

# The Arizona Legislative Alert [UUJAZ](#) / [VUU](#)

Bringing UU Values to Public Policy

## Corona Virus Part II

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March 29, 2020

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**Here in Arizona** - The Legislature passed several bill related to the corona virus emergency before it adjourned a couple weeks ago and has said it will reconvene April 13 to continue working on the more than 1,700 bills that were introduced. Not likely, though, as we are a long way from the end of this pandemic.

**A MUST DO for the Arizona legislature – Almost all the initiatives / referenda that are trying to gain signatures to get on the 2020 ballot are in danger of not being successful, because it is almost impossible to get enough signatures when there are no large gatherings of people.**

**The Legislature should pass legislation permitting on-line signing of initiative / referenda, as it already does for the signing of candidate petitions—the petitions that persons running for office need to collect to qualify for the ballot. This is not new technology. It can be done. <https://apps.azsos.gov/equal/>**

**What bills are still alive?** Technically, only a handful of bills are still alive if the Legislature sticks to its normal schedule. All bills that are still alive should have passed both houses by Friday, March 27, and go to conference committees this week to reconcile differences. Only four bills that are being tracked by the AZ Legislative Alert are even ready for a final vote in the second chamber! These are

- HB2054 – weakens the independence of the Clean Elections Committee
- HB2621 – allows a tax credit for water conservation systems for agricultural use
- HB2084 – No permits needed to build a wall along the border if the owner says OK
- HB2642 – Adds pregnant women to the anti-discrimination laws (good bill).

**What is likely to happen in AZ?** The Legislature surely will figure out how to vote on things without everyone crowding into the chamber; finish up the “skinny budget” (mainly, just a continuing resolution), and then adjourn for the year. Or, the Republican leadership may agree on a handful of bills and push these through. Probably, no one knows as the “surge” of cases in Arizona is likely to hit about that same time.

**Democratic Primary?** Does anyone even remember? Yes, Bernie Sanders is still in the race; Joe Biden is the almost certain nominee and he is mainly staying calm and **not** spending his time second guessing anyone (that can come later). Will there be a debate in April? One has been planned but not scheduled and no host site announced. Probably not. Are there still primaries? Yes, and June 2 is beginning to loom large as several states have postponed to that date. As of this writing, here are the states holding primaries June 2: Delaware, Pennsylvania, Connecticut, Indiana, Maryland, Rhode Island, New Jersey, Montana, New Mexico, South Dakota, and D.C.

**The 2020 Election** – To what extent are the 2020 elections threatened by this pandemic? Well, perhaps a lot. In Arizona, however, the Secretary of State Katie Hobbs and county recorders are making plans to send an “early ballot” application (or even an early ballot itself) to EVERY registered voter who is not already on the “permanent early voting list” if the authorities are still requiring people NOT to gather in groups or stand in lines. The election MUST be held, and this is one way to do it. People could then mail in their ballots, or drop them off at polling places. A mail-in ballot has the person’s name already printed on it; and the person has to sign it with their signature. Then, voting officials check their name off the rolls, just as if they had shown up at the polling place. This does not risk fraud.

**Just thinking:** Is it possible that the current strategy of fighting the pandemic has no end game? Or, only one that is so far away, the Feds will need multiple \$2 trillion bailouts to sustain the country? Or will we simply have to let everyone catch the virus and become immune? Or, at least, let those who are most likely to be asymptomatic or have only mild/moderate cases catch it while sequestering the most vulnerable until almost everyone is immune (“herd immunity”)? We need a serious discussion of how sustainable our current course of action actually is and what end games we are willing/able to endure.

Here’s the weekly “digest” of social justice bills that are being tracked. It contains details on the content and status of each one. Organized for your convenience (really, no one except a policy wonk would read all of this! Skip to the topics you are most interested in.)

[Democracy/Voting](#) [Economics \(wages, safety net, taxation\)](#) [Education](#) [Environment \(water, air, pollution\)](#) [Guns/Crime](#) [Health](#) [Human Rights \(women, LGBT+, immigrants, race\)](#)

Resources: [How to use Request to Speak](#) [How to use Resist.Bot](#) [Contacts](#) [Action](#)

[If the internal links are not working, go to the PDF: <http://files.vuu.org/uujaz/2019/alert-032920.pdf>

## The Digest: Detailed Descriptions and Status of Arizona Social Justice Bills (RTS register your opinion on ANY bill, or directly in the committee if there is a hearing scheduled).

Ready – means ready for a final vote in the second chamber, after having passed the first chamber; or sent to conference committee for reconciliation of Senate and House versions.

Passed - was passed by the originating chamber

Stalled – means did not get a final vote in the chamber of origination. Probably dead.

Dead – means that the bill has missed an earlier (non-Corona) deadline or failed a vote and is dead unless re-inserted as a strike everything

On Governor's Desk – Means passed by both chambers

Signed – Signed by Governor

### **Democracy / voting** (Also see SCR2010 in [Health](#) section, below)

**Passed House 31-29.** [HCR2039](#) initiative; referendum; signatures; legislative districts – This asks voters to restrict Arizona's initiative and referendum process by requiring that one-thirtieth of the total required signatures for a ballot measure come from each of Arizona's 30 legislative districts. This change, the most restrictive of its kind in the nation, would allow a small minority (perhaps the most conservative or liberal area in the state) to veto measures with otherwise broad support. This would be a crippling blow to the initiative process.

**Passed House, 31-28.** [HCR2032](#) initiatives; single subject; title. This is another bill that would cripple initiatives and referenda because an initiative/referendum would have to be split into a large number of parts, each with just one narrow subject, filling up the ballot and making it cumbersome for voters to sort their way through the ballot. Passed Sen. Judiciary 4-3 but Senate Rules did not take it up.

**Dead.** [HCR2046](#) initiatives; referendums; reauthorization (Bowers, R, LD 25). This would refer to the voters a referendum that would require all initiatives and referenda approved by the voters since 1990 must be reauthorized (that is, voted on again by the electorate) every 10 years. This is still another way that the AZ Legislature is trying to thwart the ability of citizens to enact legislation when the legislature is unwilling to do so. Passed 6-4, ready for a floor vote; held in Committee of the Whole and never brought up for vote in House. This would put Prop 305

(killing to empowerment scholarship bill that made all students eligible) up for another vote, with all the accompanying out of state money that would pour in. The voter protection act itself would be up for grabs.

**Stalled Federal Relations.** [HCR2016](#) **Article V** convention; term limits. This is a call for Arizona to join other states in proposing a national constitutional convention using the “Article V” provision in the U.S. Constitution. Passed committee 4-3 and Rules but never brought up for final vote in House. Two thirds of the states would need to agree to the proposal, so it is not likely to happen any time soon, but BEWARE. The purpose of this one is stated to be limited to setting term limits for members of the U.S. House and Senate. The problem is that a constitutional convention, once called for any purpose through Article V, can easily (and probably) become a “runaway” convention that could propose as many amendments as they want to the U.S. constitution. Most constitutional scholars say “NO” to the idea of calling one of these as no entity – including the U.S. Supreme Court – would have any jurisdiction over it. Suggestion: No matter what you think about term limits – an Article V convention is NOT a good way to get it done. Read a special AZ Legislative Update report on it here: <http://files.vuu.org/uujaz/2019/articleVpaper2019.pdf>

**Passed House 31-28.** [HB2238](#) universities; **public policy events** Kern, R, LD 20. This bill requires the AZ Board of Regents to create an Office of Public Policy Events for each University in the state that is mandated to put on public policy debates, panel discussions, speakers and so on in which all sides are represented. It is estimated to cost from \$500,000 to \$1 million per university. No money has been appropriated. The sponsor, Kern, acknowledges that student groups may also invite and sponsor speakers and would not have to include opposing views. But Kern said this new public policy office would be charged with at least keeping track of all those speakers and creating a report, possibly for legislative leaders.

The danger here is that the topics covered by these events would begin to control what the students here, and “all sides” of an issue may be decidedly “one-sided” depending on how the issue is framed. For example, an issue on whether undocumented persons should be incarcerated awaiting deportation or allowed free on bond could cover “all sides” (e.g., incarceration or bail) but not include anything about just leaving them alone unless they commit a crime. Was never considered by a Senate committee.

**Dead. Strike Everything –** [HB2304](#) **Voting** The previous bill, that federal- only ballots have to be printed on colored paper is gone and in its place is a new bill. HB2304 now says that persons who are not citizens but are registered to vote have to be removed from the rolls. It also prohibits everyone except disabled persons from bringing anyone into the voting booth with them – thus, no translators! The bill requires names of persons disqualified from jury duty for not being documented to be forwarded to the Attorney General, and also gives the AG access to all voter registration data in the state. It also requires the AG to contract with ICE for information, and to be notified of persons receiving public assistance. Apparently, it also allows federal immigration authorities to check the citizenship status of people on Arizona’s voter registration rolls.

**Stalled** [HB2343](#) - early voting; identification required – Early voting ballots cannot be just dropped off at a polling place, but instead the person dropping them off has to sign a log and show identification. Passed 6-4 and Rules but not brought up for final vote in House. Fillmore, R, LD 16. This bill is intended to halt the practice of anyone dropping off a large number of early ballots at a polling place without having to stand in line.

**Dead** [Sb1092](#) – delivering early ballots voting - **\_\_Pulled from committee! No Vote.** For persons delivering more than just their own early ballots to a polling place, the person has to show that one belongs to him/her; if they are delivering another ballot, they have to show they are a family member, household member, or caregiver. Several minority advocacy groups have programs to deliver early ballots to voters who are part of their group or their neighborhood and then they also pick them up and take them to a polling place. Elderly people, those in assisting living and nursing homes, and others use this kind of service to insure their ballots are delivered. The ballots are already sealed, have the person's name and signature on the envelope. This bill has been introduced before and is intended to stop this practice of helping people vote. (Ugenti-Rita R, LD 23). Hearing was Thursday, 1/23 but pulled by sponsor. Lots of organized opposition. Also thwarting the possibility of this bill making it through is the 9<sup>th</sup> Circuit Court ruling last week that a previous bill making it a crime to return someone else's early ballot is illegal. In a divided decision, the majority concluded that the Republican-controlled Legislature enacted the restriction in 2016 with the goal of suppressing minority votes. And Justice William Fletcher, a President Clinton appointee writing for the majority, said the record shows that HB 2023 had that effect. The court also voided a separate provision which says that the entire ballot is discarded if someone votes in the wrong precinct on Election Day. The judges said the state should count the votes that would have been legal had the person been at the right place, such as for a statewide office like governor.

**Passed House 59-0** [HB2364](#) - election law amendments – Passed committee 10-0 and Rules but not brought up for final vote in House. This bill has changes to election law and how long early voting drop off places can be open and when they have to close before the election. Appears to be mainly a “fix up” rather than substantive changes that would have an adverse or positive impact on voting accessibility and since it passed with no Democratic opposition, it probably is mainly a “fix up” bill.

**Ready for Final Vote in Senate Passed House 31-28** – Regulatory Affairs, Voting Clean Elections Commission. [HB2054](#) GRRC: petition to request review. (Bisiacci, R, 5). The Governor's Regulatory Review Commission has seven members, six appointed by the Governor, Speaker of the House and President of the Senate with no requirement for partisan balance. The GRRC reviews regulations and can invalidate a regulation or practice by an agency. This bill 2054 weakens the independence of the Clean Elections Commission because it allows any individual to challenge one of its rulings or practices and enables the GRRC to then invalidate that provision. This brings the Clean Elections Commission under the GRRC review not just going

forward, but for the past 20 years or so, as the commission was established by a citizen vote and is intended to be free of partisan control. The Voter Protection Act should protect the Clean Elections Commission and require  $\frac{3}{4}$  vote by Legislature and support the same purposes as the original initiative, but some are contending a different citizen initiative supported bring Clean Elections under GRRC overview. Not sure how that argument is being made. Passed Senate Governance 4-3 and Rules.

**Passed House 31-27. [Hb2092](#) – selling land to the Federal Government** – Passed committee, 4-3 but not heard by Rules yet and Rules may (or may not) meet again. This prohibits the sale, gift or grant or any other transfer of an ownership interest in any other privately owned real property to the federal government without the consent of the legislature and the Governor. This bill is intended to prevent any more land going to the federal government (as for national parks, national monuments, etc.) even if it belongs to a private person who wants to sell or give it to the federal government. The rationale is that it takes property tax away from the state. The more fundamental reason is the antipathy of some people in some western states, including Arizona, to the federal government in general. (Finchem, R, LD 11).

**Passed Senate 17-13 [Sb1032](#) – ballot signature on envelope** **Voting -** In Arizona, voters who mail in their early ballots sign the envelope, and also print their name on the outside of the envelope. If a ballot is incomplete, county recorders are allowed to notify the voter to “fix” their ballot. This bill says that if a ballot is received that does not have a signature on the envelope, it has to be “cured” by 7 p.m. on election day through contact with the voter. (It was amended to make it less restrictive, but still had unanimous Democratic opposition.) Passed House elections committee 6-3 but did not pass House Rules.

**Passed House 40-20 [HCR2020](#) lieutenant governor; joint candidacy.** Bill was held and rescheduled then passed but also was assigned to the Elections committee and then withdrawn from it. Another attempt to get Arizona to have Governor and Lt. Governor run as a “slate.” There are arguments for and against – many states do it this way. It would prevent a death or resignation resulting in a change of party in the Governor’s office, as has happened before. It also lets the Lt. Governor break ties in legislative votes. Did not get taken up by Senate committee.

**Passed House 31-29. [HB2268](#) election** complaints; attorney general House elections committee. It enables any person to take a complaint directly to the attorney general, including even during the conduct of an election whereby the bill permits a representative from the AG office to enter an election place. Bill apparently is intended to by-pass Clean Elections Commission oversight authority of elections. Sponsor is Townsend R, LD 16.

**Sent to Secretary of State. Passed House 31-29. [HR2004](#)** supporting the electoral college (Lawrence, R, 23). This is simply a resolution saying that the House supports the electoral college and rejects efforts to repeal it. Has no effect, but signals opposition to the “national

popular vote compact” that others are urging Arizona to join. No one has introduced the national popular vote compact bill this year. Surely, it is time to fix the Presidential election so that the candidate with the most votes wins; or if not, there is a second round of voting (as with ranked voting). One person, one vote and they all have equal weight. This is a House Resolution, so it simply goes to the Secretary of State to be filed.

**Passed Senate 16-14.** [SCR1018](#) independent **redistricting** commission; population standards. This requires no legislative district to be 5000 persons larger than any other. The problem is that this breaks up the Navajo nation and in the past has been opposed for that reason. It passed Senate on party line vote but was not taken up by House committee. Mesnard, R, 17

**Passed Senate 17-13** [Sb1020](#) – ballot / initiative “warning” **Voting** - **Passed Committee 4-3 and Senate, 17-13 and House committee 5-3 but not heard by House Rules.** This legislation adds into any initiative on the ballot a “warning” that this legislation can’t be changed without a 3/4 vote of legislature that also furthers the purpose of the initiative. Any other changes have to go back to the voters. The intent here is keep the power of legislating in the hands of the legislature and, since initiatives are commonly used in Arizona to promote progressive causes, this is intended to thwart the progressive agenda. Ugenti-rita, (R, LD 23). .

**Passed Senate 17-13.** [SB1434](#) recall petitions and elections **Voting**; Tightens up the requirements for recall petitions, making them more similar to recall petitions for initiatives and referenda, and therefore more easily invalidated later. [SB1434](#), sponsored by David Gowan (R-14), would require strict compliance for recall petitions similar to the changes already made for [initiative and referendum campaigns](#). If the bill passed, technical violations could disqualify recall drives. Gowan, R, 14. Passed House Elections committee 6-3 but not heard by Rules.

**Signed.** [SB1135](#) - **elections**; counting center; electronic adjudication – passed committee 7-0, Senate 28-0 and House 60-0. E. Farnsworth has introduced this bill to monitor / verify digital aspects of elections. A small step toward securing elections and preventing actual fraud.

**These bills are dead:**

[Sb1067](#) – restore felony **voting** rights - automatically restore voting rights of felons upon completion of probation or absolute release from prison. The rights would be restored, and the judge would be required to inform a person being sentenced for a felony that their voting rights will automatically be restored when they are released from prison and/or complete probation. (Quezada, D, LD 29). There also is a House bill, 2558.

[Sb1077](#) – expand use of mail ballot **Voting** - permits counties to use mail ballots for elections including federal and state elections. (Bowie, D, LD 18)

[Hb2043](#) - photo ID cards – **Voting high** school and college id cards cannot be used as photo ids for voting or to obtain a voting card even though they have the person’s picture on them. Proponents suspect college students of voter fraud; supporters point out that voter fraud among

college students is not extensive and not documented. They say this bill is mainly to prevent younger voters from being able to vote in the area where they attend school. (Townsend, R, LD 16).

[Hb2137](#) – police in the polling place **Voting** - requires a law enforcement officer inside each polling place. Another attempt to frighten some legitimate voters, especially minority voters, from voting by simply frightening them away from the polling place. No good reasons are offered for why police are needed in or around polling places unless a disturbance of some kind has been reported. (Lawrence, R, 23).

[HB2272](#) postelection equipment testing **Voting**. Adds the automatic counting equipment to the post election equipment testing. Thorpe, r, LD 6.

[HB2558](#) **voting** rights; felonies; automatic restoration. See Senate bill (above). Would automatically restore voting rights after sentence is served.

### **Economic justice – taxation**

**Passed Senate SB1671, Gowen (R, 14).** This is another bill giving tax credits, this one to public service companies for building water and sewer systems. No fiscal statement. Passed Senate, 18-11 with most Democrats voting no. Another bill that pits a good cause (e.g., building water and sewer systems) but does it by taking money out of the general fund, which takes it away from education and other public services. Not taken up by Senate.

**Passed House 31-29. HB2778** **taxation**; omnibus. This is another huge tax cutting bill, similar to Sb1398 with some overlapping cuts, but some that are unique to each of these bills. (Toma, R, LD22). This passed with Republicans voting for and Democrats. It would cut state taxes by nearly \$162 million this coming budget year, \$124 million in 2022 and \$128 million in 2023. HB1398 which also passed (see below) would cut some of these same taxes but an additional \$102 million in 2021, and slightly more in the next two years, according to the fiscal notes. The biggest part of HB 2778 is an across-the-board cut in individual income tax rates. That provision reduces state revenues by \$100 million a year. Another provision would accelerate business depreciation, and another would increase the amount that individuals who do not file itemized tax returns can still deduct in charitable contributions from the amount of income that is subject to state income taxes. Passed House but not taken up by Senate committee.

**Dead Failed on tie vote 15-15** [SB1489](#) individual **income tax**; rate adjustment. Passed committee 6-3-1 and Rules okayed it. This is not the same as the provision in the HB2778 omnibus tax cut, but is one of those bills that ties income tax increases to changes in inflation and



population growth in such a way that the per capita expenditures can never get any more generous. The bill requires that if there is any surplus at the end of a fiscal year, 50% of it is returned through a cut in the tax rates. Called a “TABOR” tax in some states (Taxpayer bill of rights), it is a technique proposed by conservatives to limit expansion of government. One of the problems, as has been apparent in Colorado, is that when a recession occurs, the revenue drops precipitously and TABOR-like provisions prevent it from reaching pre-recession levels. So far, no motion has been made to reconsider, but will continue to watch for one.

**Passed Senate 17-12-1** [SB1398](#) **tax** omnibus (Mesnard, R, 17). This is a complementary bill to SB2778 but they are not identical (see note above). This would cut taxes by \$83.4 million in 2021; \$106 in 2022 and \$166 in 2023. This one reduces property taxes and other tax breaks for small business; cuts capital gains taxes and changes depreciation. Unlike 2778, it cuts the marginal income tax rates from a range of 2.59% to 4.5% to 2.53% to 4.45%. It indexes to inflation the charitable deductions that can be claimed without itemizing. Several other bills also contain provisions that overlap with one another, creating great confusion for some people. Not taken up by House.

**Dead** [Hb2002](#) – **tax credit** - Arizona student apprenticeship program. Employers can claim a tax credit for the money they pay into the AZ student apprenticeship program. Passed committee 6-3 and Rules but not brought up for House vote. This is another one of many good programs that are proposed to fund through a tax credit – tax credits provide a dollar-for-dollar reduction in income taxes. Some Democrats have said they will not support any more tax credits at all, no matter how worthy the cause, as it takes money directly out of the general fund and reduces the amount that is available for programs. (Carroll, R, LD 22). On education committee agenda Monday but was not heard and then pulled and shifted to Ways and Means where it passed.

**Passed Senate** [SB1296](#) internal revenue code; conformity. (Mesnard, R, 17). Finance committee passed it 8-0-2, Rules passed, and Senate passed it 30-0 but not taken up by House. This confirms AZ taxes to federal taxes and the unanimous support is in spite of its effect on state income but to clarify and make filing state taxes and federal taxes not so complicated. There would be a cost to the general fund according to the bill: \$16.4 million in 2020; \$13.1 million in 2021 and \$7.5 million in 2022. These seem small in comparison to those proposed in the “omnibus” tax bills, HB2778 and SB13

**Signed Passed 60-0 and passed Senate 24-1.** [HB2494](#) internal revenue code; conformity (Toma, R, 22). It is the House version of SB1296 that already passed the Senate and they are almost the same bill. Mainly a fix-up to make it easier to reconcile data for state taxes with federal tax forms.

**Passed 31-28** [HB2240](#) **pawnbrokers** Kern. Loosens requirements on pawnbrokers. Passed House but not taken up by Senate. Opposition is based on difficulties lower income people have in dealing with pawnbrokers.

**Dead** [SB1237](#) veterans; **income tax** subtraction; increase. AZ has exempted up to 3,500 from income tax for veteran's benefits or pensions. This increases that the full amount. No fiscal impact statement has been prepared. Committee passed it 8-1 and Rules passed it. Then it was killed by an 11-18 floor vote only to be approved for reconsideration but no reconsideration vote held yet, so it is dead.

**Passed Senate 18-12** [SCR1003](#) - personal property tax; **exemption** (Mesnard). This bill—if passed by the Legislature and then by the voters -- would increase the exemption from property tax of property used for agriculture, trade, or business from about \$185,000 currently to \$1 million. This would be a tax cut; part of the plan that J.D. Mesnard tried to get passed last year but could not. The fiscal statement estimates it would cost the state General Fund \$1.5 million per year, beginning in FY 2023. Passed Senate but not heard in House.

**Passed Senate** [Sb1098](#) – Unused **tax credits** - changes from 4 to 3 the number of years before a tax credit is discontinued because no one is using it. This legislation is intended to reduce the number of tax credits by taking off the books those that no one uses as it sometimes is embarrassing for Arizona to admit to the large number of things that are eligible for a tax credit. A tax credit is a dollar-for-dollar reduction in income taxes for each dollar donated. (Mesnard R, LD 17). This bill passed committee 9-0 on 1/17 and the full Senate 29-1. It is not particularly controversial. Passed House committee but not heard by House Rules.

**Passed Senate 29-0** [SB1134](#) **tax credit** review; evaluation standard. This bill adds to the responsibilities of the joint tax credit review board a provision to assess whether the tax credit will not increase substantially beyond the estimates at the time the tax credit is put in place. Gray, R, LD 21. It is good that this group might actually meet and review the tax credits!!! Passed committee 9-0 and Senate 29-0, but not taken up by House.

**Passed House 49-11** [HB2293](#) renewable energy storage equipment; valuation **Exemption** (Dunn, R, LD 13). This bill adds tax breaks by exempting items like solar batteries from sales tax and prohibits cities from taxing them. Again, Legislators using good ideas (like energy storage) as a way to cut taxes thereby enabling the state to claim it just does not have the money to fund public services. Passed Senate committee 6-2 but not taken up by Rules.

**Passed 39-21** [HB2356](#) charitable contributions; **deduction**; increase. (Toma, R, 22). This is similar to the changes in the omnibus tax bill. It increases amount of the charitable deductions that can be claimed without itemizing. Again, it takes an unknown amount of money out of the general fund. On the other hand, it encourages charitable giving and helps non profits. Passed House but not taken up by Senate.

**Ready for Senate vote.** **Passed House 45-15** [HB2621](#) - **tax credit**; water conservation system. Passed committee unanimously and passed Senate committee. Ready for final vote. Allows a tax credit of 75% for a taxpayer who installs a water conservation system for agricultural use

consistent with the plans from a national water conservation district. The plus side is that this encourages water conservation in agricultural uses; the downside is that it is another sizable tax credit (a dollar for dollar reduction in a tax bill) that takes money from the general fund and starves public services. No fiscal impact statement has been posted yet. Passed Senate committee 7-0.

**Stalled Passed House 45-15 and Sen. Appropriations** [HB2732](#) tax credit; affordable housing Weninger, R, 17. This bill allows a tax credit (a dollar for dollar reduction in income tax) for low income housing development. Fiscal note shows it would cost the general fund \$8 million in 2021 and increase to \$72 million in 2031. Passed Senate committee 7-1. The good part of this is encouraging development of low income housing; the problem is that it again reduces the general fund. So instead of the general fund being able to provide housing vouchers or assistance to people who need low income housing, it provides tax breaks to those developing low income housing. Some Democrats are voting with the majority Republicans because they place greater priority on getting help to lower income people regardless of how it is done – general fund or private donations. That is a short term strategy, however.

**These bills are dead:**

**Dead** [HB2290](#) - renewable energy production; tax credits. Extends the deadline and increases the amount of tax credit for taxpayers using generators to produce electricity. Dunn, R, 13

[Hcr2007](#) – super majority needed to REDUCE state revenue – any measure that provides for a net decrease in state revenues has to have at least a two-thirds of the members of each house of the legislature. Increases in taxes require a super majority; this would balance the scales. A democratic proposal, unlikely to get a hearing. It is a resolution so would be submitted to the voters for approval. (Powers-Hanley, D, LD 9).

[Sb1116](#) – sales tax exemption - exempts sale of public safety equipment from sales tax. Just another one of many, many exemptions from the state sales taxed, called the Transaction Privilege Tax (TPT). (Borelli, R, 5). SB 1116 would reduce General Fund revenues by an estimated \$8.0 million and Proposition 301 revenues by \$1.3 million annually starting in FY 2021. SB 1116 would also reduce sales tax revenues by \$1.8 million annually for counties and \$1.1 million annually for cities starting in FY 2021. There would be offsetting savings for cities and counties as well as the state since they would not be paying the sales tax either.

[Hb2009](#) – tax credit for school supplies. a tax credit is allowed for expenses incurred by a qualified schoolteacher for educational supplies and materials that are purchased and used in the schoolteacher's classroom and for uniforms and clothing that are used for educational purposes. Again, a service that ought to be paid for through the general fund is not paid and then is put forward as a tax credit, so school teachers who use their own money to buy school supplies for their classes can take it off their income taxes. A worthy cause – but the education budget should cover school supplies!

[HB2220](#) - property tax exemption; veterans' organizations. This bill exempts any property owned by a veteran's organization that is a non profit to be exempt from property tax. Griffin, R, LD 14. This is the same sort of exemption that religious organizations have.

[HB2345](#) - tax credit; public schools; increase. Increases from \$200 (\$300) to \$400 (\$600) filing singly or jointly the tax credit currently in place for any fees paid to any educational institution. Fillmore, R, LD, 16.

### **Economic Justice: Safety Net**

**Dead** [HB2104](#) child care assistance; education; training . Passed committee 9-0 and Rules but no final vote. Authorizes DES to waive all or a portion of the work requirement and continue to provide child care assistance to a qualified person enrolled full-time in an accredited educational institution, remedial education activity or training program related to the person's employment goals. This is a good bill that eases some of Arizona's restrictive safety net programs. Sponsored by Udall, R, 25.

**To Governor Passed House 60-0 and Senate 27-0** [HB2695](#) TANF; financial literacy education. TANF work requirement that allows a course in financial literacy to count as "work." Passed committee 9-0 and Senate unanimously. Sponsored by Nutt, but bipartisan. R, 14.

**Passed Senate 30-0.** [SB1323](#) kinship foster care; TANF benefits. Passed appropriations committee .8-0-1, Rules, and now full Senate but not taken up by House. This bill changes from 'may' to "is" eligibility for kinship foster care families to be eligible for financial assistance. And, then there is an immediate determination to see if the child is eligible for "child only" temporary assistance for needy families. Brophy McGee, R, 28.

**Dead** [Hb2066](#) Extend TANF Lifetime eligibility - permit 5 years of lifetime eligibility for TANF (temporary assistance to needy families) instead of 1. Arizona is one of the few states that only permits one year of TANF eligibility – most have at least five. Introduced by a Democrat, probably will not get a hearing. (Powers-Hanley, D, LD 9).

**Education** (Also see "guns / criminal justice" for comments about HB2089 that requires school safety teams). **All initiatives are threatened by the pandemic, as it is almost impossible to get enough signatures when there are no large gatherings!!! Legislature needs to pass legislation permitting on-line signing of all initiatives.**

**Save Our Schools Initiative– Limitations on Empowerment Scholarship Accounts.** ESAs take money from the public school a student is attending and give it to their parents to be used for tuition to private or religious schools, or home schooling. There's no cap on ESA vouchers and thousands of students are eligible to receive one. This initiative, if it gets enough signatures to be on the 2020 ballot and then passes, would limit ESAs to 1% of AZ students (about 11,000 students) and specify priority to disabled students (of whom there are more than 110,000). Thus, it would permit ESAs to grow from the current 6,400 to about 11,000 and would limit them ONLY to disabled students. Some say this does not go far enough (all ESAs should be prohibited); but others see it as a way to limit ESAs to a very small scholarship program for disabled students and to mark its demise as a viable strategy for shifting public funds to private schooling.

**Invest in Ed is Back!** This initiative had many more signatures than needed to be on the 2018 ballot but was taken off by a state agency on the grounds that the wording was misleading! But it is back, with an even better proposal. The referendum, if passed in November, would add about \$900 million to the education budget, paid for with a surtax on incomes over \$250,000. A 3.5% additional tax would be levied but ONLY against the income above \$250,000.

[https://investined.com/?utm\\_source=google&utm\\_medium=search&utm\\_campaign=2020](https://investined.com/?utm_source=google&utm_medium=search&utm_campaign=2020)

**Dead HB2898 empowerment scholarships**; qualified schools; parent This bill expands the empowerment scholarship program to allow Arizona students to use their public funds for a private or religious school within two miles of the Arizona border. This one was assigned only Appropriations committee and to Rules committee, bypassing the House Education committee, probably because there isn't any appetite for more of these ESA bill in the Education committee.

HB2898 passed appropriations 6-4 and Rules but was not voted on by full House. Rep. Regina Cobb, R-Kingman, introduced this bill which would expand ESA vouchers to non-public schools within two miles of the state border for students who live on reservations and to students "...who reside in a town with fewer than 10,000 residents in a county with a population between 150,000 and 500,000, if the town straddles the border between Arizona and a neighboring state." That applies only to Colorado City and Hillsdale – the polygamous twin cities on the Arizona / Utah northern border. ESAs take money from the neighborhood public school the student is attending, put it on a debit card, and enable the parents to use it for tuition a private or religious school or for home schooling. Apparently, this bill only affects 3 children. The principle, here, is what's important though: should public funds be used to send children to private or religious schools, AT ALL? Maybe, if the program is limited to the original intent of the ESAs, which was to enable special needs students to attend a private school that specialized in meeting their special needs. Otherwise, this is simply using taxpayer dollars to enable for-profit schools to make a profit, as the quality and funding for public school declines. This bill needs an immediate and continuing outcry of opposition as it may appear to be limited expansions of the Empowerment Scholarship Program to benefit a handful of families but ESAs as currently being used in Arizona are an attack on public schools, except for their limited

applicability to special needs students. Contact your state legislators and register your opposition.

Proponents argued at one of the hearing that this is NOT an expansion of the ESA program and is just a continuation of the agreement last year that permitted 7 families to continue using their ESA scholarships for a private school one-half mile outside the Arizona border—the Hillside Christian academy. But it is not limited to just this one school and just these seven families. The underlying message – straight from remarks that Gov. Doug Ducey has made – is that it is okay for students to take ESA scholarship money and use it for a private school anywhere because it is their money. As the chair of the committee said, the courts have ruled that parents become “independent contractors” who have agreed with the state to take responsibility for their child’s education, and therefore they can use the money for any private school they want. The slippery slope is obvious: if it is “their” money, and they can use it for any private or religious school or home schooling, why does it matter whether it is in Arizona or New Mexico or Utah or New York, or a home-schooled educational trip to Paris? The ESA program actually takes the money out of a neighborhood school that the student otherwise would attend and provides it for private, religious, and home schooling.

Many Indians and Indian families spoke against the expansion for children on reservations (although some spoke for it) and it was noted at the committee hearing that more than 700 people had registered on “request to speak” against it. The Indian families speaking for primarily were those with children attending the Hillside Christian Academy.

**Signed (sigh) Passed Senate 16-14 and House 31-27 [SB1224](#) Empowerment Scholarships** – qualification / administration / appropriations. The bill again expands ESAs for American Indian students into out of state private and religious schools within two miles of the AZ border. The (renamed) bill also provides funds for outreach to explain ESA eligibility, sets up a hotline, but also increases funding for accounting and case managers.

**Dead [HB2762](#) project rocket** pilot program; appropriations. Passed committee 9-2-1 with two Republicans in opposition. Also passed Rules and Appropriations but not voted on by full House. This would appropriate funds for 3 years for educational programs in schools with grades C, D, and F, to be used for evidence-based improvement. The issue here is that the fund is for 3 years, which precludes its use for on-going expenses such as permanently hired personnel. On the other hand, it is an effort to send money to schools that need it! The Republican opposition characterized it as just another “one time” fix-up whereas a more comprehensive approach is needed. Cobb and Fillmore were the “no” votes.

**Passed House 58-2 but not taken up in Senate.** Education [Hb2120](#) – culturally meaningful graduation paraphernalia - a school district governing board or a charter school may not prohibit a pupil from wearing cultural regalia while participating in a graduation ceremony. (Cook, R, LD 8). A similar bill has been introduced in the Senate (SB2206). This one passed 11-0.

**Passed House 45-15** but not taken up by Senate. Education [Hb2143](#) - paying college athletes – this bill prohibits colleges and universities from barring student athletes using their name, image or likeness to earn money. Athlete's name, image or likeness does not affect the student athlete's scholarship eligibility. The college or university cannot be the one that pays them, however.

**Signed Passed Senate 30-0 and House 58-0.** [Sb1036-empowerment scholarship](#) accounts (ESAs) – repeals requirement the department of education shall contract with a third-party administrator to assist the department in the financial administration of Arizona empowerment scholarship accounts. This was introduced last year to provide more oversight over the ESAs (which have been used for all kinds of purposes that were not eligible), but not at all clear why it is being repealed. Passed House committee 11-0. (Allen, R, LD 6).

**Passed Senate 18-11 but not taken up in House** [Sb1059](#) – use tax distribution; school report cards/ teacher's raises. **Passed Senate with most Democrats voting no. All Republicans supported it. This bill specifies how the "use tax" would be used, if it passes (SCR1002).** The fiscal note says it would cost \$7 million if SCR1002 is not passed. Parts of this bill merit serious consideration and support, but clarifying information is needed from public school advocacy groups on its overall impact. Save Our Schools still has it as "monitoring." The companion bill if passed by voters (SCR1002) increases the sales tax to a full one percent, instead of the .6 of one percent. It also repeals prop 301 so that the funds now all go to education ("3 buckets, not 12") and provides more flexibility to local schools. One section repeals current law that require 40% of teachers raises to be based on school performance grades. Also repeals section that requires 33% of teacher raise to be based on individual teacher performance scores. The bill adds to the things that the classroom site fund can be used for. (Allen, R, LD 6). Along with Brophy McGee's measure, SCR1002, the committee passed on party lines a companion bill from Sen. Sylvia Allen, R-Snowflake, that would give school districts more leeway in how they spend revenue from education sales tax, whether the existing 0.6-cent tax or a new 1-cent tax.

**Dead** [SCR1002](#) Senate Education; [Use Tax](#). (Brophy McGee, R, 28). Passed committee with 3 Democrats voting no. Also passed Rules but no final vote in Senate. This would refer to the voters a constitutionally established one percent transaction privilege tax and use tax (sales tax), beginning July 1, 2021. This is the additional one percent sales tax, to replace the previously proposed referenda on a six tenths of one percent tax to be voted on in November, 2020. The arguments are that (on the one hand) it would greatly increase funding for public schools to help replace the cuts of 2008 that still have not been restored; (on the other hand), it is a sales tax typically opposed by Democrats because the burden falls most heavily on low and middle income people compared to a progressive income tax. And, finally, it still is not enough to restore fully the cuts to education of 2008. The bill summary says it will generate \$580,000,000 in FY 2022. This is a very important but difficult issue – education needs more funds, but is this the only source that the state legislature will approve, if they even approve this one.

A better solution could be found if Brophy McGee and supporters of the Invest in Education initiative worked together, said David Lujan, director of the Arizona Center for Economic Progress. The Arizona Education Association backs that initiative, INVEST IN EDUCATION which would levy a 3.5% income tax surcharge on ONLY that income above \$250,000 (for single filers) and on income over \$500,000 for joint filers. This initiative has been filed and if it gets enough signature would be on the 2020 ballot. This, like other income tax, is a marginal tax, meaning for example that if a person made \$350,000 they would pay the “normal” tax on income up to \$250,000 than an extra 3.5% on the \$100,000 they make above \$250,000= \$3,500 on \$100,000 of income.

**Dead** [HB2015](#) schools; **supplemental materials**; approval. Passed committee 6-5 and Rules but not final vote in House. This infringes on teachers’ ability to choose supplementary material for their classes unless approved by a governing board. Fillmore, R, 16. Also, it was amended to slip in some material from 1082. The amendment stipulated that schools must notify parents where and how they can review course materials and curricula for any classes with a statutory “opt-in” requirement. At present, only sex education classes have such a requirement at the statewide level. The bill must now pass through the House Rules Committee before getting a vote on the floor. Rep. John Fillmore, R-Apache Junction, introduced the bill, which would require educators to seek prior approval from school districts before introducing supplemental materials and teaching aids into the classroom, and the amendment. Has been retained twice on Committee of Whole calendar so may be “half dead” but needs to be finished off.

**Passed Senate** [SB1357](#) - schools; access; instructional materials; review Passed Senate 16-10 but not taken up in House. Requires public schools to provide parents with access to ALL instructional materials, on website, before the school year begins. Since this includes all material – supplementary, etc. – terrific problem for teachers who want to use supplement with current and on-going information.

**Passed 58-2** [HB2120](#) schools; dress codes; graduation ceremonies – Not taken up by Senate. No prohibition on wearing Tribal regalia or other indications of cultural identification during graduation ceremonies. (D. Hernandez, D. LD 2).

**Ready Passed Senate** 30-0. [Sb1061](#) – **parental bill of rights** – Passed committee 9-0 and also okayed by Rules committee before a unanimous vote in the Senate. Passed House committee 10-0 and Rules, and ready for House final vote. It would require Arizona Department of Education to post a parental bill of rights. It specifies things listed in the bill, most of them directed at moral and religious training. Apparently, no red flags are being raised about this, at least not yet.

**These bills are dead for missing deadline.**



**Dead.** [Sb1082](#) – **sex education** bill – Was scheduled for hearing first week of the session but was pulled because of the outcry against it. This is a massive bill spelling out exactly what school districts have to do to approve sex education program in public and charter schools including notify parents, provide parents with actual topics covered, have a period for public review, and etc. The bill also prohibits sex education before 7<sup>th</sup> grade. (Allen, R, LD 6). She might or might not bring it back. Some parts have been inserted as an amendment in HB2015.

**Dead** [HCR2001](#) English language education; requirements (Fillmore, R, 16). Passed committee 10-1 but held by Rules (again). This bill would bring the state's English learning program in line with research that shows bilingual education works better for students who do not speak English or at just learning.

[SB1120](#) - schools; **sex education** instruction – This bill would provide that parents have to “opt out” if they do not want their child to be in a sex education class. Currently, parents have to “opt in” and schools have to provide an enormous amount of information to parents about what is in the curriculum. There is a similar house bill (see below), HB2067 and also HB2277.

[Hb2018](#) – [charter procurement](#) - public school districts have same procurement rules as charters... this means, pretty lax procurement rules. (Fillmore, R, LD 16)

[Hb2067](#) – [sex education](#) – changes current requirement that parents have to “opt in” for their child to be in a sex education class to “opt out.” (Powers-Hanley, D, LD 9).

[Hb2094](#) – [incentivize teaching](#) - adds school social worker and counselors to the proposal to have an Arizona teacher's academy to incentivize students to go into teaching. (Pawlik D, LD, 17).

[Hb2125](#) – [prohibits school districts](#) - prohibits school district from refusing to enact provisions of a lawful initiative. This bill apparently is aimed at some initiative or some district that is trying to avoid complying with an initiative, but no clarity yet. (Kern, R, LD 20).

[Hb2141](#) – [college requirements](#) - requires six credit hours of college instruction covering the U.S. And Arizona constitutions. Current law lets each university and/or its regents establish the requirements.

[Hb2166](#) – [high school graduation requirements](#)- adds to high school graduation requirements one on-line course and also continues the current requirements of for 4 English language arts; 3 social studies; 2 lab science (instead of 4), 2 (instead of 4 for math,) 3 stem, 1 fine arts. (Udall, R, LD 25). Held by committee.

[Hb2014](#) – [student discipline](#). this apparently would permit a teacher to refuse to let a student back into his/her classroom if the student had been expelled from it. (Fillmore, R, LD 16). Not clear the implications of this bill.

[Hb2008 – charter school closures.](#) charter schools have to give 15 day notice before they close. This bill prompted by some sudden charter closures that left students with no school to go to. (Fillmore, R, LD 16).

[Hb2017 – school prayer and pledge of allegiance -](#) for kindergarten programs and grades one through twelve, the bill requires schools to set aside a specific time each day for those students who wish to recite the pledge of allegiance. Also, for K-12, school are required to set aside a one minute each day period of time for quiet reflection and moral reasoning. Parents can opt out of this. (Fillmore, R, LD 16).

[Hb2029 – student tuition organizations –](#) raises the amount to 93% from 90% that has to be used for educational, not admin expenses. STOs are non profits that take donations (for which the donor gets a tax credit) and then distributes these as scholarships to private schools. Current law permits the non profit to keep 10% for administrative overhead; this reduces it to 7%. (Fillmore, R, LD 16).

[Hb2020 – in state tuition for Dreamers \(DACA\) -](#) prohibits colleges and universities from creating an instate tuition for undocumented students who were brought here as children. It also prohibits colleges from charging less for college than the actual costs, and will take the money out of ABOR allocations if it occurs. (Fillmore, R, LD 16). But see “human rights / immigration” for newly introduced bill, HB2048.

[HB2209 -](#) schools; instruction; Native American experience – History of Native Americans would be taught K-12.m (Fernandez, D, LD 4).

[HB2277 -](#) schools; sex education instruction. D. Hernandez, opt out of sex education (D, LD 2). This bill also requires public and charter schools to provide sex education from first through 12<sup>th</sup> grades.

[HB2327](#) STO scholarships; beneficiary recommendations Prohibits recommendations from donor; friese, D, 9

[HB2328](#) STO scholarships; student transfers limits or removes scholarship if student transfers, friese, d, 9

[HB2329](#) STOs; administrative costs; allocation STOs have to use 95% (not 90%) for scholarships, friese, d, 9,

[HB2330](#) STO scholarships; means testing 66% has to go to families that are within 185% of school free lunch standard, d, 9

**Environment** (for more detailed information, check the Sierra Club legislative update at this link <https://www.sierraclub.org/arizona/2020-legislative-updates>).

**Dead** [HCR2041](#) corporation commission; appointment; members. This provides for appointment by the Governor, with consent of the Senate, the members of the Corporation Commission. Passed committee 6-5 with Democrats voting no. Rules okayed it but no vote in House. No more than three can be from any one political party. There are six members – this could help remove the Corporation commission from partisanship and introduce more expertise. On the other hand, appointment processes have problems too even when partisan balance is required. If passed by the Legislature, it would go to the voters as a constitutional amendment.

**Dead** [02/12. Natural Resources SB1475](#) aquifer protection permits; injection wells. This bill tries to clarify what aquifers are or are not protected from injection wells. Injection wells are used with oil and gas production but the sludge from fracking seems especially harmful when injected into wells. Not clear what the implications are.

[SB1222](#) was substituted for 2686 and 2686 was signed by Governor.

**Signed** [HB2686](#) building permits; utilities; restrictions; prohibitions (Bowers). Bill passed committee 8-5, Rules and sent to Governor on 35-28 vote by House with several Democrats voting for. This is being promoted by Southwest Gas to limit local government's ability to limit extension of fracked gas lines in areas for new construction. Communities in other states have done this to protect public health and limit greenhouse gas emissions. Sierra club was adamantly opposed to this, and to SB1222 which does the same thing. These bills limit the ability of local government to extend gas lines or limit gas hookups in new construction to limit greenhouse gas emissions. The bills protect monopoly utility providers. The House bill is Bowers, R, 25 and the Senate is Fann, R, LD 1. Here's what the Sierra Club says."These bills are being promoted by Southwest Gas to prohibit local government from limiting extension of gas lines in areas for new construction and limit gas hookups in new construction. Similar bills are being promoted in other states by the American Gas Association. These bills are in response to communities limiting new gas lines and limiting gas in new construction to protect public health and limit greenhouse gas emissions." A second issue, and maybe the main one, is pre-emption, whereby the state legislature pre-empts the authority of local government over matters, often environmental ones.

**Passed House 31-29** [HB2313](#) fire sprinklers; existing buildings; prohibition (Grantham, R, 12). This is a preemption bill whereby the legislature prohibits local governments from regulating business. This particular bill prohibits a local government from requiring fire sprinklers in buildings that were constructed without them. Passed committee 4-3 and then the full House with Democrats unanimously opposed and Republicans unanimously favoring. Not taken up by Senate, however.

**Passed House 31-29.** [HB2672](#) water rights Griffin R, 14 Prohibits a person, the state or its political subdivisions with a better right to appropriate water from preventing the exercise of a junior water right unless doing so would produce water for beneficial use for the better right holder. Sierra club opposes, calling it a convoluted bill that probably would make it hard to keep water in rivers. The "better" water right is the first person or entity that used it. Passed committee 7-5 and then straight party vote. Not taken up by Senate.

**Dead** Federal Relations Committee. [HB2252](#) land management; federal regulations; nullification . All federal regulations from 2020 onward from federal government, BLM, or other agencies pertaining to land in Arizona are void. This is another one of Arizona's efforts to block federal management or control over land within the state. The rationale often is that this takes tax money from the state; but the underlying reason is the prohibition on mineral development. Blackman, R, 6.

**Ready Passed House 44-16** [HB2497](#) lawn equipment emissions reduction program Passed House and Senate committee 6-0. (Dunn: Biasiucci, Finchem, et al.) allows people to turn in gasoline lawn equipment and get a voucher to replace it with a reel mower. Currently, it applies only to electric mowers. Ready for final vote in Senate.

**These bills probably are dead for missing deadlines:**

[Sb1046](#) prohibiting sale / gift to federal government - prohibits private land owner from selling or giving land to feds without legislature also approving. This is another bill attempting to reduce amount of public land and reduce environmental protections. (Borelli, R, LD 5)/

[Hb2027](#) Evaporative coolers. permit residential coolers to be used for non residential cooling under some circumstances. (Fillmore, R, LD 16).

[Hb2101](#) Water protection fund. appropriates 1 million to Az water protection fund. (Griffin, R, LD 14).

[Hb2022](#) - environment discussion in schools - strikes the sentence that requires a discussion of economic and social impacts of climate change in public schools, but retains "scientifically reliable" information. (Fillmore, R, LD 16).

[HB2454](#) archeology advisory commission; membership. Griffin , R, 14. Increases the membership of the Governor's Archaeology Advisory Commission (Commission) to 13 members and specifies that one member must be a rancher and another must be a natural resource conservation district (NRCD) member.

[HB2290](#) - renewable energy production; tax credits. Extends the deadline and increases the amount of tax credit for taxpayers using generators to produce electricity. Dunn, R, 13.

**Human rights** (also see [Health](#)). (Abortion bills are listed in health).

The three **anti-sanctuary city bills** are dead, as Governor has backed off his commitment and Legislative leadership agrees. Why? Probably, the Governor wanted the prohibition on sanctuary cities for several reasons: one to strengthen the prohibition that already exists by putting it into the constitution making it harder to change. But, there also almost certainly were strategic reasons as he may have thought it would “bring out the Republican base” in November if this is on the ballot. The outcry against the bill, however, makes it clear that if this were on the ballot in November, it would also bring out the Latino/a vote!

**Dead** [hcr2036](#) **sanctuary** jurisdiction; prohibition; law enforcement. This bill would amend the constitution to prohibit local governments from becoming “sanctuaries” and not cooperating with federal laws they believe are unjust or unconstitutional. Here’s the language: “this state or any county, city, town or political subdivision of this state may not declare itself a sanctuary jurisdiction that through statute, regulation, ordinance, resolution, policy, rule or procedure prohibits or restricts any law enforcement entity... Companion bill to SCR1007 (see below).

**Dead** [02/10 HB2598](#) **sanctuary** jurisdiction; liability; civil action **immigration**. Another bill strengthening the case against cities or counties becoming “sanctuary cities” and not complying with federal immigration authorities. It provides for civil penalties against individuals who do not comply with federal immigration and also permits persons who are victims of crimes by undocumented persons in a sanctuary city to sue the city. Another anti-immigrant and anti-refugee bill. Roberts, R, 11. Passed committee 6-5, but Governor announced he no longer supported it.

**Dead.** [SCR1007](#) restrictions prohibited; **immigration** laws; enforcement. This is the anti-sanctuary city bill that caused an uproar in the Senate Judiciary committee, but it passed 4-3 and is on the Rules committee agenda 02/17. The bill would have referred to the voters a resolution to change the constitution to prohibit “a county, city or town from limiting or restricting the enforcement of state and federal immigration laws.” Opponents objected to the proposal and to the claim that it would make Arizona “safer.” One advocate against the bill called the legislation racist and after a couple of warnings from the chair about calling it “racist,” the chair ordered the person ejected from the hearing. Since the rules committee seldom engages in substantive discussion, contact YOUR legislators about this bill. It is an attempt to reintroduce parts of SB1070 that were found to be unconstitutional. If cities or counties do not want to cooperate with federal immigration authorities who are trying to enforce laws that are unjust or unfair, then let them not cooperate. The federal government can take care of itself without state having to pre-empt local government.

**Passed Senate 16-9** [SCR1044](#) supporting border security--**immigration**. Mesnard, R, 17. Resolution supporting federal investment in border security. This resolution has no real effect, but it puts Arizona squarely in the camp of “building the wall” and is part of the on-going effort to demonize immigrants and refugees. Passed committee 4-3 and Senate on party line vote with several not voting. Not taken up by House.

**Ready Passed House** [Hb2084](#) – **immigration** - Passed on reconsideration by 31-29 vote. No permits needed to build a wall along the border if owner says ok. Petersen, R, LD 12). This passed committee 4-3. It was amended to at least require an engineering certification. Passed Senate committee 4-3 and Rules Ready for final vote in Senate.

**Passed 31-29** [HB2706](#) interscholastic athletics; biological sex **LGBTQ+** (Barto, R, 15). This would make it illegal for a person to participate in a sports team other than the one of their “biological” sex (assigned at birth). Most progressives support the full transition of transgender folks, not partial ones as this bill would require. Not taken up by Senate.

**Ready Passed 60-0 and passed Senate committee unanimously and Rules** [HB2642](#) civil rights amendments -- **women** . Under current law it is unlawful for an employer to discriminate against any individual with respect to employment because of the individual's race, color, religion, sex, age, national origin or on the basis of disability. This bill adds pregnant women to the list of people protected by the anti-discrimination law. It asserts that women who are affected by pregnancy, childbirth or related medical conditions must be treated the same for all employment-related purposes as others that are not affected but similar in their ability or inability to work. a) (Winger, R, LD17). Ready for final vote in Senate.

**These bills are dead for missing deadline:**

[Scr1001](#) – [ERA](#) – **women** Equal Rights Amendment again introduced in Senate and House (House HCR2002). This came within a whisker of getting a floor vote last year, but failed on a procedural vote. Maybe this year! (Senate sponsor – Sen. Steele, D, LD 9). House sponsors, many Democrats but no Republicans so far. Virginia has passed it, and now the U.S. House passed a bill extending the deadline, but not likely the Senate will take it up.

[Sb1071](#) – **immigration** - repeals those sections of previous anti-immigrant law that permits law enforcement to inquire about immigrant status, repeals the section that criminalizes transporting undocumented persons, etc. (Quezada, D, LD 29).

[Hcr2002](#) – [ERA ratification](#) - **women** . Long list of co sponsors but all are demos so far HCR2024 – a State ERA – would pass the ERA for Arizona. Engel, D 10.

[Hb2074](#) – [pro gender identity](#) – **LGBTQ+** record death certificates with the gender identity the person used (Gabaldon, D, LD 2).

[Hb2075 – pro gender identity - LGBTQ+](#) on driver's license, use non binary if a person wants it (Gabaldon, D, LD 2)

[Hb2080 – anti-gender identity - LGBTQ+](#) on state documents, use only male/female (Fillmore, R, LD 16)

[Hb2081- anti-gender identity - LGBTQ+](#) only record male or female on birth certificate, no matter what parents say (Fillmore, R, LD 16)

[Hb2082 – anti-gender identity – LGBTQ+](#) prohibits requiring a school superintendent, principal or teacher or another officer or employee of a public school to use a sex or gender pronoun in reference to a student other than the sex or gender pronoun that corresponds to the sex listed on that student's birth certificate. (Fillmore, R, LD 16)

[Hb2153 – traditional family -](#) strengthens current state law favoring two parent visitation arrangements by adding "clear and convincing evidence" to prevent one from having fully participatory rights. (Blackman, R, LD 6).

[HCR2048](#) in-state tuition; universities; community colleges - [immigration](#). Campbell conceded opposition to his HCR 2048 is likely to come from those within his own party. In state tuition for DACA... Noel Campbell, R, LD 1. Not assigned anywhere.

**Guns / crime** (for more detailed information on criminal justice issues, check out the legislative update from Diane Post at

<https://mail.google.com/mail/u/0/#inbox/FMfcgxwGCtNXwTBqjBxhMWhJcsPSFwJJ>) and google Guns Violence Prevention Arizona to get on their mailing list.

**Failed, 13-16.** [SB1664](#), sponsored by David Gowan (R-14), would make any government entity that establishes a gun-free zone liable for damages "if a reasonable person would believe that possession of a firearm could have helped the person defend against the criminal conduct." The bill would also require the gun-free zone to provide the same protection from injury that a person would have without the gun restriction. This is an odd bill in that it makes the government organization liable for crimes, but only if they have banned guns from their place. Passed 4-3 and Rules but then failed on floor vote but a motion to reconsider passed, so it will come back up again.

**Passed 31-28** [HB2089](#) schools; safety; [guns...](#) threat assessment teams. Kavanagh, R, 23. There is grave concern about this bill from the Gun Violence Prevention Arizona group (GVPA). The bill requires each public school district to create a threat assessment team to assess and deal with individuals whose behavior may pose a threat to the safety of school staff or students. Teams must include individuals with expertise in counseling, instruction, school administration and law enforcement, subject to staff availability. Allows law enforcement to request any case information and conduct a check of possible criminal history records for individuals who are deemed to be a threat. GVPA is especially concerned that there will be no counselors on many of

these teams and that the assessment of a student's behavior as threatening may be tainted by case information from law enforcement. Read between the lines: this is the kind of bill that easily creates groups that engage in racial and social class profiling exacerbating the "school to jail" problem that is such a threat to students of color and those without much in the way of resources. Not taken up by Senate.

The Striker, 1023... safe schools task force, similar but different, surely is dead.

**Dead** [Hb2036 – drug sentences – for](#) fentanyl, heroin, and carfentanyl or other fentanyl drugs, this bill sets minimum, presumptive, and max sentences. Passed committee 6-4 and Rules. Seems to be just another minimum sentence bill that takes discretion from judges. Usually, these are a bad idea. (Pierce R, LD 1). No vote in House.

**Dead** [HB2031 -](#) school marshals; requirements; training. **TABLED!** This bill sets standards for school marshal training, and includes stipulations that the written policy **MUST** provide that a school marshal may carry a loaded, concealed **handgun** unless their primary duties involves regular, direct contact with students. Also, any employee of a school who has a concealed carry permit (CCW) may apply to become a school marshal and undergo training to be established by the Dept of Public Safety. School districts may not prohibit persons with concealed carry permits from transporting or storing a handgun or other firearm or ammunition in a locked car on school grounds. Good that it was tabled. Maybe it is dead.

**These bills missed the deadline, so should be dead.**

[Hb2003 – gun regulation -](#) a county, city, town or other political subdivision of this state may not prohibit a person from possessing a firearm unless the person is a prohibited possessor or a court of competent jurisdiction issues an order that prohibits the person from possessing a firearm (Fillmore, R, LD 16).

[Hb2070 – pre arrest diversion.](#) allows local pre arrest diversion programs (Blackman, R, LD 6)

[Hb2093 – second amendment protection guns -](#) this state and all political subdivisions of this state are prohibited from using any personnel or financial resources to enforce, administer or cooperate with any act, law, treaty, order, rule or regulation of the United States government that violates amendment II of 15 the constitution of the united states. (Biasiucci, R, LD 5)

## Health

**Dead** [SCR1020](#) initiatives; public safety; health; amendments (Leach, R, 11) This bill exempts initiatives or referenda related to public health or safety from the Voter Protection Act. Passed



committee 4-3 and Rules but no final vote in Senate. The Voter protection act says that the legislature cannot simply overturn a citizen-passed initiative or referenda with a majority vote, but requires a  $\frac{3}{4}$  vote to change it and the change must further the purposes of the original initiative. This bill exempts public safety and health measures passed by citizens and permits the legislature to overturn these by a simple majority and, in fact, pass something diametrically opposed to the initiative itself. Why? Possible fear of medical marijuana legislation or maybe Arizona passing a women's reproductive rights bill that would stop the legislature from its repeated efforts to make abortion difficult. Or, maybe something else.

**Passed Senate 16-9** [SCR1029](#) **abortion** data; survivors act; supporting. Not taken up by House. This asserts the Legislature's support for the federal anti abortion act: (Kerr, R, 13). It has no real effect, except to allow anti-abortion activists to make their case before the legislature and reinforce support for Arizona's own "born alive" legislation that passed last year. Here's parts of it:

Whereas, the Born-Alive Abortion Survivors Protection Act supplements existing federal law to require that health care providers "exercise the same degree of professional skill, care and diligence to preserve the life and health of a child" born alive following an attempted abortion as the provider "would render to any other child born alive"; and Whereas, a February 2017 poll by the Susan B. Anthony List found that 77% of Americans support legislation "that would ensure that a baby who survives a failed abortion would be given the same medical treatment as any other baby born prematurely at the same age"; and Whereas, the citizens of this state strongly support laws providing legal recognition and protection for born-alive infants, including those who survive attempted abortions, as evidenced by Arizona's enactment of section 36-2301, Arizona Revised Statutes, which requires a physician performing an abortion and any other physician in attendance to use "all available means and medical skills" to "promote, preserve and maintain the life" of a fetus or embryo who is delivered alive; and ....

**Dead** [SB1328](#) appropriations; direct services; referrals. **Anti-Abortion** bill. Passed committee 5-4 and Rules but no final vote in Senate. This bill has two parts. One provides \$1.5 million for the 2-1-1 community information and referral line that is part of a nation-wide program (like 9-1-1, but for health information), but anti-abortion restrictions have been built into it this year. PAFCO (protecting Arizona Families Coalition) urges contact with legislators to take out the anti-abortion restrictions and if that fails, to kill the bill. The other part provides \$1.5 million for a non profit to provide health services to pregnant women and prohibits the non profit from mentioning abortion services or possibilities. This is another anti-abortion bill. Passed the substantive committee in each chamber on 5-4 and rules is next, then a floor vote.

**Dead** [HB2388](#) appropriations; direct services; referrals. Same as 1328. It also passed 5-4 but no final vote in House.

**Passed Senate 30-0** [SB1397](#) insurance; preexisting condition exclusions; prohibition (Mesnard, R, LD 17). Passed committee 9-0-1 and Rules. This bill partially protects Arizonans in case the federal courts declares the Affordable Care Act unconstitutional in its entirety. The bill Requires health care insurers offering individual health plans in Arizona to provide guaranteed

availability of coverage to eligible individuals. 2. Prohibits health care insurers who offer individual health plans in Arizona from: a) declining to offer coverage to any individual; b) denying enrollment of any individual; or c) imposing any preexisting condition exclusions. Democrats attempted to amend the bill to cover other aspects of the ACA but failed as Republicans voted no. Not taken up in House.

**Passed Senate 30-0** [Sb1027 – pelvic exam](#) - on an anesthetized or unconscious patient, a pelvic exam may not be conducted without first obtaining the patient's informed consent (unless emergency). (Carter, R, LD 15). Passed committee 8-0. There's also a House bill of the same content, HB 2051 sponsored by Barto, R, LD 15). Not taken up by House.

**House 60-0** [Hb2051 – pelvic exams.](#) cant do pelvic exams on unconscious woman without written consent. Passed unanimously in committee. And full house, but not heard in Senate.

All of these bills expand Arizona's Medicaid program.

- Passed Senate 26-4 not taken up by House. [SB1472](#) AHCCCS; postpartum visits; incentive payments
- **Signed Passed House 60-0 and Senate 25-2.** [HB2244](#) - AHCCCS; dental services; Native Americans. Passed 9-0 and Rules. Expands Medicaid to American Indians for dental care. Shope, R, LD 8.
- **Dead** [HB2246](#) - AHCCCS services; diabetes management. Expands Medicaid for diabetes management. Passed committee 9-0 but not heard by Rules, so probably dead. Shope, R, LD 8 If DSMT were covered, AHCCCS intends to reimburse providers at \$97.68 per hour. Therefore, the 67,500 hours would have a Total Fund cost of \$6.6 million. Of this amount, \$800,000 would be covered by the General Fund, \$600,000 by the Hospital Assessment, \$29,200 by county contributions to Long Term Care, and \$5.2 million by Federal Funds. AHCCCS' utilization estimates, however, are subject to substantial uncertainty.
- **Passed Senate 30-0 and House committee but not House Rules.** [SB1163](#) substance abuse treatment; AHCCCS. Extends AHCCCS (Medicaid) coverage to include substance abuse treatment. Passed unanimously. Brophy McGee, R, 28
- **Passed 27-2 but not taken up by House** [SB1170](#) AHCCCS; pregnant women; dental care Extends AHCCCS (Medicaid) coverage to include dental care for pregnant women. Passed 8-0 and 9-0 in Appropriations. Rules PFC. Brophy McGee, R, 28
- **Dead** [HB2052](#) - AHCCCS; chiropractic care; report – would expand Medicaid AHCCCS to cover chiropractic care if ordered by a physician. Barto, R, LD 15. Passed committee 9-0 but not heard by Rules.

- **Passed 60-0 but not taken up in Senate** [HB2632](#) AHCCCS; eligibility Blackman, R, 6. This allows annual renewal of AHCCCS eligibility for former wards of the state without seeking new information from the person. Eases continuing eligibility criteria just a bit.

**These bills are dead:**

[Hb2068 – health and religion.](#) if a business denies medicine for religious beliefs, have to post the medicines that it will not provide. (Powers – Hanley, D, LD 9).

[Sb1028 – health emergency](#) – prohibits treatment that the person does not want nor authorize. (Carter, R, LD 15).

[SB1218 abortion](#); authorized providers; waiting period expands abortion to physician assistants and nurse practitioners; repeals the "reflection" period Steele, D, LD 9.

**The ERA** - Virginia has passed the ERA and become the 38<sup>th</sup> state to pass the ERA. But you say, I thought the deadline has long passed? Yes, it has.

- Some say that the ERA WILL GO INTO EFFECT IMMEDIATELY in spite of the deadline that had been set by Congress. But the federal official responsible for recording the constitutional amendment says he will not put it into the record. So, three states have challenged that: Virginia, Nevada, and Illinois (three of the states that passed it after the expiration date).
- Five states rescinded the ERA after passing it, and they have now filed suit to intervene in the one filed by Virginia, Nevada, and Illinois. It is not clear whether a state can rescind a ratification!
- **Congress Could Extend or repeal the Deadline!** H.J.Res 79 to extend or remove the timeline has passed the U.S. House. On the Senate side (S.J.Res 6), Senator Sinema has co-sponsored but Senator McSally has not. A call to McSally is in order here!

**Action Suggestions:**

**POSTPONED!** CORONA VIRUS has postponed almost everything, including gathering signatures for petitions. Nevertheless, here's the initiatives that are still active and need signatures by July!

**“Invest in Ed” initiative! Volunteers are needed to take petitions into your neighborhood, to your organizations, to your friends, for signatures. Sign up here:**

[https://investined.com/?utm\\_source=google&utm\\_medium=search&utm\\_campaign=2020](https://investined.com/?utm_source=google&utm_medium=search&utm_campaign=2020)

**Outlaw Dirty Money** - If you have not yet signed the “outlaw dirty money” petition or helped with it, here’s the place to sign up for that one: <https://outlawdirtymoney.com/>

**Limit ESA Expansion – Save Our Schools has launched a new initiative to limit ESA expansion. Volunteers needed to help gather signatures.** <https://sosarizona.org/volunteer/>

**Fair Elections-** Another initiative currently gathering signatures is the Arizona for Fair elections <https://www.facebook.com/azfairelections/>. One section would allow voters to register as late as Election Day, automatically register people to vote when they apply for a driver's license, and allow more time for early voting. The Fair Elections Act also has a section that seeks to weaken the influence of big-money donors and corporation-funded committees in political campaigns.

### **Become a Deputy Registrar, help Get Out the Vote 2020**

If you live in Maricopa County, you can become a “deputy Registrar” and get regular updates on how you can help GOTV (get out the vote) in 2020. Once trained, you will get regular updates on where and when volunteers are needed to help insure that every eligible person is registered and able to vote in 2020. Additional dates are listed as well: [www.tinyurl.com/DRClass20](http://www.tinyurl.com/DRClass20).

## **CONTACT INFORMATION**

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Name

Phone

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[Rep Greg Stanton \(D – 09\)](https://stanton.house.gov/contact) 225-9888 225-9731 <https://stanton.house.gov/contact>

## U.S. Senate –

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**Phoenix** Phone: 602-598-7327 Email: [contact@sinema.senate.gov](mailto:contact@sinema.senate.gov)
- **Martha McSally** \_B40D Dirksen Senate Office Building Washington, DC 20510 Phone: 202-224-2235  
Email: [contact@mcsally.senate.gov](mailto:contact@mcsally.senate.gov)

**Request to Speak** – This is a way to “be heard” at the legislature without being there at all! But, first, you must be signed up. If you have signed up in the past, your old information will still get you in. If not, then go to the capitol, go to the first floor of senate or house buildings, 1700 W. Washington, and use the computer to sign up. There are people there to help you. Then, here’s how to use it there or from your phone or your computer at home:

- Get the # of the bill – You can get it from this newsletter.
- On the azleg.gov site <https://www.azleg.gov/> click on Legislative Information, then on Request to Speak
- Click on “new request” (on the menu on the left)
- Put in the bill #. (or put in name of a committee, and hit “search” to see the committee’s upcoming agenda and choose the bill #)
- You should get a message (scroll down if needed). If it says “no active agenda” then it isn’t before a committee. If you want to register your opinion anyway, click on “my bill positions” (on the menu on the left), and indicate yes or no on the bill.
- If it is before a committee, (scroll down a little to see) it will ask if you actually want to speak at the committee hearing (probably not, just click “no”) and then register for/against and put in your comment if you want.

If you want to review the bill, click on “documents” and review the bill itself or the House or Senate “fact sheet.”

- Use Resistbot to [text your state lawmakers!](#) Text STATE to 50409 to try it out.

**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. Sinema and McSally and the House member as well or even to Governor Ducey.

I just did it this morning and selected “call.” They called me back connecting me to each Senators office and I left a message for McSally and actually talked to a staff member in Sinema’s office.

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!

[Valley Unitarian Universalist Congregation](#) –

Senior Minister, Rev. Dr. Andy Burnette; Music Minister, Rev. Kellie Walker; Director of Faith Formation, Marci Beaudoin. Administrator, Sue Ringler. Located: 6400 W. Del Rio Drive, Chandler, AZ 480 899 4249 [www.vuu.org](http://www.vuu.org) For previous copies of the *Arizona Legislative Alert*, and for all weeks (so far) of the 50 Week Action Plan go to <https://www.vuu.org/legislative-advocacy>. VUU holds services at 10:30 to 11:30 on Sunday.

[Unitarian Universalist Justice Arizona Network](#) -- Executive Director Jenine Galsinger; Policy Coordinator, Anne L. Schneider. [www.uujaz.org](http://www.uujaz.org). Board members: Rev. Redeem Robinson, incoming Co-President 1/20 Rev. Terry Sims, Treasurer, Sharon Travis, outgoing Secretary. Dr. Stuart Rhoden, member-at-large, Rev. Matthew Crary, member-at-large. Savannah Sanders, Co-President, Rev. Bethany Russell-Lowe, incoming Treasurer 1/20, Ceyshe Napa, Secretary, Molly Divine, member-at-large.