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Update: Week of May 5 (Getting Tired?)

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May 4, 2019

The AZ Legislative Alert has tracked over 100 bills this session (101 at last count). Tracking in this newsletter is limited to bills that have implications for social justice and that have been scheduled for a committee hearing – with a few exceptions. The number of bills with relevance for social justice would be far higher except that bills with a Democrat as prime sponsor almost never even get a committee hearing! Here's the current status of bills that have been tracked:

- 23 – died early (didn't get out of committee)
 - 53 - died after a committee hearing or after passing one house; only a few died by an actual vote on the floor
 - 8 – Signed by Governor
 - 17 – still alive (one on Governor's desk)
- 101 - bills included in tracking

This past week was another slow one at the Legislature as budget negotiations continue. The Republican Legislator's budget and the Governor's budget are far apart – with the Governor's being more generous to education and to children. The Democratic budget is basically invisible but the Governor has to have all 31 members of the House voting for his budget for it to pass. Hence, deadlock is likely to continue unless he sweetens his enough to get some Democratic votes or gives enough to the Republicans in the House to insure a win. The Republicans only have a 31-29 margin in the House and it takes 30 votes to pass a bill.

What's Inside: [Overview](#) [Education](#) [Economic Justice / Welfare & Taxation](#) [Democracy, Voting & Elections](#) [Human Rights \(ERA!\)](#) [Guns, Crime & Justice](#) [National Scene](#) [Water & Environment](#) [Calendar](#) [Contacts](#)

Quick Overview of Legislation (For details, scroll down, or slick on the topic).

Education – **Summary** – Four bills related to social justice are still alive. Only one is unarguably a bill that would help support public education, and that is **SB1485** – the proposal to cap the School Tuition Organization aggregate tax credit for corporations. Without this bill,

corporations are able to take a dollar-for-dollar tax credit when they donate to private schools until in a few years they could be paying no taxes at all! A highly controversial bill has emerged – **SB1147** – E Cigarettes. The good thing about this bill according to supporters it would raise the age limit on E cigarettes to 21; the bad things are that it would eliminate smoke free areas on school campuses and prohibit local governments from establishing smoke free areas or in other ways limiting tobacco and E-tobacco products. So, is it half full or half empty? **SB1161** is another attempt to help charter schools buy space and locate right next to public schools, which gives them a huge advantage since they do not have to follow all the same rules and restrictions as District Schools. **SB1149**, school suspension rules, gives governing boards more authority to deny enrollment to students who have been suspended elsewhere. Opponents say it would be used mainly to stop enrollment of minority students. It is a relief to notice that all of those “anti RedForEd” (“muzzle the teachers) bills have died.

Economic Justice (Finance, taxes, welfare) – Summary – Most of the compassionate bills in this session that could have helped low income families and children have died – many of them because of inaction by the House Rules committee, chaired by Anthony Kern, LD 20 (North/Northwest Phoenix). Still moving is **SB1173** that would allow persons transitioning off welfare to continue receiving child care assistance while they pursue education; an AHCCCS expansion bill (**SB1355**) providing dental care for Native Americans, and **SB1300** providing the same tax relief for low income housing programs that goes to non profits to also include entities owned by non profits. It is a shame that **HB2125** that would have allowed \$56 million of federal dollars – at no cost to Arizona – was allowed to die. It was killed by the Senate Rules committee because it was not called up for consideration.

Democracy, Voting, Elections - Summary – The Governor has signed three of the bills that are still being tracked – one good one (providing voters the possibility of “curing” mail-in ballots that were initially disqualified); and two stiffening requirements for voting in emergency voting centers. One bad bill failed (**HB2724**) that would make it exceptionally easy for anyone to challenge a ruling by the Clean Elections Commission, and three are still alive: **SB1188** that would purge the so-called “permanent” early voting list for failure to use it in the two most recent elections; **HB2616** that increases rules and regulation for persons collecting signatures on citizen initiatives, and **HB2039** collecting data on the use of the federal form. These could be voted on at any time.

Human Rights (THE ERA.... Women, Immigrants, GLBTQ+ & more) - Even though the ERA did not get a vote on its merits this year in Arizona, two other bills helpful to women are making it through the process! **SB1040**, a study of maternal fatalities has been signed by the Governor and **HB2570**, a study of missing and murdered indigenous women has been passed by both houses unanimously and after ironing out small differences will go to the Governor. Yeoman efforts to get **HB2186** or its Senate companion passed did not succeed, however, and there will be no legislative mandate for the Regents to create an in-site tuition rate for “Dreamers.”

Guns, Crime & Justice Advocates for curbing gun violence are hoping to stir up some interest in getting the Governor to veto **SB1291** that would repeal the “dangerous weapon” designation for nunchucks. It is on the Governor’s desk (or will be very soon). Read more about this bill in the detailed section below. Some good news here is that **HB2693** failed in the Senate on a 15-14 vote. This is the one that would have permitted loaded weapons in a vehicle on school grounds if the weapon was not visible! A good bill is on the Governor’s desk – **SB1468** – providing for suicide prevention training (they need to put some money into this effort). The Governor also signed **HB2080** that makes it harder for a felon to get his/her gun rights restored. Other bills still alive include one on early release (a small improvement); transition program (apparently an improvement).

Water / Environment – Summary – Three bills that AZ Legislative Alert has been tracking all needed approval by the Senate Rules committee, which did not meet and therefore these bills are dead. Almost nothing in the way of environmental improvements this year, in spite of yeoman’s work by the Sierra club. The drought contingency plan was approved, however, but it is a mixed bag as most environmentalists think not enough was included in the way of conservation.

National Scene – Your AZ Legislative Alert is not ignoring the Mueller report, just currently mired in reading the details! Watch for reactions to it when the AZ Legislative Session is over.

SPECIFIC BUDGET SUGGESTIONS.

Here’s some suggestions on budget priorities, and let your Legislators and the Governor know where you stand. Here’s the Governor’s office phone and email: Governor [602-542-4331](tel:602-542-4331) , or [e-mail](#).

Budget Priorities. What are YOURS? Let your legislators know what YOUR budget priorities are!!

- **Education – 20% raise for teachers, restore base funding to 2008 level, NO more tax cuts or tax credits until education funding, per pupil, reaches national average,**
- **Social Safety Net – no request for waivers to require work for AHCCCS**
- **Higher Education – reach 50% funding of cost of higher education from state general funds**
- **Voting – full funding for county recorders to do their work**
- **Social Services – Full funding for 2-1-1 – a phone number that anyone can call to be connected to social services such as shelters for homeless people.**

Other Action Opportunities:

- **Volunteer to help with a citizen initiative! OUTLAW DIRTY MONEY IS BACK.** This initiative, if successful, would place on the 2020 ballot a constitutional amendment for voters to consider that would establish a “right to know” who is giving BIG money to candidates or ballot issues. This would help get public policy more sensitive to the real needs of the community. **You can join the team, volunteer, or donate.** “Here’s the link: <https://outlawdirtymoney.com/>
- The humanitarian crisis on the border is worse than ever! **Donate to Somas** and help the asylum seekers who are being dropped off in record numbers! <https://www.facebook.com/SomosAmericaCoalition/posts/2183503245063587>

Read the overview to pick out a few bills. Or, scroll to the section(s) most important to you. Get the **PDF** of the Arizona Legislative Alert. It’s easier to read, searchable, and you can click on the topic you want and go directly to it!! <http://files.vuu.org/uujaz/2019/alert-042819.pdf>

[Click here to find the legislative district](#)
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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.

Calendar

June 26 and 27. Democratic Presidential Primary Debate! Tempe Market Place. Watch for details!

League of Women Voters. Make Democracy Work Campaign. Second in the Series. Watch for details. <https://www.facebook.com/lwvmetrophoenix> Website:
<https://my.lwv.org/arizona/lwv-metro-phoenix> • Email: info@lwvmp.org

EDUCATION –

Moving (Strike Everything). [SB 1147](#) – **E Cigarettes in Schools!** This is a bill that adds e-liquids and alternative nicotine products to the existing definition of "tobacco products" and raises the minimum age to purchase or possess these products from 18 to 21. However, the bill originally allowed anyone over 21 to possess and use these tobacco products for personal use **on school grounds, which prompted a lot of opposition, even though the sponsors say they will change this. School campuses are now tobacco, smoke, and vape free by law.** Further, SB 1147 states that any further regulation of tobacco products is a matter of statewide concern and not subject to further regulation by any other political subdivision-- such as cities, towns, and school districts. It passed House Health and Human Services 5-4 last week and even though the House Rules committee was not scheduled to meet, it held a 10 minute meeting 4/25 and passed this bill 4-3.

Moving. (good). SB1485 CAP the STOs! Passed Senate 30-0 and House committee 8-1. Passed House Committee of the Whole this week. [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. 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. It passed the House Committee of the Whole and could be voted on any time. The other bills were [HB2185 Cap STO Tax Credits. And SB1168.](#)

Moving. [SB1149 School Suspension Rules.](#) This is a strike-everything that gives governing board more authority to deny enrollment to suspended students who are trying to transfer. Passed Judiciary 6-4 and Rules 5-3 and no change from last week. Republicans for, Democrats against. Opposition is that denial of enrollment is used mainly for minority students. Supporters claim this provision is needed to protect the students from dangerous teenagers who are seeking re-enrollment.

Moving. (Not good). [SB1161](#) Passed Senate 19-11 and House committee 10-3. . . 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. This passed the House Committee of the Whole last week.

[Dead. HB2032](#) - Restricting Teachers. This is surely one of the WORST bills in the Legislature! Was not cleared by Senate Rules committee, and no more meetings are scheduled for that committee. This bill is a striker that restricts teachers' "speech" as well as curricula if it is intended to influence or change a student's religious belief or political ideology. How to know "intent" is almost impossible to determine, but this would bar all kinds of talk such as dress (RedForEd t-shirts), bumper stickers in the parking lot, essays, and other materials in textbooks and library books. It was assigned to the Senate Appropriations committee and passed 6-3. Here is what it says:

" a person acting on behalf of a school district or charter school or a person who aids another person acting on behalf of school district or charter school shall not use speech or curricula during school time with the intent of influencing or changing a student's political ideology or religious belief."

How is an English teacher going to teach literature? How can a social science or history teacher teach the history of this country, when so much of our past is tied up in movements of various kinds intended to influence beliefs!! How can a biology teacher use material from a book that says sexual orientation is not a "choice" but a perfectly "natural" biological preference?

Dead. HB2026. [Muzzling Teachers](#). This bill was replaced by a strike everything amendment pertaining to the funding of boat houses! It originally passed House 31-29, missed the Senate deadlines and was withdrawn from the Senate Education committee but then put on the Appropriations committee and passed 8-1. But it was never voted on in the Senate. [HB2026 \(Kavanagh, R, LD 23\)](#). This was one of the bills that strengthens the prohibitions against teachers speaking out or protesting in other ways about legislation or elections. It barely passed the House 31-29 after first failing on a 30-29 vote, but passed upon reconsideration. 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 \$5,000 penalty if they win!

[HB2693. Weapons on school grounds. See the "Guns" section! DEAD. Thanks to all your emails and calls.](#)

Dead. [HB2186 Striker granting Tuition to "Dreamers" but killed in the House Rules committee. Original bill Passed Senate 46-14 Banning Lunch "shaming" \(good bill\).](#) The new bill grants the Regents the ability to establish a new in-state tuition schedule that would apply to anyone who graduates from an Arizona High Schools, regardless of their citizenship status. Hence, this bill would allow persons brought here as children by undocumented parents to attend college in Arizona if they graduated from an Arizona high school. Efforts to revive this idea were blocked by Sen. Karen Fann, President of the Senate, last week.

Dead (good). SB1395 empowerment scholarship accounts; program revisions SB1395 (Allen, S., R, 6). 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.

Dead. SB1099. Patriotic Youth Groups. Passed Senate, 29-1 and House Education committee 10-2. 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 has not yet been heard by the House Rules committee and they are not scheduled to meet this coming week.

Education Funding: Two bills that attempted to provide some funding relief have both died, but one may be on the brink of revival. In any case, education funding is simply caught up in the budget negotiations. Here were the two bills:

- **Probably Dead. A revival in the works? 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.** Kellie Ward, chair of the state Republican committee, recently came out in favor of this bill. So, some special processes may be in the works to revive it. The compromise passed the Senate Committee of the Whole weeks ago 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%.

- **Dead. HB2187. Rollover Money Passed House, 33-27 but Senate has not taken it up. This is a good bill.** [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 did not take it up. 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

Dead. (good). [HB2470](#) [HB2471](#) [HB2472](#) **Immunization of School Children** . **(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).

Dead. [SB1394](#) **Charter School Reform** (Brophy McGee, R, 28). This passed the Senate 17-13 on a party line vote but the House did not take it up and Speaker Brower is quoted as saying he will not bring it to a vote. Democrats say it does not do several of the things that reform-minded advocates want and amendments that would have helped the bill did not pass the Senate. 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. It was a small step, but not enough for some, and too much for others.

ECONOMIC JUSTICE / Welfare / TAXATION -

Dead. [HB2523](#) **youth employment. Passed House 31-29 and Senate committee 4-3.** (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 Attorney General has ruled that it will require $\frac{3}{4}$

vote to pass, and that is unlikely, so it can be considered dead! 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. This bill seems a clear violation of the voter protection act, which requires that Legislative changes in voter-approved legislation have to not only get a ¾ vote, but also must further the purpose of the initiative, and this one surely does not!

Safety Net (Welfare) Programs

- Moving. [SB1173 Child Care Transition to Include Education](#) **Passed Senate 30-0.** (Carter R, LD 15.) This bill is still waiting for a final vote in the House. It 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. Good bill, but no change from last week.
- Dead. (that's a shame). [HB2125 Child Care Funds from Federal Government](#). (Udall, R, LD 25 **Passed House 46-13.** **The House version already passed the Senate Health and Human Services committee 7-0 and passed Appropriations 7-0. It still needs action by the Senate Rules committee and that did not happen at their last meeting of the session.** 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. This bill would correct the mistake and enable Arizona to draw these funds and use them for necessary child care assistance services. ([SB1242 Brophy McGee, R, 28](#) Passed Senate, 27-3, a companion bill, but it was not heard by the House Appropriations or Rules committees. So it too is dead.
- Three of the bills that would expand AHCCCS Coverage are dead UNLESS the House Rules committee meets and gives them an okay, and it did not meet.
 - **Dead.** [SB1088 AHCCCS Coverage/Pregnancy](#). **Passed Senate 27-3** (Carter, R, 15). This bill passed Senate with three Republicans voting no and passed the House committee 8-1 and Appropriations 7-4. It would provide comprehensive dental cover through Medicaid (AHCCCS) for pregnant women 21 years of age and older. House Rules committee killed it by not bringing it up.
 - Dead. [SB1097 AHCCCS coverage / chiropractic](#) **Passed Senate, 28-2.** (Carter, R, 15). This one originally passed the Senate but was then replaced with a strike everything on a different topic, so it is kaput. Under it, chiropractic services would be provided under AHCCCS (Medicaid.) HB2120 (Barto, R, 15) would have done the same thing, but it didn't get out of the House. Cost figures show about \$4.9 cost to the general fund, but cost figures are uncertain.
 - **Dead.** [SB1353 AHCCCS / diabetes management](#) . (Carter, R, 15). **Passed Senate 29-1.** This one would cover diabetes care for Arizona's Medicaid recipients.

Passed House Health and Human Services 9-1 and Appropriations 10-1. It too was killed by the House Rules committee not bringing it up.

- **Revived!** [SB1355](#) AHCCCS coverage / Dental / Native Americans (Carter, R, 15) passed the Senate, 25-5 and in the House, passed HHS 9-0. As the title indicates, these would bring dental care into the AHCCCS program for American Indians. The House Rules committee at its special meeting 4/25 approved this one.
- **Dead.** [SB1098](#) Housing Assistance. Passed Senate 27-3 and House HHS committee 9-0. (**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. The House Rules committee, again, did not hear the bill thereby killing it.

House Rules committee chair is Anthony Kern, R, LD 20 (North & Northwest Phoenix). If that is your LD, you might let him know what you think of him killing all of these bills.

Tax Conformity / Budget. Conforming Arizona tax laws to the changes in the federal tax code would add an estimate \$150 to \$200 million to the Arizona budget, but budget arguments are continuing. Almost sure, they will use the “conforming” rules for this year since most of us have paid our taxes, so the argument is over what to do next year.

Tax Credits, Cuts, Deductions -

- **Moving.** [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.
- **Moving.** [SB1300](#) Low Income Housing Program. **Passed Senate 30-0.** (Brophy McGee, R, 28). This bill passed 30-0 and passed the House Ways and Means committee 9-0. Also passed Rules 7-1. 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).
- **Signed.** [HB2425](#) school tax credit expansion. Passed House 39-20 and Senate 19-10. (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 and could be heard this week in the Senate Rules

committee. 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!

- Dead. [SB1149 \(Tax Credit Review\)](#). **Passed Senate, 29-0.** (Rick Gray R-21). Was replaced by a striker pertaining to education suspensions. The original bill was 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.
- Dead. [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. It passed the Senate Finance committee but was NOT heard last week in the Senate Rules committee. 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.
- Dead. [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 weeks ago but no change since and the House Rules committee is not scheduled to meet again this session.** . 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.

- **Dead, Missed Deadlines.** [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. The Senate Rules committee did not take it up last week.
- **Dead.** [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 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. No change in the status of this bill, as the Senate failed to take it up so it is dead. Instead the Senate has its own bill which is a straight repeal of the fee. This one passed the Senate and was sent to the House where it passed the House Transportation committee but was not heard by House Rules committee and they are not meeting! So, it may be dead. So, it seems, the Legislature may have killed both of these effort to repeal the fee, but it could be part of the budget negotiations.
- Dead. (Yea). [SB1460](#) 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 so is dead for the year.
- **Dead.** [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. It needs to be heard by the House Rules committee and it is not meeting.
- **Dead.** [HB2011](#) **Tax cut for veterans. FAILED.** (Griffin, LD 14), but a vote to reconsider passed but that was on 3/12 and there's a 14 day limit, so it should not be brought up again. 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

Signed. SB1072 Photo IDs in early voting centers. Passed the Senate 17-13 (party line) and House 31-27, also party line vote and signed by Governor. 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.

Signed. SB1054 "Cure" early ballot disqualifications. SE / Passed 60-0. Companion bill, HB2032 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.

Signed. 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 and turn most of this over to the Board of Supervisors. It also reduces the time period when a person who has an emergency can request an early ballot and greatly increases the restrictions.

Moving. SB1188 Purging Early Voting Lists. Passed 16-14 and passed House Elections committee 6-4 and Rules. (Ugenti-Rita, R, 23). No change from last week. Needs vote in House (hope the bill fails). This bill takes a person OFF the permanent early voting list but the actual language is confusing and continues to change. The current version seems to say that they can be taken off if they do not vote by early ballot in at least one primary or general election for two consecutive election cycles. Furthermore, it isn't just that they have to vote, 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.

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

Moving. HB2616 (Prohibit payment to voter registrants on a per signature basis) FAILED 28-32 then amended and passed 31-27. No change from last week. The amendment changed the bill from prohibiting any payment to persons registering others to vote to prohibit payment on a per signature basis. The forms, however, must be turned in within 10 days of when the registration was received and there is a criminal penalty for being late. Some Democrats are objecting to this change saying that 10 days is not long enough to get all of them back in and the penalty too severe. Passed the Senate committee Thursday 4-2 and passed Rules committee. Passed Senate Committee of the Whole.

Moving but perhaps stalled. [Passed Senate 17-13. SB1451](#) statewide ballot measures; circulators; procedures sponsored by Vince Leach (R-11), passed on party line vote. Passed **House Elections Committee 6-4 and Rules.** Was on calendar for 04/08 but was retained and also retained last week and then again. There is a lot of opposition to this bill – another one attempting to thwart citizen initiatives – and the threat of an amendment that would make the bill even worse. 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. As if this senate bill was not bad enough already, Representative Warren Petersen is proposing to make it even worse with an amendment to give the Attorney General more power to change the description of ballot measures on the ballot even over the objections of the sponsors.

FAILED. [HB2724](#) GRRRC; petition to request review. This allows ANY person to challenge a rule passed by the Citizen’s Clean Elections Committee by filing a petition with the Governor’s Review commission. It passed Senate Rules committee 4/15 and the full Senate 17-12. Has been sent back to the House for conference committee to iron out differences. They passed the concurrence amendment but then killed it with a 30-28 vote. (It takes 31 votes to pass a bill in the House). The GRRRC is appointed entirely by the Governor with no requirements for representation of the minority party. The GRRRC can simply disallow a rule that the CCC has passed. Grants enormous power to five persons appointed by the Governor. The bill first failed on a 29-30 vote but on reconsideration passed 31-27. And much later failed on a 30-28 vote. It has passed the Senate Judiciary committee 4-2 and the Senate Rules committee.

Moving. [HB2039](#) federal form voter registrations; reporting (Townsend, LD 16). This passed the House 31-29 on another straight party line vote. No change from last week. It passed the Senate Judiciary committee 3/21, 4-3 and Rules. 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. Apparently overlooked is the

possibility that the same data could be used to show the number of people being denied the right to vote on state and local candidates!

Dead. [SCR1023 and HCR2005 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 passed its house of origin, so should be dead.

Dead. (good) [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 was ready for a vote in the Senate but the word on the street was that it would NOT PASS because two Senators (Heather Carter, R, 15 and Kate Brophy McGee, R, 28) would 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.

Dead. [HB2201 \(Local elections must be partisan\).](#) 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. Was not called up for vote in the House. 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.

Dead. [HCR2022 - Article V convention; term limits](#) **Passed House 32-26** but not heard in Senate. Also, [SCR1014](#) Article V convention; term limits (D. Livingston, R, 22) did not make it through the Senate. So, both are dead. (good). 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!

Dead (good). [HB2489 \(Oversight committee for elections\).](#) **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. But the House did not call it up for a vote. 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 records office and get a government-issued photo id.

HUMAN RIGHTS -

[HB2570](#) study committee; murdered indigenous women. (Jennifer Jermaine, D, LD 18, Chandler). This bill passed unanimously in both the House and Senate and has now been sent back to the House for concurrence. It would establish a committee to collect data and study missing and murdered indigenous women. Strong support from the indigenous women, and both parties, made it possible for this bill to make it through the process—only one of a handful sponsored by Democrats that is still alive. Congratulations Representative Jermaine!

Signed. [SB1040 Report on maternal fatalities. Passed 30-0 and passed House 60-0.](#) sponsored by Kate Brophy McGee (R-28). 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.

Dead. [SB1217, In State Tuition for Dreamers.](#) SB1217, then 2186, now just dead. **The original bill died then was revived via a “striker” and then the bill with the Striker was killed by the Rules committee.** sponsored by Heather Carter (R-15), died in the Senate but was revived as HB2186 with a “strike everything” amendment. In its original form passed committee 6-0-1, passed Rules, and then passed the full Senate with several Republicans voting with all Democrats to

pass it. But it was not heard in the House Education Committee. So, it was withdrawn and heard in the House and Human Services committee as a striker. 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. Here's what the bill says:

HB2186 the arizona board of regents shall establish an Arizona high school graduate tuition rate. A person who applies for admission to a university under the jurisdiction of the Arizona board of regents after graduating from any of the high school options in this state as described in section 15-802 is entitled to the Arizona high school graduate tuition rate in an amount prescribed by the Arizona board of regents. The Arizona board of regents shall verify that the person's high school diploma meets the requirements of this subsection, consistent with section 1-701.

Dead (good). [SCM1001](#) border wall funding_ 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.

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](#)

[SB1291](#) prohibited weapons; nunchaku; repeal (Gowan, R, LD 14). This bill would repeal the designation of nanchucks (nanchaku) as dangerous and prohibited weapons. These are two sticks (or rods) tied together with rope and used mainly in martial arts. The opposition is that there are no reasons to repeal this law since it already permits their possession and use for martial arts and other contests. It still is a dangerous weapon, whether so-labeled or not, and can easily be used to choke or strangle a victim. By repealing this designation, however, according the House Summary of the bill, it "permits prohibited possessors to possess nunchakus". The bill has passed both chambers and is scheduled for concurrence and then will go to the Governor. Those opposed should contact the Governor's office.

Governor [602-542-4331](tel:602-542-4331) , or [e-mail](#).

FAILED. [HB2693](#) Passed House 31-27. Failed in the Senate 15-14. 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. This is dead because 16 votes are needed to pass a bill in the Senate. However, a vote to reconsider could be introduced next week and if it passes, there will be another vote.

On Governor's Desk. 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. Passed House Education committee 13-0, Judiciary, 10-0, and Rules 7-1.

Signed. HB2080 civil rights restoration; application; procedures Sponsor: John Allen (LD15). 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.

Moving. Strike Everything. Senate 30-0. SB1310 – Early Release Committee - Earned Income Credit Study (Farnsworth, LD 16). The striker changed this from a bill that would permit 3 days for each 7 served to count toward early release if the person was convicted of a marijuana offense or some other drug offenses, and has completed a drug treatment program to one that simply establishes a committee to study the issue. Otherwise, the earned credit is one day for six. Passed House committees including Committee of the Whole.

Signed. (Good) Passed Senate 30-0 and House 46-14. SB1314. Death Penalty (Farnsworth, R, 16). It would remove some of the "aggravating" provisions to be taken into account when deciding on the death penalty. Good bill. Should reduce death penalty cases somewhat.

Signed. (good) [SB1250](#) sexual assault protective order. Passed Senate and House both unanimously and is awaiting a conference committee to agree on differences. Sponsor is 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.

Moving. 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. Has strong support from both parties.

Dead. [SB1437 Ban the Box!](#) Passed 17-13 but not heard in House. (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 17-13. All Democrats and three Republicans voted for it: Brophy-McGee, Carter, and Ugenta-Rita. House committee did not consider it.

Dead. (good). [SB1292](#) *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.

Dead. 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. Not heard in the Senate.

[WATER / ENVIRONMENT](#) -

Dead (good). [HB2275](#) Tax exemption, crop production Passed House, 32-28 and Sen. Finance committee 5-4. But not heard by Sen. Rules. [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. Needs approval by Senate Rules, which is not scheduled to meet again this year. 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.

Dead. [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. But it too is waiting on approval from the Senate Rules committee, which is not scheduled to meet again. 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 (azwpf.gov).” This would increase the appropriation from \$400,000 in 2018 to \$1 million in 2019.

Dead. [HB2493](#) Solar Energy tax protection. (Cobb, R, 5). **Passed 48-11. Now a strike everything that says solar devices are personal property and provides for a 10 year life, so that depreciation is finished in 10 years.** Passed Senate finance committee 8-0 and this is another bill killed by inaction of the Senate Rules committee.

Dead. [HB2609](#) Harquahala non-expansion area; groundwater transfer. [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 reports that the bill is being promoted for water investors who are part of a Manhattan-based hedge fund, among others.

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U.S. Senate -

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