in support of the Staff Draft analysis for Proposition 134.

James Barton, Attorney, Barton Mendez Soto Law Firm, representing himself, testified as neutral to the Staff Draft analysis for Proposition 134 and offered a suggestion on the Staff Draft analysis for Proposition 134. Mr. Barton answered questions posed by the Council.

Mike Braun, Executive Director, Legislative Council, answered questions posed by the Council.

Senator Epstein explained her printed proposed amendment #1 as follows:

Line 12, after "Constitution" insert "to add geographic requirements as follows:"

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Mr. Braun answered additional questions posed by the Council.

Representative Toma called for a vote on the Epstein #1 proposed amendment.

The motion FAILED by voice vote.

Senator Epstein explained her printed proposed amendment #2 as follows:

After line 18, insert "Proposition 134 does not include a dedicated funding source."

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Representative Toma called for a vote on the Epstein #2 proposed amendment.

The motion FAILED by voice vote.

Senator Petersen moved the adoption of the Draft analysis for Proposition 134 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 8-6-0 (Attachment 2).

**Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124:
Prop. 135 – governor; emergency; powers**

Mike Braun, Executive Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 135 (Attachment D) and stated that the analysis comports with the requirements of Section 19-124.

Representative Gutierrez explained her printed proposed amendment as follows:

Line 22, after "powers" insert "the Arizona Constitution otherwise requires two-thirds of the members of each house in order to request a special session of the Legislature"

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Mr. Braun answered questions posed by the Council.

The Council further discussed the wording of the Staff Draft analysis and the proposed changes.

Mr. Braun answered additional questions posed by the Council.

Representative Toma called for a vote on the Gutierrez proposed amendment.

The motion FAILED by voice vote.

Senator Petersen moved the adoption of the Draft analysis for Proposition 135 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 8-6-0 (Attachment 3).

Senator Epstein explained her vote.

Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124: Prop. 136 – ballot measures; challenges

Hannah Nies, General Counsel, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 136 (Attachment E) and stated that the analysis comports with the requirements of Section 19-124.

Senator Fernandez explained his printed proposed amendment as follows:

Page 1, line 11, after the period insert "The proposition only applies to measures proposed under the power of initiative and will not allow judicial review of measures referred to the voters by legislative referral prior to the general election."

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Senator Fernandez answered questions posed by the Council.

Mike Braun, Executive Director, Legislative Council, answered questions posed by the Council.

The Council further discussed the wording of the Staff Draft analysis and the proposed changes.

Representative Toma called for a vote on the Fernandez proposed amendment.

The motion FAILED by voice vote.

Senator Epstein explained her printed proposed amendment as follows:

Add "citizen" before the terms "initiative"

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Mr. Braun answered additional questions posed by the Council.

Senator Epstein offered comments.

Representative Toma called for a vote on adding "citizen" to the proposed draft.

The motion FAILED by voice vote.

Senator Petersen moved the adoption of the Draft analysis for Proposition 136 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 8-6-0 (Attachment 4).

**Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124:
Prop. 137 – judicial retention elections**

Mike Braun, Executive Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 137 (Attachment F) and stated that the analysis comports with the requirements of Section 19-124. Mr. Braun distributed and explained the Toma proposed amendment (Attachment G). Mr. Braun provided comments and, with the Chairman's permission to consider, proposed striking language from the original Staff Draft analysis as follows:

Page 2, strike lines 3 through 6
Line 7, strike through the period

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Mr. Braun explained the changes that are proposed to the original Staff Draft analysis and answered questions posed by the Council.

Representative Toma answered questions posed by the Council.

Mr. Braun answered additional questions posed by the Council.

The Council further discussed the wording of the Staff Draft analysis and the proposed changes.

Representative Toma called for a vote on the Toma proposed amendment (Attachment G). The motion CARRIED by voice vote.

Senator Mendez explained his printed proposed amendment #1 as follows:

Page 1, strike lines 13-16

Mr. Braun answered questions posed by the Council.

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Representative Grantham offered comments and stated that he is opposed to the Mendez proposed amendment #1.

Representative Toma called for a vote on the Mendez proposed amendment #1.

The motion FAILED by voice vote.

Senator Mendez explained his printed proposed amendment #2 as follows:

Page 2, on line 9, after the comma, insert "it will apply retroactive and"

Representative Toma answered questions posed by the Council.

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Mr. Braun answered additional questions posed by the Council.

Representative Toma called for a vote on the Mendez proposed amendment #2.

The motion FAILED by voice vote.

Representative Toma called for public testimony. However, no one came forward.

Mr. Braun noted that on the Speaker Slip (Attachment Q) Mr. James Barton was neutral to the Staff Draft analysis for Prop 137.

Senator Petersen moved the adoption of the Draft analysis for Proposition 137 prepared by the staff of the Legislative Council as amended. The motion CARRIED with a roll call vote of 8-6-0 (Attachment 5).

**Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124:
Prop. 138 – tipped workers; wages**

Elizabeth Dunfee, Assistant Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 138 (Attachment H) and stated that the analysis complies with the requirements of Section 19-124. Ms. Dunfee answered questions posed by the Council.

Representative Toma called for public testimony. However, no one came forward.

The Council discussed the wording of the Staff Draft analysis.

Ms. Dunfee answered additional questions posed by the Council.

The Council further discussed the wording of the Staff Draft analysis.

Senator Epstein explained her printed proposed amendment #1 as follows:

Line 5, strike "allow" insert "reduce the amount"; after "employer" insert "may pay"

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Representative Toma called for a vote on the Epstein #1 proposed amendment.

The motion FAILED by voice vote.

Senator Epstein explained her printed proposed amendment #2 as follows:

Line 8, after "worked" insert "Currently tipped workers may be paid \$11.35 per hour. Under Proposition 138, tipped workers would be able to be paid \$10.76 per hour if the prior threshold requirement is met."

Representative Toma called for a vote on the Epstein #2 proposed amendment.

The motion FAILED by voice vote.

Senator Epstein explained her printed proposed amendment #3 as follows:

Line 12, strike "to establish compliance" insert "to document the eligibility of the pay cut"

Representative Toma offered comments.

Representative Toma called for a vote on the Epstein #3 proposed amendment.

The motion FAILED by voice vote.

Mr. Braun noted that on the Speaker Slip (Attachment Q) Mr. James Barton was neutral to the Staff Draft analysis for Prop 138.

Senator Petersen moved the adoption of the Draft analysis for Proposition 138 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 8-6-0 (Attachment 6).

Senator Epstein and Representative Toma explained their votes.

Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124: Prop. 311 – death benefit; assault; first responders.

Steve Primack, Deputy Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 311 (Attachment I) and stated that the analysis complies with the requirements of Section 19-124.

Representative Toma called for public testimony. However, no one came forward.

Representative Gutierrez explained her printed proposed amendment as follows:

Line 26, after the second "felony" insert "this would increase first time offense presumptive prison sentence from 3 years to 5 years"

Line 28, after "felony" insert "this would increase first time offense presumptive prison time from 6 years to 7.5 years"

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Representative Gutierrez further explained her printed proposed amendment.

Mr. Primack answered questions posed by the Council.

Representative Grantham offered comments and stated that he is opposed to the Gutierrez proposed amendment.

Representative Toma called for a vote on the Gutierrez proposed amendment.

The motion FAILED by voice vote.

Senator Petersen moved the adoption of the Draft analysis for Proposition 311 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 7-6-1 (Attachment 7).

Representative Gutierrez explained her vote.

**Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124:
Prop. 312 – property tax; refund; nuisance enforcement.**

Elizabeth Dunfee, Assistant Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 312 (Attachment J) and stated that the analysis complies with the requirements of Section 19-124.

Jenna Bentley, Director of Government Affairs, Goldwater Institute, testified in support of the Staff Draft analysis for Proposition 312.

Senator Petersen moved the adoption of the Draft analysis for Proposition 312 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 7-6-1 (Attachment 8).

Senator Epstein explained her vote.

**Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124:
Prop. 313 – sex trafficking; child; natural life**

Steve Primack, Deputy Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 313 (Attachment K) and stated that the analysis complies with the requirements of Section 19-124.

Representative Toma called for public testimony. However, no one came forward.

Representative Gutierrez explained her printed proposed amendment as follows:

Line 7, after "person" insert "including a minor charged as an adult under the current statute"

Senator Epstein offered comments on the Gutierrez proposed amendment.

Representative Toma called for a vote on the Gutierrez proposed amendment.

The motion FAILED by voice vote.

Senator Petersen moved the adoption of the Draft analysis for Proposition 313 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 7-6-1 (Attachment 9).

Representative Toma explained his vote.

**Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124:
Prop. 314 – border; benefits; fentanyl; illegal entry**

Steve Primack, Deputy Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 314 (Attachment L) and stated that the analysis complies with the requirements of Section 19-124.

James Barton, Attorney, Barton Mendez Soto Law Firm, testified as neutral to the Staff Draft analysis for Proposition 314 and suggested language changes to Proposition 314. Mr. Barton answered questions posed by the Council.

Representative Stahl-Hamilton explained her printed proposed amendment #1 as follows:

Page 1, on line 1, after "establish" insert "state crimes related to a noncitizen entering or attempting to enter this state from a foreign nation at a location that is not a lawful port of entry or for failing to comply with an order to leave this state. It would also establish"
Line 8, strike everything after the period
Line 9, strike everything

Representative Toma offered comments.

Representative Toma called for a vote on the Stahl Hamilton #1 proposed amendment.

The motion FAILED by voice vote.

Representative Stahl-Hamilton explained her printed proposed amendment #2 as follows:

Page 1, between lines 10 and 11, insert the language from number 4 on page 2
Renumbr to conform
Page 1, strike line 34
Page 2, strike lines 1 through 24

Representative Toma called for a vote on the Stahl Hamilton #2 proposed amendment.

The motion FAILED by voice vote.

Representative Stahl-Hamilton explained her printed proposed amendment #3 as follows:

Page 1, line 2, strike "both"
Line 3, strike "and" insert "or"

Representative Toma called for a vote on the Stahl Hamilton #3 proposed amendment.

The motion FAILED by voice vote.

Representative Stahl-Hamilton explained her printed proposed amendment #4 as follows:

Page 1, line 1, before "Proposition" insert "Federal law currently provides a framework for immigrants wishing to legally enter into the United States and also provides penalties for individuals entering the United States illegally. Any unlawful immigrant for whom any of the following apply must be fined, or imprisoned for not more than six months, or both, for not more than two years for a subsequent offense 1) entered or attempted to enter the United States at any time or place other than a designated by immigration officers; 2) eluded examination or inspection by immigration officers; or 3) attempted to enter or obtain entry to the United States by a willfully false or misleading representation or the willful concealment of materials facts.

Current state law requires any natural person who applies for state, local, or federal public benefit that requires participants to be citizens or otherwise lawful residents in the United States to submit at least one accepted document demonstrating their lawful presence and to sign a sworn affidavit stating under penalty of perjury that the documents presented are true. Currently, each employer must also use the E-Verify program after hiring an employee to verify the employment eligibility of the employee and must keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer."

Representative Toma called for a vote on the Stahl Hamilton #4 proposed amendment.

The motion FAILED by voice vote.

Representative Stahl-Hamilton explained her printed proposed amendment #5 as follows:

Replace "an alien" with "a noncitizen"

Page 1, line 16

Line 34

Page 2, line 2

Line 3

Line 8

Line 9

Line 11 (2x)

Line 12

Line 13

Line 16

Line 20

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Representative Stahl-Hamilton further explained her printed proposed amendment #5.

Mr. Primack answered questions posed by the Council.

The Council further discussed the wording of the Staff Draft analysis and the proposed changes.

Mr. Primack answered additional questions posed by the Council.

Representative Toma called for a vote on the Stahl Hamilton #5 proposed amendment.

The motion FAILED by voice vote.

Representative Gutierrez explained her printed proposed amendment #9 as follows:

Page 2, line 24, after the period after person, insert "Proposition 314 does not include a dedicated funding source."

The Council discussed the wording of the Staff Draft analysis and the proposed changes.

Representative Toma offered comments.

Mr. Braun answered questions posed by the Council.

The Council further discussed the wording of the Staff Draft analysis and the proposed changes.

Mr. Braun answered additional questions posed by the Council.

Representative Toma offered comments.

Representative Toma called for a vote on the Gutierrez #9 proposed amendment.

The motion FAILED by voice vote.

Representative Toma state that proposed amendment #10 will not be offered.

Senator Kerr identified a technical correction to the language for the Council to consider as follows:

Page 2, line 16, adding the word "lawful" before port of entry

Mr. Primack answered questions posed by the Council.

Representative Toma called for a vote on adding the word "lawful" to line 16, before port of entry. The motion CARRIED by voice vote.

Senator Petersen moved the adoption of the Draft analysis for Proposition 314 prepared by the staff of the Legislative Council as amended. The motion CARRIED with a roll call vote of 7-6-1 (Attachment 10).

**Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124:
Prop. 315 – rulemaking; legislative ratification; regulatory costs**

Mike Braun, Executive Director, Legislative Council, electronically distributed the Staff Draft analysis for Proposition 315 (Attachment M) and stated that the analysis comports with the requirements of Section 19-124.

Representative Toma called for public testimony. However, no one came forward.

Senator Petersen moved the adoption of the Draft analysis for Proposition 315 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 7-6-1 (Attachment 11).

Senators Epstein, Petersen and Representative Toma explained their votes.

RECESS

At 11:48 a.m. the Chairman recessed the meeting to the sound of the gavel.

RECONVENE

At 12:24 p.m. the Chairman called the meeting to order.

**Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124:
I-02-2024 – One Fair Wage Act**

Elizabeth Dunfee, Assistant Director, Legislative Council, electronically distributed the Staff Draft analysis for I-02-2024 (Attachment N) and stated that the analysis meets the requirements of Section 19-124.

James Barton, Attorney, Barton Mendez Soto Law Firm, testified as neutral to I-02-2024.

Ms. Dunfee answered questions posed by the Council.

Senator Petersen moved the adoption of the Draft analysis for I-02-2024 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 13-0-1 (Attachment 12).

**Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124:
I-05-2024 – Arizona Abortion Access Act**

Michele Hanigsberg, Council Attorney, Legislative Council, electronically distributed the Staff Draft analysis for I-05-2024 (Attachment O) and stated that the analysis meets with the requirements of Section 19-124.

Austin Yost, Coppersmith Brockelman PLC, representing the Arizona for Abortion Access, testified in support of the Staff Draft analysis for I-05-2024 and suggested language recommendations for I-05-2024. Mr. Yost answered questions posed by the Council.

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

Lezley Shepherd, representing herself, suggested language recommendations for I-05-2024 and answered questions posed by the Council.

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

Representative Stahl-Hamilton explained her printed proposed amendment as follows:

Page 1, line 2, strike "unborn human being" insert "fetus"

Representative Toma called for a vote on the Stahl Hamilton proposed amendment.

The motion FAILED by voice vote.

Senator Petersen moved the adoption of the Draft analysis for I-05-2024 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 8-6-0 (Attachment 13).

Representative Gutierrez and Senator Borrelli explained their votes.

Adoption of Ballot Analyses Pursuant to Arizona Revised Statutes, Section 19-124: I-14-2024 – Make Elections Fair Arizona Act

Marge Ray, Council Attorney, Legislative Council, electronically distributed the Staff Draft analysis for I-14-2024 (Attachment P) and stated that the analysis complies with the requirements of Section 19-124.

Andrew Pappas, Osborn Maledon, representing Make Elections Fair, testified in support of the Staff Draft analysis for I-14-2024 and suggested language recommendations for I-14-2024. Mr. Pappas answered questions posed by the Council.

Lezley Shepherd, representing herself, testified and offered comments for I-14-2024.

Senator Petersen moved the adoption of the Draft analysis for I-14-2024 prepared by the staff of the Legislative Council. The motion CARRIED with a roll call vote of 14-0-0 (Attachment 14).

Appointment of Executive Director

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

Senator Petersen moved the appointment of Steve Primack as the Executive Director of the Arizona Legislative Council. The motion CARRIED with a roll call vote of 14-0-0 (Attachment 15).

Senators Petersen, Epstein and Representative Toma explained their votes.

There being no further business, the meeting was adjourned at 1:11 p.m.

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

Respectfully submitted,

Imee L. Andrew
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>)