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Bringing UU values to Public Policy

The Best and the Worst @ March 17

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March 16, 2019

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There is still time to kill some highly objectionable bills and support some good ones. Here's the **Quick Overview**

But first, a donation opportunity!

UUJAZ is having a March fundraiser! If you appreciate the Arizona Legislative Alert, UU Day at the Legislature, Issues and Action Day, and all the other work of UUJAZ, please consider supporting UUJAZ with a donation—large or small. Your generosity ensures that progressive values will continue to have a voice in the public sphere for years to come. Thank you! [Set up a recurring donation or make a one-time contribution here.](#)

And second, an interesting (probably true) rumor is that Terry Goddard – former Attorney General – will again help lead a citizen initiative for the 2020 election to OUTLAW DIRTY MONEY! Thanks Terry!

[Education](#) – **Grave concerns continue about** education legislation on several fronts: **Education funding** (still no legislation that meets needs); **muzzling teachers** (still one bill HB2026 that threatens teacher's ability to discuss social justice and other "controversial" topics); an incremental expansion in voucher eligibility (SB1395) and two **charter "reform"** bills (SB1161 and SB1394) that are nowhere close to actually holding charters accountable.

- **RTS Opportunities:**

SB1485- The bill to cap tax credits for STOs is still alive (that's good and you could help support it in committee this week, especially if you are signed up for "request to speak.") It will be heard 3/20 (Wednesday) in the House Ways and Means committee.

- **SB1099** - Also, the "patriotic" students bill – a good bill – is being heard 3/18 in the House Education committee.
- **HB2026**- one of the "muzzle the teacher" bills is being heard Thursday 3/21. Use RTS on it, to oppose.

Scroll down to [Education](#) for details on these and other bills.

Economic Justice (Finance, taxes, welfare) – That pesky de-licensing bill (HB2231) FAILED on a 30-29 vote (it takes 31 votes to pass a bill in the House) and so far there is no motion to reconsider. The tax cut for veterans FAILED on a 25-35 vote. Big Surprise! The effort to thwart the minimum wage for student workers has hit a snag but is still alive and needs opposition! There is some good news in that many of the safety net programs are still moving. Thanks to all Democrats and a few moderate Republicans (especially Heather Carter and Kate Brophy-McGee), some compassion is being shown. Bills providing assistance in terms of child care, AHCCCS coverage, and housing assistance are alive (SB1173, HB2125 and SB1097, SB1098, SB1088, SB1053.) It looks as if the Governor may get his way on the "tax conformity" issue (which is to just conform Arizona's tax to the new federal rules) and the \$150 million windfall may make its way into the AZ General Fund instead of being returned via a tax cut. Tax cuts continue to be popular, however, and one of the worst bills of the session -- exempting digital goods and services from taxes-- is still moving (SB1460) as is the tax cut for crop production tools including pesticides.

- **RTS Opportunities:**

- **SB1485** would cap the Student Credit Organization tax credits, thereby at least slowing down the growth of this extraordinary movement of funds from public use to private education. Being heard 3/20 in House Ways and Means.
- **SB1300** is a low income housing program worth supporting. It is being heard Wednesday in the House Ways and Means committee 3/20.

Democracy, Voting, Elections – Several bills relating to the health of democracy and voting are still competing to be the WORST bills of the session although the one that would prohibit payment to persons who are engaged in voter outreach – registering people to vote— FAILED (HB2626). The bad news, however, is that a vote to reconsider this bill passed and if history is any guide, these votes to reconsider often result in the bill being passed. But for now, it is gravely injured! Still moving are bills that would require quotas from each legislative district for citizen initiatives (SCR1023 and HCR2005) and one adding requirements for circulators (see RTS opportunity below). Additionally, a bill to call an Article V convention to require term limits for Congress passed the House 32-26 with most attention on term limits, not on the problems of a "runaway" convention that could

completely rewrite the U.S. Constitution (ugh). There's an updated paper (by me) on these Article V conventions if you are interested:

<http://files.vuu.org/uujaz/2019/articleVpaper2019.pdf>

- **RTS Opportunities**

- **SB1451** – increases requirements for those who circulate citizen petitions. Being heard 3/19 (Tuesday). Oppose
- **SB1090** – Thwarts Emergency Voting Procedures. On agenda 3/19 (Tuesday). Oppose
- **HB2032** – Support this bill to require a 5 day “curing” period for mail in ballots that were disqualified. On agenda 3/21.
- **HB2039** – Federal form voter reporting. Being heard 3/21. (Most progressives are opposing this).

Human Rights (THE ERA.... Women, Immigrants, GLBTQ+ & more) Well, heroic efforts by ERA supporters failed to overcome a procedural vote that would have brought the bill to the floor – over the objections of Legislative leadership and committee chairs. Moderate Republicans who actually support the ERA would not vote against their caucus and leadership. ERA supporters' efforts, however, sparked a heated debate and perhaps that is needed. When facts, logic, and rational thinking do not work, then it is time to change who is holding the office! Enough said. A couple of good bills still alive. One is SB1040 that would require collection and reporting on data regarding maternal fatalities. Another is SB1217 that would empower the Arizona Regents to set a new in-state tuition for anyone who graduates from an Arizona high school, so “dreamers” who graduate from high school here would get in state tuition. Contact your own legislators about these – there's nothing before a committee this week.

Guns, Crime & Justice Several bills worth supporting or opposing are up for consideration this week including good bills regarding protective orders for sexual assault victims, suicide prevention training. One very objectionable bill is also up – it is HB2693 that would enable people to have a loaded gun in their car on school grounds.

- **RTS Opportunities**

- **SB1250** sexual assault; protective order – Support Scheduled for House Judiciary on 3/20 and
- **SB1468** schools: suicide prevention training – Support Scheduled for House Education on 3/18
- **HB2693** misconduct involving weapons; school grounds Oppose. If you are in LD1 (Prescott), it would be especially helpful to contact Senator Fann as she is Chair of the Rules committee and could pull it from the Rules agenda scheduled for 3/18.
- SB1314 – Support bill to remove some of the aggravating factors when seeking death penalty.

For a detailed report on crime & criminal justice bills, check out Diane Post's link [National Organization for Women AZ Legislative Action Alert](#)

Water / Environment – Still not much to cheer about here. Two good bills still moving, however, including funds for the Arizona Water Protection Fund (HB2013) and one to protect solar energy (HB2493). A bill changing the drilling level for water in an area west of Phoenix is raising concern (HB2609).

- **RTS Opportunities**

- **HB2493** - This bill gives some protection for excessive taxation of solar panels and is being heard Wednesday (support).

More details for each substantive area below – just scroll down. Happy reading!

For you policy wonks, there are two more (at least) good updates that cover a large variety of bills. These are Melinda Merkel Iyer: [Arizona Legislature Weekly Update](#)
Diane Post: [National Organization for Women AZ Legislative Action Alert](#)

[Resistbot is BACK](#) and better than ever!!! This wonderful resource for advocates connects you to Federal officials and now also to STATE Governor and LEGISLATORS! Scroll down (or click [here](#)) for instructions or if you know how just text 504-09 and type in “resist” to the message.

EDUCATION

Summary:

Grave concerns continue about education legislation on several fronts: **funding** (still no legislation that meets needs); **muzzling teachers** (still one bill (HB2026) that threatens teacher’s ability to discuss social justice and other “controversial” topics; an incremental increase in vouchers (SB1395) and two **charter “reform”** bills (SB1161 and SB1394) that are nowhere close to actually holding charters accountable. The bill to cap tax credits for STOs (sb1485) is still alive, however (that’s good and you could help support it in committee this week, especially if you are signed up for “request to speak.” It will be heard 3/20 (Wednesday) in the House Ways and Means committee.

Privatizing Education

There are two strategies being used in Arizona to privatize public education: empowerment scholarship accounts (vouchers) that permit students to take the money that would have gone to their neighborhood school and instead use it to pay tuition at a private or religious school or for home-schooling expenses. The second are the tax credits for corporations and individuals that enable a taxpayer to get a dollar-for-dollar reduction in state income tax if they donate to a “school tuition organization” (STO) that then provides the scholarship to a student. There is an aggregate cap on the STO amount, but for corporations it increases by 20% every year so that the

Legislative staff estimates that within five years corporations can forego ALL of their state income tax by making donations to private schools. A bill to cap the STO aggregate limit is still alive (good) and will be heard this week (Wednesday). but one that would incrementally expand the empowerment scholarships is also alive (not good).

- **Use RTS! SB1485 CAP the STOs! Passed Senate 30-0. Good bill, moving finally. SB1485** sponsored by Michelle Udall (R-25.) is a “strike everything” replacing a technical correction that would cap the automatic growth of School Tuition Organization tax credits at 2% or inflation, whichever is lower. It will be heard 3/20 (Wednesday) in the House Ways and Means Committee. This bill, in contrast with some others that made the cap effective immediately, would gradually reduce the amount of donations, thereby also reducing its immediate effectiveness. Donations to Arizona’s STO program are dollar-for-dollar credits from the state’s general fund that surpassed a lifetime total of \$1 billion in 2017 and continue to grow by 20% each year, reducing the funds available for public education (and other state programs). The Joint Legislative Budget Committee has reported that if left to grow according to current law, by 2030, our state will spend more on these tax credits for corporations than those same corporations will be paying into our state budget. Previously, there were two bills to accomplish this, but neither made it out of committee, so a “striker” was used to revive the bill. HB2185 Cap STO Tax Credits. And SB1168.

Vouchers (Empowerment Scholarship Accounts).

- **SB1395 empowerment scholarship accounts; program revisions Moving, no change from last week SB1395** (Allen, S., R, 6). This bill passed committee and rules committee several weeks ago and has not moved since (that’s good). Supporters point out that it would “clean up” some of the (lack of) requirements for students with ESA scholarships, including adding a requirement that they take some kind of standardized test. However, it also provides for expansions of the program including to more pre-school children, and to any child living in a “failing school” district, not just to those who attended one. According to the Senate fiscal note, “the bill would increase state General Fund costs for ESAs by an estimated \$290,000 in FY 2020, \$580,000 in FY 2021 and \$870,000 in FY 2022 above the FY 2020 Baseline. **Supporters say they are just “fixing” the program – but if they are, then they should remove the expansions.** The money for ESAs comes straight out of the neighborhood school the youth would have otherwise attended and pays for private, religious, and home schooling with very little accountability.

Use RTS! SB1099. Patriotic Youth Groups. No change from last week). Passed Senate, 29-1. Free Speech. SB1099 patriotic youth groups; school access (Carter, R, 15). Although for some the title might be a red flag, this appears to be a good bill. It will prohibit schools from denying access to “patriotic” youth groups who wish to speak for a limited period of time in a public school. These are groups designated by Congress with a charter as “patriotic” (U.S. Code 36, Subtitle II b) that serve youth under 21. Examples include Big Brothers—Big Sisters of America), the Boys & Girls Clubs of America, the Girl Scouts of the U.S.A. and Little League Baseball,

Inc.). It also prohibits discrimination on the basis of 34 different reasons including “oath of allegiance to god and country.” The bill is needed if a school district receives federal funds. The bill will be heard 3/18 (Monday) in the House education committee.

Passed Senate 46-14 Banning Lunch “shaming” (good bill). [HB2186](#) school meals; unpaid fees sponsored by Michelle Udall (R-25), would have Arizona join New Mexico in [banning “lunch shaming” at school](#). The bill passed the Senate 46-14 with 14 Republicans voting no. It would outlaw actions that bring attention to students who are unable to pay for a school meal, including refusal to serve the child, the serving of an alternative meal, chores or disciplinary treatment. Originally, it had provisions that would have expanded the uses of public school tax credits to cover unpaid lunch fees, but that was removed by amendment.

Education Funding:

- **SCR1001 Sales Tax Compromise.** RedForEd has come out against the compromise on the various sales tax proposals that would raise sales taxes from .6% to 1%, if approved by the voters in 2020. The compromise passed the Senate Committee of the Whole but has not been voted on and is probably tied up with the budget negotiations that are going on behind closed doors. Kate Brophy McGee and Sylvia Allen, and Rep. Michelle Udall agreed to the 1% and how to distribute it: 75% of the funds would go to K-12 public schools, 20% would go to state universities and the remaining 5% would be left for community colleges and tribal colleges. The proposal would add about \$450 million more than the current sales tax of .6%. It appears that the bill numbers are [SCR1001 and SB1080](#). RedForEd said it just isn’t even close to replacing the almost one billion that is needed for a continuing source of funds, and they would rather NOT see it on the ballot. Might be better to launch another citizen initiative similar to “Invest in Education” that failed to get on the ballot last year over wording issues but might stand a better chance next time.
- **HB2187. Rollover Money No change from last week. Passed House, 33-27.** [HB2187](#) (Udall, R, 25). This bill passed committees with almost unanimous support but then was opposed by several Democrats on final passage by the House but the Senate has not heard it yet. The bill would use some of the surplus and other funds to stop the current practice of postponing payment to K-12 schools for one month at the end of the fiscal year and, effectively, begin to address the one billion in cuts since 2008. By 2020 the bill would fund \$630 million into the correct fiscal year instead of delaying it one year. Why the opposition? Democrats acknowledged that they actually support the idea behind this bill, but want it to be part of a larger budget discussion around education funding, not just a one-off bill with one-time money. It is being “flagged” in the hopes that the Senate will pay attention to the broader issue of funding for education and include it in the broader discussion. Also, opponents said it does not specify how much would actually go into the classroom.

Muzzling Teachers. A third area of action in education this week pertains to efforts to stop teachers from advocating for or against initiatives, candidates, or anything that is on the ballot.

- Use RTS. **HB2026. Muzzling Teachers. Passed House 31-29. [HB2026 \(Kavanagh, R, LD 23\)](#).** One bill that strengthens the prohibitions against teachers speaking out or protesting in other ways about legislation or elections has passed the House 31-29 after first failing on a 30-29 vote, but passed upon reconsideration. **The Senate will hear this 3/21 (Thursday)! This bill** prohibits the use of any public resources for advocacy including advocacy for the outcome of any election, signing petitions to get something on the ballot, distribution of literature, and anything else regarding advocacy. School resources include computers, hardware, software, telecommunications, etc. Most of this was already illegal, but HB2026 goes even farther to permit a resident of the school district to initiate a suit for a presumed violation and to receive the penalty if they win! School bond elections are not even given an exception.
- [HB2470](#) [HB2471](#) [HB2472](#) **Immunization of School Children** **Probably dead, facing veto threat. (Barto, R, 15).** HB2472 made it to the House Committee of the Whole but was retained on the agenda. All would provide exemptions for vaccinations or make it easier for students NOT to be vaccinated. All three bills passed the relevant committees and all are designed to discourage immunization or grant exceptions. The Governor issued an unusual (for him) declaration that he would veto anti-immunization bills if any reached his desk. All were introduced by Nancy Barto (R, 15) in the Health and Human Services committee, which she chairs. On the Senate side, however, anti-immunization bills did not fare so well so even if these pass the House, they may not make it through the Senate. [SB1114](#) schools; immunization; religious exemption. (Boyer, R, 20) failed on a 4-4 tie vote. It expands the use of a religious reason. And [SB1115](#) informed consent; vaccinations did not get a hearing. (Boyer, R, 20).

Charter Schools Reform

[SB1161](#) Passed Senate 19-11. NOW, Charter School / District School buildings. A “strike everything” amendment has turned SB1161, which was a technical correction, into a bill that would require the School Facilities Board to publish a list of vacant or partially used school spaces every year. It also would require school districts to accept bids from charter schools for that space if the charter school was the lowest bidder. According to “Save Our Schools,” the bill is being pushed by the Chamber of Commerce and the Goldwater Institute, with the goal of opening district and charter schools in the same building. Supporters say this is to expand parental choice; opponents say it is just another way to undermine public schools.

[SB1394](#) **Passed the Senate Charter School Reform** (Brophy McGee, R, 28). This passed the Senate 17-13 on a party line vote. Democrats say it does not do several of the things that reform-minded advocates want. It does require charters to have no more than two family members on the board (out of at least three—mmmm, that’s a rather small “reform”) and training on a number of topics such as the open meeting law, procurement rules, and others that charters frequently are accused of violating. It may improve some of the lax procurement practices but would not stop CEOs of charters from making millions or preventing charter organizers to sell their charters as Senator E. Farnsworth did in 2018.

ECONOMIC JUSTICE / Welfare / TAXATION -

[HB2523](#) **youth employment. Passed House 31-29.** (Grantham, R, LD 12). This is the bill that attempts to thwart the citizen initiative passed in 2016 that increased Arizona’s minimum wage. The bill would create an exemption to the 2016 voter-approved law for students under the age of 22. The voters’ initiative boosted the state minimum wage from \$8.05 an hour at that time to \$11 now. It will increase automatically to \$12 in 2020, with future increases tied to inflation. Rep. Grantham withdraw his HB 2523 from consideration by the Senate Commerce Committee after one Republican balked at supporting the measure as already approved by the House. Sen. Tyler Pace, R-Mesa, said he believes the bill creates an incentive for students to leave school in order to garner the full minimum wage. Since all three Democrats on the eight-member panel were expected to vote against the measure, it would fail on a 4-4 vote if one Republican defects. Although the Republicans may work out their differences, this seems a clear violation of the voter protection act, which requires that Legislative changes in voter-approved legislation have to further the purpose of the initiative, and this one surely does not!

Safety Net (Welfare) Programs

- [SB1173](#) **Child Care Transition to Include Education Passed House 30-0.** (Carter R, LD 15.) This bill requires that child care assistance (transition off welfare) continue to be provided to person receiving it who then enrolls in educational program including high school, college, employment training, etc. No change from last week. Good bill.
- [HB2125](#) **Child Care Funds from Federal Government.** (Udall, R, LD 25 **Passed House 46-13.** and [SB1242](#) **Brophy McGee, R, 28** Passed Senate, 27-3. These are companion bills and each passed its chamber, with a few Republicans voting no. **The House version already passed the Senate Health and Human Services committee 7-0.** Last year, the Legislature failed to provide the legislation needed to draw down \$56 million in federal funds – with NO COST to the state – that could be used for child care assistance. These bills would correct this mistake and enable Arizona to draw these funds and use them for necessary child care assistance services.

- **Use RTS SB1088 AHCCCS Coverage/Pregnancy. Passed Senate 27-3** (Carter, R, 15). This bill passed Senate with three Republicans voting no and is being heard in the House committee 3/20 (Wednesday). It would provide comprehensive dental cover through Medicaid (AHCCCS) for pregnant women 21 years of age and older.
- **SB1097 AHCCCS coverage / chiropractic Passed Senate, 28-2.** (Carter, R, 15). This one also passed 28-2, with two Republicans voting no. Under it, chiropractic services would be provided under AHCCCS (Medicaid.) HB2120 (Barto, R, 15) would have done the same thing, but it has given way to the Senate bill. Cost figures show about \$4.9 cost to the general fund, but cost figures are uncertain.
- **SB1353 AHCCCS / diabetes management .** (Carter, R, 15). **Passed Senate 29-1.** This one would cover diabetes care for Arizona’s Medicaid recipients.
- **SB1355 AHCCCS coverage / Dental / Native Americans** (Carter, R, 15) passed the Senate, 25-5. As the title indicates, these would bring dental care into the AHCCCS program for American Indians.
- **SB1098 Housing Assistance. Passed Senate 27-3. (Carter, R, LD15):** This bill aims to create a pilot program that will provide grants to help individuals transition from public assistance to more secure housing. It passed Senate Health and Human Services 7-1 and on the last possible day got a hearing before the Rules committee. The Senate then passed it 27-3.

Tax Conformity / Budget. Conforming Arizona tax laws to the changes in the federal tax code would add an estimate \$150 million to the Arizona budget, and it looks like the Governor may get his way on a simple conformance rather than returning this money to the taxpayers through a tax cut. All of this right now is tied up in budget negotiations.

Tax Credits, Cuts, Deductions - **Tax credits are the worst, as these grant** a dollar-for-dollar reduction of a person’s state income tax to organizations the Legislature designates as “qualified.” It is a worthy goal to provide public services to charitable causes or non profits that serve people who have special needs – but tax credits take money out of the general fund so that later when the Legislature is presented with a budget that would allocate funds for such services, they find there just isn’t enough money to do it. **A second problem**, from a progressive perspective, is that this kind of policy design sends the implicit message that public services for those in need should be provided by charities, wealthy individuals, religious organizations, etc. rather than by government. This is one of the strategies being used nation-wide to privatize public services.”

Use RTS! SB1485 CAP the STOs! Passed Senate 30-0. As mentioned in the Education section, **SB1485** would cap the School Tuition Organization corporate tax credit, gradually reducing it from an increase of 20% per year to 2% per year. Under the current law, the increases in this dollar-for-dollar tax credit would soon mean that corporations would pay no taxes at all in

Arizona if they simply donated an amount equal to their tax burden to schools –mostly it goes to private schools. Sponsored by Michelle Udall (R-25) SB1485 is a “strike everything” that replaced another bill after the original one for capping STOs stalled. It will be heard 3/20 (Wednesday) in the House Ways and Means Committee

- [SB1149 \(Tax Credit Review\)](#). **Passed Senate, 29-0.** (Rick Gray R-21). Held by the House Ways and Means committee, 3/6 and nothing has happened since. This is one of the bills that is intended to at least slow down the use of tax credits in the future by requiring a review by a bipartisan commission. The commission would consist of 10 Legislators, six from the majority party and four from the minority, to review tax credits using a set of standard criteria. The idea is to determine whether adequate protections are in place to ensure that the fiscal impact of the credit in future years will not substantially increase beyond projections available when the credit is evaluated.

[HB2359 Charitable Tax Deduction](#). **Passed House 38-21.** HB2359, sponsored by Ben Toma (R-22), passed 38-21 with all Republicans and several Democrats voting Yes. No change from last week. This would let Arizonans take a higher income tax deduction, equal to the standard deduction plus however much they donated to charity but did not deduct from their taxes because they chose not to itemize. It is “double dipping” in a way, because the standard deduction already includes some for charity. The bill would cost the state an estimated \$30 to \$33 million each year. Proponents say it is needed to help charities who are seeing a 5% or more reduction due to the change in the federal income tax that encourages people to take the standard deduction rather than itemize. Itemizing allows a person to take charitable deductions off their income. Opponents, including PAFCO and most social welfare and education advocates, argue that it is simply another way to take money out of the general fund that otherwise would be used for education and social welfare safety net programs. **Most progressives would oppose this, as another way to strip the general fund, reduce the money for public services, and reiterate the message that charity belongs to the private sector – not a responsibility of government.** On the other hand, several Democrats supported it due to the increased importance of charities in providing public services to disadvantaged populations. A catch 22 indeed.

Use RTS! [SB1300 Low Income Housing Program](#). **Passed Senate 30-0.** (Brophy McGee, R, 28). This bill passed 30-0. Arizona already exempts from property taxes property owned by non profits that is used for low income housing. This bill expands the exemption to include entities that are owned by a non profit and that operate low income housing from property taxes. (Probably, this is a clarification of a current exemption for non profits that do not pay income taxes anyway).

[HB2425](#) school tax credit expansion. Passed 39-20. (Weninger, R 17). This bill expands the use of school tax credit money to include meal programs and some health care uses, and also permits transfer of “unused” tax credits – that is, the school has received more than its cap – to some

other school district. It does not expand the amount on tax credits, but it makes their use more flexible. It passed the Senate Finance committee 8-1 on Wednesday. The problem? Encourages corporations and individuals to donate money to schools, but this takes money from the general fund that should be allocated for education!

SB1027 Passed Senate. Tax Credits for Donations to Health Organizations. Passed full Senate 23-7 with some Democrats in opposition. It passed the House Ways and Means committee 6-4 last week. It is another one of those tax credit bills that presents a “Hobbesian” choice to Legislators and, if passed, to citizens. The bill would expand an existing tax credit (up to \$400 filing singly or \$800 joint) for individuals who donate to a qualified charitable organization that serves adults suffering from chronic illness or disability (the credit is already available to organizations that serve children). A qualified organization is a 501 c 3 that spends at least half its money for social welfare. The bill is sponsored by Leach, LD 11.

HB2275 Passed 32-28. TAX CUT for Crop Production Tools. **HB2275**, sponsored by Tim Dunn (R-13), would expand the list of tax-exempt agricultural materials to include fertilizer, plant additives, and other materials used to grow crops. This passed two committees, 5-2 and 6-4 last week and Rules in the House. The Senate Finance committee heard it and passed it 5-4 on a party line vote.

HB2320 and SB1001 Passed Senate (24-6) and 2320 passed House 57-3. **Highway safety fee; repeal (Ugenti-Rita R, 23 and HB2019 Lawrence, LD23).** On a 57-3 margin the state House on Monday voted to fund the Highway Patrol with a fee to be determined by John Halikowski, the head of the Department of Transportation, but the fee is capped at no more than \$18.

SB1460 Moving. TPT; digital goods and services . One of the worst bills! It passed Senate Finance 6-4 even though the JLBC says they are unable to estimate its fiscal impact because they have no data on what digital goods and services currently are being taxed. Save Our Schools reports that a similar bill last year was estimated to cost \$120 million per year. Can be voted on any time in the Senate, but has not been yet.

SB1366 Tax exemption for data centers. Passed 16-14. (Mesnard, R, LD 17). This is another tax exemption, retroactive back to 2013. It would exempt some software from taxation. Cost estimated at \$8.7 million, plus refunds. All Democrats and one Republican (Brophy-McGee, R, 28) voted no.

HB2011 Tax cut for veterans. FAILED. (Griffin, LD 14). HB2011 would permit veterans of 20 years or more to exempt more of their current retirement income from state taxes. It passed Committee of the Whole but then failed on a 25-35 vote with all Democrats voting no along with several Republicans.

DEMOCRACY, VOTING, ELECTIONS

Several bills relating to the health of democracy and voting are competing to be the WORST bills of the session. The possibly good news is that HB2616 that would prohibit anyone from registering people to vote if they are paid to do so FAILED 28-32. But, a vote to reconsider passed, so there are 14 more days to see if the House will pass this.

A large number of candidates for “worst” bill are those that will make it much harder for citizen initiatives to be passed and those that will depress voting turnout. Additionally, a bill to call an Article V convention to require term limits for Congress passed the House 32-26 with most attention on term limits, not on the problems of a “runaway” convention that could completely rewrite the U.S. Constitution (ugh). There’s an updated paper (by me) on these Article V conventions if you are interested:

<http://files.vuu.org/uujaz/2019/articleVpaper2019.pdf> A few bills will be heard in committee so RTS can be used. Otherwise, contact your Legislators and tell them what you think.

[HB2616 \(Prohibit payment to voter registrants\)](#) FAILED 28-32. (Worst bill) but vote to reconsider passed. (Townsend, R, 16). This bill says:

“A PERSON SHALL NOT PAY OR RECEIVE MONEY OR ANY OTHER THING OF VALUE FOR REGISTERING A PERSON TO VOTE. THIS SECTION DOES NOT APPLY TO AN EMPLOYEE OF A POLITICAL PARTY.”

So, this would make it illegal for advocacy groups such as the League of Women Voters to hire persons to register people to vote? The bill failed with all Democrats plus Republicans Shope and Udall voting “no” and then Townsend – who is the prime sponsor – changed her vote to also vote no – probably so she could call for reconsideration, which passed. They have 14 days now to revote on the bill. This bill is very strange! What about employees of DMV where voting registration takes place, or people who work for the County Recorder’s office? Or advocacy groups who attempt to register voters and need to pay employees to do so? Unbelievably vague and poorly written bill. The Republicans may figure out how to do this, but let’s hope not! They have 14 days to consider it again.

[SCR1023 and HCR2005 \(Moving\) Requiring Signature quotas from each legislative district.](#) (Kerr, R, 13) in the House, [HCR2005](#) (Kavanaugh, R, 23). Either of these would be almost a death blow for citizen initiatives and referenda. They require initiatives to gather 10% of their signatures from each legislative district for statewide matters, 15% for constitutional amendments, and require 5% from each LD for a referendum (“citizen veto”). The effect is to make it much harder to pass citizen-initiated proposals This spreads the issue out across the state and gives rural voters more say; but it also denies urban voters an equal voice on the matter. Neither has passed its house of origin, but that deadline is still a few weeks away.

[Use RTS! Passed 17-13. SB1451](#) statewide ballot measures; circulators; procedures sponsored by Vince Leach (R-11), passed on party line vote. **On agenda 3/19 (Tuesday) in the House**

Elections Committee. It increases amount of information needed from those who circulate petitions and permits subpoenas (in case of a challenge) to be mailed to the committee (rather than the usual rule that subpoenas have to be actually hand delivered to the person who is being subpoenaed). If circulators are subpoenaed to show up in court on a legal challenge and do not show (even if they never received the subpoena), all petition sheets they collected are thrown out, as happened with the “Outlaw Dirty Money initiative” last year. It becomes a class 1 misdemeanor if there is missing or wrong information. Also, all petitions for statewide initiatives and referenda have to be organized and grouped by circulator and if not, the entire sheet is invalidated. This is another effort to make it very difficult to get enough signatures for citizen-initiated referenda.

[HB2026 \(Muzzling Teachers\)](#). **Passed 31-29.** (see discussion in Education section). This is one of the “muzzle teachers” bills that prohibits use of any public resources to advocate positions. No change from last week, but it is still alive.

- **Probably dead.** [SB1046](#) Prohibiting the Dropping Off of Early Ballots. Ugenti Rita (R-23). This passed the Senate on a party line 4-3 vote, Rules said OK, and it passed the Senate Committee of the Whole on Feb. 2. This one is ready for a vote in the Senate but the word on the street is that it will NOT PASS because two Senators (Heather Carter, R, 15 and Kate Brophy McGee, R, 28) will join with all Democrats to vote no. This will produce a 15-15 tie and that means it will lose as AZ has no Lt. Gov. to break a tie. The bill prohibits a person from turning in their early voting ballot (in its sealed, signed envelope) on election day. Supporters point out that 288,000 people turned in their mail ballot on election day, rather than standing in line. The bill was opposed by Democrats and by most county recorders, including Republicans, who said it would NOT speed up counting, but would only make the lines longer.
- SB1072 Photo IDs in early voting centers. **Passed the Senate 17-13 (party line).** Another bill from Ugenti-Rita would require photo ID at the early voting centers. Supporters say it is needed to protect integrity of elections and opponents say that other forms of ID should be acceptable such as a birth certificate or Indian tribal enrollment card, etc. It had a close companion in the [SB1032](#) on-site early voting; identification required that is dead. 1072 passed the House Elections committee last week and the Rules committee.
- **Use RTS. Passed Senate 16-14.** [SB1090](#) emergency voting procedures. Sen. Michelle Ugenti-Rita’s bill would strip away county recorder’s ability to institute emergency voting centers. It is on the House Elections committee agenda again 3/19 (Tuesday) so you can register your opinion (if you are signed up for RTS).
- [HB2201](#) **Moving.** (Local elections must be partisan). by Frank Carroll (R-22), would require cities and towns to print on the ballot the party designation of all candidates for mayor or city or town council. Passed 6-4 and passed Rules committee Monday 2/18 on a 5-3 party line vote. Would also ban cities and towns from declaring winners based on primary election results, even if one candidate received more than 50% of the vote. This

would force cities to run additional elections, and spend significant taxpayer dollars to do so. No change from last week, but it is still alive.

[HCR2022 - Article V convention; term limits](#) **Passed House 32-26** and [SCR1014](#) Article V convention; term limits (D. Livingston, R, 22). These bills call on Congress to convene a “con con’ – convention of the states – for the purpose of requiring term limits. These attempts to require Congress to call a constitutional convention require 2/3 of the states to request the call (on the same topic), then majority vote within the group could send an amendment to the states, which would require ¾ vote to become part of the constitution. The discussion in the House was entirely on the issue of term limits, not on the problems of a “runaway” convention itself. Most constitutional scholars oppose these Article V conventions on the grounds that the group – once constituted – could be a “runaway” convention because the U.S. Constitution provides no way for anyone, not even the courts, to limit it to the purposes for which it was called. They could rewrite the entire constitution! Rules passed it 5-3 after a discussion that focused on the problems of a “runaway” convention. Four Democrats voted for it; three Republicans voted against. A paper on this can be found on the VUU web site.

- [SB1188](#) **Purging Early Voting Lists. Passed 16-14.** (Ugenti-Rita, R, 23). This bill takes a person OFF the permanent early voting list if they fail to vote in the primary election and in the general election for two consecutive primary and general elections. The bill has been clarified so it means that a person must vote in the primary then general election at the last general (federal, state) election, or the next to last one. It says that voters must participate in both a primary and general election, not one or the other, an issue acknowledged by the sponsor. Ugenti-Rita told the committee she’d offer an amendment on the Senate floor to clarify the language. Furthermore, it isn’t just that they have to vote in the primary/general elections for one of the last two years, but they have to do so by mailing in their ballot – not by dropping it off at a polling place. The bill that passed used this language:

Removes a voter from the Permanent Early Voting List (PEVL) solely if the voter fails to vote using an early ballot for a period of two consecutive primary and general elections.

This is especially problematic for independents, who often do not vote in either primary since they have to actively notify the party of their choice. If a person does not vote in the primary, then they are OFF the so-called “permanent” early voting list. County recorders were also concerned that there’s no requirement that voters be notified before their names are purged from the early-voting list. It “allows” notification but does not require it.

[Use RTS HB2032 “Cure” early ballot disqualifications. SE / Passed 60-0. Companion bill, SB1054 Passed the Senate 30-0 \(good bills\)](#) (Ugenti Rita, R, 23). The good part of these bills is that they require county recorders to provide a 5 day “cure period” during which time persons whose mail-in ballot was disqualified can “fix” their ballot. County recorders would be required

to make efforts to contact them. **SE 2032** is now a House version and it passed 60-0 and **is on the Senate Judiciary committee agenda for Thursday, 3/21.**

Use RTS. [HB2039](#) federal form voter registrations; reporting (Townsend, LD 16). This passed the House 31-29 on another straight party line vote. It is on the Senate Judiciary committee 3/21, so you can use RTS if you are signed up. Arizona has a two-tier voting system. To vote in state elections, a voter has to provide proof of citizenship that includes a government-issued photo ID. A person can obtain a government-issued photo ID if they have a birth certificate or social security card, but many people do not. The Federal voting laws, however, do NOT require a government issued photo id, but other documents can be used and the person swears under threat of perjury that they are a citizen. HB2039 would require county recorders to post the number of persons who cast ONLY the federal ballot. Opponents think this would be used as evidence for why photo IDs are needed for everyone.

[HB2489](#) ([Oversight committee for elections](#)). **Moving. This bill**, sponsored by Kelly Townsend (R-16), would establish an Election Procedures Oversight Committee that includes the Speaker of the House and the Senate President. Bill passed Election committee 6-4 and Government committee 6-4, both straight party line votes and even though it missed the deadline, Rules committee was granted extra days and okayed it. The committee would have access to voter registration rolls and elections results to determine whether federal-only voters received and voted the appropriate ballot. Supporters seem to think that not all voting the Federal Form are actually citizens. These persons had to provide sufficient documents to register to vote in federal elections which includes such things as a birth certificate, social security card, or other documents that establish birth in this country. Since Arizona requires a PHOTO identification card, a person who does not have one must take the documents they've got to a DMV or county recorders office and get a government-issued photo id.

HUMAN RIGHTS – Well, heroic efforts by ERA supporters failed to overcome a procedural vote that would have brought the bill to the floor – over the objections of Legislative leadership and committee chairs. Moderate Republicans who actually support the ERA would not vote against their caucus and leadership. ERA supporters' efforts, however, sparked a heated debate and perhaps that is needed. When facts, logic, and rational thinking do not work, then it is time to change who is holding the office! Enough said.

Women's Reproductive Justice

Use RTS. [SB1040 Report on maternal fatalities Passed 30-0.](#) sponsored by Kate Brophy McGee (R-28). This is a good bill. Support it through "request to speak" if you are signed up. It is being heard 3/21 (Thursday) in the House Health and Human Services committee. A strike everything changed the bill from one requiring collection of more information to the

establishment of a committee to “recommend improvements to information collection concerning the incidence and causes of maternal fatalities and severe maternal morbidity.” This would require the state to collect more information on maternal deaths, analyze the data, and provide actionable recommendations. In Arizona, an estimated 20 women die for every 100,000 live births, and 89% of these deaths are deemed preventable. Nationally, new moms die at a higher rate than anywhere else in the developed world. The bill contains an emergency clause so that it would go into effect immediately, which means it requires a 2/3 vote to pass.

Immigration

[SB1217](#) **Passed 18-12. (good). Dreamer’s In State Tuition.** [SB1217](#), sponsored by Heather Carter (R-15), passed 6-0-1, passed Rules, and then passed the full Senate with several Republicans voting with all Democrats to pass it. Republicans voting in favor included Fann, Pratt, Boyer, Brophy McGee and Carter. It would direct Arizona’s public universities and community colleges to create a new tuition rate for all students who graduate from Arizona high schools, regardless of their immigration status. Any student who graduates from an Arizona high school would be eligible for the new tuition rate for the four years after they graduate from high school. This would mean a new tuition rate for young immigrants covered under the Deferred Action for Childhood Arrivals program. The bill follows a court battle that ended last year with those DACA students losing in-state tuition. The Arizona Chamber of Commerce [publicly announced support](#) for a tuition fix for DACA recipients earlier this month. Making education affordable for these students is not only the right thing to do, but furthers the investment our state has already made in helping them become productive members of the high-skills workforce.

[SCM1001](#) border wall funding **Moving.** . D. Farnsworth (R, 16). This is a motion to send a letter to Congress urging Congress to build the wall! It passed 4-3 on party line vote and passed the Senate Rules committee. Still hasn’t been heard on the Senate floor.

GUNS / Criminal Justice –

For a more detailed report on crime & criminal justice bills, check out Diane Post’s link [National Organization for Women AZ Legislative Action Alert](#)

Several bills worth supporting or opposing are up for consideration this week. Support SB1250 sexual assault; protective order - Scheduled for House Judiciary on 3/20 and SB1468 schools: suicide prevention training - Scheduled for House Education on 3/18 and **OPPOSE** HB2693 misconduct involving weapons; school grounds If you are in LD1 (Prescott), it would be especially helpful if they contact Senator Fann as her voting constituents; She is Chair of the Rules committee, so she could definitely choose not to hear the bill or to hold it. **USE RTS TO OPPOSE and** contact Senator Fann to pull this bill from **Rules Agenda for 3/18.**

[Use RTS. SB1250](#) sexual assault protective order 3/20 house judiciary. Steele, D, LD9. This is a strike everything amendment that will allow a person to petition for an injunction against harassment for alleging one or more acts of sexual violence. It also prohibits fees for service of process for a petition for an injunction against harassment from being charged to a victim of sexual violence. Scheduled for House Judiciary 3/20 (Wednesday). You can use RTS to support it if you are signed up.

[SB1437 Ban the Box!](#) Passed 17-13. (Quezada, D, 29). This would ban the conviction history question and delay background checks until late in the hiring process. The bill is part of a nation-wide effort to smooth the re-entry of persons coming out of prison and to reduce recidivism rates. It passed the Senate committee 17-13 All Democrats and three Republicans voted for it: Brophy-McGee, Carter, and Ugenta-Rita.

[SB1292 Moving.](#) *misconduct involving weapons; classification*, This bill would reclassify some offenses considered misconduct involving weapons to reduce the penalties associated with the offense. Passed committee and rules but retained on Senate Committee of the Whole

[HB2693 Passed House 31-27. NEEDS OPPOSITION!](#) It's another "misconduct involving weapons" change that would legalize carrying a loaded weapon in a vehicle on school grounds, provided the weapon is not visible if the vehicle is unoccupied. An unloaded weapon is currently permitted under these conditions on school grounds. This could conflict with federal law, according to the Arizona School Board Association. It is scheduled for the Rules committee 3/18 (Monday), but if you live in LD 1 (Prescott) contact Sen. Karen Fann to pull it from the agenda!

[Passed House 59-0. HB2311 incorrect arrest; record clearance](#), is a reform bill that provides a process for clearing one's record if subjected to incorrect arrest due to identity theft or mistaken identification. No change from last week.

Use RTS. Passed Senate 28-2. Good bill. [SB1468](#) schools; suicide prevention training Sponsor: Sean Bowie (D-18). This bill is a rare example of a Democrat-sponsored bill being passed by either chamber. Congratulations Sen. Bowie! It would require AHCCCS to develop suicide awareness and prevention training programs for inclusion in school districts, charter schools and Arizona teacher training programs for the 2020-2021 school year. Will be heard Monday 3/18 in the House Education committee.

Passed House 60-0. HB2080 civil rights restoration; application; procedures Sponsor: John Allen (LD15). No change from last week. This bill would change the statutes regarding restoration of rights after a felony conviction. It would make it more difficult to restore one's right to own firearms for those convicted of "dangerous offenses", which include the discharge, use or threatening use of a deadly weapon, and also for those convicted of "serious, violent or

aggravated felonies” such as murder, aggravated assault, sexual assault, armed robbery, kidnapping.”Makes changes easing the requirements for some other restoration of rights.

Passed Senate 30-0. SB1310 – **Early Release** - Earned Income Credits (Farnsworth, LD 16). This permits 3 days for each 7 served if the person was convicted of a marijuana offense or some other drug offenses, and has completed a drug treatment program. Otherwise, the earned credit is one day for six. No change from last week.

RTS. Passed Senate 30-0. SB1314. Death Penalty (Farnsworth, R, 16). This bill passed committee 7-0. It would remove some of the “aggravating” provisions to be taken into account when deciding on the death penalty. Is on House Judiciary committee, 3/13.

Passed House 60-0. [HB2266](#) prisoners; transition program; eligibility (Payne, R, 21). This adds requirements to become eligible for the transition program. The requirements may seem reasonable (or not, depending on one’s point of view), but making it harder to get into a transition program is not a good way to reduce incarceration rates in Arizona – a purported goal of both parties and the governor. The new criteria would make ineligible someone who failed to achieve functional literacy, had a risk rating as close or maximum custody, refused enrollment or removed from a self-improvement program within the past 18 months. Ready for a vote in the Senate.

WATER / ENVIRONMENT -

Still not much to cheer about here. Two good bills still moving, however, including funds for the Arizona Water Protection Fund (HB2013) and one to protect solar energy from excess taxes (HB2493). More details are in the Sierra Club report).

https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/grand-canyon-chapter/legislative_updates/2019/Sierra%20Club%202019%20Legislative%20Update%20%2310.pdf

[HB2609](#) Harquahala non-expansion area; groundwater transfer moving. [HB2609 Harquahala non-expansion area; groundwater transfer](#)(Petersen: Cook) allows private water companies in the Harquahala Irrigation Non-expansion area (west of the Phoenix area) to withdraw water to a depth of 1,500 feet rather than 1,000 feet and transport it into an active management area. The Sierra club has it on their priority list for this week. It has not passed the House yet, but is ready to be voted on at any time. The Sierra club reports that the bill is being promoted for water investors who are part of a Manhattan-based hedge fund, among others. Speaker of the House, Rusty Bowers, is leading the effort to jam this through over the objections of La Paz County and any who are concerned about further privatizing water. Environmentalists need to stand in solidarity against opening this up to even more pumping and exporting of water to feed the growth machine in Maricopa and Pinal counties.

HB2275 Tax exemption, crop production Passed House, 32-28 and Sen. Finance committee 5-4. HB2275, sponsored by Tim Dunn (R-13), would expand the list of tax-exempt agricultural materials to include fertilizer, plant additives, and other materials used to grow crops. Rep. Dunn [introduced a similar idea last year](#), which did not pass, after a 2016 tax court ruled that fertilizer doesn't qualify as a propagative material because it's "not indispensable" to growing food. Last year, if that ruling was reversed, the state would have had to pay \$125 million in refunds. The eight new tax exemptions in last year's bill would have cost Arizona at least \$20 million every year. This will be heard by Senate Finance committee, 3/13 (Wednesday).

HB2013 Passed House 60-0. Arizona Water Protection Fund appropriation (Griffin, R, 14). This bill passed 60-0. It has already passed the Senate Water and Ag committee 7-0 and passed Sen. Appropriations last week 7-0. It would allocate funds for the AZ Water Protection fund – a proposal backed by both parties and the Sierra club. The purpose of the AWPF is to "provide annual funding for the development and implementation of measures that maintain, enhance and restore rivers, streams and wildlife habitats (azwpcf.gov)." This would increase the appropriation from \$400,000 in 2018 to \$1 million in 2019.

Use RTS. **HB2493 Solar Energy tax protection.** (Cobb, R, 5). **Passed 48-11.** The bill will be heard 3/20 (Wednesday) and you can register support for it on RTS if you are signed up. This is an effort to protect solar devices from excessive taxation. If courts find that exempting from taxes is not allowable, this bill would set the amount very small. Passed with bipartisan support, and bipartisan opposition. The Sierra club says it has hit a snag in the Senate. A tax group based in North Carolina has hired former legislators to lobby against it, saying it benefits a few companies, rather than recognizing that taxing only those who are leasing is punishing those who cannot afford the upfront costs for a system.

Here's a link to the Sierra Club's legislative update
https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/grand-canyon-chapter/legislative_updates/2019/Sierra%20Club%202019%20Legislative%20Update%20%2310.pdf

Resistbot.io - How to use it. Click on the "messages" icon on your I-phone, then click on the pencil in the top right-hand corner. You will get a "To: " screen. Put in 504-09 and then in the message type "resist." They will respond and ask for your zip code or address and what you want to do. This is a free service, reportedly developed by volunteers. It will ask for your zip code or address, and then you can send a fax, letter, make a phone call, send an e-mail to Sen. Synema and McSally and the House member as well or even to Governor Ducey.

After you have sent several, it will ask you which of the various people you want it sent to. At first, it just sends to all three, later it will add state-level elected officials, too. You get more services after you've used it awhile!

Want to subscribe to the *Arizona Legislative Alert*? The AZ Legislative Alert is published weekly during the session to alert progressive, social justice advocates, to legislation that they may want to support or oppose. When the Legislature is not in session, it is published sporadically! You can sign up by sending an email to legislativeadvocacy@vuu.org. It is written and published by Anne L. Schneider, Ph.D. retired political science professor and former Dean of ASU's College of Public Programs.

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[Unitarian Universalist Justice Arizona Network](#) -- Executive Director Rev. Lisa McDaniel-Hutchings; Policy Coordinator, Anne L. Schneider. Board Members, UUJAZ: Sharon Travis, Liz Swan (Chair), Rev. Matthew Crary, Bobbi Bollinger; Rev. Terry Sims, Molly Divine, and Katie Phares www.uujaz.org.

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U.S. Senate –

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