

Subject: RE: Public Records Request (AZ-SEN-24-0207)
Date: Thursday, April 11, 2024 at 7:11:17 PM Eastern Daylight Time
From: Pete Galvan
To: AO Records
Attachments: Results; AO0207.pdf

EXTERNAL SENDER

Please find attached all nonprivileged records in the Senate's possession that are responsive to this request.

Pete

Pete Galvan
Arizona State Senate | Associate Rules Attorney
(602) 926-3777 | pgalvan@azleg.gov

From: Pete Galvan
Sent: Thursday, March 7, 2024 12:13 PM
To: AO Records <records@americanoversight.org>
Subject: RE: Public Records Request (AZ-SEN-24-0207)

Received. This request will be processed and I will reach out with updates/results as they become available.

Pete

Pete Galvan
Arizona State Senate | Associate Rules Attorney
(602) 926-3777 | pgalvan@azleg.gov

From: AO Records <records@americanoversight.org>
Sent: Thursday, March 7, 2024 11:44 AM
To: Pete Galvan <pgalvan@azleg.gov>
Subject: Re: Public Records Request (AZ-SEN-24-0207)

Hi Pete,

Sorry about this. Please find the correct request attached.

Dylan Winters
Paralegal | American Oversight
records@americanoversight.org
www.americanoversight.org | @weareoversight

From: Pete Galvan <pgalvan@azleg.gov>
Date: Thursday, March 7, 2024 at 12:48 PM
To: AO Records <records@americanoversight.org>
Subject: RE: Public Records Request (AZ-SEN-24-0207)

EXTERNAL SENDER

I am unable to process this request as each of the listed are members of the House of Representatives and I am only able to process requests for the Senate. This request can be directed to House public records at jriches@azleg.gov.

Pete

Pete Galvan
Arizona State Senate | Associate Rules Attorney
(602) 926-3777 | pgalvan@azleg.gov

From: AO Records <records@americanoversight.org>
Sent: Thursday, March 7, 2024 10:39 AM
To: Pete Galvan <pgalvan@azleg.gov>
Subject: Public Records Request (AZ-SEN-24-0207)

Dear Public Records Officer:

Please find attached a request for records under Arizona's Public Records Law.

Sincerely,
Dylan Winters
Paralegal | American Oversight
records@americanoversight.org |
www.americanoversight.org | @weareoversight

PRR: AZ-SEN-24-0207

From: [Sonny Borrelli](#)
To: fred.mallaire@gmail.com
Subject: RE: Please tell me why this is permitted
Date: Wednesday, February 28, 2024 1:53:00 PM

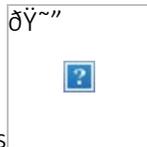
We are challenging that EPM and the SOS in court

From: Fred Mallaire <fred.mallaire@gmail.com>
Sent: Wednesday, February 28, 2024 1:49 PM
To: Sonny Borrelli <sborrelli@azleg.gov>
Subject: Please tell me why this is permitted

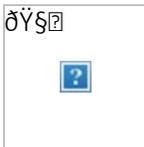
Name:	Fred Mallaire
Email:	fred.mallaire@gmail.com
Phone:	6033610808
Leg. District:	
Subject:	Please tell me why this is permitted

Comments:

Dear Honorable Senator Can this be stopped: Arizona Secretary of State Democrat Adrian Fontes crafted the Arizona States's (EPM) Election Procedure Manual so that in it reads, that unverified citizens be allowed to cast their votes for only Federal candidates, such as for next possible President



of these United States Is not Arizona now a critical state for determining next President



<https://dailycaller.com/2024/02/02/arizona-election-law-non-citizens-voting-2024-adrian-fontes/>

Sent Wed, 28 Feb 2024 20:48:59 +0000

From: [Ronna McDaniel](#)
To: [Sonny Borrelli](#)
Subject: EXCLUSIVE for sonny
Date: Monday, January 29, 2024 8:08:08 AM

sonny,

The Democrat Party knows they can't beat us in November so they're up to their old tricks of spreading lies about our Party's beliefs on abortion.

In today's brand-new episode of "Real America," I talk about why it is critical that we fight back against their vicious lies.

[LISTEN HERE](#)

[Join me to hear why Republicans need to go on offense and take this issue head on, as I go through headlines and Democrat attack ads since the Dobbs decision.](#)

The Republican Party is proud to be the Pro-Life and Pro-Family Party. We will never back down from defending our values. And now, more than ever, we must have compassion, engage in dialogue, and articulate where we stand when talking to voters to get in front of Democrat lies.

[Listen to "Real America with Ronna McDaniel" now >>](#)

Thank you and God Bless,

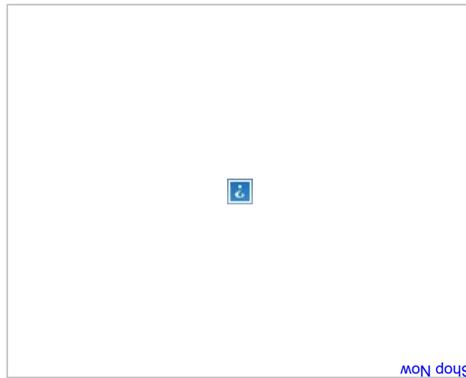


Ronna McDaniel
Chairwoman, Republican National Committee

[LISTEN HERE](#)

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You are receiving this email at sborrell@azleg.gov, 310 1st Street SE Washington, DC, 20003-1885, US
Republican National Committee (RNC)



We believe this is an important way to reach our grassroots supporters with the most up-to-date information regarding the efforts of the Republican Party.

Thank you for joining our movement. It's because of Patriots like you that we're able to hold Joe Biden accountable for his failed agenda. Reaching grassroots supporters directly is key if we're going to cut through the Fake News media and spread our conservative message, but if we're going to do that, we need to provide them with the most up-to-date information on all of our efforts.

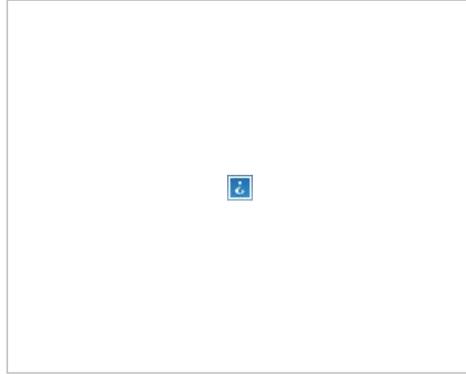


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If you would like to opt-out of important updates like this, please click [here](#). It's because of the commitment and support from real Patriots, like YOU, sonny, that our movement continues to grow!

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From: [Ronna McDaniel](#)
To: [Sonny Borrelli](#)
Subject: I'm giving you access before almost anyone else
Date: Wednesday, January 10, 2024 4:58:36 PM

The Chairwoman wants to hear from you.



sonny,

Election year is HERE, and I want YOU to be at the forefront of our efforts to beat Biden and the Radical Left.

That's why I'm personally inviting you to be one of the very FIRST Patriots to take the **2024 Republican Party Platform Audit** and represent .

[Take the 2024 Platform Audit TODAY >>](#)

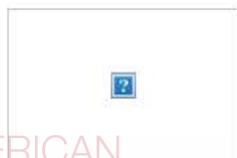


2024 is going to be our Party's year to grow our majority in the House, secure control of the senate, and retire Joe Biden.

It's an ambitious agenda, and it's going to take a strong Party Platform to pull it off. That's where your response to the **GOP's 2024 Audit** comes in, sonny.

[Our winning strategy this year starts with YOU. Make your voice heard and complete the 2024 Republican Party Platform Audit IMMEDIATELY. >>](#)

Thank you and God Bless you,



Ronna McDaniel
Chairwoman, Republican National Committee

TAKE THE AUDIT >>>

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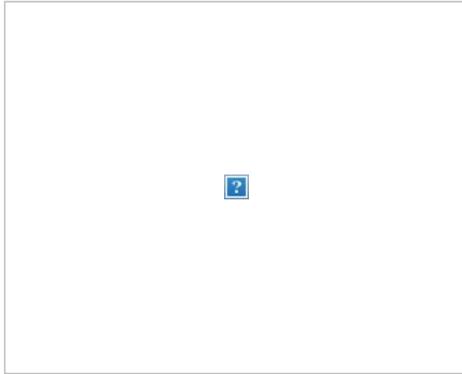


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From: [Ronna McDaniel](#)
To: [Sonny Borrelli](#)
Subject: I'm giving you access before almost anyone else
Date: Thursday, January 4, 2024 10:43:43 AM

The Chairwoman wants to hear from you.



sonny,

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[Take the 2024 Platform Audit TODAY >>](#)



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Thank you and God Bless you,



Ronna McDaniel
Chairwoman, Republican National Committee

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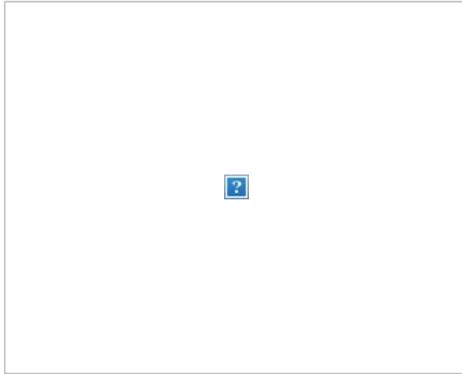


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From: [Ronna McDaniel](#)
To: [Sonny Borrelli](#)
Subject: I'm giving you access before almost anyone else
Date: Tuesday, January 23, 2024 4:58:16 PM

The Chairwoman wants to hear from you.



sonny,

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Thank you and God Bless you,



Ronna McDaniel
Chairwoman, Republican National Committee

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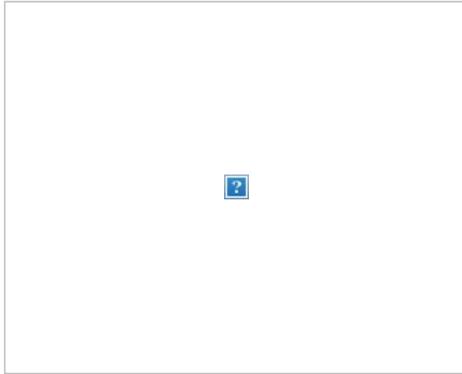


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From: [Ronna McDaniel](#)
To: [Sonny Borrelli](#)
Subject: I'm personally endorsing YOU
Date: Monday, January 8, 2024 8:13:13 PM

REPUBLICAN PARTY LEADERSHIP REQUEST



sonny,

This year's elections will be the most important in American HISTORY, and I'm counting on your support as we work toward securing Republican victories up and down the ballot.

That's why I'm personally reaching out to let you know that I've endorsed YOU for a spot on the **[2024 Republican Advisory Board](#)**.

[Donate \\$24 Now >>](#)



I'm giving you the opportunity to be at the forefront of the GOP's efforts to BEAT BIDEN as a **2024 Republican Advisory Board** member.

This invitation was ONLY made available to Patriots who have gone above and beyond in their commitment to supporting our Party, so don't miss your chance to join this exclusive group.

[Please confirm your spot on the Republican Advisory Board as soon as possible to show your support for the GOP. >>](#)

Thank you and God bless you,



Ronna McDaniel
Chairwoman, Republican National Committee

[>> ACCEPT YOUR SPOT <<](#)

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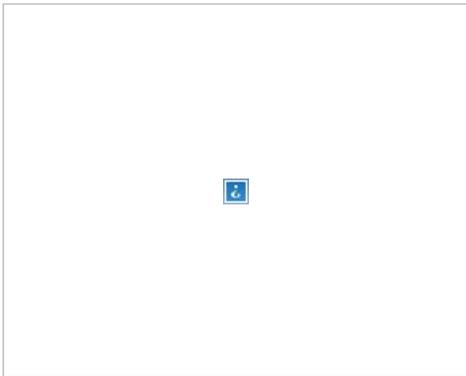


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If you would like to opt-out of important updates like this, please click [here](#). It's because of the commitment and support from real Patriots, like YOU, sonny, that our movement continues to grow!

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sonny,

2024 is here and the RNC has kicked it into overdrive to ensure that our elections are safe and secure to Beat Biden this November.

[Listen to Season 3, Episode 1 of "Real America" HERE. >>](#)



On the Season 3 premier of the "Real America" podcast, I'm joined by Madison Gesioto Gilbert to discuss the important work we are doing at the RNC to ensure victory in November, how we are working nonstop to protect election integrity, and our Bank Your Vote initiative and why it is critical that Republicans Vote Early.



You can listen to the Podcast here. Will you join Madison and me?



Thank you and God Bless,

Ronna McDaniel
Chairwoman, Republican National Committee

From: Ronna McDaniel
To: [Sonny Borrelli](#)

Subject: Season 3 of Real America is here!
Date: Tuesday, January 9, 2024 8:38:59 AM

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We believe this is an important way to reach our grassroots supporters with the most up-to-date information regarding the efforts of the Republican Party.

Thank you for joining our movement. It's because of Patriots like you that we're able to hold Joe Biden accountable for his failed agenda. Reaching grassroots supporters directly is key if we're going to cut through the Fake News media and spread our conservative message, but if we're going to do that, we need to provide them with the most up-to-date information on all of our efforts.

[GOP INSIDER](#)



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From: [Ronna McDaniel](#)
To: [Sonny Borrelli](#)
Subject: Will you take the first step, sonny?
Date: Saturday, January 6, 2024 11:03:05 AM

Bank Your Vote



sonny,

With the 2024 election year officially underway, I'm calling on YOU to get ready to **Bank Your Vote by voting early this year.**

Get ready to Vote Early this year to ensure NOTHING keeps you from making your voice heard in the critical upcoming election.

[Will you join me, sonny? Take the pledge to Vote Early in person or by-mail in 2024. >>](#)

In most states, you can vote in-person or by mail before Election Day and in all states, you can vote absentee if you will be unavailable on Election Day. Make a plan to Vote Early in your state and help us kick Joe Biden out of the White House.

TAKE THE PLEDGE TO VOTE EARLY
TAKE THE PLEDGE TO VOTE EARLY
TAKE THE PLEDGE TO VOTE EARLY

The 2024 elections may be the most important of our life, sonny. That's why we need EVERY Republican ready to make their voice heard and make sure their vote is counted by voting early.

[Can I count on YOU to take the first step to defeating Joe Biden and the Democrats? Take the pledge to Bank Your Vote by voting early in .](#)

Thank you and God bless you,



Ronna McDaniel

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[GOP INSIDER](#)

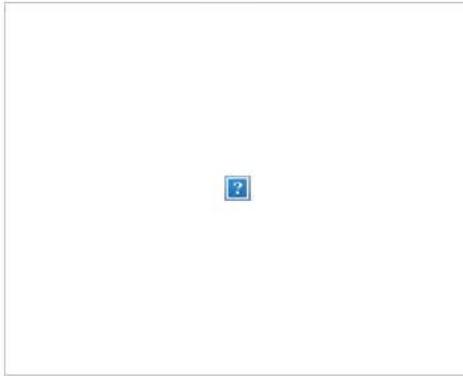


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From: [Ronna McDaniel](#)
To: [Sonny Borrelli](#)
Subject: You clearly have what it takes
Date: Monday, January 1, 2024 7:43:49 PM

The Chairwoman wants to hear from you.



sonny,

I'm putting together the list of Republicans from who deserve to become a **2024 Patriot Life Member**, and your name IMMEDIATELY came to mind.

That's why I'm reserving a spot for YOU alongside the most prominent leaders in our Conservative movement during our **EARLY ACCESS PERIOD**. [Claim your spot HERE. >>](#)

BECOME THE FIRST MEMBER



2024 Patriot Life Members will be FOREVER remembered for their role in helping our Party strengthen our House Majority, take back the Senate, and defeat Joe Biden.

[Do you want to be part of history, sonny? Accept your 2024 Patriot Life Membership TODAY.](#)
[>>](#)

2024 PATRIOT LIFE MEMBERSHIP

INVITATION FOR: sonny
MEMBERSHIP STATUS: PENDING
DEADLINE: 11:59 PM TONIGHT

JOIN NOW >>

Thank you,



Ronna McDaniel
Chairwoman, Republican National Committee

JOIN NOW >>

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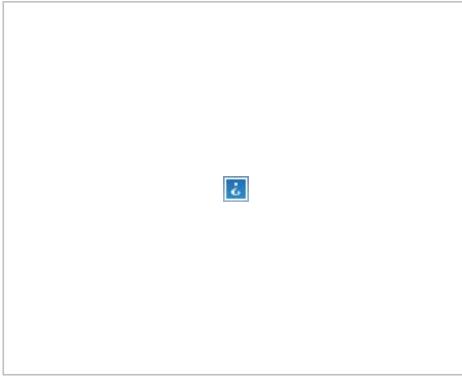


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From: [John Kavanagh](#)
To: afontes@azsos.gov
Subject: E-Qual issue
Date: Monday, March 4, 2024 2:17:18 PM
Attachments: [image.png](#)
[image.png](#)

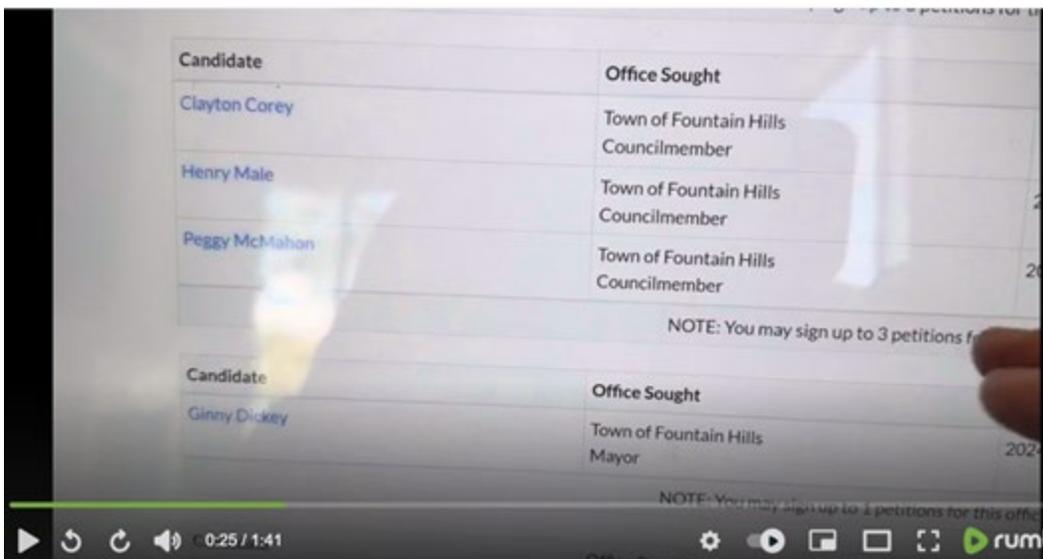
Secretary Fontes,

It has come to my attention via constituent reports, that there is an apparent error in the display of candidates in E-Qual for registered voters in the Town of Fountain Hills.

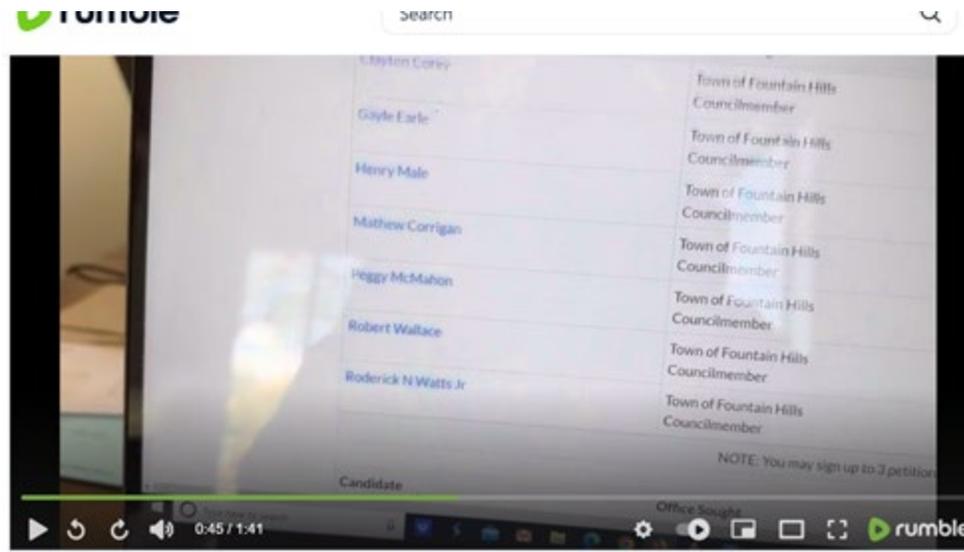
When a voter registered in the Town of Fountain Hills signs into E-Qual, page listing all candidates for whom a voter is eligible to sign a petition has a duplicative posting issue that may impact the ability of candidates to obtain signatures.

The local Town Council and Mayoral candidates for the Town of Fountain Hills appear in a section about ¼ of the way down the page, above the Maricopa County contests. Unfortunately, only candidates who are members of one political party (regardless of the non-partisan nature of the contest) appear in this first listing.

Voters only see the option to sign for one group of candidates (see image below).



Upon scrolling further down the page to the very end, after the Maricopa County contests, ALL candidates for these Town Council and Mayoral races in Fountain Hills appear (see image below).



Essentially, one political party's candidates appear twice, once prominently before the county contests, in a posting that omits entirely the other group of candidates, and this group of candidates then appears again in the listing at the bottom in which *all* candidates are posted.

This provides an enormous advantage to the candidates who are listed above Maricopa County contests, as the voters will see them first, see them as the only candidates for whom they are eligible to sign, and therefore will be much more likely to sign their E-Qual petitions.

The odds of this happening in such a way that only the candidates belonging to one particular party are listed twice is 1/16.

Please explain how this occurred, what action is being taken to remedy the situation, and how you will prevent such issues from arising in the future.

It is imperative that the public have confidence in this process, and the repeated issues with the E-Qual system are undermining that confidence.

I look forward to your reply.

Sincerely,

Sen. John Kavanagh

FULL VIDEO:

https://rumble.com/v4gghzl-irregularities-on-az-e-qual-website.html?fbclid=IwAR0tSWLWXMapVpgwaVltWFDO18v2yPT4DBvVPE9h_8xyPdoKNHNzyxK0Cfk

From: [John Kavanagh](#)
To: dijkavanagh@gmail.com
Subject: FW: Yellow Sheet 2-15
Date: Thursday, February 15, 2024 6:38:00 PM
Attachments: [2-15-24.pdf](#)

From: Chierstin Susel <CSusel@azleg.gov>
Sent: Thursday, February 15, 2024 4:39 PM
Subject: Yellow Sheet 2-15

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YELLOW SHEET REPORT



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·NEWS NOTES AND GOSSIP·

Hickman done with serving on BOS, had 'a blast'

Maricopa County Supervisor Clint Hickman announced he will not be seeking reelection in 2024. Hickman, a Republican, was appointed to the board to represent District 4 by Brewer in 2013 and was later retained in 2016 and reelected in 2020. During his time on the board, Hickman saw through the 2020 election, amid pressure to decertify the 2020



election on claims of election fraud, roundly debunked conspiracy theories about ballots set ablaze at Hickman Farms and threats to his life. Hickman told our reporter elections and election integrity stood and continue to stand as a key challenge in his tenure but made clear those skeptical of elections are not pushing him out of office. Beyond elections, he led with a focus on the taxpayer and “both brought in and spent every dollar like it was mine.” He hopes his successor carries the same mindset forward. “I want what's good for the neighbors.” Hickman’s departure leaves an open, Republican-leaning seat in District 4, covering Buckeye, Surprise, Peoria and Wickenburg. Three Republicans filed statements of interest to run to replace Hickman – Robert Canterbury, a security officer with Maricopa County Judicial courts; Jack Hastings, a councilmember in Surprise; and Bob Branch, a member of the county’s Parks and Rec advisory commission and former candidate for superintendent of public instruction. Supervisor Bill Gates announced his own exit from the board of supervisors in June, leaving two spots up for grabs on the board. “The greatest benefit in the world I've had with this job is to work with my colleagues on the board, from when I was appointed all the way to this one,” Hickman said. “I’m going out as the most tenured. Let’s just say I'm term limiting myself by volunteerism because I've done what I need to do. I've had a blast doing it.”

These guys have the credibility of Baghdad Bob

True the Vote, the group behind claims of widespread ballot box stuffing played out in the “documentary” 2,000 Mules, told a Georgia judge it does not have evidence to back up any of its claims, the *Associated Press* [reported](#). A superior court judge ordered the group to provide the evidence collected and its source to state election officials. In a written response, attorneys for the group turned up empty handed. The group fell under fire by former Attorney General Mark Brnovich for failing to provide promised data. Brnovich’s office penned a letter to the IRS noting a review of the group’s financials

may be warranted given they “raised considerable sums of money alleging they had evidence of widespread voter fraud,” but “(t)hey indicate they have provided the information to law enforcement agencies; in our case they have not after promising to do so. Another law enforcement agency has also stated they have not provided them the information, informing them they had given the information to us.” TTV’s president Catherine Engelbrecht and partner Gregg Phillips claimed to have geolocation data showing 243 “mules” in Arizona. But after multiple meetings and requests, TTV never provided the information to the Arizona AG despite claiming to the Senate and the Phoenix Office of the FBI that they did. They then told the AG’s office they had given the information to the FBI but could not provide it as they were “with the FBI as informants,” but the FBI noted the two were not informants and they had never provided the information. In response to the latest “fake news hit,” True the Vote put out a statement claiming they had provided “massive quantities of electronic data” to the FBI and the Georgia Bureau of Investigation, and they have “ready access to the summaries and underlying data, and could reconstruct it, but it declines to do that.”

AZGOP looking for explanations from Fontes

AZGOP sent a demand letter to Fontes asking for an explanation as to why EQual, the platform for candidates to garner online signatures, pulled state and federal candidate petitions from the site. Harmeet Dhillon, attorney for AZGOP, demanded Fontes “at minimum” explain the outage, its total duration and whether the outage was planned or not. Dhillon cites a law sponsored by Bolick and signed by Ducey requiring the Secretary of State provide notice to candidates before “temporarily removing, closing down or otherwise limiting access to the portal or system for updates.” The SoS office did not respond to a request for comment before our deadline.

Prop 211 lawsuit put on hold in trial court

In a hearing today, Maricopa County Superior Court Judge Timothy Ryan granted a temporary stay in the legislature’s challenge to Prop. 211 to “keep it on track” with simultaneous proceedings in the Arizona Court of Appeals. As the case moves closer to discovery, Ryan noted the discovery process would likely “drag on for a while” and noted he would likely set weekly check ins to manage discovery disputes as they come. Brett Johnson, attorney for the legislative leaders, said the notion that discovery “is not going to lead to crossfire is simply just not reality” and noted the lawmakers will likely have to prepare extensive privilege logs. But James Smith, attorney for Clean Elections, noted, “if they want to argue Prop. 211 will impede legislation in 2024, they will have to prove it.” Ryan stayed proceedings until March 1. Toma and Petersen’s opening brief are due in the Court of Appeals Tuesday.

·WAKE UP CALL·

[Arizona lawmaker moves to exempt Legislature from open meetings law](#)

Arizona Daily Star

A year after exempting themselves from public records laws, state lawmakers took the first steps Wednesday to formally repeal requirements that they obey the same open meeting laws that exist for everyone else.

[Arizona Republicans want to ban guaranteed basic income programs](#)

AZ Mirror

A Republican-led measure that would prohibit the state from enacting any guaranteed basic income programs cleared its first hurdle toward becoming law Wednesday.

[Arizona Republicans Want To Guarantee Trump Wins the Election](#)*Newsweek*

Arizona Republicans introduced a resolution on Wednesday that aims to guarantee former President Donald Trump wins the 2024 election in the state by offsetting the removal of a Republican candidate in two other states.

[Arizona lawmakers spar on bill over parental consent on guns](#)*Daily Independent*

A House panel approved legislation Wednesday some lawmakers say could shield parents from liability when a child takes a gun from the house and kills someone else.

[New program aims to combat Arizona's nursing shortage](#)*Arizona's Family*

A new statewide program hopes to tackle the state's nursing shortage by helping to guide new nurses during their first year.

[Charles Lucking appointed to fill Arizona House seat vacated by Amish Shah](#)*KTAR News*

Charles Lucking was appointed Wednesday by the Maricopa County Board of Supervisors to fill the Arizona House of Representatives seat vacated by Amish Shah earlier this month.

[California developer seeks extension before construction on long-planned Phoenix project](#)*Phoenix Business Journal*

A years-long effort to develop a prominent infill project called Omninnet West along a light rail corridor on Central Avenue in Phoenix could be delayed by another two years.

[GOP Sen. Jake Hoffman threatens to kill ADOT. You won't believe why](#)*The Arizona Republic*

Let it be known that Sen. Jake Hoffman doesn't like riding trains So much does he despise them that he's willing to do away with the state agency that builds roads and maintains bridges and patrols highways.

[NRSC endorses Kari Lake the uniter. Has anyone in Arizona actually seen this Lake?](#)*The Arizona Republic*

Kari Lake's apparently gone mainstream. After months of trying, Arizona's MAGA queen has finally landed the coveted endorsement of the D.C. swamp. Specifically, the National Republican Senatorial Committee.

[Arizona Republican's bill kicks Joe Biden off the ballot if Donald Trump is disqualified](#)*The Arizona Republic*

The exercise of government on every level always has involved elements of political theater. In Arizona these days it's just ... theater. Zero governing. If there were governing, it would work like this: The Republican majority in the Arizona Legislature, knowing it can pass just about any legislation it wants, but hoping to prevent those bills from being vetoed by Arizona's Democratic Gov. Katie Hobbs, would seek the input of its brothers and sisters across the aisle and perhaps even try reach some type of compromise.

·PRESS RELEASES·

Governor Katie Hobbs to Speak at Greater Flagstaff Chamber of Commerce Annual Meeting

Flagstaff, AZ – Tomorrow, Governor Katie Hobbs will join the Greater Flagstaff Chamber of Commerce 35th Annual Meeting & ATHENA Awards. This is part of the Governor's slate of State of the State addresses across Arizona highlighting her plans to lower the cost of living, create jobs and grow the economy, and keep Arizonans safe. During the event, Governor Hobbs will participate in a fireside chat.

WHO: Greater Flagstaff Chamber of Commerce members and leadership

WHEN: Friday, February 16, 2024 at 11:30am

WHERE: Northern Arizona University, High Country Conference Center, Ballroom – 201 W. Butler Ave., Flagstaff, AZ 86001

The governor will be available for questions after the program

Additionally, you are encouraged to arrive 30 minutes early if you have equipment to set up.

Please RSVP to press@az.gov if you plan to attend and specify for which event

###

Clint Hickman Statement on Future Plans

"For more than a decade, it has been my privilege to represent the West Valley as a Maricopa County supervisor. The communities of District 4 mean the world to me. I grew up here, worked at our family farm here, met my wife and raised our kids here. To be able to give back to a place that has given so much to me is an honor.

But time is a valuable commodity. We use it, and we never get it back. My family has been gracious and unselfish in supporting me as I've campaigned, served, held town halls and breakfasts with constituents, been part of early morning and late-night meetings about county business, made decisions that brought significant attention and had profound impact—all things that come with public service. I'm proud of this period of my life, but I want more time with my family.

Therefore, I will not seek another term as the county supervisor representing District 4. I am choosing to give my undivided attention to my wife, children, family business, and friends. I couldn't be more excited.

To my constituents, thank you for trusting me to serve our West Valley. Never forget the power you have as voters to choose your representatives. They can be people of courage and integrity who share your values and put the wellbeing of the community first. It's my sincere hope that I've been that kind of public servant for you."

###

Statement from Supervisor Gates on Supervisor Hickman's Decision to Not Seek Re-Election to District 4 Seat

"It has been one of the greatest honors and privileges of my career to serve with Supervisor Clint Hickman for the past 7+ years. Clint brought a business perspective to the Board of Supervisors and helped Maricopa County become a low-tax, low-regulation oasis in the desert. People vote with their feet, and more than half a million people have moved to Maricopa County during Supervisor Hickman's time on the board.

As chairman in 2020, Clint Hickman faced intense pressure from leaders of our party to disregard his oath and refuse to certify the results of the Presidential Election. Chairman Hickman's courage in standing up to this pressure as well as his commitment to doing the right thing have long inspired me and my colleagues to serve with the same integrity.

Clint has always been a family man first, and he is as proud of his wonderful wife and his three children as he is of the incredible legacy of the Hickman family in the West Valley. Maricopa County is losing a remarkable public servant in Clint Hickman – but I sincerely hope that he enjoys whatever adventure comes next."

###

Kelly, Colleagues Urge Administration to Update Tax Credit Guidance to Support Domestic Critical Mineral Supply Chain

This week, Arizona Senator Mark Kelly and eight Senate colleagues sent a letter to Treasury Secretary Janet Yellen urging the administration to allow critical mineral mining and processing activities to qualify for tax credits they passed in the *Inflation Reduction Act*.

In the letter, the Senators urge the administration to ensure that raw materials and extraction costs are eligible for the 45X Advanced Manufacturing Production Tax Credit. The Department's initial proposal to implement the credit explicitly excludes these costs, which sharply reduces the value of the tax credit. This update would allow the tax credit to support the entirety of the clean energy supply chain, including critical mineral mining and electric vehicle production that is happening in Arizona and across the U.S.

“As you know, Congress passed the Inflation Reduction Act in part to support the domestic extraction and production of critical minerals and materials, as well as the manufacturing of batteries and their components,” **wrote the Senators**. “...The clear purpose of section 45X was to encourage investment in the United States and to build a reliable and resilient domestic supply chain for critical minerals right here at home. The section 45X credit was designed to support responsible domestic mining and processing of these minerals. As members of the U.S. Senate, we want to clarify that the blanket exclusion of materials costs is not consistent with the intent of Congress and should be expeditiously revised.”

“Private companies are ready and willing to invest in extraction and production of raw materials right here in the United States and do so in a safe and responsible manner through developed environmental protection and labor standards,” **they said**. “However, by excluding the majority of the production costs from the 45X credit, Treasury would disincentivize investment in the United States, and also increase our reliance on countries that do not share our democratic or geopolitical values.”

The letter is also signed by Senators Catherine Cortez Masto (D-NV), John Hickenlooper (D-CO), Laphonza Butler (D-CA), Bob Casey (D-PA), Joe Manchin (D-WV), Patty Murray (D-WA) Jacky Rosen (D-NV), and Kyrsten Sinema (I-AZ).

Read the full letter [here](#).

###

Firearms Purchaser Sentenced to 21 Months for Lying to Acquire a Firearm

TUCSON, Ariz. – Javier Alejandro Ramos-Velderrain, 23, of Tucson, was sentenced last week by United States District Judge Scott H. Rash to 21 months in prison. On October 23, 2023, a jury convicted Ramos-Velderrain of Making a False Statement During the Purchase of a Firearm.

On November 4, 2020, U. S. Customs and Border Protection officers stopped Luis Manuel Bray-Vasquez as he attempted to enter the Republic of Mexico at the Mariposa Port of Entry in Nogales in an SUV. When told to turn off the engine, Bray-Vasquez, a U.S. Consulate employee, put the car in drive and attempted to flee into Mexico. Port officials were able to close the gates and stop the vehicle from escaping into Mexico and Bray-Vasquez was arrested. A search of the SUV revealed 15 firearms, including a Barrett BMG .50 caliber rifle, broken down and hidden in a blue bag. Bray-Vasquez was subsequently prosecuted and sentenced on

August 24, 2021, by United States District Judge Jennifer G. Zipp, to 46 months in prison after he pleaded guilty to Smuggling Goods from the United States (CR-21-00655-TUC-JGZ).

Homeland Security Investigations and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) began an investigation into the source of the 15 firearms and traced the 12 firearms that had serial numbers. Based on the tracing, ATF discovered that Javier Alejandro Ramos-Velderrain purchased the Barrett BMG .50 caliber firearm from 2A Ballistic Solutions, a federal firearms licensee (FFL), just 22 days prior to it being intercepted at the border. When he purchased the Barrett rifle, Ramos-Velderrain filled out and certified under penalty of perjury the ATF Form 4473, the Firearms Transaction Record, which records the identifying information of the buyer when purchasing a firearm from an FFL. At the time, Ramos-Velderrain knowingly listed a false address as his residence. This delayed the investigation, as agents were unable to locate Ramos-Velderrain. When agents found him, Ramos-Velderrain stated that he sold the firearm for \$7,000 to a person who responded to an internet sale advertisement. He was unable to provide any information as to whom and when he allegedly sold the firearm. The Barrett BMG .50 caliber rifle is one of the most highly powered firearms that can be purchased outside of the military as it has massive destructive power.

The Bureau of Alcohol, Tobacco, Firearms and Explosives, Homeland Security Investigations, and U.S. Customs and Border Protection conducted the investigation in this case. Assistant U.S. Attorneys Serra M. Tsethlikai and Evan N. Wesley, District of Arizona, Tucson, handled the prosecution. Assistant U.S. Attorney Angela W. Woolridge, District of Arizona, Tucson, handled the prosecution of Luis Manuel Bray-Vasquez.

###

UArizona issues Loss of Recognition to chapter of Pi Kappa Phi

TUCSON, Ariz. — The University of Arizona Dean of Students Office has issued a Loss of Recognition status to Pi Kappa Phi as a result of its investigation into allegations of hazing that violated the Student Code of Conduct. Following its investigation, the Dean of Students Office found Pi Kappa Phi responsible for violating the University Code of Conduct prohibitions related to alcohol (including furnishing alcohol to minors), conduct endangering others, hazing, and violations of state or federal law.

Due to the serious and dangerous nature of this finding, along with Pi Kappa Phi's aggravated status of being on university probation for multiple code of conduct violations, the fraternity is sanctioned with Loss of Recognition effective immediately through May 2029.

"The documented cases of Student Code of Conduct violations highlight a concerning lack of regard for the safety and well-being of fraternity members. Despite the university's clear and extensive educational efforts, the members of Pi Kappa Phi have chosen to disregard our expectations," said **Kendal Washington White**, vice provost of campus life and dean of students.

UArizona maintains an online list of Greek organizations under judicial review to help students and families evaluate fraternities and sororities. It can be found at <http://greek.arizona.edu/judicial> and it is updated each semester.

Note to media: On Feb. 8, the Pi Kappa Phi executive director informed the Interfraternity Council that the Beta Theta chapter was withdrawing its membership and forfeiting its recognition from the University of Arizona. "The Beta Theta chapter of Pi Kappa Phi began operating as an unrecognized and independent fraternity on Jan. 22, and the national headquarters will continue to support them moving forward." Further inquiries should go to Pi Kappa Phi, pikapphq@pikapp.org.

###

UArizona ranks 50th among top 100 world universities granted US utility patents in 2023

TUCSON, Ariz. —The University of Arizona ranks No. 50 on the [Top 100 Worldwide Universities Granted Utility Patents](#) in 2023, according to a list published by the [National Academy of Inventors](#).

The ranking is based on the patents for inventions that originated from university research that were issued in 2023. During that period, the university was issued 61 U.S. patents for inventions developed by faculty, researchers, staff and students.

The list is a further reflection of UArizona's impactful innovation, coming on the heels of [ranking No. 22 on the list of Top 100 U.S. Universities Granted Utility Patents](#), which the NAI released in September 2023.

"Ultimately, the impact of those patented innovations comes when they are licensed to new startups and existing companies who take them forward into the marketplace," said [Doug Hockstad](#), associate vice president of [Tech Launch Arizona](#), or TLA. "That's when they can become products that truly improve lives and help others."

TLA is the office of the university that brings inventions stemming from the array of research and innovation at the university by working with faculty, researchers, staff and students to research the market opportunities for innovations, investigate whether they are patentable, and then protect them through patents and other forms of intellectual property. But that is just the first step.

Following analysis and protection, the TLA team works to find ways to commercialize those inventions, bringing inventors together with entrepreneurs and companies to develop pathways to move those inventions out into the marketplace, where they can improve lives and make a better world.

Some examples of success involving recent patents include one for DNA methylation biomarkers for cancer diagnosis, created by former UArizona research scientist Lukas Vrba and professor of pharmacology and toxicology **Bernard Futscher**, which was licensed to the startup Precision Epigenomics.

Another university patent issued in 2023 is for a biopsy system for advanced tissue harvesting developed by Dr. **Charles Hennemeyer**, associate professor of medical imaging in the College of Medicine – Tucson, and Dr. Michael Larson of Banner – University Medical Center Tucson – was licensed to launch a startup called D3 Sciences.

And a diffractive tri-focal lens developed by **James Schwiegerling**, a professor emeritus in the [James C. Wyant College of Optical Sciences](#) who [passed away last year](#), was licensed to Alcon Vision. Alcon has made the innovation into a lens replacement product for cataract patients that has now been implanted in over 1 million eyes worldwide.

"As a land-grant institution, our mission-driven focus is on translating research into practical solutions that benefit people statewide and beyond," said **Elliott Cheu**, interim senior vice president of research and innovation. "This ranking underscores our success in reaching those in need by commercializing our innovations, aligning with our core values of service and inquiry."

NAI releases the [Top 100 Worldwide Universities list](#) to coincide with National Inventors Day each year. The list ranks the top universities holding U.S. utility patents to showcase the impactful research and innovation taking place within academic institutions.

"The Top 100 Worldwide list highlights the essential role universities across the globe play in creating patented technologies that beneficially impact society," said Paul Sanberg, president of the National Academy of Inventors. "At the academy, it is important for us to recognize and celebrate research and commercialization happening at the university level, as well as spread awareness on how intellectual property can benefit innovators and their institutions."

###

Ciscomani, Stanton Introduce Legislation to Improve CBP Hiring Flexibilities

WASHINGTON – U.S. Congressmen Juan Ciscomani (R-AZ-06) and Greg Stanton (D-AZ-04) introduced new legislation today to improve U.S. Customs and Border Protection’s (CBP) flexibilities in hiring, recruiting, and retaining agents, officers, and employees, specifically in rural and remote areas.

The *U.S. Customs and Border Protection Hiring and Retention (CBP HiRe) Act* would direct the Department of Homeland Security (DHS) Secretary to determine if there is a hiring need due to the remote nature of rural locations, which often makes it hard to recruit CBP employees. *The CBP HiRe Act* also requires DHS to annually review if further hiring flexibilities are still needed. On average, it takes [400 days](#) for CBP to hire personnel.

“With morale, recruitment, and retention at an all-time low for CBP, it’s crucial that we send a message to Border Patrol that we have their backs,” **said Ciscomani**. “Whether it’s hiring bonuses or improved benefits, we must prioritize maintaining and bolstering the men and women in green who defend our borders day in and day out.”

“In conversation after conversation with Arizona border officials, one of their top concerns is manpower,” **said Stanton**. “This bipartisan bill will ensure that there are the boots on the ground needed to secure rural and remote areas of our southern border.”

Specifically, if it is determined that there is a critical hiring need in rural or remote areas, the bill allows for:

1. **Direct Hire Authority:** Grants the DHS Secretary with special expedited hiring authority, allowing the agency to forgo the typically required bureaucratic process.
2. **Recruitment and relocation bonuses:** If deemed necessary, provides recruitment incentives to new employees and relocation incentives to current employees to relocate to a different area. Employees receiving bonuses must enter into a written service agreement for at least two years.
3. **Retention bonuses:** Allows DHS to offer a retention bonus if an employee is likely to leave CBP. Employees receiving bonuses must also enter into a written service agreement for at least two years.
4. **Special Pay Authority:** Gives DHS the ability to use rural and remote location for consideration of a special pay rate.
5. **Student Loan Repayment:** Allows eligible employees to receive federal student loan repayment, which is currently at the discretion of the agency.

The legislation is supported by the National Treasury Employee Union, the Border Trade Alliance, the Greater Nogales Santa Cruz County Port Authority, Santa Cruz County Board of Supervisors, Pima County Board of Supervisors, Chamberlain Inc., Douglas Regional Economic Development Corporation, Douglas International Port Authority, and Greater Yuma Port Authority. It is also endorsed by local officials Cochise County Sheriff Mark Dannels, Douglas Mayor Don Huish, Yuma Mayor Douglas Nicholls, and Sahuarita Mayor Tom Murphy. Full text of the bill is available [here](#).

###

ADVISORY: Mayor Gallego, Tom Perez Host Discussion on Financial Incentives in *Inflation Reduction Act*

PHOENIX—On Monday, February 19th, Mayor Kate Gallego and White House Senior Advisor and Director of the Office of Intergovernmental Affairs Tom Perez will host a roundtable discussion about financial incentives in the *Inflation Reduction Act* (IRA)—the largest investment in clean energy and climate action in history.

The IRA provides state, local, Tribal, territorial and non-governmental partners significant new funding for clean energy, emissions reduction, climate resilience, and conservation-related investments through both grant funding and tax credits. [Direct pay \[whitehouse.gov\]](https://www.whitehouse.gov) (also called “elective pay”) enables tax-exempt and governmental entities to take advantage of tax credits for building clean energy projects. For the first time ever, governmental and tax-exempt entities are able to take advantage of the types of clean energy tax credits that the private sector has traditionally used.

As communities continue to grapple with the adverse effects of climate change, Gallego has vowed to make Phoenix the most sustainable desert city in the world. In doing so, she has focused on [leveraging federal opportunities \[azcentral.com\]](https://www.azcentral.com) to help reduce emissions, improve air quality, combat [extreme heat \[azcentral.com\]](https://www.azcentral.com), and create thousands of new, green jobs.

WHAT: Roundtable Discussion on *Inflation Reduction Act* Financial Incentives

WHEN: Monday, February 19, at 1:00 PM

WHERE: RSVP to arielle.devorah@phoenix.gov for location details

WHO:

- Kate Gallego, *Mayor of Phoenix and Chair of Maricopa Association of Governments*
- Tom Perez, *Senior Advisor and Assistant to the President, Director of the Office of Intergovernmental Affairs*
- Stephen Roe Lewis, *Governor of the Gila River Indian Community*
- Heather Carter, *Senior Vice Chancellor for Maricopa County Community Colleges District*
- Representatives from the Cartwright School District
- And others.

###

Sinema Meets with Santa Cruz County Supervisors to Talk Local Priorities in 2024

WASHINGTON – Arizona senior Senator Kyrsten Sinema met with Santa Cruz County supervisors to discuss their local priorities this year – including transportation improvements along the I-19 corridor, replacing inoperable sheriff’s radios, upgrades to the Nogales Port of Entry, and more.

“By working hand-in-hand with Santa Cruz County leaders, we’ve delivered real, lasting results on some of their top priorities, including passing my *Nogales Wastewater Improvement* law to address security and health concerns facing Nogales and securing \$3.6 million to replace the outdated Ruby Road Bridge,” said Sinema.

Sinema met with Manny Ruiz, Chair of the Santa Cruz County Board of Supervisors, Bruce Bracker, Vice Chair of the Santa Cruz County Board of Supervisors, and Rudy Molera, Santa Cruz County Supervisor.

The supervisors thanked Sinema for passing the historic *Nogales Wastewater Improvement Act* into law as part of last year’s annual bipartisan defense legislation. Now law, Sinema delivered a long-awaited agreement to authorize the transfer of the ownership of the International Outfall Interceptor (IOI) to the U.S., achieving a commonsense compromise that elected officials from both parties and all levels of government have sought to strike for decades.

Last year, Sinema secured \$3.6 million to replace the Ruby Road Bridge over Potrero Creek and create a grade separated crossing for the Union Pacific Railroad line – improving safety and connectivity for the underserved community.

Sinema also discussed necessary upgrades to the DeConcini Port of Entry in Nogales. The Port is an essential component of commercial trade as well as pedestrian and passenger vehicle traffic for the region. In 2022, Sinema [secured](#) \$500,000 in appropriations funding to develop a plan to modernize the Port to improve border security and efficiency of cross-border travel and trade.

###

“QUOTE OF THE DAY”

Let’s just say I’m term limiting myself by volunteerism because I’ve done what I need to do. I’ve had a blast doing it.” — *Maricopa County Supervisor Clint Hickman on his decision not to seek reelection.*

From: [John Kavanagh](#)
To: dijkavanagh@gmail.com
Subject: FW: Yellow Sheet 2-23
Date: Monday, February 26, 2024 4:25:00 PM
Attachments: [2-23-24-1.pdf](#)

From: Chierstin Susel <CSusel@azleg.gov>
Sent: Friday, February 23, 2024 2:56 PM
Subject: Yellow Sheet 2-23

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From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 2-23
Date: Friday, February 23, 2024 8:32:08 PM
Attachments: [2-23-24-1.pdf](#)

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From: Chierstin Susel <CSusel@azleg.gov>
Sent: Friday, February 23, 2024 2:56:03 PM
Subject: Yellow Sheet 2-23

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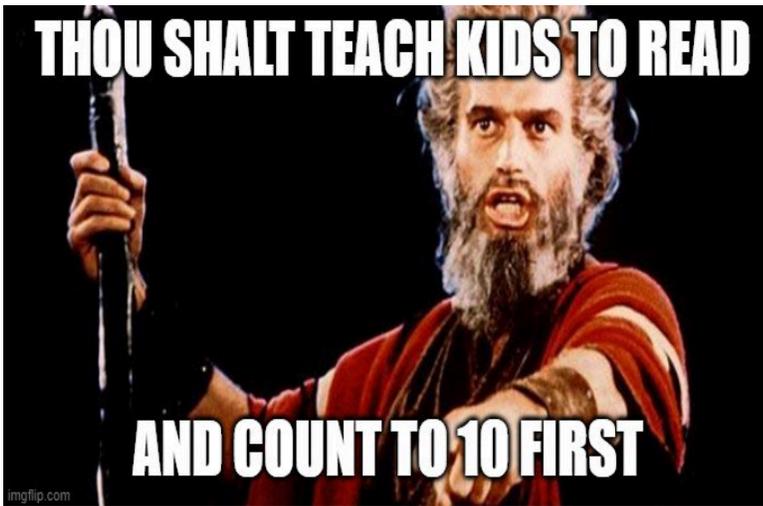


YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

Thou shalt not worry about legality when passing legislation



A bill that could be treading constitutional lines by aiming to allow teachers to read or post the Ten Commandments in classrooms passed on the Senate floor Thursday with a 16-12 vote. Kern's SB1151 (School classrooms; ten commandments; posting), specifically would not mandate the posting of the commandments, but include them in the list of permitted content. The bill passed out of RULES with a 4-3 vote on party lines earlier this month. Marsh -- who said she is a regular churchgoer -- had problems with

putting the commandments in classrooms. "This is likely unconstitutional, it violates the Free Exercise clause," Marsh said. Kern, who has taken aim at educational issues since taking office, cited Supreme Court cases to boost his stance, but Marsh pointed out that there is more than just constitutionality to discuss. "I just wanted to point out the irony that some folks in this room seem to be so concerned about indoctrination, but this seems to me to border on that," Marsh said. Kern shot back and said his move was defended by the 2022 *Kennedy v. Bremerton School District* ruling that found disciplinary action taken on a football coach for praying after football games violated his rights to free exercise of speech and religion. "This does not mandate that teachers must post the Ten Commandments, the teachers already do the Pledge of Allegiance," Kern said. "This is an opt-in, it's not a mandate." Kern blamed the country's "progressive slide" on the commandments' absence from classrooms. Gonzales pointed out that the bill might lack specificity as to which biblical principles would land in schools. "I understand that the Jewish community has a set of Ten Commandments that are different from my Ten Commandments as a Catholic," Gonzales said. Sundareshan said the legislation could "other" students whose practices do not align with the commandments. Epstein echoed that sentiment and said the decision is "actually indoctrination." "If you post the Ten Commandments and they are commanding people to love God, while that's a beautiful thing, it's not a beautiful thing if you do not subscribe to that religion," Epstein said.

Bills putting the clamps on agencies

A leading effort from the Republican caucus this session has been to put underperforming agencies under a microscope by tightening their sunset review periods. But, with an overloaded Auditor General and issues with audit recommendation compliance within departments, GOP lawmakers took steps to exercise legislative authority on some issues. While some agencies should expect more regular visits to the Capitol, others could get operational changes through bills that passed out of the Senate. For instance, Kern's SB1473 (agencies; single audit reports; penalty) would put into statute a penalty on

agencies that are late to submit their federal expenditure reports to the AG. During floor debate, Mendez said this penalty is unjustified as delays in agencies submitting single audit reports are caused by understaffing. “These agencies cannot start one audit until another is finished, so this is a compounding issue,” Mendez said. He said this is not a new issue and that it was “obviously inherited” from Ducey’s administration. Kern said the bill has nothing to do with who is governor, but what he has seen while sitting on the Joint Legislative Audit Committee. “I’m listening to state agencies that just kind of thumb their nose at the Auditor General,” Kern said. “I’m listening to school districts that basically just tell the Auditor General they don’t want them to know what they’re doing when they do little escapades in Coronado, California.” He said the bill takes aim at the cracks in agency function. The Office of the Auditor General is doing a good job, Kern said, but unaccountable agencies are not being held accountable. The bill passed Thursday with a 16-12 vote on party lines. Another example of tightening agency oversight was brought up by the sunset review of the Department of Child Safety. The agency picked up slack for mishandling cases and taking too many children out of their homes, and during a previous JLAC hearing, Wadsack and Parker voted against the agency continuing at all. SB1257 (Department of child safety; continuation) slated the agency for only a four-year lifespan, contrasting with the previous eight-year norm. Rather than pushing for an even shorter continuation, Wadsack went for an amendment to the continuation bill. The amendment, which passed, would adjust statute to remove the requirement that lawmakers sign a confidentiality agreement when viewing DCS cases. This change would make it easier to bring case-by-case issues to light, Wadsack said. The bill awaits a floor vote.

House grinding through its bills

The House didn’t get through all the bills scheduled for a third read on Thursday, leaving 36 bills that weren’t voted on before going into another COW session and then adjourning until Monday. Another bill that passed Thursday included Toma’s retail theft bill, H2435 (repetitive offenders; organized retail theft), which got some bipartisan support from eight Democrats, coming just shy of a supermajority. “It’s unfortunate that we have to do these sorts of things but we cannot allow Arizona to turn out the way California did,” Toma said. Ortiz said she still had concerns over the bill despite Toma’s targeting of organized criminals who intend to resell stolen goods and believes prosecutors will use it to coerce plea deals from people in “desperate” situations who may resort to shoplifting. “We do not need to further inflate our bloated prison system that costs taxpayers \$1.1 billion a year. Instead, we need to prevent crime by addressing it before it happens,” Ortiz said. Chaplik’s H2658 (pedestrians; congregating; medians; unsafe locations) also got some bipartisan support from Hodge, Terech, Schwiebert and Tsosie. Chaplik and Martinez said the bill addresses a safety issue and is aimed at preventing accidents and injuries from cars that could hit pedestrians standing on areas near high-traffic roads without sidewalks. “We wouldn’t let children sit there,” Chaplik said. “Accidents can happen and they will and we need to stop it.” Ortiz said the bill targets people experiencing homelessness and panhandling but Chaplik called a point of order and said his bill has nothing to do with homelessness. Cook voted for the bill and said it doesn’t really affect communities like his but urged his colleagues to find a “better” solution. “How many hundreds of police officers are (cities) down and what kind of a situation are you going to put the family or the people at risk in their neighborhoods when there’s a serious or violent crime or robbery going on and they’re issuing misdemeanor tickets,” Cook said.

Lawmakers' highway woes filled with slow pokes, road hogs and middle fingers

A bill which would have created a \$250 fine for driving a vehicle in the left lane less than the speed of traffic failed to pass out of the Senate Thursday, but not before lawmakers took the opportunity to bring up complaints about their commutes to the Capitol. Gowan's SB1681 (slow driving; left lane; penalty) had a close vote that did not tread on party lines, but ultimately failed at 15-14. "This bill is already the law, this is just adding a penalty to that," the bill sponsor said. "This is just putting a little teeth into it for the officers." Gowan said slow left-lane drivers cause traffic jams and rear-end crashes. Some lawmakers represent districts which are hundreds of miles from the Capitol, making for an intense commute that shaped their opinions on the bill. "I drive one way six and a half hours," Hatathlie, who supported the legislation, said. "It just kills my goats that I have to go 50 miles per hour in the slow lane. How come those people don't get tickets?" Kavanagh empathizes with her. "I am voting yes on this bill because I want the senator from District 6 to get home in five hours," Kavanagh said. Driving on Interstate 10 is "singularly the most frustrating experience behind the wheel that one can have," said Shope in explaining his approval of the legislation. Gabaldon gave the final vote which killed the bill, and Borrelli urged his colleagues to reconsider. Kern had his own story. He said he tends to stick to the speed limit when driving on highways. "They go around me, they flip me off, it's inflation free," Kern said. "That's enough." One bill that didn't pump the brakes was Wadsack's SB1064 (gasoline formulations; air quality), which seeks to drive expanded gas reformulation options in the state. The bill passed with some bipartisan support. Wadsack said it would help lower gas prices and expand fuel blend options. Sundareshan had reservations about environmental impact and raised that the legislation could have no impact on gas cost, but the bill was sent to the House on Thursday with a 17-11 vote.

Nguyen knew bill was a loser, put it up for vote anyway

Nguyen's bill that would charge accused fentanyl dealers with murder if the drug caused a person's death failed on the floor 27-32 with some Republicans still having Constitutional concerns over the bill. "This bill states that someone can be guilty of murder without ever having killed somebody or having the intent to kill them," Kolodin said. "When we go that far, we upset the fundamental notions of justice and not just justice, but the Constitution, because due process requires that every element of a crime be proven beyond reasonable doubt. This is the third time Nguyen has introduced the bill and the first time it's made it to the House floor. Nguyen said he asked leadership to put H2820 (drug trafficking homicide; sentencing) up for the vote despite knowing he didn't have enough to pass because he wanted to show victims' and their families that he's trying to do something for them. L. Contreras said he is frustrated because bill's like H2820 have a chance to go to the floor while Democrats' bills are consistently not heard in committee. "Some of us here have great bills and great ideas and don't get that chance. Why don't we also work together to give our bills a chance," Contreras said.

·WAKE UP CALL·

[Neighborhood precinct polling places could make comeback](#)

Arizona Capitol Times

Over 12 years after the state enacted the use of voting centers to counteract issues related to precinct voting, the Senate on Wednesday passed a Republican bill which aims to require schools or public buildings to provide space to use as a polling place upon request of an election officer.

[Spokesman: Hobbs won't sign bill allowing cops to arrest illegal border crossers](#)*Capitol Media Services*

Saying the federal government has failed Arizona, state lawmakers voted Wednesday to let police here start arresting people who have entered the country illegally.

[Manhattan DA Alvin Bragg hits back at 'grandstanding' Arizona prosecutor who refuses to extradite murder suspect](#)*NBC News*

Manhattan District Attorney Alvin Bragg on Thursday accused an Arizona prosecutor of political "grandstanding" for refusing to send a New York City murder suspect back his jurisdiction.

[Arizona lawmakers give nod of approval to harsher penalties for AI crimes](#)*Arizona's Family*

A Scottsdale mother's fight to stop scammers from using artificial intelligence is gaining traction among Arizona lawmakers. Legislation, Senate Bill 1599, could make punishments more severe for people who use AI to commit crimes, and at a recent committee hearing, it received unanimous support.

[Arizona Right-Wing Group Withdraws Maricopa County Election Procedures Lawsuit](#)*Democracy Docket*

Today, a mere 16 days after its lawsuit was filed, former Trump advisor Stephen Miller's right-wing legal group voluntarily dismissed its lawsuit challenging Maricopa County's election procedures.

[Arizona needs more residents to get college degrees to keep up with new high-paying jobs](#)*KJZZ*

Arizona is seeing billions of dollars coming in from leading-edge technology companies. Those companies will create tens of thousands of jobs, but there may not be enough educated Arizonans to fill them.

[Arizona Republicans vote to ban guaranteed basic income programs](#)*AZ Mirror*

A Republican-led measure that would prohibit the state from enacting any guaranteed basic income programs received unanimous approval from Arizona House Republicans Thursday.

[Rachel Mitchell spins political gold in her tiff with New York attorney Alvin Bragg](#)*The Arizona Republic*

This may come as no surprise, but the savviest politician in the state right now certainly is not Kari Lake, who is digging herself into an ever-deeper hole with the McCain wing of her party.

[Ask voters about immigration and nondiscrimination, Speaker Toma. I dare you](#)*The Arizona Republic*

This is how it works at the Arizona State Capitol: Republicans introduce bills on topics they hope will fire up the MAGA base — immigration and border security, for example, which are under federal jurisdiction — knowing they will be vetoed by Gov. Katie Hobbs.

[Sen. Kyrsten Sinema continues to honor the memory of a lost Arizona soldier](#)*The Arizona Republic*

On June 10, 2013, former soldier Daniel Somers left a long letter for his wife, his parents, his friends ... and us.

·PRESS RELEASES·**State Representative Barbara Parker Champions Unanimous House Passage of Voter Registration Alert System Legislation**

STATE CAPITOL, PHOENIX – Arizona State Representative Barbara R. Parker issued a statement celebrating Thursday's unanimous House passage of [HB 2482](#), a bill she sponsored to establish a voter

registration alert system. This system requires County Recorders to notify voters of specified changes, such as change of party affiliation, telephone number, or address to their voter registration record.

“We now live in a digital age where the tiny glowing rectangle in our pocket can communicate any information to us at any given time. Admittedly, government communication isn’t always top-notch. However, it absolutely should be, especially when it comes to voting!

“That’s why our County Recorders should uniformly communicate with Arizona’s constituents regarding changes such as party affiliations, phone numbers, or addresses. And what’s the easiest way to do that? Via text message.

“With the passage of HB 2482, and through the creation of a voter registration alert system, they will be required to do just that.

“Remember: Education and information are always key. And with a little legislative nudge, we’ll get there.”

Representative Parker’s bill passed with a 57-0 vote. It now moves to the Senate for consideration.

Barbara R. Parker is a Republican member of the Arizona House of Representatives serving Legislative District 10 in Northeast Mesa and Apache Junction.

###

Commission Approves APS Rate Hike Spelling Higher Bills for Ratepayers

Phoenix, AZ – Today the Arizona Corporation Commission (ACC) voted to allow Arizona Public Service (APS) to raise its rates and burden ratepayers with higher electricity bills, enabling APS to double down on coal and gas. The rate increase will bolster APS shareholder profits while prolonging operation of the utility’s outdated Four Corners Generating Station despite cheaper clean energy alternatives.

A substantial portion of APS’s rate increase is due to the Company’s spending on high-cost, dirty fossil fuels, including its outdated coal-fired power plants. Both the Four Corners Generating Station and Cholla Power Plant are [uneconomical](#) to keep running, and APS ratepayers have already been forced to pay hundreds of millions of dollars on the operation and maintenance of those plants even though much cheaper clean energy alternatives are available.

The evidence in this rate case and APS’s own analysis demonstrates that the utility could save ratepayers money by retiring the Four Corners plant before 2031 and transitioning to renewable resources like solar and battery storage. Specifically, APS’s own 2023 Integrated Resource Plan finds that the Company could save \$139 million if it retired Four Corners in 2028 instead of retiring the plant in 2031 as planned.

The ACC also rejected APS’s proposal for Coal Community Transition (CCT) funding that would have provided urgently-needed financial support for communities impacted by the closures of coal-fired power plants. APS had proposed over \$100 million in funding that would have been distributed over nine years to support economic transition for coal-impacted communities, including for the Navajo Nation, Hopi Tribe, and areas around Joseph City where the Cholla Power Plant is located. The Commission’s vote provides no help to these communities in facing this urgent challenge.

The Commission also approved APS's proposal for the System Reliability Benefit (SRB) mechanism, which will allow APS to charge ratepayers for tens of millions of dollars in spending on large new fossil fuel generation projects between rate cases without adequate scrutiny or stakeholder input. The ACC's determination is the latest [in a series](#) of decisions that have gone against consumers' best interests.

In addition, in a last-minute, surprise move, the Commission imposed a new charge on rooftop solar customers that would force those customers to pay more. That charge was not proposed by APS and was never discussed during the Commission hearings on APS's proposals in this case.

In short, the Commission approved a rate increase without even knowing what the real rate increase will be – not even APS could say for sure – and has allowed APS to keep ratepayers on the hook for its imprudent business decisions, [continuing to act](#) in opposition to renewable energy and to the best interest of ratepayers. To make matters worse, the Commission did not allow all members of the public to make their voice heard at the Commission meeting on APS's rate increase, cutting short and turning away many members of the public who had requested to speak and who had been waiting for hours to voice their concerns.

“Unfortunately, what we’re witnessing is just how out-of-touch the ACC is with utility ratepayers, the public, and our communities,” said **Sandy Bahr, Director of the Sierra Club’s Grand Canyon Chapter**. “To enable APS to raise its rates to prolong the livelihood of obsolete expensive and dirty power plants, impose charges on solar customers, and deny Coal Community Transition funding for coal-impacted communities goes directly against the best interests of ratepayers, our air, our water, and our communities, and ignores affordable transition planning that is urgently needed.”

###

ICYMI: EPA Allocates \$70M+ from Clean Energy Plan to Arizona for Water Infrastructure Upgrades

PHOENIX, AZ – On Wednesday, the Environmental Protection Agency (EPA) announced that Arizona would receive over \$70 million for drinking water and clean water infrastructure upgrades, thanks to the Bipartisan Infrastructure Law signed by President Biden in 2021 as part of the president's clean energy plan. The funding is part of over \$50 billion in water infrastructure upgrades nationwide – the [largest such investment](#) in American history. Almost half of the funding will be available as grants or principal forgiveness loans, ensuring funds reach disadvantaged and underserved communities most in need of investments in water infrastructure.

“As Arizona faces a historic drought, protecting access to clean drinking water was a priority of mine when negotiating the Bipartisan Infrastructure Law,” [Sen. Mark Kelly \(D\)](#) said. “I’m glad to see these unprecedented investments that will support continued growth and prosperity for communities across our state.”

“As a lifelong resident of the Tucson southside, I’m all too familiar with toxic chemicals that polluted our community’s drinking water and the adverse health impacts that followed,” [said U.S. Rep. Raúl Grijalva \(D, AZ-07\)](#). “This massive investment from the Biden administration will be transformative and help ensure safe drinking water for the City of Tucson. I was proud to support the Bipartisan Infrastructure Law as a down payment to address historic inequities and will continue to fight for policies that will guarantee clean drinking water and a healthy environment for future generations.”

The funding EPA announced for Arizona is part of a \$5.8 billion investment through the Clean Water and Drinking Water State Revolving Funds (SRF), one of EPA's signature water investment programs. This multi-billion dollar investment will fund state-run, low-interest loan programs to address critical water

challenges, with \$2.6 billion going to the Clean Water SRF for wastewater and stormwater infrastructure and \$3.2 billion going to the Drinking Water SRF for drinking water infrastructure nationwide.

In Arizona alone, President Biden’s clean energy plan has [spurred more than \\$10 billion](#) in investment and helped create or advance over 13,500 jobs since 2022. Should former President Donald Trump win the presidential election in November, the future of Arizona’s clean energy economy would be in serious jeopardy in the hands of an administration that appears likely to wage [“an all-out war on climate science and policies”](#).

###

“QUOTE OF THE DAY”

“It just kills my goats that I have to go 50 miles per hour in the slow lane.” — *Sen. Theresa Hatathlie on slow poke drivers on her commute to Phoenix.*

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 1-2
Date: Wednesday, January 3, 2024 5:15:42 PM
Attachments: [01-02-24-YS-FINAL.pdf](#)

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From: Chierstin Susel <CSusel@azleg.gov>
Sent: Wednesday, January 3, 2024 9:29:31 AM
Subject: Yellow Sheet 1-2

Chierstin Susel

Deputy Director of Communications
Arizona Senate Republicans- Majority Staff
Office: 602-926-3905
Twitter: @azsenaterepublicans
Web: www.azsenaterepublicans.com

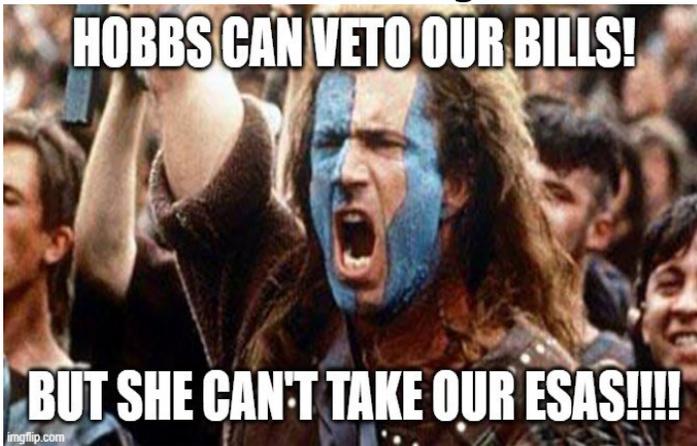


YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

The 2024 ESA conflict begins



Hobbs today proposed reimplementing an eligibility requirement to curb the number of Empowerment Scholarship Account students hailing from outside the public school system as part of an eight-point plan to check the program in her 2024 executive budget and in the next legislative session. Beyond attempts to limit enrollment, Hobbs published proposals to require education standards and fingerprint clearance cards for private school educators, deploy further audits of the program and private school spending by the Arizona

Auditor General, and ensure private schools provide disability accommodations and halt price gouging tuition. Hobbs also proposed the Dept. of Education manually review purchases over \$500, but Horne noted the department already reviews all expense requests regardless of the amount. As for the other proposals, Horne said in a prepared statement, "My job is to administer the ESA program in line with state law, and if changes are made the Department of Education will follow them." But Hobbs' proposal is already meeting resistance from GOP leaders. "Empowerment Scholarship Accounts are wildly popular with Arizona parents because they leverage private sector solutions to offer the best educational opportunities for their children," Toma said in a statement. "Meanwhile, Governor Hobbs and Democratic Party legislators now seek to strangle ESAs and private education with bureaucracy and regulation. I won't allow that to happen."

Divided government keeps third branch busy

Petersen and Toma plan to lodge a lawsuit challenging provisions of the Elections Procedure Manual by the end of the month, according to Senate GOP spokeswoman Kim Quintero. Fontes, Mayes, and Hobbs signed off on the 2023 EPM on Dec. 30, right in time for the end-of-the-year deadline and were swiftly hit with threats of legal action from Petersen and the Arizona GOP. Though lawmakers are still looking over the entirety of the EPM, one of the key provisions is a delay in implementing a 2021 law requiring county recorders remove voters who have not cast a ballot in the past two election cycles from the active early voting list. The provision had previously been corrected by the SoS, but the change did not make it into the final draft. On top of the AEVL, 17 pages were added to the manual that lawmakers had not seen before. Quintero said they are currently "scouring over" any additions. The AZGOP similarly aired concerns and claim the EPM raises free speech concerns in its provisions to prevent voter intimidation, restricts voter challenges to poll workers, excludes GOP authority over choice of central count and signature verification board members and ignores a preliminary, not precedential, ruling from a Yavapai County judge narrowing down signatures apt for the voter registration record and signature verification. A press release from the AZGOP noted the party was considering legal action

in line with the Legislature. But whether the two will join forces remains to be seen. Quintero said they are not sure who plans to join the Legislature's suit just yet.

7 candidates for job with low pay, long hours, a little power

LD8 Democrats are moving quickly to appoint a candidate to Salman's seat. Salman's resignation became effective Dec. 31 and LD8 Democrats plan to hear from the candidates seeking to replace her during a candidate forum on Thursday. Jevin Hodge, the Democrat who lost to Schweikert in the 2022 election, has shown interest in the seat. The *Arizona Republic's* Mary Jo Pitzl reported on Dec. 29 that six others are vying for the seat, including LD8 Democrats first vice-chair Jacob Raiford and second vice-chair Kendra Flory. Other candidates include Janeen Connolly, who filed a statement of interest to run for the House in LD8 during the 2024 election, Tempe Neighborhood Advisory Committee commissioner Jana Lynn Granillo, Progressive Victory Coalition Lead Nick Mink and former LD24 Democrats chair Deborah Nardozi. LD8 Democrats will elect three nominees for the Maricopa County Board of Supervisor's consideration on Jan. 9.

Lawmakers to take DCS to task

The state Department of Child Safety and Foster Care Review Board are up for sunset reviews Wednesday and legislators will likely grill the agencies with questions. Last month, Shope and Farnsworth jabbed at DCS for removing too many children from their homes and alluded to tomorrow's meeting as an opportunity they will take to air their grievances with the agency. "I can't name a single agency that probably has a tougher job than that agency," Shope said. "However, there are significant deficiencies." Shope said he will be outspoken against children suffering further neglect upon entering the system. "Families are breaking up; more divorces, drugs, alcohol, some things we've dealt with forever and there are a lot of new things," Farnsworth said. "I think the system's overwhelmed quite frankly, they need to slow down and not take as many out." Farnsworth cited that 80 percent of children are taken from homes due to neglect, to which he asked, "What is the definition of neglect?" Every 10 years when DCS is up for continuation, Shope said similar conversations arise as to whether the agency encouraging keeping children in their homes is the best play. "Here we are as lawmakers trying to figure out what that healthy balance is," Shope said. "I know that the Auditor General report that we received on the agency was not one of the best I've ever seen. So, I know that there will be a lot of questions." Auditor General Lindsey Perry's final sunset review report on DCS highlighted the agency's failure to implement prior recommendations from special audit reports, including recommendations having to do with court report timeliness and quality. Specifically, Perry's report took issue with the fact that DCS "did not submit 69 percent of 67 juvenile court reports we reviewed at least 15 days prior to hearings as required by court rules." Additionally, the department failed to ensure nine foster home applicants met background-check standards – such as fingerprinting – prior to issuing a license, the report reads. Other findings had to do with IT security and conflict-of-interest requirements. DCS Executive Deputy Director David Lujan was agreeable in his response statement and all 25 recommendations of the Auditor General should be implemented.

Don't California our 2nd Amendment

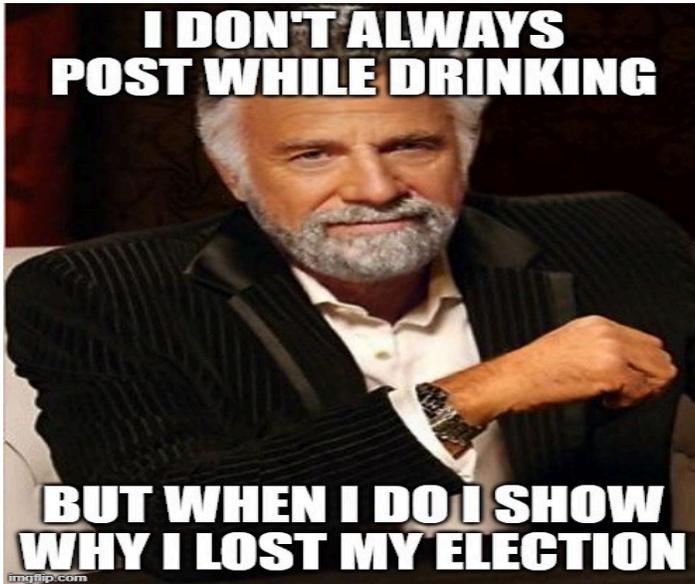
Toma and Petersen [joined](#) 26 states in appealing California's "Assault Weapon Control Act," on grounds that it violates the Second Amendment and would "outlaw hundreds of semiautomatic rifles and handguns commonly used by law-abiding citizens for self-defense," [according to a post on X](#). The law limits manufacture, transportation, sale and possession of firearms the state deems "assault weapons." A brief written by the Attorneys General for the states claims the act "further encourages other governments to experiment with the people's rights." The brief cites the *Heller* decision in 2008 and the similar *McDonald* decision in 2010, claiming the cases exhibit the California law has already been proven unconstitutional. The brief reads it is against the Second Amendment for California to limit firearm rights to whatever it considers "suitable for self-defense" seeing that the people have a "preexisting" right to bear arms, which cannot be specifically dictated by law. "That is not how the Second Amendment works," the Attorneys General wrote.



Prop 211 appeal incoming!

Petersen and Toma's attempt to block the Voters Right to Know Act was torpedoed by a Maricopa County Superior Court judge on Friday, but the legislature's challenge to the law will likely continue to the Arizona Court of Appeals. The legislature claimed Prop. 211, a 2022 ballot initiative requiring heightened campaign finance disclosures, gave the Arizona Citizens Clean Election Commission "unfettered authority" in enacting and enforcing the law and treaded on the legislature's duties in the process. But in his ruling, Judge Timothy Ryan found the challenge from the legislature failed "to allege how Prop. 211 harms or restrains the Legislature in any concrete way and hit at the attempt to curtail the measure. "Under the Arizona Constitution, the Legislature is not empowered to repeal or detract from voter-approved measures based on its displeasure with those enactments. Displeasure with the voters' choices is not a palpable harm that allows the Legislature to do in courts what it cannot do through legislation," Ryan wrote. He added Petersen and Toma delayed nine months in their challenge to the measure and failed to intervene in a challenge brought by the Center for Arizona Policy and the Arizona Free Enterprise Club and provided "no competent evidence" explaining the delay. But the time crunch created by the delay could poise the lawsuit for a special action appeal. During oral argument, Ryan told the parties he thought the case to be a contender given statewide importance ahead of the 2024 election. Petersen and Toma's attorney did not respond to a request for comment on next steps. The parties are due for a status conference on Jan. 12.

Former lawmaker Fillmore's New Year's resolutions



Former Republican state Rep. John Fillmore announced he's running for the legislature on New Year's Eve, admitting that he shouldn't have made the post while he was drinking. Fillmore filed a statement of interest to run for a House seat in LD7 in December 2022 but he outlined some of his priorities in his under-the-influence Facebook post on Sunday, telling people to "just deal with" him running again. He also wrote that he wants someone to fund a "white" entertainment television channel so he can make a show that makes "funny of people of color" and call people who don't use binary pronouns "it." He also plans to be a "better person" and hug his granddaughter more. Fillmore will be

running in the LD7 House Republican primary against Marshall, former Rep. Walt Blackman and Gila County Republican precinct committeeman Andrew Costanzo.

·WAKE UP CALL·

[Hamadeh makes new challenge to election loss](#)

Capitol Media Services

Rebuffed in prior legal attempts to overturn his loss in the race for attorney general, Abe Hamadeh now is trying to get a judge to declare that Kris Mayes is holding office illegally.

[Challenge to Prop 211 fails](#)

Capitol Media Services

Arizona voters have an absolute right to enact laws requiring disclosure of "dark money" political donations – even if Republican lawmakers don't like it, a judge ruled Friday.

[Kolodin grills former justice on Election Day printer failures](#)

Capitol Media Services

An attorney for a failed candidate challenging the 2022 election results used his unrelated position as chairman of a legislative panel to elicit testimony Thursday from a former Supreme Court chief justice that ultimately could benefit his client in court.

[Federal-only voters are mostly on college campuses](#)

Votebeat

Young adults living on or near college campuses in Arizona are disproportionately affected, and potentially disenfranchised, by the state's unique voting laws requiring documented proof of U.S. citizenship to vote in state and local elections, a Votebeat analysis found.

[Arizona's growth expected to boost political influence](#)

Arizona Daily Star

If the current population trends continue, Arizona will have a bit more influence in Washington after the 2030 census.

[Arizona voters want more action on air pollution, climate change](#)*KNAU*

A new poll shows that most Arizona voters support strong clean air and climate change actions.

[The New Star on the Political Scene: The Chip Industry](#)*The Wall Street Journal*

Semiconductors have played the starring role in state visits. Nvidia's chief executive was feted by heads of state like a visiting dignitary. Government delegations have shuttled around the globe hobnobbing with chip makers.

[Governor Defiance Tries to Usurp Washington's Role](#)*The New York Times*

In mid-December, just one day after Gov. Greg Abbott of Texas signed into law a radical new immigration bill, immigrant rights groups challenged it in court as ridiculously unconstitutional.

[Here are the races in Arizona's 2024 election that could change it all](#)*The Arizona Republic*

Behold, it's election year, that hallowed time when aspiring leaders come together, in celebration of democracy, to thoughtfully and respectfully debate ... Oh, who am I kidding?

[No Labels Is Pushing a Lie That Will Elect Trump](#)*Politico*

With a rematch between President Joe Biden and Donald Trump almost set in stone, it's time to put a farce to rest: The notion that a third-party candidate could actually win the presidency in 2024.

·PRESS RELEASES·

Governor Katie Hobbs Announces Plan for ESA Accountability and Transparency

Phoenix, AZ – Today, Governor Katie Hobbs announced her plan to increase accountability and transparency in the ESA voucher program that is projected to cost the state nearly \$1 billion in the current fiscal year. The plan, which will be introduced in the upcoming legislative session and executive budget, will increase student safety, promote financial accountability, and hold private schools receiving taxpayer dollars to similar standards as public schools.

Governor Hobbs' plan will increase transparency and accountability by:

- **Increasing Student Safety:** Just like public schools, educators at private schools that receive taxpayer dollars will be required to pass a fingerprint background check in order to provide instruction to ESA students. This common-sense measure ensures a safe learning environment for every student.
- **Protecting Rights for Students with Disabilities:** Require private schools to provide accommodations and services in accordance with an ESA student's Individualized Learning Plan or Section 504 Plan.
- **Requiring Accountability for Taxpayer Dollars:** End spending on luxury expenses like ski passes and luxury car driving lessons, and require manual approval of purchases over \$500 to ensure purchases are utilized for an academic purpose.
- **Expanding Auditor General Authority:** Create audit authority for the Auditor General to monitor and report on how ESA voucher money is spent by private schools. This critical oversight mirrors practices at public schools.

- **Prohibiting Price Gouging:** Stop private schools receiving taxpayer dollars from hiking the cost of tuition and fees at a rate higher than inflation.
- **Raising Educational Standards:** Require private schools receiving taxpayer dollars to have minimum education requirements for classroom educators that provide instruction to ESA students.
- **Establishing Program Transparency:** Require the Department of Education to disclose the parental and student rights that are relinquished when leaving the public school system for the ESA voucher program and report graduation and chronic absenteeism rates.
- **Reinstating Eligibility Requirements:** Students participating in the universal ESA voucher program must have attended a public school for 100 days at any point in their education prior to becoming eligible for the ESA voucher program.

“The ESA program lacks accountability and transparency,” **said Governor Katie Hobbs.** “With this plan, we can keep students safe, protect taxpayer dollars, and give parents and students the information they need to make an informed choice about their education. Arizonans deserve to know their money is being spent on educating students, not on handouts to unaccountable schools and unvetted vendors for luxury spending. My plan is simple: every school receiving taxpayer dollars must have basic standards to show they’re keeping our students safe and giving Arizona children the education they deserve.”

“Legislative Democrats have been the most consistent advocates for student safety and success,” **said Senate Democratic Leader Mitzi Epstein.** “The Republican expansion of government to universal ESA vouchers has put our state’s financial security at risk, and our students at risk without any safeguards. We included the work that Democrats have done for years in developing this plan with Gov. Hobbs. These safeguard policies are common sense and vitally important to help children learn and to keep children safe.”

“With all the issues and pressing needs we have as a state, Republicans knew that an unaccountable subsidy for private schools was more than our taxpayers can afford,” **said House Democratic Leader Lupe Contreras.** “This plan provides common-sense guardrails and fiscal responsibility that this program — that any taxpayer-funded program — should have.”

###

Mayor Gallego Named to New Federal Advisory Panel on Transportation Innovation

PHOENIX— Mayor Kate Gallego has been named to serve on the U.S. Department of Transportation’s (USDOT) new Transforming Transportation Advisory Committee (TTAC), a small group of national leaders who will provide advice to Secretary Pete Buttigieg and the department about plans and approaches for transportation innovation.

Gallego is the only mayor who will serve on the Committee, which is comprised of professionals, subject matter experts, academics, and leaders in the field of transportation technology. The first meeting will be held on January 18.

“I am honored and excited to serve as Phoenix’s voice on the Transforming Transportation Advisory Committee,” **Gallego said.** “Cities like Phoenix are ground zero for innovation in transit and transportation, and as we continue benefitting and learning from major federal infrastructure investments, I am looking forward to how this group will use its exchange of expertise and knowledge to improve folks’ lives across the country.”

[According to USDOT](#), the Committee will explore and consider issues related to:

- Pathways to safe, secure, equitable, environmentally friendly and accessible deployments of emerging technologies
- Integrated approaches to promote greater cross-modal integration of emerging technologies, in particular applications to deploy automation
- Policies that encourage innovation to grow and support a safe and productive U.S. workforce, as well as foster economic competitiveness and job quality
- Approaches and frameworks that encourage the secure exchange and sharing of transformative transportation data, including technologies and infrastructure, across the public and private sectors that can guide core policy decisions across DOT’s strategic goals
- Ways the Department can identify and elevate cybersecurity solutions and protect privacy across transportation systems and infrastructure
- Other emerging issues, topics, and technologies

Gallego, known nationally as a “[Transit Mayor](#),” has been advocating for [improved public transit](#) and cleaner transportation options since she was elected to Phoenix City Council in 2013. After experiencing a seizure that same year and temporarily losing her ability to operate a vehicle, Gallego found herself relying on public transportation to get around, which was easy to do in downtown Phoenix, but difficult in many other parts of the city.

That’s what led Gallego to spearhead [Phoenix's Transportation 2050](#) plan, a bipartisan, voter-approved project that is providing residents with expanded bus service, additional light rail corridors, a mobile fare-collection system, and roadway and mobility improvements, with an emphasis on bringing service to historically underserved areas.

In 2023, Gallego played a key role in negotiations to extend the region’s half-cent sales tax for transportation investments (Proposition 400). As Chair of the Maricopa Association of Governments (MAG), Gallego [pushed for more light rail](#) funding and investments in sustainable transportation options. The compromise will be on the ballot for voters to approve in November 2024.

For more information on TTAC and a full list of appointees, click [HERE](#).

###

Media Advisory: Meet the New Chairman

WHAT: The Maricopa County Board of Supervisors will elect a new Chairman at the 2024 Passing of the Gavel ceremony. The new Chairman will give a “State of the County”-style speech outlining his vision for the next year. *Topics will include: elections, infrastructure investments, and public safety funding.*

WHEN: Wednesday, January 3, 2024. 9:30 a.m.

WHERE: Board of Supervisors Auditorium. 205 West Jefferson Street. *Cameras welcome. Please arrive 10 minutes prior to start of meeting.*

WHO: Supervisors Jack Sellers (District 1), Thomas Galvin (District 2), Bill Gates (District 3), Clint Hickman (District 4), and Steve Gallardo (District 5).

This event will be streamed live on [Maricopa County's YouTube channel](#).

###

Arizona State Senate Makes Greater Push to Protect Children

PHOENIX, ARIZONA— Senator David Farnsworth is proud to announce the Senate Committee on Transportation and Technology has been changed to the Senate Committee on Transportation, Technology and Missing Children. Senator Farnsworth is the chairman of the committee, which will hold 10 hearings throughout the legislative session. These hearings will provide the committee, comprised of Republican and Democrat legislators, with important information and testimony that will help craft legislation to fight this issue and protect Arizona's children. "According to the Arizona Department of Public Safety's website, there are over 1,100 missing children in Arizona as of today," said Senator Farnsworth. "This is both disturbing and unacceptable. Protecting vulnerable children who are being kidnapped, murdered, or forced into the sex trafficking world needs to be a priority, especially when it's due to state negligence. We must create more oversight and accountability and work together to find ways to ensure the safety and wellbeing of our children. I'm looking forward to having necessary and meaningful conversations about what can be done and using the information to enact change." The first Senate Committee on Transportation, Technology and Missing Children hearing will be on January 9th.

###

Signed Into Law: Sinema-Shaped Annual Defense Bill with Key Arizona Priorities

WASHINGTON – The annual bipartisan defense legislation was signed into law with multiple Arizona priorities secured by Arizona senior Senator Kyrsten Sinema. In the law, Sinema secured critical funding for projects and support at Arizona's military installations – like Luke Air Force Base, Yuma Proving Ground, Davis-Monthan Air Force Base, Fort Huachuca, Arizona Air National Guard, and Marine Corps Air Station (MCAS) Yuma – as well as her bipartisan *COMFORT Act* and *Military Spouse Employment Act*.

“At a time when terrorists and fascists seek to do harm and destabilize democracies across the globe and here at home, we secured key military investments in our bipartisan annual defense legislation so Arizona – and America – remain safe, strong, and ready,” said Sinema.

“AZDIC sincerely thanks Senator Kyrsten Sinema for her unwavering dedication to passage of the FY 2024 NDAA, a crucial piece of legislation that ensures the maintenance and growth of military projects in Arizona and advances industry innovation and production. Her commitment to breaking down bureaucratic barriers was instrumental in swiftly advancing this legislation which in turn will support capabilities at home and foster security worldwide,” Lynndy Smith, President of the Arizona Defense Industry Coalition.

“Over her many years in the U.S. Congress, no one has fought as long and hard for Arizona's defense industry as our U.S. Senator, Kyrsten Sinema. Throughout her tenure in the Senate, Kyrsten has led on critical funding issues to keep Arizona's defense industry strong and growing, and understands our needs and opportunities in northern Arizona once again reflected in this year's NDAA. We are continually grateful for the good work,” said Julie Pastrick, President/CEO Greater Flagstaff Chamber of Commerce.

"Senator Sinema's leadership continues to be instrumental in reinforcing Arizona's role as a pivotal player in the defense of our nation. Her commitment to securing key investments for Arizona's military

installations, notably the proposed Western Regional Range Complex, showcases Sinema's unwavering dedication to ensuring that Arizona and the U.S. remain vigilant against global threats," said Southwest Mission Acceleration Center (SW MAC) CEO Drew Trojanowski. The SW MAC, empowered by Sinema and these investments, works with the DoD to continuously deliver critical technology to the warfighter to not only address but advance our nation's technological capabilities for national security. With Senator Sinema's continued leadership, it's only a matter of time before Arizona is synonymous with creating innovative defense solutions that will power America against our adversaries."

"MIDC thanks Senator Sinema for her support of Arizona installations and leadership in passage of the National Defense Authorization Act. The NDAA is critical to our nation's security and supportive of Arizona industry which provides needed products and components to our military and allies. Senator Sinema's attention to our state's key military assets enables our military's capabilities and strengthens our communities," Sally Harrison, Mesa Industry and Defense Council President.

"The Defense Authorization Act will provide desperately needed funding for a water treatment plant at Marine Corps Air Station Yuma, enable completion of the YPG Ready Building, and ensure the Barry M. Goldwater Range continues to support military training in southern Arizona. The Yuma 50 and Yuma community are grateful to Sen. Sinema for his work to secure funding for these essential investments," said Julie Engel, Chair of Yuma 50.

"The Huachuca 50 is thrilled that the US Senate passed the National Defense Authorization Act. The NDAA focuses on specific priorities in Southern Arizona to include strengthening Sentinel Landscapes, addressing the capacity for testing and training of electromagnetic warfare operations, organizes the Electromagnetic Spectrum Operations Executive Committee, and directs the Secretaries of the Army and Air Force to brief a plan for joint aerial intelligence, surveillance, and reconnaissance. What is more, it is requiring a report on Military Healthcare System partnerships in rural communities that increase military medical readiness. This is especially important given the relationship between Fort Huachuca and Canyon Vista Medical Center that improves care for soldiers and their families in Cochise County. Finally, the Huachuca 50 commends Senator Sinema for her support in passing this bill. Her leadership led to a bill that addresses local, regional, and national security challenges," said Dr. Randy Groth, President of Fort Huachuca 50.

"Not only is Davis-Monthan AFB critical to our national security and integral to our community, it also provides an enormous economic boost to the city of Tucson and Pima County. Most recent numbers show that Davis-Monthan along with the Arizona Air National Guard at TIA have an economic impact of over \$3.5 billion annually. Additionally, DM accounts for a large percent of the more than 78K jobs that military installations generate statewide. The DM50 continues to advocate for future flying missions at Davis-Monthan and we believe the additional combat search and rescue assets as well as the Special Forces Power Projection Wing will be a tremendous addition to the base and the local community. Additionally, we are very appreciative of the continued advocacy and support of the entire Arizona delegation as we work together to ensure the future of DM," Jay Bickley, DM50 President.

Sinema's bipartisan [COMFORT Act](#) strengthens access to counseling services on military installations by allowing Military and Family Life counselors to work outside of the state in which they are licensed. Sinema's bipartisan legislation addresses the nation-wide shortage of behavioral health professionals serving the military and veteran community.

Sinema's bipartisan *Military Spouse Employment Act* grants federal agencies the authority to hire military spouses for remote work and allow military spouses to retain their positions should they be transferred to another location, providing certainty that they can care for their families despite the disruption of regular relocation.

Additionally, Sinema secured key investments providing a pay raise for servicemembers and bringing new missions to Davis-Monthan Air Force Base.

See below for a breakdown of specific Arizona provisions in the annual defense law:

Luke Air Force Base

Includes \$2.6 million towards upgrading the Control Tower, Fire Station, and Base Operations Complex at a consolidated building at the Gila Bend Auxiliary Airfield, which is used by Luke Air Force Base (AFB) pilots for training.

Pushes DOD to provide installations with necessary funds to deliver maintenance solutions at facilities like Luke AFB's Munitions Storage Area.

Includes \$2.7 million for the planning and design of the Child Development Center at Luke AFB, a key site for increased construction funds in the next Air Force budget.

Procures 48 F-35As for the Air Force, to continue growing the F-35A fighter fleet whose pilots are trained at Luke AFB.

Yuma Proving Ground

Adds \$10 million in funding for the Radar Range Replacement Program to continue modernizing advanced test sites like Yuma Test Center at YPG.

Davis-Monthan Air Force Base

Over \$194 million to procure state of the art Compass Call electronic attack aircraft stationed at Davis-Monthan.

Over \$66 million to conduct research, development, test, and evaluation work on the Compass Call aircraft, further enhancing the fleet's effectiveness. This asset continues to keep Davis-Monthan at the forefront of Air Force missions now and long into the future.

Since 2020, Sinema, Kelly, and the Arizona Delegation have consistently engaged Air Force leadership to bring new, durable flying missions to Davis-Monthan and secure the long-term future of the base. Last year's NDAA [included](#) language to prioritize DM as the Air Force determines locations of future flying missions. In April, Sinema and Kelly led a [letter](#) to the Secretary of the Air Force urging collaboration with the Tucson community and the congressional delegation after they were briefed on the Air Force's [plan](#) for the future of the base, which includes advanced electronic warfare, rescue, and special operations components. Key NDAA provisions include:

- *\$5 million to carry out the ongoing site review and planning to establish the new Special Operations Power Projection wing at DM.*

- *Directs Department of Defense (DOD) to provide the committee a full accounting of anticipated steps, timeline, and budget plans for actions necessary to complete the restructure plan.*
- *Adds \$8.5 million for the Air Force Reserve's Guardian Angel Preservation of the Force and Family Facility which will support troop readiness by providing space for exercise, physical therapy, rehabilitation, mental health, and family counseling.*
- *Encourages the Air Force to make progress on funding for training simulators to support the Compass Call fleet based entirely at DM, for which Sinema and Kelly secured funding for four additional aircraft in last year's NDAA.*
- *Supports the HH-60W combat rescue helicopter procurement and restructure activities that will bring additional rescue assets to DM over the next three year.*
- *Requires a report on the feasibility of locating all of the 214th Attack Group's MQ-9 remotely piloted aircraft elements at DM to improve mission efficiency, allow for 24/7 launch ability, save thousands of hours of commute time, and free up space for new mission opportunities at Fort Huachuca.*

Marine Corps Air Station (MCAS) Yuma

\$8.9 million for the planning and design of the upgraded water treatment plant at Marine Corps Air Station Yuma. There was an expedited \$5 million for planning and design in last year's NDAA.

Procures 16 F-35Bs for the Marine Corps. MCAS Yuma is home to four F-35B squadrons that are critical for supporting U.S. military operations all around the world.

Ft. Huachuca

Authorizes a demonstration of a new Western Range Complex that would connect multiple non-kinetic ranges for exercises in the region, including Fort Huachuca.

Directs the Department of Defense (DoD) to renew focus on Electronic Warfare and Electromagnetic Spectrum Operations, which Fort Huachuca will play a central role in executing.

Requires a report from the Secretary of Defense on increasing the use of the Electronic Proving Ground (EPG) at Ft. Huachuca. This report will explore the possibilities for expanding the Army's use of Ft. Huachuca and potentially initiating realistic electronic warfare training.

Directs the Joint Chiefs of Staff and DoD Research & Engineering to examine capability gaps at electronic warfare ranges like Fort Huachuca.

Directs the Army to provide an update on plans to complete the land conveyance between Fort Huachuca and the City of Sierra Vista which supports both municipal use and the Fort's master plan.

Supports partnerships between military health facilities and local hospitals and directs an independent study on opportunities to strengthen these partnerships in rural communities near military installations.

Requires a review of the Army's approach to planning for future aerial intelligence, surveillance, and reconnaissance missions, including training, with acknowledgment of Fort Huachuca's proximity to Air Force electronic warfare and fighter assets and experience providing instruction in this mission area.

Increases Impact Aid program funding, which benefits Arizona schools including the Fort Huachuca School District and Sierra Vista Public Schools.

Barry M. Goldwater Range

Extends the existing military land withdrawal for the Barry M. Goldwater Range, for an additional 25 years, to ensure continuous support for training in Arizona.

Camp Navajo

Directs an assessment of the readiness benefits of improving bridge infrastructure at the base entrance.

Requires DOD to review their Strategic Rail Corridor Network (STRACNET) infrastructure on military installations, like Camp Navajo, to assess the need for potential upgrades that could support contingencies in Europe and the Pacific.

National Guard and Reserve Forces

Requires a plan for modernizing Air National Guard fighter force structure in order to provide long-term planning for Air Force airpower and fighter squadrons like the 162nd Wing, which flies F-16s in Tucson.

\$15 million for the Army National Guard's Readiness Center in Surprise.

\$17 million to support Army Reserve maintenance activities in San Tan Valley.

\$12 million for the Army Reserve Area Maintenance Support Activity facility in Queen Creek.

\$11.6 million for the Air National Guard to construct emergency defense infrastructure at the Tucson International Airport.

\$12 million to begin construction of the entry control point for the Morris Air National Guard Base. The current gate poses traffic safety and security issues, creating congestion on Valencia Road in Tucson. This project relocates the existing installation entrance to a new site in order to meet standoff and traffic requirements.

Requires the Secretary of the Air Force to develop and brief Congress on a plan to transfer KC-135 air refueling aircraft to the National Guard. The activity duty Air Force is in the process of bringing new KC-46A aircraft into service, while older KC-135 aircraft still have years of useful life left and could be used in units like the Arizona National Guard 161st Air Refueling Wing.

PFAS

Increases the research, planning, and phase-out efforts on PFAS – commonly known as toxic “forever chemicals” – and environmental cleanup efforts.

Establishing a Strategy for 5G Wireless Broadband at all Military Installations

Requests the Secretary of Defense to develop and implement a strategy to deploy tailored 5G connectivity to military bases and facilities.

Support for Training National Guard on Wildfire Prevention and Response

Allows for the U.S. Department of Defense to support training National Guard forces on wildfire prevention and response.

Extension of Special Pay and Bonuses

Taken from Sinema's Military Housing Affordability Act, which allows for the U.S. Department of Defense to temporarily increase housing allowances where Basic Housing Allowance has not kept up with rising home prices.

Cold Weather Special Duty Pay

Includes special duty pay for soldiers assigned to the Yuma Proving Ground Cold Regions Test Center (CRTC) in Alaska.

Electricity Resilience

Requires the U.S. Department of Defense to give guidance on specifications for medium voltage gas insulated switchgear, microgrids, and microgrid controllers. Guidance language will lead to a more secure supply chain, ensuring that contracts to procure and operate microgrids are not sourced from prohibited actors. Sinema crafted this legislative language with input from local Arizona partners such as Arizona State University. This provision will benefit local Arizona installations, such as Ft. Huachuca and Davis-Monthan Air Force Base.

Readiness and Environmental Protection Integration (REPI) / Sentinel Landscape Support

Authorized the continuation of the Readiness and Environmental Protection Integration (REPI) program. The U.S. Department of Defense would partner with conservation trusts to acquire lands outside military installation boundaries. This acquired land is then used as a buffer and easement to protect military installations from commercial and residential encroachment that would undermine training.

Additional Arizona Priorities

Directs DOD to provide a comprehensive report to Congress on the prevalence of Valley fever – which is endemic to Arizona – in the military and its effect on military readiness to provide a better understanding of the value of developing of a preventative Valley fever vaccine.

Extends the authorization for protection of certain facilities and assets from unmanned aircraft.

Directs a briefing on the Army's Degraded Visual Environment Pilotage System (DVEPS), including plans to incorporate DVEPS into the helicopter fleet.

Requires the creation of at least three new commercial solutions openings for emerging technologies and dual-use products and services each year, as well as a feasibility study and recommendations on ways to improve the acquisition of commercial products and services.

Directs a briefing on lessons learned from combatant command partnerships with private industry to better identify, leverage, and experiment with emerging capabilities and commercial technologies.

Authorizes the replacement of substandard enlisted barracks using various funding sources for five years.

Requires that enlisted housing meets the same basic standards as all other government-owned military housing.

###

Pima County expands lawn and garden equipment replacement program

PIMA COUNTY, Jan. 2, 2024 – Pima County has added a sixth drop-off site to the Cut Down Pollution program, making it easier for Marana-area residents to access vouchers for electric or battery-operated lawn and garden equipment.

The voluntary program, operated by the [Pima County Department of Environmental Quality](#) (PDEQ), allows residents and commercial businesses in Pima County to turn in working gasoline-powered lawn and garden equipment in exchange for vouchers toward the purchase of electric equipment or manual landscaping tools. Since the program’s launch four years ago, more than 1,150 lawn mowers, chainsaws, leaf blowers, etc. were retired, reducing air pollution by nearly 600 tons and carbon dioxide, a greenhouse gas, by an estimated 1,800 tons.

While some commercial businesses have made the switch, most of the lawn mowers and other equipment have been turned in by residents who use the equipment to maintain their personal properties.

“Many participants enjoy the ease of working with electric equipment in contrast to dealing with [smelly, cumbersome, and finicky gasoline-powered equipment](#),” said PDEQ’s Karen Wilhelmsen, who operates the Cut Down Pollution program.

“Electric equipment is also quieter than gasoline-powered, helping to keep the peace with neighbors who would otherwise hear the loud noise through closed windows and doors. They also feel satisfaction about [doing their part to help keep our blue skies blue](#).”

The process starts with an online application at www.pima.gov/CutPollution. Once the application is approved, the participant receives an email with one Drop-Off Verification Form per piece of equipment accepted. They take the form(s) with the equipment to one of the six drop-off sites, which are listed on the form.

Staff at the drop-off sites accept the equipment, which will be rendered inoperable and recycled as appropriate. The forms, signed, dated and stamped, are given back to the participant, who emails the forms to CutPollution@pima.gov as proof that the equipment was relinquished. PDEQ then issues vouchers toward the purchase of electric lawn and garden equipment or manual landscaping tools at any of the six Home Depot stores in metropolitan Tucson.

Residents may turn in one gas lawn mower (\$150 voucher) and up to five different gas handheld devices such as one leaf blower, one string trimmer, one edger, etc. (\$50 voucher each) for a total of \$400 worth of vouchers. Commercial businesses may turn in an unspecified number of mowers (\$200 vouchers) and devices (\$50 each).

To learn more about the program, visit www.pima.gov/CutPollution or call 520-273-9898. The program is funded by a grant from the Arizona Department of Environmental Quality.

###

“QUOTE
OF THE DAY”

I won't allow that to happen." — *Toma on Hobbs' proposals to reform the ESA program, which he says will strangle the program and private education with bureaucracy and regulation.*

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 1-5
Date: Friday, January 5, 2024 6:33:12 PM
Attachments: [01-05-24.pdf](#)

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From: Chierstin Susel <CSusel@azleg.gov>
Sent: Friday, January 5, 2024 4:20:57 PM
Subject: Yellow Sheet 1-5

Chierstin Susel

Deputy Director of Communications
Arizona Senate Republicans- Majority Staff
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Web: www.azsenaterepublicans.com



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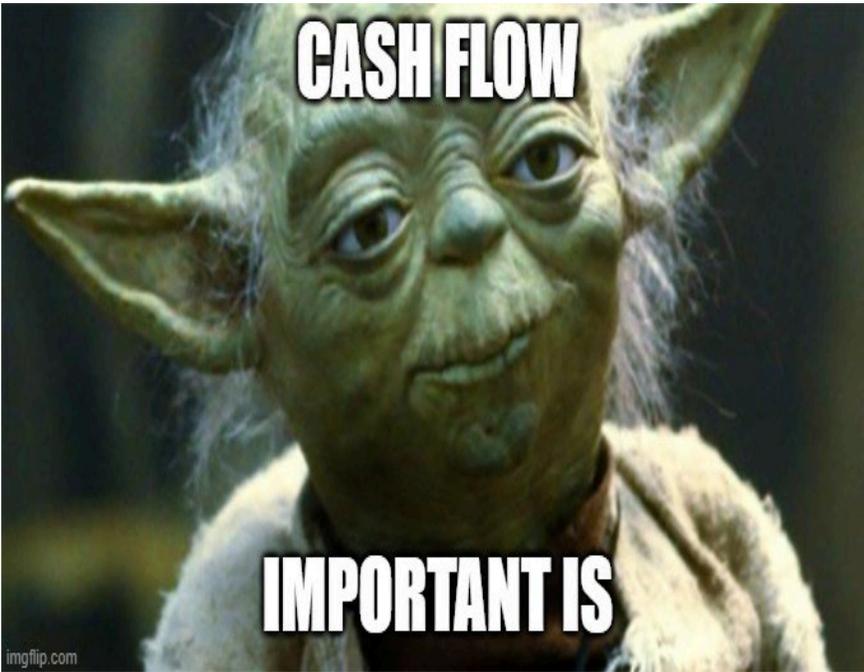


YELLOW SHEET REPORT

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•NEWS NOTES AND GOSSIP•

Less money to spend means shorter session



A report from the non-partisan research organization Common Sense Institute published today gives recommendations for how lawmakers should tackle the budget with a projected \$400 million deficit. The report, authored by CSI Director of Policy Glenn Farley, attributes the budget shortfall to “rapid” spending growth, highlighting \$6.3 billion that has been spent on one-time initiatives over the last two fiscal years, accounting for a growth increase of about 20% per year while the general fund

has grown by \$4 billion since the implementation of the flat tax. “This current shortfall is not the result of ongoing revenues being insufficient,” said CSI Executive Director Katie Ratlief. “It is the result of not leaving a sufficient buffer for any volatility and spending too much one-time money.” The organization projects that budget deficit issues can stabilize after fiscal year 2026 if lawmakers reduce one-time spending to about 5% a year rather than the 20% numbers of the last two budgets. Farley said no ongoing cuts to program services and agency operating budgets should be necessary. Also, if lawmakers take other steps, including extending Prop 123, without new spending commitments, which adds \$275 million annually to the general fund. Farley recommends lawmakers delay or cut some of the one-time spending commitments from the previous two budgets that haven’t been spent yet and transfer surplus “other” funds with state agencies to build up cash reserves. Legislative leaders spoke about the budget during an Arizona Chamber of Commerce luncheon today. Toma said lawmakers need to “refocus” and delay some of the spending that’s occurred over the previous two years. “This is not a structural problem. This is a short-term cash flow problem,” Toma said. De Los Santos said the shortfall is a result of tax cuts from Gov. Doug Ducey’s administration and an “off-the-rails” ESA program. “Every single month ... the revenue numbers are coming in way under projection,” De Los Santos said. “We’ve got to take a look at the ESA program and put in place some commonsense accountability and transparency measures.” House and Senate Republican and Democrat leaders all projected the session to adjourn sine die at about 100 days because of the budget limitations and little room to negotiate spending. Petersen said Republicans have already asked Democrats about their initial asks for the budget and are ready to negotiate immediately. He also predicted the session would end in 90 days.

Trial held on No Labels suit against Fontes

A federal judge is now considering whether to allow No Labels to solely run a presidential candidate and block any other candidates running under the party's banner from the ballot. The party first filed suit after two candidates filed statements to run for Corporation Commission and U.S. Senate under the No Labels banner. Since the lawsuit, three more No Labels candidates have filed to run as U.S. and state representatives. At a bench trial this morning, Andrew Pappas, attorney for No Labels Arizona, argued Arizona law makes it so parties must "intend" or "desire" to run candidates in the primary election and cannot be made to do so. District Judge John Tuchi said Pappas was "not necessarily giving (the law) a fair read," and noted the statute was plural and included a provision allowing parties to nominate candidates for all offices. Pappas said the statute was conditional and must account for some circumstances where a party does not want to make nominations. Kara Karlson, attorney for Fontes, argued that once a party makes one nomination, they open the door to allow any candidate to run. "We are not saying that that language means they have to field people on every single race, it just means they are entitled to representation, and they are entitled to run." Karlson added the party included an intent to participate in the primary on their initial signature petitions. But Pappas contended, "Candidates have been on notice for a long time that No Labels doesn't intend to run candidates." Tuchi noted there was no statutory scheme for a party to opt-out or notify the secretary of state if they did not intend to run candidates and added the letters No Labels had sent to the Fontes "clearly didn't work here." "Some people didn't get the memo," Tuchi said. Pappas said a specific scheme was not necessary and the law should be construed consistent with the party's constitutional rights. But Karlson argued No Labels should be precluded because there is "no mechanism under state law in which a party could elect to run this way." Tuchi took the matter under advisement.

Pay big issue for LD8 candidates

Two more Democrats in LD8 are seeking the appointment to replace Salman. The district's Democratic precinct committeemen met Thursday to hear from the candidates. Precinct committeemen will vote for three nominees during the party's Tuesday meeting to be considered by the Maricopa County Board of Supervisors, who will then choose their appointment. "It's been work just trying to put all this together and make sure that we can have someone in the Legislature," LD8 Democratic Chair Steven Jackson said during the candidate forum. "I do appreciate every candidate for stepping up, for putting your name in the hat. It's not an easy thing to do." The nine candidates are: Jana Lynn Granillo, LD8 PC and retiree; Brian Garcia, former Tempe Union High School District board member; Jacob Raiford, LD8 Democrats vice chair; Deborah Nardoizzi, former LD24 chair; Kelsey Files, president of Tempe Leadership Council; Janeen Connolly, running for the House in LD8 in 2024; Kendra Flory, LD8 second vice chair; Jevin Hodge, former U.S. House candidate in CD1; Nick Mink, coalition leader at Progressive Victory. Each candidate that was present delivered opening statements about their backgrounds and answered questions from precinct committeemen about their interest in the seat and how they would perform the job. Mink was not in attendance during the forum. One common theme among the candidates was that the \$24,000 annual salary for a legislator is not a sufficient wage for the job which prevented some candidates from seeking re-election if they are appointed. Most candidates said they're not seeking election to the seat if they don't get appointed.

Hodge, Connolly, Raiford and Garcia said they would seek re-election if they're appointed. Connolly is the only candidate who has filed a statement of interest to run for the seat in 2024 regardless whether she's appointed but Garcia said he was leaning toward running. Granillo, Nardozi, Files and Flory said they won't seek re-election if they are appointed. "That's something that we should work on," Jackson said. "Being able to pay people who are doing this really difficult job effectively, so we get good candidates ... Everybody should be able to run."

Speaker, President pushing judge so they can appeal his ruling

Petersen and Toma confirmed they intend to appeal their failed challenge to Prop 211 and seek an expedited resolution. But they need a signed order from Judge Timothy Ryan first, per court rules. Ryan rejected the legislative leaders' attempt to strike down the 2022 campaign disclosure measure at the end of December, but prior to ruling, he told the parties he considered the issue to warrant an appeal as he found it to be of statewide importance. The parties are due for a status conference on Jan. 12.

Cutting sunset review periods is topic du jour

Members of the state House and Senate transportation committees on Thursday continued to probe questions raised during another sunset review earlier this week about the traditional practice of granting state agencies a 10-year continuation. Some legislators are now questioning whether an eight-year term is also excessively long for an agency to operate without oversight. "The custom was ten years, that was sort of a default number that was accepted, and I was one of the ones that rebelled against that and said, "As legislators we are termed out in eight years, why are we giving agencies ten?" Farnsworth said. "Now, that's simply a custom that is not anything that's required of us. That's why I say we have an important choice to make today." Auditor General Lindsay Perry said she understands why the Legislature has moved to normalize an eight-year continuation but assured that under her authority further auditing of agencies will be maintained, beyond when the office is inherently required to perform an audit due to a sunset review taking place. At the DCS sunset review recommendation hearing Wednesday, a four-year continuation was ultimately decided on. Thursday's hearing concluded with a "four to six year" continuation recommendation by the committee chairs, which will be deliberated when actual legislation takes hold in the session.

Wadsack, Parker take aim at DCS

Two senators unleashed their disdain toward the result of the Department of Child Safety's Sunset Review recommendation hearing held on Wednesday. Wadsack and Parker, the sole legislators who voted against the agency's continuation, said they are "disappointed" with the outcome of the hearing, on the grounds DCS has failed the last four special audits and has not been receptive to suggested improvements. The release said the two voted against the motion "because it did not offer alternative solutions for oversight." "We've had crimes committed, but there have been zero consequences or accountability at the agency," Wadsack said in the release. "How could I vote to allow this dysfunction to continue?" Parker weighed in on her frustrations with the five missing foster children in her district. "The legislature has broad powers to revise or correct agencies and has the duty to provide checks and balances," Parker said in the release. "These hearings allow for several options of reform for an agency that's failing to live up to its legal statutory responsibilities, and I feel we could

have done more with that.” Parker also said that as Hobbs failed to allow the Senate to confirm agency director nominations, any policy action taken by newly appointed DCS CEO David Lujan could open the door for legal challenge.

Environmental groups band together for legislative session

A coalition of state environmental advocacy groups collaborated to request legislative support from the governor and lawmakers in the 2024 session. Central to their policy priorities is addressing water supply issues, coining the phrase “save water, save life.” “Every law, rule, and other supporting policies must be considered through a lens regarding their impacts on the immediate community and on communities that have historically been disproportionately affected by harmful water policies,” the priority list read. The groups condemned the Groundwater Management Act for not understanding the bigger picture and said supply from the Colorado River has been overallocated. Additionally, the groups jabbed the Water Infrastructure Finance Authority for relying too heavily on out-of-state water supplies, such as “harmful desalination projects in the Gulf of California.” They also suggest the legislature amend the water surface quality program to include ephemeral waters to further protect desert washes and divert funds to the Dept. of Environmental Quality to ensure safe drinking water for all Arizonans.

·WAKE UP CALL·

Committee urges shorter sunset review period for ADOT

Arizona Capitol Times

The long-term fate of another state agency looks dim after transportation committees met today to mull over the sunset review recommendation for the Arizona Department of Transportation.

Lawmakers to address state psychiatric treatment

Arizona Capitol Times

Lawmakers are seeking reform for state psychiatric treatment during the upcoming 2024 session as complaints about behavioral health care proliferate.

Panel forwards ideas to strengthen free speech on state campuses

Arizona Capitol Times

Five Republicans and a lone Democrat offered broad recommendations to strengthen free speech protections on university campuses at the final meeting of a joint committee convened to cover a conflict over a conservative speaking engagement at ASU last year.

Lawmakers consider tightening oversight of Department of Child Safety

Arizona Capitol Times

In a debate over how long the Arizona Department of Child Safety should be allowed to continue, a state representative denounced the agency at a sunset review hearing Wednesday and two legislators voted against recommending the agency’s continuation.

Senate Dems plan to put sunshine on sunset reviews

Arizona Capitol Times

A clash last year over the Arizona Schools for the Deaf and Blind’s sunset review has sparked Democratic lawmakers to focus on ensuring state agencies get a fair chance when they are up for review next session.

Sellers elected chairman of Maricopa County Board of Supervisors

Arizona Capitol Times

The new chairman of the Maricopa County Board of Supervisors said he's seeking new funding solutions to the county's jail infrastructure.

[Tamale bill returns with changes to get Hobbs' OK](#)

Capitol Media Services

Stung by a veto last year, Rep. Travis Grantham has introduced a new version of his proposal to expand what kinds of home-cooked foods can be sold to the public.

[Perry High School, Iowa, is site of the first mass shooting we'll forget in 2024](#)

The Arizona Republic

April 20, 2024, will mark the 25th anniversary of the massacre at Columbine High School in Littleton, Colo., where two student gunmen killed 12 other students, a teacher, then themselves.

[Gov. Katie Hobbs won't kill school vouchers. In fact, her controls just might save them](#)

The Arizona Republic

That thud you heard this week? That was the sound of the school voucher squad, falling over in a hyperventilated heap over the idea of putting a few controls on the state's runaway school voucher program.

[How Rep. Andy Biggs proves House Speaker Mike Johnson's Texas border bonanza was bogus](#)

The Arizona Republic

Arizona Rep. Andy Biggs was at the border community of Eagle Pass, Texas, on Wednesday, part of a group of 60-plus Republicans led by House Speaker Mike Johnson, all of whom made the trip to make speeches, make the news, make (perhaps) some campaign cash, and accomplish ... nothing.

·PRESS RELEASES·

President Petersen Urges U.S. Supreme Court to Overturn Dangerous Ruling Threatening to Throw 2024 Presidential Election into Chaos

PHOENIX, ARIZONA— Senate President Warren Petersen is joining 27 states in urging the U.S. Supreme Court to take up a dangerous ruling out of Colorado, barring former President Donald Trump from the GOP primary ballot in the 2024 presidential election. On December 19, 2023, in an egregious abuse of power, the Colorado Supreme Court ruled former President Trump isn't eligible to run as a presidential candidate, under the 14th Amendment of the U.S. Constitution. Congress passed Section 3 of the 14th Amendment to disqualify Confederates who had "engaged in insurrection" from holding elected office. Not only has former President Trump never been convicted of engaging in insurrection, but the Constitution also reserves the power to determine the political question of what constitutes an "insurrection" to Congress—not rogue courts. Consistently, the Civil War Era Congress issued multiple, authoritative pronouncements putting confederates on clear notice that they were engaged in an insurrection. No such thing exists with respect to former President Trump. The Colorado Supreme Court's edict to the contrary is as undemocratic as it is unconstitutional. Today, President Petersen and House Speaker Ben Toma joined an amici curiae brief arguing the U.S. Supreme Court must immediately overturn the ruling, as the 14th amendment only grants Congress the power to enforce the stipulations of this clause, and not the judicial system. Additionally, the question of what constitutes an insurrection is a political judgment that the Colorado Court should have never taken up. "If the high court does not immediately act, we anticipate election chaos will ensue over former President Trump's eligibility as a candidate," said President Petersen. "This is clearly a case of judicial activism and a violation of the separation of powers. Leftist bias and prejudice are on full display from the Colorado Supreme Court. These justices are only playing partisan games by

recklessly feeding a false media narrative that seeks to disenfranchise voters. I'm confident the U.S. Supreme Court will strike down this dangerous attack on our democracy."

###

Arizona Department of Administration awarded nearly \$5 million dollar grant from the U.S. Department of Education

PHOENIX (January 5, 2024) - The U.S. Department of Education [announced](#) eight new grant awards under the [Supporting America's School Infrastructure](#) (SASI) program to bolster the capacity of states to support school districts in improving school facilities. The goal is fair access to healthy, sustainable, and modern learning environments for all students.

The Arizona Department of Administration (ADOA) will receive \$4,997,500 over five years to enhance the capacity of the Arizona School Facilities Division (SFD) within ADOA, in collaboration with the Arizona Department of Education, to support public school districts with navigating complex school facilities needs and processes, especially for aging buildings.

ADOA received endorsements from the Legislature, Governor's Office, school districts and statewide education organizations in its pursuit of the SASI grant, demonstrating broad, bipartisan support for modernizing and improving services for school infrastructure.

"This is an incredible and novel opportunity for the state to have dedicated resources to enhance its systems and services to improve public school infrastructure over the long-haul," said Callie Tyler, Assistant Director, School Facilities Division.

The project will modernize the State's capacity to collect and analyze school facilities conditions data – providing better and faster information for ADOA and state policymakers to engage in data-driven decision making to support local educational agencies (LEAs) with building renewal, new school construction, and preventative maintenance needs.

The primary activities of the project include:

- Providing technical assistance, training, and support for Arizona's top 50 high-need public school district cohort (approximately 25% of traditional school districts) based on a needs assessment.
- Establishing a Tribal liaison position to provide targeted engagement with school districts on or adjacent to Tribal Nations.
- Enhancing and developing live and on-demand, online resources for training and supporting school district administrators with preventive maintenance and facility improvements.
- Improving state data and information systems related to public school infrastructure, including:
 - Modernizing Arizona's Building Inventory Database
 - Developing and implementing a Facilities Conditions Index (FCI) for maintaining standardized information on building system components and useful life, with the goal of more efficiently maximizing dollars across the state for building renewal.
 - Completing a School Facilities Cost Study to better understand the real costs of building and maintaining modern facilities that will enhance learning and health, ensure safety, and help save funding over time.

For more information about these awards, please visit the SASI award page [here](#).

###

Arizona Freedom Caucus Hosts Press Conference on Hobbs' Plan to Dismantle Educational Opportunities for Children

PHOENIX, ARIZONA— The Arizona Freedom Caucus and Legislative Republicans are inviting members of the media to join them in a press conference on Katie Hobbs' plan to dismantle Arizona's historic school choice program, currently benefiting more than 70,000 Arizona children. Conservative lawmakers championed the expansion of Universal Empowerment Scholarship Accounts in 2022, garnering national attention as a standard of excellence in providing all Arizona families with educational freedom, no matter their zip code or household income. The lawmakers will be joined by several Arizona families who will share personal stories on how ESAs have positively impacted their children's learning environment and enabled academic success. Speakers will take relevant questions at the conclusion of their remarks.

###

Auditor General Report Highlights DCS Failures, Sunset Review Committee Members Believe More Options Were Available

PHOENIX, ARIZONA— Senator Justine Wadsack (R-17) and Representative Barbara Parker (R-10) are expressing their disappointment in the outcome of the Sunset Review of the Arizona Department of Child Safety during Wednesday's hearing of the Senate and House Health & Human Services Committees of Reference. The legislature has the obligation to rein in agencies which are found not to be in compliance of state law. The House and Senate are also required to periodically review state agencies and may take one of four actions: 1) continuation, 2) revision, 3) consolidation, or 4) termination. This review process typically occurs every 8-10 years, but Wednesday, the Committee voted to continue DCS for four years. Senator Wadsack and Representative Parker voted against the motion because it did not offer alternative solutions for more oversight. "DCS has failed the last four special audits conducted by the Auditor General," said Senator Wadsack. "This \$1.2 billion agency is not following state law nor national standards. There are cases of child abuse, neglect, rape, trafficking, and even death within the agency, yet there's no recourse for a parent if they suspect neglect or abuse of their child by a DCS employee. We've had crimes committed, but there have been zero consequences or accountability at the agency. How could I vote to allow this dysfunction to continue?" "In the past few weeks, five children from foster homes in my legislative district alone went missing," said Representative Parker. "One was found dead, and two others were found trafficked. You can't trust an agency to make changes when children's lives and well-being are at risk, you revise it. The legislature has broad powers to revise or correct agencies and has the duty to provide checks and balances to the executive branch. These hearings allow for several options of reform for an agency that's failing to live up to its legal statutory responsibilities, and I believe we could have done more with that." "Furthermore, because of Governor Hobbs' refusal to follow the law and submit state agency director nominations for Senate confirmation, any policies created by CEO David Lujan could be legally challenged," said Representative Parker. "Hobbs doesn't even have an agency that's properly functioning, and this gives me grave concerns." Senator Wadsack and Representative Parker are encouraged by Senator Shope and Representative Montenegro's efforts to increase oversight and accountability as chairmen of the Health and Human Services Committees, and vow to join them in working on legislation to address the heartbreaking issues within the Department of Child Safety.

###

Sinema Applauds Pascua Yaqui Tribe Land Acquisition Made Possible by Her Bipartisan Legislation

WASHINGTON – Arizona senior Senator Kyrsten Sinema applauded the Pascua Yaqui Tribe’s acquisition of 25.53 acres of tribally-owned lands in Pima County, made possible by the Senator’s bipartisan *Old Pascua Community Land Acquisition* law that she [led through Congress](#) in 2022.

On December 29, 2023, the Assistant Secretary of Indian Affairs made a final agency determination to acquire in trust tribally-owned lands for promoting economic opportunities, new housing options for the community, and other purposes under the Sinema-led *Old Pascua Community Land Acquisition* law.

“Restoring this land to the Pascua Yaqui Tribe is essential to the Tribe’s long-term success and economic resilience – and I couldn’t be prouder to help make it a reality,” said Sinema, lead sponsor of the *Old Pascua Community Land Acquisition* law.

“This acquisition was necessary in order to create additional economic opportunities for the Pascua Yaqui Tribe of Arizona and its members,” Pascua Yaqui Chairman Peter Yucupicio said in a statement. “The Act and the process acknowledged the relationship between the Pascua Yaqui and the City of Tucson, and is reflective of numerous stakeholder meetings and negotiations, and allows the tribe to preserve our traditional homelands while promoting economic opportunities and new housing options for the community. We are thankful for and appreciate the bipartisan support, which was essential for passage. The acquisition is a recognition of the work of our ancestors, an investment for our future generations, and we are blessed it became law,” Chairman Yucupicio continued, “Senators Schatz’s and Sinema’s direct and timely negotiations ensured passage of the Old Pascua Community Land Acquisition Act.”

Sinema’s law strengthens economic opportunities and development by recognizing the Tribe’s need to develop a larger land base and designate an area of land to transfer for the Tribe’s benefit.

In December 2022, Sinema secured the passage of the *Old Pascua Community Land Acquisition Act*. The legislation was initially excluded from the end of the year government funding package, but Sinema ensured unanimous passage through direct bipartisan negotiations with her Senate colleagues.

###

AHCCCS Meets End-of-Year Renewal Deadline

PHOENIX – The Arizona Health Care Cost Containment System (AHCCCS) has met the requirements of state statute A.R.S. §36-2905.05 to determine Medicaid eligibility for members who had maintained coverage during the pandemic despite potentially being over the income limit.

When the Public Health Emergency (PHE) began in March 2020, the federal government required states to maintain Medicaid coverage for all enrollees regardless of known changes in their income that may have put them over the Medicaid income limit.

Because AHCCCS continued its renewal processes throughout the pandemic, the agency was able to estimate that approximately 675,000 individuals were potentially no longer eligible (known as the “COVID Override” group).

Within the COVID Override group, members who were “factually ineligible,” meaning over the Medicaid income limit, represented about half of the total and were prioritized for eligibility redetermination when regular renewal procedures began in April 2023.

The monthly progress of renewing the COVID Override group is documented in the [AHCCCS Renewals dashboard](#) beginning on page 16.

###

January 8th Memorial offers opportunity to remember and reflect

Pima County, Jan. 5, 2024 - Monday, Jan. 8, is the 13th anniversary of the 2011 shootings in Pima County that killed six and wounded 13 more, forever transforming the community.

The January 8th Memorial, situated west of the Pima County Historic Courthouse, honors those killed and wounded at the “Congress on Your Corner” event hosted by Congresswoman Gabrielle Giffords, offering us a place of remembrance, reflection and inspiration.

At the Jan. 9 meeting of the Pima County Board of Supervisors, District 1 Supervisor Rex Scott plans to offer a few words and share a short video paying tribute to the victims.

The memorial represents the loving, embracing arms of the community that came together to honor the victims and survivors of that day. It features quiet reflecting pools and gardens as well as symbols that were meaningful to each of the 19 victims. Visitors simply scan the QR codes that allow them to learn more about each person.

The memorial is part of the Southern Arizona Heritage and Visitor Center. It’s open daily from 10 a.m. to 5 p.m.

Learn more at the [January 8th Memorial webpage](#).

###

“QUOTE OF THE DAY”

“This is not a structural problem. This is a short-term cash flow problem.” — *Toma on the projected \$400 million budget deficit.*

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 1-16
Date: Tuesday, January 16, 2024 8:41:20 PM
Attachments: [01-16-24.pdf](#)

Get [Outlook for iOS](#)

From: Chierstin Susel <CSusel@azleg.gov>
Sent: Tuesday, January 16, 2024 4:48:39 PM
Subject: Yellow Sheet 1-16

Chierstin Susel

Deputy Director of Communications
Arizona Senate Republicans- Majority Staff
Office: 602-926-3905
Twitter: @azsenaterepublicans
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YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

Hobbs' Prop 123 extension proposal likely going to circular file



Hobbs put in her two cents on Prop. 123 and proposed increasing the percentage allocated to schools from the state land trust to increase educator and school staff compensation and invest in school safety, contrasting an earlier plan by GOP lawmakers to renew the fund to solely cover teacher pay. Prop. 123, narrowly passed by voters in 2016, increased the percentage K-12 schools receive from the Permanent Land Endowment Trust Fund from 2.5%

to 6.9% through FY2025. Republican lawmakers announced a plan in November to extend Prop. 123 another 10 years but allocate the hundreds of millions from the fund to increase teacher pay. In announcing the plan, Petersen said the proposal would increase teacher pay by 7%, putting the state's average just above the national average. Hobbs' plan proposes upping the percentage to 8.9% and extending use of the funds – with 2.5% going to general school funding, 5.9% to increase educator and staff compensation and 0.5% to invest in school capital projects for safety and security. According to a press release, Marsh plans to sponsor the resolution to renew and expand Prop. 123 through the Legislature. If passed by a two-thirds majority, the measure would then go to voters. In a statement provided to our reporter, Petersen said, "I appreciate that the Governor is embracing our idea to use a proposition to provide teachers with pay raises. When Republicans passed 20 percent teacher pay raises in 2018, the Democrats voted no. And while we appreciate her input on the matter as a referral to the ballot, the issue is solely at the discretion of the Legislature, subject to voter approval." The proposal got immediate backlash from Yee, overseer of the fund, who called Hobbs' proposal to increase the percentage "egregious" as well as "dangerous and unsustainable" as she claims it stands to "break the bank."

No Labels will have only presidential candidate, judge rules

A federal judge entered [an injunction](#) barring Fontes from accepting statements of interests and printing No Labels candidates outside the party's presidential picks on the state ballot. No Labels Arizona first sued Fontes after the secretary accepted statements of interests from two No Labels candidates vying for Corp Comm and U.S. Senate. The party claimed they only intended to run a candidate for president and vice president in the general election and sought to sit out the primary and general election for any other office entirely. And by accepting statements of interests against the party's wishes, No Labels argued Fontes was "forcing" the party to associate with candidates they wanted nothing to do with. No Labels claimed state law required parties to be "intending" to nominate candidates to run in the primary and being made to support candidates they did not intend to run treaded on associational rights. U.S. District Judge John Tuchi found Fontes did not violate state law but did rule allowing No Labels candidates to run against the party's will would infringe on the First Amendment. "The Secretary's acts leading to placement of candidates on the primary election ballot under the Party insignia for offices

the Party does not intend to seek infringes on the Party's associational rights to structure itself, choose a standard bearer who speaks for the Party, and decide where to devote its resources," Tuchi wrote. "Simply because the state may disagree with the Party's choices in structuring or setting boundaries for itself does not entitle the state to constitutionally substitute its judgment for the Party's judgment."

Blackman in manhunt for ex-campaign treasurer

Former lawmaker and current LD7 contender Walt Blackman notified the FEC his former campaign treasurer, Thomas Datwyler, who worked for Blackman's 2021 congressional campaign, allegedly embezzled \$50,000, [Arizona's Politics](#) first reported Monday. In a letter, Blackman claimed Datwyler diverted campaign funds into outside accounts and "knowingly" issued multiple checks from deficient accounts. Blackman told the FEC he had notified law enforcement agencies but has been unable to file complete reports, due to an "inability to locate Mr. Datwyler." He wrote, "Upon determination of his whereabouts, it is our intention to formally lodge a complaint and initiate legal proceedings against Mr. Datwyler for the crime of theft, advocating for maximal prosecutorial action," Blackman wrote. He added they would pursue civil litigation to recover damages. Blackman asked the FEC to waive any penalties for his congressional committee and noted his intention to file a report to FEC. According to Datwyler's LinkedIn, he works for 9Seven Consulting in Wisconsin, where he boasts work for [more than 100](#) PACs, candidates and committees. Datwyler was named as Rep. George Santos campaign treasurer in reports, though he denied ever taking the position. Blackman did not respond to a request for comment before our deadline.

County supervisor slaps back at Mayes

In a lawsuit filed against Mayes, Mohave County Supervisor Ron Gould seeks a declaration from the superior court asserting boards can opt out of tabulation machines entirely and can do so without being subject "to threats and intimidation by the Attorney General," [Capitol Media Service's](#) Howie Fischer first reported Monday. The Mohave County Board of Supervisors twice rejected a proposal to go forward with a full hand count, with chair Travis Lingenfelter standing as the deciding "no" vote each time. In the first vote, Lingenfelter torpedoed the plan given its cost and the county's budget deficit. And ahead of the second vote, Mayes sent what Gould deemed a "threatening" letter, which informed the supervisors they could be liable for "various felony and misdemeanor criminal penalties" if they voted in favor of going forward with a hand count contrary to Arizona law. Gould claims the "pressure of the Attorney General's threats to the Board members prior to the vote influenced the voting process and ultimate vote." And he disagreed with Mayes' interpretation of the law and contends the board does in fact have the authority to ditch tabulation machines entirely as statute notes counties "may" tally ballots using tabulation machines. In the filing, Gould said he "intends to continue raising the issue and voting in favor of using hand counting." Gould told Fischer, "I'm getting tired of people telling me they're going to throw me in jail for doing my job."

Finchem gets new lawyer

Attorney Dennis Wilenchik stepped in to keep Finchem's case alive after attorney Daniel McCauley withdrew from his appeal of election contest-related sanctions on order from the state bar. Wilenchik filed his notice of appearance last week and filed a request to reinstate oral argument. Argument in the case was initially scheduled for Jan. 31 before McCauley's departure. The court vacated argument and

set a status conference for the same day. Wilenchik told our reporter he offered no firm date to reschedule but would be fine taking up arguments on Jan. 31.

·WAKE UP CALL·

[Hobbs, GOP expect to find common ground on some issues](#)

Arizona Capitol Times

Gov. Katie Hobbs' State of the State Address on Jan. 8 shared some mutual policy goals between Democrats and Republicans, but already the two sides are showing their differences for how to meet them.

[Lawmaker wants non-planet designated state planet](#)

Capitol Media Services

Pluto may not be a planet according to the guidelines uses by astronomers. But as far as Rep. Justin Wilmeth is concerned, it should still be Arizona's planet.

[WIFA 'alive and well,' but budget dwindling](#)

Capitol Media Services

Former Arizona Gov. Doug Ducey's multi-billion-dollar plan for a desalination plant or other hugely expensive project to add to the desert state's imperiled water supply is still alive.

[No joke: Feds are banning humorous electronic messages on highways](#)

The Associated Press

It's no joke. Humorous and quirky messages on electronic signs will soon disappear from highways and freeways across the country.

[Mohave county supervisor wants judge to declare hand counting votes legal](#)

Capitol Media Services

A Mohave County supervisor wants a judge to bar Attorney General Kris Mayes from subjecting him to "threats and intimidation" for pushing for a hand count of elections.

[Lawmaker wants to address 'deep fake' imagery in elections](#)

Capitol Media Services

The way Alexander Kolodin sees it, a well-crafted "deep fake" video or audio has the capacity to swing an election.

[Governor's wish list depends on cuts to GOP-favored programs, spending](#)

Capitol Media Services

Gov. Katie Hobbs proposed a \$16.2 billion spending plan is built on cuts to vouchers that are unlikely to survive the Republican-controlled Legislature.

[Far too many Arizonans are not living at home](#)

Arizona Capitol Times

So many families in Arizona are living on the housing edge, where one life event, big or small, can push them on to the streets.

[LGBTQ+ PAC's narrow agenda limits range of candidates](#)

Arizona Capitol Times

For those who don't know, the LGBTQ+ Victory Fund is a political action committee whose goal is to elect LGBTQ+ officials around the country.

[Access to affordable medications must be protected](#)

Arizona Capitol Times

Growing up, I always imagined that I would work in health care – perhaps as a nurse. I never expected that

my path to becoming a pharmacist would start with a last-minute decision to join the Air Force after my high school graduation.

·PRESS RELEASES·

Governor Katie Hobbs Releases Prop 123 Plan to Invest in Public Education

Phoenix, AZ – Today, Governor Katie Hobbs announced her Prop 123 renewal plan that will raise compensation for every educator and support staff, and improve school safety without raising taxes on Arizonans. The plan will expand on the current Prop 123 funding to continue building a quality public education for the over 90% of Arizona children who attend public schools.

Governor Hobbs’ plan extends Prop 123 for ten years increasing the State Land Trust Permanent Fund distribution to 8.9% with this dedicated split:

- 2.5% of the distribution will continue general school funding (\$257 million projected 10-year average distribution)
- 4.4% of the distribution will raise educator compensation (\$347 million projected 10-year average distribution)
- 1.5% of the distribution will increase support staff compensation (\$118 million projected 10-year average distribution)
- .5% of the distribution will invest in school capital for safety and security (\$39 million projected 10-year average distribution)

“We have a once in a decade opportunity to invest in a public education system that gives every child the opportunity to succeed,” **said Governor Katie Hobbs**. “We can increase compensation for educators and make schools safer for our kids, all without raising taxes on Arizonans. Or we can let billions of dollars accrue in a bank account and do nothing to address our immediate needs. The choice is clear. My plan is a critical step toward ensuring every Arizona child can get a quality and safe public education while addressing our teacher shortage. I look forward to working with Republicans and Democrats in the legislature to send Prop 123 back to the ballot and making these critical investments in public education.”

“I am proud to sponsor Governor Hobbs’ proposal to extend Proposition 123 for an additional 10 years and increase funding for our K-12 schools,” **said Senator and former teacher of the year Christine Marsh**. “Renewing and expanding this vital funding source for our schools is crucial to ensuring Arizona’s students receive the high quality education they deserve.”

“As a life-long teacher, what drove me and so many of my Democratic colleagues to serve in the legislature has been to increase educator pay and investment in the public schools,” **said Representative Judy Schieb**. “As champions for our children and their schools we know that all educators — from teachers to classroom assistants to school bus drivers — are a team. Without raises for all educators, we will only increase the burden on teachers, parents, and students. More than 90 percent of Arizona families choose public schools and they deserve this investment. Every Arizonan will benefit from the vital workforce our public schools produce.”

The current Prop 123 has triggers to protect the state in the event of an economic downturn such as the ability to reduce funding to public schools. Governor Hobbs’ plan protects critical funding for public education by raising the threshold to enact these triggers to a two-thirds vote.

The Governor's increased Prop 123 distribution comes as the State Land Trust Corpus has remained strong, growing to nearly \$8 billion with an average 10-year annualized return of 7.24%.

###

Arizona Families Rebate Recipients Will Need to Report Rebate Income on Tax Returns

Phoenix, AZ – The Arizona Department of Revenue (ADOR) is sending this information to assist taxpayers as the 2024 tax filing season begins. The IRS has determined the Arizona Families Tax Rebate recently sent to eligible taxpayers is subject to **federal** income tax and is required to be reported as part of the federal adjusted gross income. However, **the rebate is not subject to Arizona income tax** and should be subtracted from the federal adjusted gross income on the 2023 Arizona individual income tax return.

Affected taxpayers will be sent a statement by mail that they are to check the online portal to access their 1099-MISC which documents the rebate amount they received. ADOR is required by federal law to issue this form to taxpayers as an informational statement since the income must be reported on the income tax return.

Taxpayers can also check their bank statement to confirm the amount received from ADOR for the Arizona Families Tax Rebate. The statement is not a bill, and individuals should not send any type of payment in response.

Effective January 31, ADOR is adding Form 1099-MISC to its online portal to search, download, and print 1099 forms through www.AZTaxes.gov.

Form 1099-MISC

Form 1099-MISC reports miscellaneous compensation and other payments such as the Arizona Families Tax Rebate. Primary taxpayers will be issued the statement if they received the rebate in 2023.

For more information, visit: <https://azdor.gov/individuals/arizona-families-tax-rebate>

For updates and the latest news on tax season, subscribe to our [email subscription service](#) or [social media](#).

###

Kelly, Casey Introduce Bill to Strengthen Border Security to Stop Flow of Fentanyl

The Stop Fentanyl at the Border Act will increase staffing and technology to detect and stop the flow of fentanyl coming across the border

Bill strengthens security at ports of entry along southwest border, which is the most common way criminals smuggle fentanyl into the U.S.

Kelly, Casey have previously [pushed](#) Biden administration for more funding to secure the border

Today, Mark Kelly (D-AZ) and Senators Bob Casey (D-PA) introduced legislation to reduce the flow of fentanyl by providing much-needed resources to secure the southwest border. The *Stop Fentanyl at the*

Border Act increases staffing capacity and technology to detect illicit drugs and other contraband being smuggled through ports of entry along the border. The bill targets the most common way that fentanyl is coming into the United States: through ports of entry along the southwest border.

“Border Patrol and Port Officers have been stretched far too thin as they do the difficult job of keeping our country safe every single day,” **said Senator Kelly**. “This bill would give federal law enforcement the additional personnel and technology needed to keep our ports of entry fully staffed, stem the flow of illegal drugs, and secure the border.”

“So much of the fentanyl devastating Pennsylvania families and communities is being smuggled across our southern border,” **said Senator Casey**. “This bill will help stop the flow of fentanyl into the U.S. and provide the hardworking law enforcement officers at the border with the resources, technology, and support they need to do their jobs and secure our border. This bill is a part of a multipronged approach to end the fentanyl crisis by cracking down on the criminals producing and smuggling fentanyl, securing our border, and providing the Americans impacted by fentanyl with the help they need.”

The *Stop Fentanyl at the Border Act* would enable U.S. Customs and Border Protection (CBP) to hire more Officers and Border Patrol Agents to increase capacity to stop illicit smuggling over the border. The bill also provides funding to purchase Non-Intrusive Inspection systems, which scan vehicles and cargo at the border to provide detailed images of their interiors, which leads to the detection of fentanyl and other illicit drugs. Additionally, the bill would create an inspection program to increase seizure of firearms, which Mexican cartels frequently purchase in the United States and smuggle into Mexico to support their fentanyl production operations and other violent criminal enterprises.

In addition to Kelly and Casey, the bill is cosponsored by Senators Lujan (D-NM), Cortez Masto (D-NV), Rosen (D-NV), Baldwin (D-WI), Klobuchar (D-MN), Warner (D-VA), and Brown (D-OH).

In addition to introducing the *Stop Fentanyl at the Border Act*, Kelly and Casey have [pushed](#) President Biden to prioritize additional resources to strengthen the security at the southwest border to stop the flow of illicit drugs like fentanyl through ports of entry along the border. Kelly and Casey also support a number of bills to address different aspects of the fentanyl crisis, including the [FEND Off Fentanyl Act](#), which targets the criminal organizations in the fentanyl supply chain by sanctioning and blocking their financial assets.

Read more about the *Stop Fentanyl at the Border Act* [here](#).

###

Arizona Chamber of Commerce, coalition of business industry leaders urge state legislators to continue Arizona Commerce Authority

PHOENIX (January 16, 2024) — The Arizona Chamber of Commerce & Industry, joined by a coalition of more than 100 business leaders and growing throughout the state, today sent a [letter](#) to Arizona legislators expressing strong support for the continuation of the Arizona Commerce Authority (ACA).

The agency, established by former Gov. Jan Brewer in 2010 in an effort to revamp the state's economic approach and create new business and job opportunities for Arizonans, faces its sunset review this year.

“This letter demonstrates the tremendous support the ACA has from job creators across the state, from communities urban and rural, and from groups representing a broad swath of industries,” Chamber President

and CEO Danny Seiden said. “We look forward to working with members of both parties to ensure that the ACA can continue its excellent work recruiting good jobs to Arizona and helping to grow our economy.”

The full letter can be viewed [here](#) and below:

Dear Members of the Arizona Legislature,

We are reaching out to you on behalf of the undersigned organizations and businesses committed to advancing policies that stimulate economic growth and prosperity for all Arizonans. Collectively, our organizations and businesses represent hundreds of thousands of hardworking Arizonans across multiple industry sectors. We write to you today in support of the continuation of the Arizona Commerce Authority (ACA) and the critical programs it oversees that have made our state the best place to work and own a business.

Background

During the recovery from the great recession, leaders from around Arizona came together to creatively revamp the state’s economic approach. This new model – the Arizona Commerce Authority – was designed to diversify Arizona’s economy and attract, expand, and create new businesses and job opportunities. This approach had never been tried before and is now the leading example of economic development success across the nation. Arizona’s growth since 2011 has been astounding, with record-level investments creating thousands of new high wage jobs for our residents.

Impact on economy and jobs

Since its inception, the ACA has contributed to Arizona’s economic success through the attraction of new projects and expansion of existing Arizona companies. Some significant wins include:

- 1,209 projects won,
- 272,803 projected new jobs,
- \$60,808 average wage, and
- \$115.694 billion in projected total capital investment.

The impact of this success on our economy has been profound. It’s estimated that ACA projects will produce \$11.3 billion in tax revenue and \$442.3 billion in economic output. The direct, indirect, and induced projected jobs total is 886,933. These new jobs are shifting our economy and Arizona is now more well positioned than ever. With the help of the ACA, Arizona has dramatically reshaped the outlook of our economy. For example, since 2011, Arizona’s workforce has grown by 28%, the 5th-fastest growth rate in the nation.

Additionally, we have seen rapid growth in employment in varying industries. Prior to the creation of ACA, the main economic driver within Arizona’s economy was construction. Now, Arizona has more manufacturing jobs than construction and our economic outlook for the future has never been better because of the diversification the ACA helped to create. Furthermore, JLBC shows Arizona’s General Fund revenue increased by more than \$5 billion from 2011 to 2023, from \$8.3B to almost \$13.5B, as Arizona has added new jobs, businesses, and workers.

The ACA also plays a central role in workforce development, partnering with industry, universities, community colleges, and more to meet the increased workforce demand and develop a skilled talent pipeline that is ready to support the anticipated growth in our state.

Industry growth & diversification

In addition to attracting business and advancing our global competitiveness, ACA offers a host of programs that have been crafted by policymakers to support businesses of all sizes in all corners of Arizona. They specifically have focused on supporting the growth and success of rural and small businesses.

The manufacturing industry has exploded under the leadership of the ACA, which has helped secure historic investments throughout the state. Arizona has become a sustainability ecosystem with the manufacturing of microchips, electric vehicles, batteries, and more. The growth in manufacturing has helped onshore the supply chain stimulating our economy, creating jobs, and protecting national security by reducing our reliance on international supply chains. Innovation is at the core of ACA's mission, and they continue to team up with startups and entrepreneurs to spur investment in Arizona.

Preparing for the future

The Arizona Commerce Authority continues to be critical to economic development in our state, and it's imperative that it is continued. ACA has exceeded its original mission and has become a model for job attraction that is being mirrored nationwide. We strongly urge the state Legislature to support ACA's continuation.

We are grateful for the continued leadership of our legislators who have worked to ensure Arizona remains competitive on the global level and pursue policies that make Arizona the best state to start and grow a business.

[Click here](#) to see the full list of business community supporters.

Chamber President and CEO Danny Seiden recently wrote an [OpEd for the Arizona Republic](#) in response to a legislative effort to dismantle the ACA.

###

Gallego Highlights His Fight to Cut Costs for Arizonan

WASHINGTON, DC — Rep. Ruben Gallego (AZ-03) today released a new report, [Cutting Costs for Arizonans: How Rep. Gallego is Fighting to Make Life More Affordable for Hardworking Families](#), that highlights his ongoing efforts in Congress to drive down costs for everyday necessities, hold big corporations accountable, protect Arizona's most precious resources, and support parents who are trying to take care of their children.

"I grew up working every job I could to help support my mom in raising me and my three sisters. I understand the impact of rising prices on hardworking Arizona families and the toll that takes on parents and kids," said **Rep. Gallego**. "It can be tough to juggle it all, and that's why in Congress I've been fighting to cut costs on everything from gas and groceries to housing and child care. This report underscores those efforts and lays out my vision of how we get the job done for hardworking Arizonans."

The report details Arizona families' challenges with rising costs in different aspects of their lives. Section by section, the report highlights Rep. Gallego's work to bring those costs down. This means supporting Arizonans to combat rising costs:

- **At Home;**
- **With the Family;**
- **At the Pharmacy;**
- **At the Store; and**
- **On the Go.**

One such example detailed in the report is prescription drug costs. Between July 2021 and July 2022, there were over 1,200 drugs whose prices increased faster than inflation, despite historic inflation that year — resulting in record profits for pharmaceutical companies. The average price increase for those drugs was 31.6%.

These price increases mean more and more Arizonans travel across the border to Mexico each year to buy prescription drugs.

That's why Rep. Gallego not only was a strong supporter of the [Inflation Reduction Act](#), but he has introduced legislation such as the [Lower Drug Costs for Families Act](#), to extend the Medicare rebate provision of the IRA to the commercial market and protect all Arizonans from Big Pharma price gouging — saving Arizonans on their next trip to the pharmacy.

[Click here to read the full report.](#)

###

New Sinema Bill Protects Seniors' Ability to Access Critical Medicines

WASHINGTON – Arizona senior Senator Kyrsten Sinema introduced bipartisan legislation with Senator Marsha Blackburn (R-Tenn.) to reverse harmful Medicare policies that make it harder for a doctor's office to mail prescription medication to seriously ill cancer patients or allow caregivers to pick prescriptions up for the patient through on-site pharmacies. The *Seniors' Access to Critical Medicines Act* allows patients to pick up their medicines at their medical appointment rather than make a separate trip to the pharmacy, caregivers to pick up medications if the patient is too sick to travel to the doctor's office, or doctors to mail medicines to patients in rural areas.

“We’re making it easier for seniors and patients with serious illnesses to access the medication they need by reversing a harmful Medicare policy that harms patients’ ability to get their medicines through the mail or to have a loved one pick it up at the doctor’s office if they are too sick to travel,” said Sinema, lead sponsor of the *Seniors’ Access to Critical Medicines Act*.

Sinema's bipartisan bill would ensure Medicare beneficiaries' timely access to life-saving medicines, such as cancer drugs, by granting doctors the authority to allow caregivers to pick-up loved ones' medication, or mail medication to rural patients who cannot travel – making clear that doing so does not violate federal law.

Many doctors' offices caring for seriously ill patients, like oncology clinics, will partner or run an on-site pharmacy to help cancer patients access their critical medicines. While Medicare rules (known as Stark law) allow a doctor to dispense prescription medications from an on-site pharmacy if the patient picks up the medication in person, a doctor's office cannot mail, courier, or allow a caregiver to pick up the medicines on behalf of the patient under Stark rules. These rules were temporarily lifted during the pandemic to help patients access their medications, but has since expired. The *Seniors' Access to Critical Medicines Act* amends section 1877 of the Social Security Act to clarify that doctors' offices delivering medicines by mail or allowing a family member to pick up medicines on behalf of a patient does not violate Stark law.

Arizona Treasurer Kimberly Yee's Statement on Governor Hobbs' Prop 123 Proposal

“Governor Hobbs just announced her proposal to increase Prop 123 distributions to 8.9%. The Governor's proposal is dangerous and unsustainable. It would break the bank. Governor Hobbs wants to raid the land trust to cover for her mismanagement of the state budget and overzealous spending plans in an ever-increasing inflationary environment. That is irresponsible and doesn't look out for the long-term vision of Arizona, and this land trust was put in place for our state's future.

As Treasurer, I oversee the management of the Permanent Land Endowment Trust Fund (PLETF) and oppose the Governor's egregious proposal. The purpose of the PLETF is to provide an ongoing revenue stream to the beneficiaries from the proceeds of any of the land entitled to the beneficiaries. That land is to provide an income stream to the beneficiaries and the Endowment was created to replace that revenue stream from the land holdings. Continuing at a 6.9%, or increasing the distribution to 8.9%, will likely dip into corpus and violates the terms of the Enabling Act, under which Arizona became a state.

Wall Street forecasters predict a 5.45% return for the next decade on a 60/40 portfolio like the PLETF. My office will continue to make the financial recommendation of a 4-5% distribution, as it is prudent and consistent with what most Endowments distribute annually. My office has not reported a 10-year return above 8.9% in nearly two years. Over the span of the last 10 years, only 32 months have had a 10-year return over 8.9%. In short, this means an increase to 8.9% is unfeasible based on past performance.”

“QUOTE OF THE DAY”

“Simply because the state may disagree with the Party's choices in structuring or setting boundaries for itself does not entitle the state to constitutionally substitute its judgment for the Party's judgment.” — *U.S. District Judge John Tuchi in ordering Fontes not to accept any No Labels candidates on down ballot races.*

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 1-22
Date: Monday, January 22, 2024 7:28:18 PM
Attachments: [1-22-24.pdf](#)

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From: Chierstin Susel <CSusel@azleg.gov>
Sent: Monday, January 22, 2024 5:16:09 PM
Subject: Yellow Sheet 1-22

Chierstin Susel

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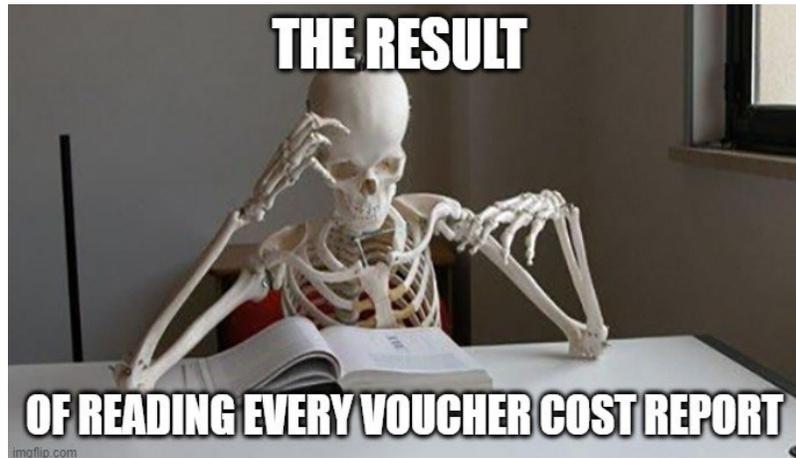
YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

Everyone is going to have a voucher cost study before long

Matt Beienburg, director of Education policy at the Goldwater Institute, [issued a report](#) countering Hobbs' claims of private schools "price gouging" tuition and found the median tuition is in line with the average Empowerment Scholarship Account award for K-8 at about \$7,400. Part of Hobbs' plan for ESA accountability is to prohibit private schools from hiking the cost of tuition and fees at a higher rate than inflation. In November 2023, the *Hechinger Report* and the *Arizona*



Center for Investigative Reporting published [an analysis](#) finding nearly all private schools raised their tuition prices since 2022, with more than half eclipsing the national overall inflation rate. The report noted only five schools raised tuition by more than 20%. Beienburg pointed out the small fraction of schools enacting significant tuition increases in sparring with the *Hechinger Report's* findings. In his own analysis, Beienburg found the most common ESA award covers nearly all tuition costs at the majority of K-8 private schools in the state, with median tuition at \$7,400. According to the most recent report from the Dept. of Education, more than half of students enrolled in the program in the first quarter were awarded between \$7,000 to \$7,999. Beienburg does concede the median tuition rate for high school, \$13,200, is "significantly higher than the typical ESA award." But he noted families often see additional tuition assistance, particularly through school tuition organization tax credits. Hobbs' seeks to dismantle the STO program too as part of her executive budget, though any plans to rein in any form of school choice are not likely to court favor with Republican lawmakers.

Election denial group gets small court victory

A Maricopa County Superior Court judge [declined to dismiss](#) a public records suit for early ballot information filed by election denial group We the People Arizona Alliance due to a filing snafu by Fontes. The group sued Fontes over a bid for the complete Maricopa County early ballot lists for the 2022 election. The Secretary of State's Office initially rejected the request and referred the group to Maricopa County. But after the group clarified they sought information on early ballots statewide, Fontes conceded some of the information sought could be disclosed. But in a later reply, Fontes claimed to be unable to produce the data entirely. The SoS office attempted to create a report with early ballot information but found the database program could not create a comprehensive report, but rather a single report for each voter. "Given that there would be well over one million such voters' profiles that would be responsive to Plaintiff's Request 1, the Secretary cannot produce the Request 1 information due to the extreme burden such an effort would place on the Secretary's staff and resources," attorney Kara Karlson wrote in the reply. In a supplemental response, the group's attorney Bryan Blehm

contended the suit should not be dismissed as Fontes “clearly possesses the public records sought and has done nothing but give Plaintiff the runaround.” Following oral argument Friday, Judge John Blanchard denied Fontes motion to dismiss the case as the parties “have not had a meaningful opportunity to discuss, test, and explore the technological and practical reasons why Defendant cannot comply with the public records request.” Blanchard ordered the group and Fontes meet and confer and asked the SoS to “at a minimum, produce an affidavit that explains in detail, under oath, the difficulties” associated with complying with the records request.

We should see Prop 123 legislation sometime next week

Respective party plans for Prop. 123 could materialize by the end of the month. Marsh, sponsor for Hobbs’ 123 plan said she expects to file the legislation by Jan. 29. Senate Republican spokesperson Kim Quintero said the GOP’s plan could drop next week too but noted the timeline was not set in stone. Hobbs’ plan, supported by Dems and slated to be shepherded by Marsh, proposes dipping further into the state land trust and increasing the share to public schools from 6.9% to 8.9% and divvying up funds to generally continue funding public schools, with earmarks to increase teacher and staff pay and supplement school safety capital projects. GOP lawmakers want to continue the 6.9% share from the state land trust but dedicate all funds to raising teacher pay. Treasurer Yee called Hobbs’ plan “egregious,” though both proposals go beyond her recommended distribution rate of 4-5%.

Changing parties for a job opening not good look

Half of the candidates who applied for Maricopa County Sheriff Paul Penzone’s job changed their party affiliation ahead of sending in their applications to fit the bill, according to voter registration records from the Maricopa County Recorder’s Office. The *Arizona Republic*’s Jimmy Jenkins [first reported](#) the party shifts on Friday. State law requires Penzone’s replacement must be a registered Democrat. As of the Friday deadline, eight candidates submitted applications. Three candidates -- current Maricopa County Sheriff chief deputy Russ Skinner, former MCSO deputy chief Kenneth Booker and former Apache Junction police chief Jeffrey Kirkham switched their registration from Republican to Democrat since Penzone’s resignation announcement. Skinner switched his party the day after Penzone announced his departure from the office. He was registered as a Republican for 36 years. Booker changed his registration in November and Kirkham made the switch in January. Dan Saban, three-time Maricopa County Sheriff candidate, switched his party affiliation from Independent to Democrat the day applications were due. Fields Moseley, communications director for the county, said applications now go to staff for review then to the board of supervisors to choose who they want to interview. He noted state law is not “prescriptive” on the timeline, and Skinner will continue to fill in as Sheriff until an appointment is made.

·WAKE UP CALL·

Proposed law allows cremated remains be used as garden mulch

Capitol Media Services

It’s not quite ashes to ashes. But there’s an element of dust to dust in some new legislation to allow Arizonans to make garden mulch out of the dearly departed.

[Top Arizona Dem: Biden's DOJ Is Failing to Protect Election Workers From 'Domestic Terrorism'](#)*Rolling Stone*

THE TOP ELECTION official in one of the most crucial battleground states for the 2024 presidential race has reached his limit.

[Democrats believe abortion will motivate voters in 2024. Will it be enough?](#)*Associated Press*

When Republican presidential front-runner Donald Trump said recently that he was “proud” to have a hand in overturning the abortion protections enshrined in *Roe v. Wade*, Democratic pollster Celinda Lake took it as a political gift, thinking to herself, “Oh my God, we just won the election.” [Robert F. Kennedy Jr.](#)

[Tries Creating Own Party to Get on Ballot in 6 States](#)*The New York Times*

Robert F. Kennedy Jr., who is running for president as an independent, announced on Tuesday that he had filed paperwork to create his own political party in six states — an effort to get his name on the ballot with fewer voter signatures than would be required for an unaffiliated candidate.

[Biden Has a Michigan Problem, Endangering His Re-Election](#)*The Wall Street Journal*

Michigan is flashing warning signs for President Biden's re-election bid.

[Arizona to take applications for new sportsbook licenses starting Feb. 16](#)*KJZZ*

State gaming officials say they'll soon open a Feb. 16-March 4 window for additional tribes, pro sports teams and event venues to apply for a license to take bets on sporting events.

[Fighting turbulence: Mesa Air renegotiates deal with United Airlines, sells airplanes in hopes of calmer financial skies](#)*Phoenix Business Journal*

To improve its financial outlook, Phoenix-based Mesa Air Group (Nasdaq: MESA) has set in motion a series of deals with United Airlines that should increase revenue going forward.

[Arizona Republican Rep. Paul Gosar is unglued. What's that make his supporters?](#)*The Arizona Republic*

If the Republican representative from Arizona's 9th Congressional District were the subject of a nursery rhyme, the character we might call “Humpty Gosar” would have fallen off the wall a long time ago.

[This session brings a hopeful start on housing](#)*Arizona Capitol Times*

Arizona is in the midst of a housing crisis driven by a shortage of 270,000 homes across the state.

[Why mentoring matters for Arizona youth](#)*Arizona Capitol Times*

Being a kid should be the greatest time of life. With a world of opportunities ahead, young people can focus on their education, build friendships, embark on new adventures, and explore what they want to be when they grow up.

·PRESS RELEASES·

Governor Katie Hobbs Announces \$95 Million Federal Grant for I-10 Expansion

Phoenix, AZ – Today, Governor Katie Hobbs announced that Arizona will receive a \$95 million INFRA grant from the US Department of Transportation for major improvements to widen Interstate 10. The grant was awarded to improve the safety and conditions on the 26-mile stretch of the I-10 located entirely within the boundaries of the Gila River Indian Community. The I-10 corridor is a main corridor for all Arizonans,

with parts of this project area seeing up to 120,000 vehicles daily. This 26-mile stretch of the I-10 is the only remaining “gap, or unimproved section of the I-10, which creates bottlenecks and traffic delays for all who travel this section of the I-10. Obtaining funding for this project was a top priority for Governor Katie Hobbs, the Gila River Indian Community, the Arizona Congressional delegation, and the Arizona State Legislature, and was made possible through coordination between Governor Hobbs, GRIC Governor Stephen Roe Lewis, and the Arizona Department of Transportation.

This grant represents a unique partnership of governments, involving State, federal, tribal, and county governments in the planning and development of the grant to address the safety and infrastructure needs in Arizona and within the Gila River Indian Community.

“The I-10 serves as a major connector for the entire state, and I am thrilled to announce that we have secured the funds necessary to ensure it remains a gateway for generations to come,” **said Governor Katie Hobbs**. “By securing this investment, we are not only improving our state’s infrastructure, we are propelling Arizona’s economy forward, ensuring a prosperous future for all. I want to thank Governor Lewis for his tireless advocacy and our federal partners for helping make this possible.”

“The announcement today,” **said Governor Lewis**, “is the culmination of a year-long effort to obtain the final funding necessary to complete this critical part of the State’s, and the Community’s, transportation network. When we learned last year that Arizona would not be receiving a federal grant for this project, I immediately contacted Governor Hobbs, and together we rolled up our sleeves and got this new grant proposal together, focusing largely on the importance of this road to our Community, and we presented it together to Secretary Buttigieg, a first in our State, and probably in the entire country. I want to personally thank Governor Hobbs for her partnership in this effort and the Department of Transportation for its understanding and commitment to historically disadvantaged communities in Indian Country, such as ours. I also think it is very important to thank our allies and partners in the State Legislature who provided critical additional funding to help fill the gap and advocated right alongside us in Washington for this new grant. Finally, I have to say a word about the tireless advocacy for this grant by our federal delegation, especially Senators Sinema and Kelly, and our House members, Representatives Gallego and Stanton. They were immediate and constant supporters of our efforts and led the way in Washington for the team effort that made this possible. Completion of this segment of the I-10 will be a game-changer for our entire State, and I couldn’t be prouder of the way our State came together to get it done.”

The grant funding will be added to the \$692 million in state of Arizona funding appropriated for the project and a \$221 million contribution from the Maricopa Association of Governments (MAG) through Proposition 400. The total project cost is estimated at just over \$1 billion.

“I’m proud to secure these funds for I-10’s expansion through my bipartisan infrastructure law. I promised Arizonans I’d do the hard work to deliver real results, not lip service – today’s investment is one of many more to come for Arizona from my bipartisan infrastructure law,” **said U.S. Senator Kyrsten Sinema, co-author and lead negotiator of the bipartisan infrastructure law**.

“Too many of us have spent hours stuck in traffic on I-10 between Phoenix and Tucson. And for decades, residents and tribal members have been impacted by major bottlenecks preventing them from fully accessing jobs, housing, schools, and health care. Thanks to our Bipartisan Infrastructure Law, these delays will be a thing of the past. I’ve fought to secure the funding for this expansion since I came to the Senate, and it was a top priority of mine when negotiating that law. This project will reduce congestion, improve shipping, and make I-10 safer,” **said Senator Mark Kelly**. “This investment—one of the largest ever in transportation

infrastructure in a tribal community—will be a game-changer for the Gila River Indian Community and is a testament to the leadership of Governor Lewis.”

“When we passed our Bipartisan Infrastructure Law, it was with projects like widening the I-10 in mind. Tens of thousands of people—and millions of dollars in commercial goods—travel along the I-10 every day, and anyone who’s driven it will tell you two lanes are just not enough. The heavy congestion and daily bottlenecks aren’t just inefficient—they’re dangerous,” **Rep. Greg Stanton, the only Arizona member of the House Transportation and Infrastructure Committee, said.** “I’m thrilled that, thanks to years of hard work at the federal, state, and Tribal level, this project is finally moving forward.”

“Thanks to our leadership in Congress to shape and pass the Bipartisan Infrastructure Law, Arizona families and businesses will be better connected along the vital I-10 corridor,” **said Rep. Ruben Gallego.** “With the billions of dollars we delivered already pouring into Arizona, this historic project is set to be a boon to our state’s economy. Because of reliable partners, including Gov. Hobbs and Governor Lewis, this project will soon be a reality.”

“I-10 is an infamous thoroughfare in Arizona notoriously known for its delays and traffic. This federal funding is a long-term investment that will benefit our state by making certain this corridor has the capacity to serve Arizonans,” **said Rep. Raúl Grijalva.** “I’m proud to have supported this funding in the Bipartisan Infrastructure Law and will continue to support economic investments that provide modernization, accessibility, and sustainability to our transportation network.”

“ADOT is excited to receive this funding and to work on this critical project,” **said ADOT Director Jennifer Toth.** “The federal grant dollars are critical for expanding the principal roadway between Phoenix and Tucson. The project will deliver the best infrastructure to improve drive times and enhance safety. We thank the Gila River Indian Community for their tremendous partnership and collaboration, along with our federal, regional, and local partners.”

The grant - funded through investments from the bipartisan infrastructure law - provides necessary funding for the southernmost segment of the 26-mile stretch and completes funding for the upcoming expansion of I-10 between Phoenix and Casa Grande.

The overall project adds a third lane, meaning the freeway will have three lanes both ways between Arizona’s two most populous cities. It also includes the reconstruction of the I-10 Bridges over the Gila River and six interchanges. The federal grant is a competitive funding award through the U.S. Department of Transportation INFRA Grant Program.

The grant will contribute to the construction of the section of the project from just south of Casa Blanca Road to just south of State Route 387. Construction on I-10 is scheduled to launch in early 2024, with the first work including the removal and replacement of the Gila River bridges over I-10.

Significant partnerships with the Gila River Indian Community and other nearby communities have taken place over the past few years. An engineering and environmental study for the project is currently being completed in coordination with GRIC and MAG and includes the following proposed improvements:

Corridor Improvements - Capacity and Safety:

- Adding a new general-purpose lane in the east- and westbound directions, extending the High Occupancy Vehicle (HOV) Lane on I-10 from Loop 202 to Riggs Road, and improving interchanges

and crossroads will increase capacity and access. This improves safety by reducing congestion and travel times and lessening detoured traffic on the Gila River Indian Community.

- Replacing I-10 bridges over the Gila River will maintain a state of good repair by modernizing this key infrastructure.
- Building new and improved traffic interchanges creates safer crossings for farm equipment, bicyclists, and pedestrians and boosts connections and quality of life.
- Installing fiber optic infrastructure within ADOT Right-of-Way will allow for the installation of sensors, cameras, and other highway safety-related technology.

Key Commerce Corridor, Arizona Jobs, and Local Connections:

- As the principal roadway between metro Phoenix and Tucson for commuters, cross-country travelers, and commercial traffic, I-10 is a Key Commerce Corridor for Arizona and the U.S. The freeway provides a vital link for freight traffic from the ports of southern California and for international commerce, with a significant amount of freight transported along the route daily. The proposed improvements will boost the reliability of freight traffic in the corridor.
- The project, coupled with others around the state, will help attract employers and create jobs in Arizona.
- Locally, the route serves the Gila River Indian Community by improving connections to employment, medical, educational, and other critical services both within and outside of the Community.

Funding:

- The total estimated project cost is approximately \$1 billion.
 - \$692 million allocated in the state budget
 - \$221 million in MAG funding
 - \$95 million in DOT INFRA grant funding

Timeline:

- Following completion of the required environmental review and clearance, work is expected to start in 2024, beginning with expanding the bridges that carry traffic over the Gila River.
- The target completion date for the full project has not been determined. For more information on the I-10 Wild Horse Pass study: i10wildhorsepasscorridor.com.

ADOT works in partnership with MAG on the planning and construction of new freeways, additional lanes, and other improvements in the Phoenix area as part of the Regional Transportation Plan.

###

BREAKING: Sinema, Kelly Announce Highly-Anticipated Three-Lane Expansion of I-10 Between Phoenix and Tucson Thanks to Bipartisan Infrastructure Law

WASHINGTON – The final 26 miles of Interstate 10 (I-10) between Phoenix and Tucson will be expanded from a two-lane to a three-lane freeway thanks to an investment of \$95 million from the Bipartisan Infrastructure Law led by Senator Kyrsten Sinema and shaped by Senator Mark Kelly.

The highly-anticipated investment will increase efficiency, reduce traffic, and enhance safety – all while creating good-paying jobs and boosting economic opportunities in a crucial transportation corridor that moves tens of millions of people and over \$40 billion in goods every year.

“I’m proud to secure these funds for I-10’s expansion through my bipartisan infrastructure law. I promised Arizonans I’d do the hard work to deliver real results, not lip service – today’s investment is one of many more to come for Arizona from my bipartisan infrastructure law,” said Senator Sinema, co-author and lead negotiator of the bipartisan infrastructure law.

“Too many of us have spent hours stuck in traffic on I-10 between Phoenix and Tucson. And for decades, residents and tribal members have been impacted by major bottlenecks preventing them from fully accessing jobs, housing, schools, and health care. Thanks to our Bipartisan Infrastructure Law, these delays will be a thing of the past. I’ve fought to secure the funding for this expansion since I came to the Senate, and it was a top priority of mine when negotiating that law. This project will reduce congestion, improve shipping, and make I-10 safer,” said Senator Kelly. **“This investment—one of the largest ever in transportation infrastructure in a tribal community—will be a game-changer for the Gila River Indian Community and is a testament to the leadership of Governor Lewis.”**

“Funding for this grant to improve the 26-mile stretch of the I-10 that runs through the Gila River Indian Community would not have been realized without the tireless effort of Senators Sinema and Kelly. Over the past year, Senators Sinema and Kelly took every opportunity to educate the Administration about the critical need to improve this portion of the State’s infrastructure to increase safety for all Community Members, Arizonans and visitors who travel on this integral part of the State’s infrastructure network. I value the respect and partnership that Senator Sinema and Senator Kelly showed to the Community in achieving this crucial funding,” said Governor Stephen Roe Lewis, Gila River Indian Community.

The investment – awarded through the [INFRA Grant Program](#) funded by Sinema and Kelly’s infrastructure law – provides funding for the Arizona Department of Transportation (ADOT) to finish the southernmost segment of the 26-mile stretch and the upcoming expansion of I-10 between Phoenix and Casa Grande. This grant award represents a unique collaboration between ADOT and the Gila River Indian Community which jointly applied for funding authorized under Sinema and Kelly’s law.

The larger I-10 expansion project will add a third lane, meaning the freeway will have three lanes both ways between Arizona’s two most populous cities. This will relieve Arizonans from daily bottlenecks that cause repeated, often deadly accidents as well as difficulties for local communities to access essential services.

The bipartisan infrastructure law provides \$110 billion to repair bridges and roads, including unsafe rural roads, and build new major highway projects.

Sinema led bipartisan Senate negotiations with Republican Senator Rob Portman of Ohio that included Senator Kelly and senators from both parties.

The bipartisan infrastructure law was supported by groups including The U.S. Chamber of Commerce, Business Roundtable, The National Association of Manufacturers, The AFL-CIO, The National Retail Federation, The Bipartisan Policy Center, North America’s Building Trades Unions, the Outdoor Industry Association, The American Hotel and Lodging Association, The National Education Association, as well as hundreds of mayors across all 50 states.

###

Senator T.J. Shope Celebrates New Funding for Interstate 10 Improvements

PHOENIX, ARIZONA— Senator T.J. Shope is releasing the following statement in response to today's announcement of a \$95 million grant from the U.S. Department of Transportation for the widening of Interstate 10 between Chandler and Casa Grande. "I've dedicated the last several years of my service at the Legislature to securing the dollars needed to create a safer and faster commute for those who rely on this notoriously dangerous stretch of Interstate 10 between Chandler and Casa Grande," said Senator Shope. "This federal grant will help make the dreaded rush hour drive through my district a little less painful and will help support the economic growth our state continues to enjoy from the Republican policies implemented over the last decade. Kudos to Governor Lewis for his efforts in helping to make this improvement project possible within the Gila River Indian Community. His partnership with me on this endeavor has paved the way in creating a more reliable I-10 for all commuters through our state."

###

Pressured by Ciscomani, DOT Announces \$95 Million in Funding for I-10

WASHINGTON – Following a [series of efforts](#) from Congressman Juan Ciscomani (AZ-06), the U.S. Department of Transportation (DOT) today announced \$95 million in funding for the widening of Interstate 10 (I-10). The Arizona Department of Transportation (ADOT) will receive the money through the INFRA (Nationally Significant Multimodal Freight & Highway Projects) grant program under the DOT. In August, Ciscomani and fellow members of the Arizona congressional delegation [sent](#) a letter to DOT Secretary Pete Buttigieg calling for the project's funding.

"The I-10 is a critical artery between Tucson and the rest of the state, serving as vital infrastructure for commercial, recreational, and freight activity alike," **said Ciscomani**. "These funds will be transformational for this major corridor for our state and region – facilitating international trade and commerce, tourism and more. This grant funding will allow for the critical widening needed on one of the most dangerous stretches of highway in Arizona. While it is overdue, I am pleased to see DOT recognize the importance of the project nationally and allocate the necessary resources. As a member of the House Appropriations Committee, I will continue to advocate to bring federal dollars back home to our district and state."

Ciscomani long-advocated for additional funding for the I-10 while in Congress:

- In April, the congressman [questioned](#) DOT Sec. Buttigieg in a hearing on why the I-10 has not previously received funding through the agency.
- He also [successfully included](#) a provision in the annual House Appropriations Committee's Transportation, Housing, and Urban Development (THUD) package to direct DOT to prioritize highways in the intermountain west, which includes the I-10.
- Additionally, following his swearing-in in January, Ciscomani [met](#) with local stakeholders in Casa Grande to discuss the I-10 expansion and much-needed funding.

###

Kelly Statement on *Roe v. Wade* Anniversary

Arizona Senator Mark Kelly released the following statement on the 51st anniversary of the *Roe v. Wade* Supreme Court decision:

“Fifty-one years ago, *Roe v. Wade* gave Arizona women the right to make their own decisions about abortion. That right has since been ripped away with abortion bans—one dating back to 1864—leaving women unable to access the health care they need.

“As politicians try to further restrict these freedoms, I won’t stop pushing to pass the right to reproductive health into law so that women, not politicians, can make their own decisions about abortion, about the health care they need, and about when to start a family.”

###

Attorney General Mayes Urges FCC to Regulate Usage of Artificial Intelligence in Marketing Phone Calls

PHOENIX— Attorney General Kris Mayes last week joined a coalition of 26 states in sending a letter to the Federal Communications Commission emphasizing the potential harm in the use of artificial intelligence by telemarketers and asking the federal government to strongly restrict such usage.

“With technology constantly evolving, our regulations must evolve alongside to protect consumers,” said Attorney General Mayes. “Artificial intelligence should not be used to blur the lines between human and automated interactions in marketing calls. Any use of A.I. that mimics human conversation in telemarketing must be done transparently and adhere to the same regulations that govern traditional marketing calls.”

In November, the FCC posted a Notice of Inquiry, requesting input on the implications and usage of A.I. technology in consumer communications and how the technology fits under the Telephone Consumer Protection Act (TCPA). Specifically, the FCC inquired about the potential ability of A.I. technologies to act as the functional equivalent of a live agent.

Pursuant to the TCPA, robocalls are those calls made using an artificial or prerecorded voice. Such calls are generally prohibited unless the calling party obtains the prior express written consent of the consumer.

Attorney General Mayes joined the comment letter to the FCC, saying marketers wanting to use A.I. to impersonate a human voice should be required to follow the TCPA’s rules and regulations with respect to “artificial voices,” including obtaining the prior express written consent from consumer targets.

Attorney General Mayes is joined in sending the comment letter by the Attorneys General for Alabama, California, Colorado, Connecticut, Delaware, Washington D.C., Hawaii, Illinois, Massachusetts, Maine, Maryland, Michigan, Minnesota, Mississippi, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Washington.

A copy of the comment letter is available [here](#).

###

Arizona for Abortion Access Statement on 51st Anniversary of *Roe v. Wade* Decision

PHOENIX, AZ — Today, Arizona for Abortion Access released a statement on the 51st anniversary of the United States Supreme Court’s decision in *Roe v. Wade*, the case which established abortion rights in the US.

Statement from Arizona for Abortion Access executive committee member Chris Love, senior advisor to Planned Parenthood Advocates of Arizona:

“On January 22, 1973, *Roe v. Wade* was decided by the United States Supreme Court.

“For almost 50 years since then, we were a country where the individual liberty guaranteed in the 14th Amendment to the US Constitution was understood to mean that American women had autonomy over their own bodies, and could make their own decisions about abortion and pregnancy without government interference.

“In 2022, the Court overturned *Roe v. Wade*, and since then our freedoms have been furiously attacked. Here in Arizona, we face a near-total ban on abortion, currently under consideration by our own state Supreme Court.

“Whatever our Court decides, Arizonans will still need stronger protections for freedom. That is why Arizona for Abortion Access is working to pass a constitutional amendment in 2024 to ensure that abortion rights are preserved in our state for generations to come. We must act swiftly to ensure that every Arizonan can decide what is best for their own health and lives, without government interference.”

###

Republican Governors Urge Biden to Change Course on Overreaching Electric Vehicle Mandates

WASHINGTON, D.C. – Today, 16 Republican governors joined together on behalf of American consumers to urge President Biden to change course on his Administration’s overreaching mandate that two out of every three vehicles be battery electric by 2032.

The letter states that the Biden Administration’s mandates are unrealistic, costly, and prescriptive solutions that harm American consumers. Additionally, the letter notes that while not opposed to the electric vehicle marketplace, the American consumer and the free market should determine the direction and timing for the industry’s growth rather than the federal government.

View the letter [here](#).

###

Mayor Gallego Celebrates New Direct Flight to Paris

PHOENIX—Today, Mayor Kate Gallego joined Phoenix Sky Harbor International Airport officials and representatives from Air France to announce the start of new nonstop service between Phoenix Sky Harbor International Airport (PHX) and Charles de Gaulle International Airport (CDG) in Paris, France. This is the first time the cities will be connected via a nonstop flight.

“Adding non-stop service to Paris is a major milestone that demonstrates our commitment to providing convenient and efficient travel options to and from Phoenix,” said Mayor Gallego. “As our city continues to grow and become a destination for booming industries, I’m confident that direct service to Paris will unlock exciting possibilities for exploration and new business opportunities.”

Service on the Boeing 787-900 Dreamliner aircraft will begin May 23, 2024, and will operate three days per week for the summer season. Flights will leave Paris at 10:10 a.m., arriving in Phoenix at 12:10 p.m. then depart Phoenix at 2:10 p.m., arriving in Paris the next day at 9:15 a.m. During the 2024 summer season, the airline, from its Paris-Charles de Gaulle hub, will offer connecting opportunities to more than 200 destinations worldwide.

"Air France is thrilled to announce a direct link between Arizona and Paris with our newest, non-stop route coming in May," said **Boaz Hulsman, Vice President of Commercial, North America at Air France-KLM**. "Becoming the 22nd North American gateway for Air France next summer season, this new service symbolizes our commitment to enhancing the transatlantic travel connection. We look forward to soon providing passengers from Phoenix with an experience embodying the best of French elegance."

The new flight is another milestone in Gallego's mission to make Phoenix a more globally connected city through targeted investments in the airport and in growing industry. Under Gallego's leadership, Phoenix has welcomed its largest foreign direct investment, TSMC, rededicated the trade office in [Hermosillo](#), Mexico, and establishing flourishing [partnerships](#) with Sister Cities across the globe. Most recently, Gallego welcomed the [Dutch and Flemish Prime Ministers](#) to City Hall to discuss economic ties around semiconductors and sustainability initiatives. Last July, Gallego [traveled](#) to South Korea, Japan, and Taiwan to advocate for Phoenix on the global stage and recruit new companies to the city, particularly suppliers of TSMC. In addition to pushing for business expansion to Phoenix, Gallego has been working to connect the city to Asia [through](#) a direct flight.

About Sky Harbor

America's Friendliest Airport® offers nonstop service to more than 140 destinations across the United States and internationally. This new service adds to existing transatlantic service between Phoenix and London Heathrow on American Airlines and British Airways as well as nonstop service between Phoenix and Frankfurt on Condor Airlines. The new service will also allow for easy connections in the U.S. with Air France's codeshare partner Delta, and destinations in Europe and abroad with their other partner, KLM. Phoenix international flights add more \$3 billion to the local economy each year per the Airport's most recent economic impact study. This three times weekly nonstop seasonal service will provide a \$30 million annual economic impact to the Phoenix community.

For more information on all the destinations available to travel to from Phoenix, visit <https://www.skyharbor.com/flights/where-we-fly/>

###

Councilmember Mark Stewart joins Maricopa County Attorney's Office Business Advisory Council

Chandler, Ariz. – Chandler Councilmember Mark Stewart will serve on the Maricopa County Attorney's Office Business Advisory Council, a group made up of business leaders throughout Maricopa County which meets to provide business industry expertise and insight to the Maricopa County Attorney's Office.

"I am deeply honored to join the Maricopa County Attorney's Office Business Advisory Council" said Councilmember Stewart. "This appointment allows me to further represent the interests of Chandler and East Valley communities, not only as an elected official but also as a local business owner. I am committed to bridging the gap between business needs and public policy, ensuring our community's prosperity and well-being."

Advisory Board members meet quarterly to provide the County Attorney feedback on how to work together to help keep Maricopa County a safe and prosperous region.

[Councilmember Stewart](#) currently serves on the Maricopa Association of Governments Transportation Policy Committee, National League of Cities Information Technology and Communications Federal Advocacy Committee, CeCe's Hope Center Board of Directors and East Valley Partnership Board of Directors.

He began serving on the Chandler City Council in January 2017 and he will complete his second term as a councilmember in January 2025.

###

“QUOTE
OF THE DAY”

"I think the party is still a party of business." —
*former lawmaker and LD17 candidate on the
Republican Party's trend toward social issues.*

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 1-29
Date: Monday, January 29, 2024 5:02:58 PM
Attachments: [1-29-24.pdf](#)

Get [Outlook for iOS](#)

From: Chierstin Susel <CSusel@azleg.gov>
Sent: Monday, January 29, 2024 4:39:51 PM
Subject: Yellow Sheet 1-29

Chierstin Susel

Deputy Director of Communications
Arizona Senate Republicans- Majority Staff
Office: 602-926-3905
Twitter: @azsenaterepublicans
Web: www.azsenaterepublicans.com



YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

AZGOP needs money to litigate, Swoboda says



New Arizona Republican Party Chair Gina Swoboda got started as a deputy registrar in the Maricopa County Recorder's office and later worked in the Secretary of State's office under both Republican Michele Reagan and Democrat Hobbs. She served as Trump's state director of election day operations in 2020. And prior to running for chair, she served as third vice chair of the AZGOP. She currently works as executive director of the Voter Reference Foundation, a website rendering state voter rolls available to the public, and as the Senate majority's senior policy advisor on elections. Kim Quintero, Senate majority spokeswoman, told our reporter Swoboda would be able to continue in her role because she currently works as a

contract consultant. In an interview with Steve Bannon today, Swoboda said the AZGOP had "no money," which proves to be a key problem given a goal to continue lawsuits out of Yavapai county challenging the use of unmanned drop boxes and signature verification processes. Swoboda noted an upcoming lawsuit from AZGOP and the Legislature challenging provisions of the 2023 Elections Procedures Manual. "We got to litigate. I need money to do that," Swoboda told Bannon. "We're running on fumes and if I can't litigate, then I can't protect us." Swoboda also acknowledged schisms in the party after Bannon noted attendees booed Lake at Saturday's meeting. Former AZGOP chair Jonathan Lines said during his time, he made it a point to ensure all sects of the party had equal access to data. "You get into trouble when you start playing favorites," Lines said. Lines added the importance of establishing solid relationships with donors and the RNC and said participation from the RNC had dwindled since his time in office. Lines said he had offered to assist DeWit with donors, but "he never took us up on that." He said Swoboda had already reached out to him. "I feel like that's a great start," Lines said. Swoboda cinched the party's vote with endorsements from Trump, Lake and Petersen and a large swath of state and federal Republican lawmakers to beat out Corp Comm Chair Jim O'Connor.

Fontes takes No Labels case to Court of Appeals

Fontes is appealing the district court's decision to allow No Labels to exclude any candidates aside from the party's presidential picks from running under the party's banner to the 9th U.S. Circuit Court of Appeals. U.S. District Court Judge John Tuchi entered an order barring the Secretary of State's Office from accepting statements of interest and printing any names of No Labels candidates outside the presidential race as he found that compelling the party to participate in races they wanted "nothing to do with," would infringe on their associational rights. Fontes filed a notice of appeal Friday and a motion to stay the injunction. Kara Karlson, assistant attorney general and attorney for Fontes, urges the district court to put off the order pending appeal to "preserve the rights of Arizonans who have joined the No Labels party to participate as candidates and voters if the Court of Appeals has a different view of the appropriate balance of associational rights." And she notes "the time for potential candidates to gather and submit signatures will have expired or been significantly shortened by the time an appellate decision is rendered." Karlson further claims the district court order lacked direction, further illustrating the need for a stay. "There is no mention of what to do with candidates who have already filed those statements of interest, and should they seek to submit nomination petitions, there is no statutory mechanism by which the Secretary can reject those petitions." Three No Labels candidates already filed statements of interest to run in the primary for U.S. Senate, Corporation Commission and the state House. The SoS has not rescinded or rejected their statements.

Goldwater not done with this one

Attorneys for the Goldwater Institute [refiled their special action](#) to allow all Arizona voters to weigh in on appellate court judge retention elections in 2024. Attorneys for the Goldwater Institute and Andrew Gould, former Arizona Supreme Court justice, refiled the suit in Maricopa County Superior Court earlier this month after the Arizona Supreme Court declined review in November. Gould, on behalf of four Arizona voters, sued Fontes and the state of Arizona and claimed the current judicial retention election scheme for the Arizona Court of Appeals violates the Arizona constitution as decisions from the appeals court impact the entire state, but judges stand for retention election based on county of residency. In the first brush with the Arizona Supreme Court, Petersen and Toma filed an amicus curiae brief in support of review, while Mayes urged the court to deny the petition, noting the bid to change the system mirrored an earlier legislative attempt by Toma, H2757 (court of appeals; retention election) that was ultimately vetoed by Hobbs. Superior Court Judge Frank Moskowitz granted a joint motion to extend time for attorneys for Mayes and Fontes to respond to the renewed complaint.

Day 1,375 of Finchem's day in court

The Arizona Court of Appeals granted Finchem's request to reinstate oral argument on his appeal of sanctions. Finchem owes more than \$7,434 to Hobbs and more than \$40,000 to Fontes to cover attorney's fees after a Maricopa County Superior Court judge found he brought his election contest in bad faith. He appealed the judgment, though he made it clear in the opening brief he did not seek to again "litigate the results of the 2022 statewide election." But Finchem does still claim Hobbs' "misbehavior" caused votes to be "illegally counted." Arguments were initially scheduled for Jan. 31. But after Finchem's former attorney Daniel McCauley filed to exit as counsel, as part of a settlement with the Arizona State Bar for taking the case in the first place, the court vacated the date. Attorney Dennis Wilenchik stepped in to take on Finchem's appeal. And per Wilenchik's request, the Arizona Court of Appeals [agreed to reinstate oral argument](#). The parties are due in court March 6.

Death threats aren't protected speech part 2

A man who threatened to poison Maricopa County Supervisor Bill Gates in November 2022 was sentenced to three years' probation with court-ordered mental health treatment, Mayes announced today. Ryan Stuart Hadland, a Phoenix resident, pled guilty to use of an electronic communication to intimidate, threaten or harass. Hadland emailed Gates and wrote, "I promise you, you are about to be poisoned multiple times over again to make sure your death, or corpse, is carried out." Mayes announced the charge against Hadland last June. He entered a plea agreement with the state in early January.

·WAKE UP CALL·

Ethics panel probes Sun's alleged death threats

Arizona Capitol Times

Two witnesses testified Jan. 25 to a House ethics panel alleging they directly heard a Democratic representative threaten the life of a Tolleson city employee.

Panel cites local control to kill 2 transportation bills

Arizona Capitol Times

Democrats killed two pieces of legislation on Jan. 22 with the help of a GOP senator — one proposing a ban on photo radar and the other seeking to eliminate bicycle lanes in municipal plans.

Bill to make school board elections partisan advances

Arizona Capitol Times

A bill to make school district elections explicitly partisan passed the Senate Education Committee on party lines, though the sponsor already noted the need to strike a provision requiring board members to run in partisan primaries.

Mayes threatens feds with court over state tax rebate

Capitol Media Services

The Internal Revenue Service has no right to force 750,000 Arizona families who got a state income tax rebate last year to now pay federal taxes on the funds, Attorney General Kris Mayes said Thursday.

Arizona GOP chairman contender asked county supervisors not to certify 2022 election

Votebeat

A candidate to chair the Arizona Republican Party called on Maricopa County supervisors in 2022 to delay certifying the state's midterm election, which would have violated state law, according to an email obtained by Votebeat.

GOP lawmaker wants to require schools to teach about communist regimes

Capitol Media Services

The way Ben Toma sees it, perhaps communism is a good idea – but only on paper. So the Peoria Republican wants to be sure that high schoolers get at least a crash course on the history of communist regimes.

ABOR clarifies UA budget shortfall, says athletics responsible for \$35 million of \$140 million deficit

Cronkite News

Although the University of Arizona's budget shortfall is closer to \$140 million than the \$240 million previously reported, the school is prepared to undergo sweeping changes in budget and oversight, including addressing the \$35 million shortfall tied to the athletic department.

Phoenix must reject feds' public safety power grab

Arizona Capitol Times

Phoenix leaders just informed the Justice Department that the city can operate its own law enforcement activities without federal oversight.

[New evidence shows Kari Lake's takedown of Arizona GOP boss was orchestrated](#)*The Arizona Republic*

On Jan. 23, Team Kari Lake leaked her now-infamous 10-month-old tape of state GOP Chairman Jeff DeWit's clumsy attempt at bribery.

[Kari Lake's campaign chairman says he wants Christians to 'control America'](#)*The Arizona Republic*

A recent program on the Christian nationalist Victory Channel, owned by televangelist Kenneth Copeland, featured Floyd Brown, founder of the like-minded Western Journal, headquartered here in Arizona.

·PRESS RELEASES·**Arizona Senate Republicans Stand in Solidarity with Texas' Efforts to Defend Itself Against Biden's Border Invasion**

PHOENIX, ARIZONA— Arizona Senate Republicans are supporting Texas Governor Greg Abbott in his efforts to defend the southern border from the invasion our nation is enduring at the hands of the Biden Administration and are urging Governor Katie Hobbs to do the same.

Today, Senate President Warren Petersen and House Speaker Ben Toma signed onto a letter with more than two dozen state attorneys general urging Joe Biden and his Department of Homeland Security to either enforce our immigration laws and protect our southern border, or get out of the way so Texas can. Additionally, Senator Shawna Bolick is introducing a Senate resolution today, reiterating the Legislature's commitment of support for Texas, calling on Governor Hobbs to do the same, and demanding Joe Biden fulfill his constitutional duty to fight back against the invasion.

"Arizona is overwhelmed from the same dangers brought on by this invasion as Texas. Biden is literally dismantling our nation as we know it, allowing known terrorists and criminals to enter through our southern border with no consequences," said President Petersen. "Since our Attorney General is not pushing back against the lawlessness Biden is promoting by working to destroy the border barriers Governor Abbott has built, the Legislature must speak out and stand in solidarity to support our neighbors," said President Petersen.

"Our law enforcement resources are outnumbered, and our communities are in peril from the millions of people who have entered our country illegally since Biden took office," said Senator Bolick. "These are not just innocent families looking for a better life. We're experiencing numerous horrific crimes on a daily basis, like child sex trafficking, human smuggling, rapes, murders, and deadly fentanyl destroying our communities. We can't sit idly by. I commend Governor Abbott for taking action. Governor Hobbs needs to do the same."

"States must act now or see their communities forever changed by the destruction Biden's open border is causing. This is a matter of national security, and innocent lives are on the line," said Senator Janae Shamp.

"In an effort to protect our communities and our citizens from the infiltration of crime, I've introduced the Arizona Border Invasion Act, which mirrors Governor Abbott's efforts to arm local, state, and county law enforcement with the tools they need to defend Arizona. I'm urging the Legislature to support this proposal, as well as our other border related measures, and for the Governor to sign them."

###

PUBLIC WELCOME AT STATE BOARD OF INVESTMENT MEETING

PHOENIX, AZ – Arizona Treasurer Kimberly Yee invites the public to attend the State Board of Investment (BOI) meeting on Tuesday, January 30, 2024, at 1:00 P.M. in the Arizona State Treasurer's Office or via web with audio conferencing. The public may also join via web with audio conferencing and stream the meeting audio and presentation slides online. The monthly meeting reports on Arizona's investment activity, cash flow, future market conditions, and Arizona's Education Savings Plan (AZ529).

Tuesday's meeting will provide a detailed presentation on the December 2023 investment performance, earnings distributions, and operating balances for the Permanent Land Endowment Trust Fund (PLETF), the money invested for state agencies, local governments, and AZ529 Plan savers.

Details:

- **Monthly Arizona State Board of Investment Meeting**
- **Review of December 2023 investment activities and future strategy**
- **Tuesday, January 30, 2024, at 1:00 P.M.**
- **Office of the State Treasurer Arizona, 1700 W. Washington St., Phoenix, AZ, 85007, #102 (Large Conference Room)**
- **Click [HERE](#) after 12:50 P.M. to stream the BOI meeting. (Enter a name, an email address, and the password: asto2024, or use the phone number and access code provided)**

###

Governor Katie Hobbs Joins Senate Democratic Leader Epstein, House Democratic Leader Contreras in Introducing ESA Accountability Legislation

Phoenix, AZ – Today, Governor Katie Hobbs joined Senate Democratic Leader Mitzi Epstein and House Democratic Leader Lupe Contreras in introducing a package of bills that will increase accountability and transparency in the ESA voucher program. The plan will implement fingerprinting and background checks to ensure students have safer learning environments, increase transparency for parents to know if the school will meet their student's needs, and increase financial accountability. stop taxpayer dollars from being spent on luxury car driving lessons and ski passes, and increase transparency for parents and students making educational choices.

“Arizonans deserve to know their taxpayer dollars are being spent giving Arizona children the education they deserve, not on luxury car driving lessons, ski trips, and water park passes,” said Governor Katie Hobbs. “We must bring accountability and transparency to the ESA program. With this plan, we can keep students safe, give parents and students the information they deserve to make informed educational choices, and protect taxpayer dollars. It's simple: we need accountability for government spending, and every school receiving taxpayer money should follow basic educational and student safety standards.”

“The unaccountable government expansion of ESA vouchers has put our state's financial security, and our students, at risk,” said Senate Democratic Leader Mitzi Epstein. “These commonsense safeguards will be vitally important for giving Arizona children a safe and quality education, and bring the same accountability and oversight to ESAs that we expect for any taxpayer spending.”

“All Arizonans, no matter their party, want to see taxpayer dollars spent wisely,” said House Democratic Leader Lupe Contreras. “We're presenting basic standards that will establish transparency and accountability to avoid excess spending on luxury goods, ensure student safety and provide transparency over the ESA program. Let's pass these commonsense bills and deliver much-needed oversight for Arizona families.”

The introduced bill is:

- SB1399

###

Arizona House Speaker Ben Toma Joins 27-State Coalition Supporting Texas Border Defense Barriers

STATE CAPITOL, PHOENIX – Arizona House Speaker Ben Toma has joined 26 other states in an Iowa and Utah-led letter (attached) to the Biden Administration, supporting Texas’s border defense.

Since President Biden took office, more than six million illegal aliens have crossed the southern border—roughly the population of Iowa and Utah combined. But even worse than turning a blind eye to the unprecedented invasion at the southern border, including record illegal immigration, a flood of deadly drugs, an influx of human trafficking, and increased encounters with members of the terror watchlist—the Biden Administration has actively made the crisis worse. In just one month, Border Patrol agents acting on the Biden Administration’s orders cut Texas’s border defense wires more than 20 times. In one case, they even used a forklift to raise the wire and usher in more than 300 illegal aliens.

Since the Biden Administration has failed to do its job and secure the border, States like Texas have stepped up to protect their citizens. A federal district court found that Texas’s border defense wires reduced illegal border crossings by more than two-thirds. Those barriers protect not just Texans from millions of illegal border crossings, but the rest of the nation.

“Texas has every right to defend itself from the unprecedented flow of illegal immigration, drug trafficking, and countless threats at our southern border because of President Biden’s willful refusal to protect this nation,” said Speaker Ben Toma. **“I stand with Governor Abbott and call on Governor Hobbs to follow his lead and invoke Arizona’s constitutional right to defend itself.”**

The States demand that the Biden Administration either enforce the laws that secure the southern border or allow States like Texas to stop the invasion themselves.

Speaker Toma joined the Iowa and Utah-led letter, along with Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wyoming, and Arizona Senate President Warren Petersen.

###

Arizona Treasurer Kimberly Yee and AZ529, Arizona’s Education Savings Plan Launch Statewide Future Career Art Contest

PHOENIX AZ – The Arizona State Treasurer’s Office together with AZ529, Arizona’s Education Savings Plan, are asking Arizona kindergarten through 6th-grade students to picture their future careers and the education they need to achieve their dreams. The third-annual AZ529 Future Career Art Contest, which launches today, asks students to draw, paint or find a creative way to make an art piece representing their dream job.

A total of 15 winners will be selected across the state and receive \$529 towards opening a new or existing AZ529 Education Savings Plan account. Winners will be selected from all Arizona counties and at least one winner representing a district school, charter school, private school, tribal school, and homeschool will be selected. Winners will be honored by Treasurer Kimberly Yee during a special ceremony at the State Capitol at the end of March.

In all, nearly \$8,000 will be distributed to 15 students to kickstart or contribute to saving for their educational plans beyond high school. Parents or guardians of the winners will be responsible for setting up an AZ529 account if an account does not already exist. **All entries must be submitted starting January 29th either online to az529.gov/2024ArtContest or through direct mail. Entries must be received by March 3, 2024, at 11:59 p.m. (MST).**

“The AZ529 Future Career Art Contest gives Arizona students an opportunity to bring their dreams to life,” said Arizona Treasurer Kimberly Yee. “Families are prioritizing and investing in their child’s future when they begin saving for education with an AZ529 Plan. We are excited to bring this art contest back for a third year to students across our great state.”

The AZ529 Education Savings Plan offers a tax-free approach to setting money aside for college, community college, vocational training, trade school and other educational avenues for high school graduates. Arizona residents can receive a dollar-for-dollar state tax deduction for contributions made to an AZ529 account each year, of up to \$2,000 per beneficiary or \$4,000 per beneficiary depending on filing status. Funds earned over time will remain tax-free when used for a wide variety of covered educational expenses. Beginning this year, 529 plan beneficiaries will be able to rollover unused funds into a Roth IRA, free of income tax or tax penalties. Additionally, friends and family members may add to a child’s AZ529 Plan at any time and earn the same tax benefits for themselves.

For more information about AZ529, visit <http://www.az529.gov>. For complete contest details and rules, visit <http://www.az529.gov/2024artcontest>.

###

Senator Hoffman and Legislative Republicans To Hold Press Conference with Superintendent Horne and PragerU

PHOENIX, ARIZONA— Members of the media are invited to join Senator Jake Hoffman, Legislative Republicans, Superintendent Tom Horne, and PragerU CEO Marissa Streit at a press conference and ribbon cutting to announce a new educational partnership that will support teachers and students in the state of Arizona. Speakers will take relevant questions at the conclusion of their remarks.

Date: Wednesday, January 31, 2023

Time: 11:30 AM Location: Arizona State Senate Lawn (Northwest corner of W. Jefferson Street & S. 17th Avenue, Phoenix)

###

Arizona’s Cities and Towns Act on Housing Challenges

(PHOENIX) - Cities and towns across the state are making meaningful efforts to address the housing needs of their residents. These successes are demonstrated by recent data showing the surge in approvals and housing unit completions after several years of residential developers underbuilding.

According to the Maricopa Association of Governments, housing completions in Arizona’s largest and fastest growing region are nearing pre-Great Recession levels. Multi-family developments represented 40% of those completions. Residential construction permit activity has increased, with 275,000 housing units currently in the development pipeline, and 106,000 approved housing units that remain unbuilt in the Maricopa County region. Yardi Matrix, an industry research firm, found that Phoenix leads the nation in the number of apartment units to be delivered in 2023. Our state is becoming more urbanized than ever, and our largest

communities are approving policy changes in collaboration with city and town councils, residents, and developers to provide diverse housing types tailored to meet local needs.

However, some bill proposals being considered by the Arizona Legislature will thwart the successes made by city and town leaders, remove resident participation in the development of their neighborhoods, and weaken or eliminate local consideration of residents' desires and needs. Some Arizona communities are still reeling from the negative impacts of prior legislative decisions to weaken local zoning and land use laws regulating the short-term rental industry, which continues to reduce the availability of housing for residents.

Mayor Douglas Nicholls of Yuma and president of the League commented, "Cities and towns are committed to working with state leaders to address affordable housing, including extending the state's Low-Income Housing Tax Credit, providing diverse tools to incentivize affordable housing production, and curtailing the proliferation of investor-owned short-term rentals. One-sized-fits-all mandates or measures that weaken the quality of housing while failing to guarantee affordability risk years of thoughtful planning to create desirable communities for all residents. Legislation that eliminates single-family zoning, hinders economic development, and prevents resident participation will also create negative and generational impacts that cannot be reversed. We ask state leaders to be mindful of the effects of their proposed measures. Preserving the decision-making of local elected leaders and their residents is paramount to chart a continued path of success for their communities."

###

MEDIA ADVISORY: Sen. Anna Hernandez, Rep. Analise Ortiz To Give Important Update on the Future of Legislative District 24

PHOENIX—Sen. Anna Hernandez(D-Phoenix) and Rep. Analise Ortiz(D-Phoenix) of Legislative District 24 will give an important update on the future of the district.

Who: Sen. Anna Hernandez, Rep. Analise Ortiz, and community members
When: TOMORROW, Tuesday, Jan. 30 at 11 a.m.
Where: Arizona State Capitol, 1700 W. Washington St., Rose Garden

###

NEW POLL SHOWS PUBLIC SUPPORT FOR STATE LEADERS TO PRIORITIZE GREATER HIGHER ED AND WORKFORCE ATTAINMENT

PHOENIX – On Wednesday, January 31, [Education Forward Arizona](#) President Rich Nickel, along with other Arizona leaders, will host a press conference to unveil a new, never-before-seen poll for the state of Arizona. The results show that Arizona voters, across the ideological spectrum, overwhelmingly support increasing the share of Arizonans with a degree or certificate beyond high school.

Education Forward Arizona outlined its [ACHIEVE60AZ Action Plan](#) in 2016, which provides a path to ensuring that 60 percent of working-age Arizonans have some form of postsecondary education, and set 2030 as its goal for attainment.

Education Forward Arizona commissioned the poll as part of its [Everything to Gain campaign](#), which aims

to raise awareness of the vast benefits Arizona has to gain by reaching its attainment goal. The poll results demonstrate that voters are ready for state leaders to invest in ACHIEVE60AZ by expanding access to student supports such as technical training and dual enrollment programs.

Speakers will discuss the results of the recent poll showing Arizonans' level of support for ACHIEVE60AZ and will provide an update on the status of Arizona's performance on a number of measurements that correlate to academic success in K12 and beyond.

WHO:

Rich Nickel, President and CEO, Education Forward Arizona
Sybil Francis, Ph.D. President & CEO of Center for the Future of Arizona
Dr. Cynthia Lietz, Dean and President's Professor, Watts College of Public Service & Community Solutions
Monica Villalobos, President & CEO, Arizona Hispanic Chamber of Commerce
Cordero Holmes, Arizona State University student

WHEN:

Wednesday, January 31 | 1:00 PM MT

WHERE:

ASU Downtown Phoenix Campus **University Center Lobby**
411 N Central Ave.
Phoenix, AZ 85004

INTERVIEWS:

Press is encouraged to arrive at 12:50 PM. Schedules allowing, some speakers will be available for questions after the press conference.

RSVP: to Les Braswell at les.braswell@gmail.com to receive a campus map with parking information and additional press conference location details.

###

Attorney General Mayes Announces Sentence for Man Who Sent Threatening Email Message to Maricopa County Supervisor

PHOENIX – Attorney General Kris Mayes today announced the sentencing of Ryan Stuart Hadland, age 45, of Phoenix. Hadland was sentenced to three years' probation after he pled guilty to Use of An Electronic Communication to Terrify, Intimidate, Threaten or Harass, a Class 1 Misdemeanor under Arizona law.

On November 12, 2022, Hadland emailed Maricopa County Supervisor Bill Gates an email with the following threat:

*“By Owing allegiance to the United States, the crime of betraying one's country, especially by attempting to kill the sovereign, shall suffer death. YOU ARE the corrupt Democrat party, being paid or for price of power, to cheat our voting system in Maricopa County. It's obvious you've made my vote not count by offsetting it with multiple fraudulent Democratic ballots counting as votes instead. Because you are trying to make sure I don't exist by communicating a clear F*** You over and over again, I will bring you back to reality with your sure death, multiple times over again. I've always thought food poisoning to be the easiest means to have slipped in the unassuming person's meals. I will follow the example you've lived by, of paying off the necessary people to make sure the repetitive food poisoning you ingest will lead to certain death. There are*

many poisons that aren't detectable when they are naturally present in the human body. The poisons which enter the body with most ease will be strategically placed in every aspect of your routine life. I promise you, you are about to be poisoned multiple times over again to make sure your death, or corpse, is carried out."

"Threats of violence against public servants are not only criminal acts, they are direct attacks on the principles of our democracy," said Attorney General Mayes. "My office is committed to protecting our election officials and I will continue to prosecute those who seek to undermine our democracy through intimidation and violence."

Pima County Superior Court Judge Scott McDonald also ordered Hadland to obtain mental health services, as directed, and provide proof that he continues to use those services while on probation. Judge McDonald further ordered Hadland have no contact with Supervisor Gates or his family.

Attorney General Mayes announced [charges](#) against Hadland in June 2023. The investigation in this case was conducted by the Maricopa County Sheriff's Office.

###

Ciscomani, Bost Unveil Effort to Ensure Veterans' Surviving Families Receive Promised Benefits

WASHINGTON – U.S. Congressman Juan Ciscomani (AZ-06) and House Veterans' Affairs Committee Chairman Mike Bost (IL-12) introduced a new effort today to ensure veterans' surviving spouses and families receive their promised benefits, even after their loved ones pass away.

In 2021, the Department of Veterans Affairs (VA) moved the Office of Survivors Assistance (OSA) from under the Office of the VA Secretary to the Veterans Benefits Administration (VBA). The move has prevented the OSA from having direct access to the Secretary to fix policy and program-wide problems. Ciscomani's legislation, titled the Prioritizing Veterans' Survivors Act (H.R. 7100), would move the OSA back within the Office of the VA Secretary. Full text of the bill is available [here](#).

"Behind each of our men and women in uniform are military spouses, children, and families who have faced their own set of sacrifices while their loved ones serve our country," **said Ciscomani, who represents over 70,000 veterans.** "Our veterans' surviving families deserve to have their needs prioritized within the VA, especially when it comes to accessing the benefits they are owed. The Prioritizing Veterans' Survivors Act gives these families a voice when it comes to the policies and programs that affect them. The United States has a sacred promise to care for our service members, our veterans, and their families; this effort brings us closer to wholly fulfilling that solemn responsibility."

"Survivors of the men and women who have made the ultimate sacrifice on behalf of our nation are owed a debt that can never be repaid. They deserve the utmost respect, care, and attention to their needs. This is why I am proud to see my friend Rep. Ciscomani introduce his bill, the Prioritizing Veterans' Survivors Act," **said Chairman Bost.** "This critical piece of legislation moves the VA Office of Survivors Assistance back to the Office of the VA Secretary, which it never should have been moved from in the first place. There is no group of people more deserving of a seat at the table, and this bill will guarantee that survivors get that, by ensuring VA prioritizes services for veterans' surviving spouses and family members."

"As a surviving spouse in Arizona, I am grateful that the move of the OSA directly under the Secretary's office is considered," **said Jane Strain, an U.S. Army veteran and member of Ciscomani's Veteran**

Advisory Council. “The needs of the surviving spouse population are compelling and growing as the men and women whose life situations change to this status cannot be pushed to the back of the office. This population is growing and needs attention in a variety of areas, from finance to housing concerns. These family members who cared for children, moved many times during a military career, compromised their careers and maintained home life while the service member deployed have earned and deserve attention when the spouse has passed. Placing the OSA directly under the Secretary will help to recognize the importance of this population.”

###

State Representative David Cook and Arizona House Committee on International Trade Host Meeting with Romanian Ambassador and Delegation

STATE CAPITOL, PHOENIX – State Representative David Cook and members of the Arizona House Committee on International Trade were honored to host a meeting today with the honorable Andrei Muraru, Romanian Ambassador to the U.S., a delegation of Romanian Members of Parliament, and representatives from the business community.

The members of the International Trade Committee engaged in discussions about partnership opportunities, building on the success of their trade mission last year. The meeting also delved into the potential establishment of an Arizona regional trade office in Romania.

“We view Romania as a prospective location for establishing an Arizona trade office, which would encompass the Eastern European region,” stated Representative Cook, Chairman of the House International Trade Committee. **“Our goal is to position Arizona as a key player in trading and investment opportunities, especially in supporting the reconstruction of Ukraine post-war. Romania, being centrally located, serves as a strategic hub in the region and is one of our most trusted NATO partners.”**

The Committee is eager to further strengthen economic ties between Arizona and Romania, recognizing the significance of collaboration in the evolving global landscape.

###

“QUOTE OF THE DAY”

“We’re running on fumes and if I can’t litigate, then I can’t protect us.” — New AZGOP Chair Gina Swoboda on the party’s lack of funds and need to litigate challenges to election laws.

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 2-12
Date: Monday, February 12, 2024 8:34:36 PM
Attachments: [2-12-24.pdf](#)

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From: Chierstin Susel <CSusel@azleg.gov>
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Chierstin Susel

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YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

Attorney argues no crime to vote your conscience

Attorneys for indicted Cochise County Supervisor Tom Crosby contend the [criminal statute](#) at the center of election interference and conspiracy charges is “vague and ambiguous and overbroad, and unconstitutional,” as applied to a county supervisor. Crosby, and his fellow supervisor Peggy Judd, pleaded not guilty to conspiracy and interference with an election officer, two class five felony charges lodged by the state grand jury for delaying the county canvass for the 2022 election. But in [a motion to dismiss](#), Crosby’s attorney, Dennis Wilenchik, claims there was no interference as then Secretary of State Hobbs canvassed the state election on time, in line with statute. He notes the duties in statute are solely to canvass the election, not to make efforts to solicit canvasses from individual counties. “It is frankly unknown to anyone, in advance of being charged with criminal activity, what her ‘efforts’ here are at all,” Wilenchik wrote. Wilenchik further argues the criminal statute at hand was intended to prevent bribery or corruption, or to deter interference by citizens with election officers on election day, not in the post-election period. And per this reading, the statute should not have been applied to a county supervisor. “(t)here is no unlawful act let alone any conspiracy by Supervisors voting their conscience,” Wilenchik wrote. He argues the indictment was brought for “purely political purposes by the Attorney General and is an egregious abuse of her powers” and asked the court to dismiss the charges as a matter of law and the prosecution be dismissed with prejudice. Judd and Crosby’s trial is currently scheduled for May.



Candidates, mark your calendars

With the primary election moved up a week, candidate nominating petition deadlines followed suit. Signatures are now due April 1, instead of April 8, and whether the lost week to garner signatures weighs on candidates’ efforts depends on the strength of the candidate, according to political consultants. Matt Grodsky, Dem consultant, said in a text to our reporter that he thought the deadline change to be a “huge deal if you are behind on signatures in a race at any level.” Grodsky noted response to the deadline change is contingent on the candidate, but at this stage, campaigns may need to think about investing in digital outreach to gather E-Qual signers. And he noted campaigns may need to put in resources to educate voters on new deadlines. Barrett Marson, GOP consultant, said the week shouldn’t make a difference to strong candidates. “If your operation is so shoddy, that seven days is make or break, maybe you’re not ready to be a candidate anyway,” Marson said. Ballot measure signature deadlines remained unaffected by the shift in election schedule. “God bless,” said Chuck Coughlin, the consultant and chair

of the Make Elections Fair PAC, the committee working to put the “Make Elections Fair Arizona Act” on the ballot.

Martin Quezada seeks LD22 seat

One potential candidate for the vacant LD22 House seat has decided not to seek appointment. Former Rep. Lorenzo Sierra announced in a Sunday post on X that now is not the right time for him to reenter public office, despite the encouragement he’s received from people wanting him to represent the district. “My support of Arizona continues through community and public service, and my best wishes are with whomever receives the appointment,” Sierra wrote in his post. LD22 Democrats are meeting tonight to nominate three candidates for the vacancy. According to an email sent Sunday from LD22 Democratic Chair Tina Gamez, nine candidates are seeking appointment including former state Sen. Martin Quezada. The other candidates are Steven Chapman, Natacha Chavez, Roberta Garcia, Sharon Hendrickson, Bryan Kilgore, Elda Luna-Najera, Betsy Munoz and Paul Valach. Chapman was a write-in candidate for LD22’s Senate race in 2022, as was Diaz. Valach and Kilgore also had some interest in the Senate seat. Kilgore withdrew from the Senate race in 2022 and Valach received few votes in a race that had 10 candidates running. Hendrickson is running for the House in the district. Chavez also ran in the Democratic primary for a LD22 House seat in 2022, but wasn’t elected as a nominee. Luna-Najera is the president of the Tolleson Union High School District.

State leaders go to court to grab land back

Petersen, Toma, Yee, Mohave County, Colorado City and Fredonia, Arizona, filed a lawsuit against the federal government claiming the designation of nearly 1 million acres of land near the Grand Canyon as a national monument constitutes an “unlawful land grab.” In August, Biden relied on the Antiquities Act to expand and recognize the Baaj Nwaavjo P’tah Kukveni – Ancestral Footprints of the Grand Canyon National Monument, effectively protecting the area from uranium mining in the process and garnering sweeping support from tribal communities. But a slate of Senate and House Republicans met ahead of the designation and signed a resolution unanimously opposing the “land grab” and later promised legal action against the Biden administration. The legislative leaders followed through today and claim the designation is a violation of the Antiquities Act, which they contend covers national monument designations for only “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government” and attached land parcels, that must be “confined to the smallest area compatible with the proper care and management of the objects to be protected.” And as for harm to the state, they claim the move unlawfully cuts off State Trust Lands and creates harm to the legislature, treasurer, counties and cities as it stands to decrease “revenue Arizona could receive from mining on the land” or in developing the land, and claim potential impact to the state budget, given a hit to the state land trust fund. They ask the court to reverse the designation and find the move to be in violation of separation of powers and the Antiquities Act, or otherwise find the Antiquities Act to be entirely unconstitutional.

That’s a Hell No!

A district court judge denied a bid by Fontes to stay an injunction barring the Secretary of State’s office from accepting statements of interests or printing any No Labels candidates outside of the presidential race on the primary and general election ballot. Judge John Tuchi found “nothing” in Fontes’ motion to stay “changes the Court’s disposition of Plaintiff’s claims in this matter or the reasoning the Court

provided in its Order.” Tuchi previously enjoined any No Labels candidates outside the presidential race from the ballot as requiring a party to support candidates in races it wanted “nothing to do with” would tread on associational rights. Fontes appealed the order to the 9th U.S. Circuit Court of Appeals.

·WAKE UP CALL·

[GOP, conservative group challenge new elections procedures](#)

Capitol Media Services

The Arizona Free Enterprise Club is asking a judge to void proposed rules that say its members have no right to photograph, approach, question and even seek “documentation” of voters who are using drop boxes.

[As Arizona Supreme Court weighs abortion law, both sides brace for ruling](#)

Cronkite News

It’s been nearly two months since the Arizona Supreme Court heard arguments over the state’s abortion law, and its ruling in that case could all but ban abortions in the state or allow them to continue up to 15 weeks.

[Hobbs played defense on election deadline fix](#)

Capitol Media Services

Gov. Katie Hobbs acknowledged Friday she really didn’t get anything out of the deal she cut with Republican lawmakers to resolve election deadline issues.

[Closed door meetings, tears: How Arizona leaders compromised to fix the state’s election timeline crisis](#)

Votebeat

Arizona has fixed a looming crisis for the election in a way that election officials say will allow them to submit presidential results to Congress in time. Republicans are touting the fix as a boon for election integrity, and Democrats say it protects voters in the long run.

[Arizona communities grapple with the cost of a green energy future — more mining](#)

Fronteras

On a breezy morning late last year, Roger Featherstone, director of the conservation group Arizona Mining Reform Coalition, hovered over a microphone attached to headphones and stared out of the window of a tiny plane.

[Arizona wildlife officials investigate illegal killing of a desert bighorn sheep; \\$6500 reward offered](#)

Fox News

Wildlife officials in Arizona are investigating the illegal killing of a desert bighorn sheep that was left for dead last month and offering a reward for information that leads to the arrest of those responsible.

[Arizona cancer diagnoses likely to climb in 2024](#)

Axios

Arizonans are estimated to receive 42,670 cancer diagnoses this year, according to new American Cancer Society data.

[Smart step toward ending boating tragedies](#)

Arizona Capitol Times

Last year, the state was rocked by a series of devastating boating accidents, including a 6-year-old girl who was run over by her family’s boat at Lake Pleasant and killed. These tragic events, which claimed 13 lives, injured 60 people are more than just numbers – they’re a dire warning that we cannot ignore.

[There is a good reason why Arizona should honor this 'enemy of the people'](#)

The Arizona Republic

A bill has passed in the Arizona House that would allow for a memorial to Don Bolles at the state Capitol.

[Preferred pronouns for GOP lawmakers attacking Arizona's transgender youth are ruth/less](#)

The Arizona Republic

In an election year, politicians will do anything to stir up the party faithful. So, while Republicans on the national level thwart efforts to solve the border crisis so they can campaign on there being a border crisis, Republicans at the Arizona Legislature are attacking — children.

·PRESS RELEASES·

Arizona Treasurer Kimberly Yee as State Land Surveyor-General Joins Lawsuit Against the Biden Administration for Unlawful Land Grab

PHOENIX, ARIZONA – Arizona Treasurer Kimberly Yee is suing the Biden Administration for violation of the Antiquities Act, with the creation of the Baaj Nwaavjo I'tah Kukveni-Ancestral Footprints of the Grand Canyon National Monument.

President Biden created the new monument last year, which comprises over 900,000 acres of Bureau of Land Management land in Mohave County and Coconino County in Northern Arizona. In doing so, he isolated tens of thousands of acres of state trust lands, causing economic harm to the beneficiaries, primarily K-12 education in Arizona.

“We must protect the value of state trust lands for the future of Arizona. This unlawful land grab by the Biden Administration will directly affect Arizona's economy and the livelihoods of our citizens,” said Arizona Treasurer Kimberly Yee. “The Federal Government needs to compensate the permanent school fund for the tens of thousands of trust land parcels left economically isolated by the stroke of the pen by President Biden. This big hand of government will hurt our K-12 education beneficiaries the most.”

The monument designation prohibits further use and development of the BLM land which surrounds the state trust land, even though those lands are available for the mining of important natural resources, such as uranium, that financially benefit Arizona's state and local governments and schools.

The complaint, which was filed today in the U.S. District Court for the District of Arizona, demands judicial intervention to stop this unlawful land grab.

"The suit affirms that Congress passed the Antiquities Act to protect just that: antiquities. It did not pass the law to allow the Biden Administration to declare every inch of federal land a monument," said Arizona Treasurer Kimberly Yee.

Treasurer Yee joined the suit as she is responsible for the receipt and investment of all revenue from Arizona state trust land. Treasurer Yee also serves as the Surveyor-General for the selection of lands and a member of the State Land Selection Board, which assigns beneficiaries for all state trust lands and approves all annexations of state land. Treasurer Yee has joined the lawsuit alongside the Arizona State Legislature, Mohave County and the towns of Colorado City and Fredonia.

###

Representative Matt Gress Applauds Town of Paradise Valley for Human Trafficking Combat Certification

STATE CAPITOL, PHOENIX – Arizona State Representative Matt Gress commends the Town of Paradise Valley for its proactive efforts in combatting human trafficking, as demonstrated by the recent achievement of the CEASE (Cities Empowered Against Sexual Exploitation) Designation. This certification, presented by the Arizona Anti-Trafficking Network, highlights the town’s commitment to addressing sexual exploitation comprehensively.

On January 25, the Arizona Anti-Trafficking Network recognized the Town of Paradise Valley for its dedication to training all municipal employees in combating sexual exploitation and trafficking. This milestone makes Paradise Valley the first municipality to achieve a 100 percent employee training rate.

“As we continue to raise awareness and take steps towards combating human trafficking, the Town of Paradise Valley stands as a leader,” said Representative Gress. **“I commend their dedication and urge other municipalities to join the fight against this heinous crime and work towards a future where no one falls victim to exploitation.”**

CEASE, a program administered by the Arizona Anti-Trafficking Network, equips cities across the state with essential tools and resources to effectively combat sexual exploitation. To earn the CEASE Designation, municipalities must ensure that over 75 percent of their employees complete comprehensive training and commit to ongoing education annually.

Matt Gress is a Republican member of the Arizona House of Representatives serving Legislative District 4 in Phoenix. He also serves as Chairman of the House Appropriations Subcommittee on Budgetary Funding Formulas. Follow him on X/Twitter at @MatthewGress.

###

First Responders, Veterans Join Senator T.J. Shope to Highlight Effort to Legalize Psilocybin Mushrooms as Treatment for Mental Health Conditions

PHOENIX, ARIZONA— Members of the media are invited to join Senator T.J. Shope and other Senate Republicans at a press conference Tuesday to highlight SB 1570 (psilocybin services; regulation; licensure). This legislation would legalize the use of psilocybin mushrooms as treatment for mental health conditions.

The lawmakers will be joined by a first responder, a combat veteran, physicians, mental health attorneys, and researchers in support of the proposal. Speakers will take relevant questions at the conclusion of their remarks.

Immediately following Senate floor proceedings Tuesday afternoon, SB 1570 is scheduled for consideration in the Senate Committee on Health & Human Services. Bob Parsons—United States Marine Corps Veteran, Philanthropist, and Founder of GoDaddy & PXG—will share personal testimony on how psilocybin has helped him combat PTSD acquired from serving in Vietnam, as well as what this treatment could mean for others suffering from similar mental health conditions. Members of the media are encouraged to attend the hearing.

Date:Tuesday, February 13, 2024

Press Conference Time:

12:45 p.m.

Press Conference Location:Arizona State Capitol- Senate Lawn (Southwest Corner of Jefferson St. & 17th Ave., Phoenix)

Committee Time:

1:30 p.m.

(or at the conclusion of floor proceedings)

Committee Location:

Senate Hearing Room 1

###

President Petersen Leads Coalition in Legal Battle Against Joe Biden's Unlawful, Dictator-Style Land Grab in Arizona

PHOENIX, ARIZONA— As promised, Senate President Warren Petersen is suing the Biden Administration following an unlawful, dictator-style land grab last summer in northern Arizona.

[The complaint](#), filed today in the U.S. District Court for the District of Arizona, attempts to reverse Biden's confiscation of nearly a million acres of land within Coconino and Mohave Counties, now designated as a "national monument."

Joining the lawsuit with President Petersen on behalf of the Arizona State Legislature is House Speaker Ben Toma. State Treasure Kimberly Yee, Mohave County, Colorado City, and Fredonia are also part of the coalition seeking to terminate Biden's unilateral move establishing the monument.

The parties argue the Biden Administration's land seizure is a violation of the Antiquities Act. This limited statute Congress enacted in 1906 allows presidents to reserve small tracts of federal land to protect historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest. Under the Act, the president is to reserve "the smallest area compatible with the proper care and management of the objects to be protected." The coalition asserts this did not happen, and the guardrails Congress established to create a check on the president's power have been violated.

"This federal confiscation promises to wreak havoc on our local and state economies, jeopardize the livelihoods of our citizens, and compromise national security, all in an attempt to score cheap political points with radical environmentalists," said President Petersen. "Biden's maneuver is incredibly disingenuous, as it has nothing to do with protecting actual artifacts. Instead, it aims to halt all mining, ranching, and other local uses of federal lands that are critical to our energy independence from adversary foreign nations, our food supply, and the strength of our economy. Needless to say, I'm incredibly disappointed our Attorney General has once again failed to carry out the duties of her office in defending our state against this reckless federal

overreach and is instead showing her complicity with Biden's extremist agenda. Nonetheless, we look forward to prevailing in court and for the president's abuse of power to be reined in."

###

ADVISORY: Sen. Kelly to Hold Senate Water and Flood Control Hearing in Flagstaff

On Thursday, February 15, 2024, Arizona Senator Mark Kelly, Chair of the Senate Committee on Environment and Public Works [Subcommittee on Transportation and Infrastructure](#), will hold a hearing in Flagstaff—the first Senate field hearing in the city in over 30 years—on the water infrastructure needs of small and rural communities in the western United States. As a senior member of the Environment and Public Works Committee, Kelly secured critical investments in Arizona flood control and water infrastructure in the [Water Resources Development Act of 2022](#).

As Arizona communities cope with the impacts of both drought and destructive flooding, Kelly will use the hearing to highlight flood control and water conservation challenges in Arizona and across the West, as well as how the U.S. Army Corps of Engineers can play a larger role in addressing them. The hearing will feature testimony from the U.S. Army Corps of Engineers and local government leaders, including Flagstaff Mayor Becky Dagget, Navajo County Supervisor Alberto Peshlakai, and Pascua Yaqui Chairman Peter Yucupicio.

[RSVP here](#)

About: Sen. Kelly to hold Senate hearing on water infrastructure

When: Thursday, February 15 at 10:30 am MST

Where: Flagstaff, details upon RSVP

Who:

U.S. Senator Mark Kelly

Col. Andrew Baker, Commander, U.S. Army Corps of Engineers

Mayor Becky Daggett, City of Flagstaff

Supervisor Alberto L. Peshlakai, Navajo County Board of Supervisors

Chairman Peter Yucupicio, Pascua Yaqui Tribe Council

A media availability and walking tour of the [Rio De Flag Flood Control Project](#) site in downtown Flagstaff will follow the hearing

###

State Representatives Request Attorney General Investigation of Yuma County's Approval of Expensive Broadband Project

STATE CAPITOL, PHOENIX – State Representative Laurin Hendrix and five other House members, including Representatives Joseph Chaplik, Justin Heap, Alexander Kolodin, David Marshall, and Barbara Parker, are requesting that Arizona Attorney General Kris Mayes undertake an SB 1487 investigation of a taxpayer-funded public works project in Yuma County that could involve violations of state law and the Gift Clause of the Arizona Constitution, as well as favoritism and abuse through a fundamentally flawed and potentially illegal procurement process.

In a letter sent today to the Attorney General, the lawmakers point out that millions in federal COVID-19 relief funds that were supposed to bring broadband to underserved areas of Yuma County are being handed to an out-of-state unlicensed contractor.

“[W]e cannot ignore Yuma County’s apparent disregard of Arizona law and the lack of oversight and accountability surrounding this critical project,” the lawmakers stated.

A copy of the House members’ full letter to the Attorney General and supporting materials is available here: <https://bit.ly/42zFJq1>.

Under [A.R.S. §41-194.01](#), legislators may request of the Arizona Attorney General to investigate and report as to whether an ordinance violates state law. Once submitted, the Attorney General’s Office has 30 days to issue a report of its conclusion.

Laurin Hendrix is a Republican member of the Arizona House of Representatives serving Legislative District 14 in Gilbert and as Chairman of the House Regulatory Affairs Committee. Follow him on X/Twitter at @LaurinHendrix.

###

Legislative Audit Committee Sheds Light on Millions in Taxpayer Dollars Lost Due to Fraudulent Schemes Within K-12 Public School Districts & Arizona State University

PHOENIX, ARIZONA— Senate Majority Leader Sonny Borrelli is raising awareness about fraudulent schemes carried out within several Arizona K-12 Public School Districts and Arizona State University, leading to the loss of millions in taxpayer dollars over the past two years.

During Monday's Joint Legislative Audit Committee, Arizona Auditor General Lindsey Perry presented her findings from [financial investigations](#) conducted in 2023, which uncovered more than \$1.8 million in losses and 34 criminal charges against five individuals within Arizona State University, Hyder Elementary School District, Gila Bend Unified School District, and the Department of Education. The charges related to theft, misuse of public monies, fraudulent schemes, forgery, conspiracy, and computer tampering.

In 2022, a similar [financial investigation](#) by the Auditor General revealed more than \$980,000 in losses and 25 criminal charges against five individuals within Toltec Elementary School District, Wilson Elementary School District, and Glendale Elementary School district.

As Chair of the Joint Legislative Audit Committee, Majority Leader Borrelli is calling for financial accountability and transparency within public school districts and universities in order to ensure taxpayer dollars are used for academic purposes and not criminal acts like fraud, theft, waste, and abuse, depriving students and teachers of resources to support their learning environments.

"Arizonans should have confidence knowing their tax dollars are being spent to educate students, but we're finding individuals within public school districts and public universities are illegally padding their personal bank accounts and purchasing gifts for themselves, like video game consoles, exercise equipment, and laptop computers," said Majority Leader Borrelli. "I implore Governor Hobbs and Democrats to stop their obsessive witch hunt focusing on the majority of honest families participating in the Empowerment Scholarship Accounts Program, and to instead scrutinize the criminal activity happening right now in our public school

districts and universities, which is robbing millions of dollars collectively from taxpayers, students, and teachers."

###

“QUOTE OF THE DAY”

. “If your operation is so shoddy, that seven days is make or break, maybe you're not ready to be a candidate anyway.” — *Consultant Barrett Marson on the new deadline for candidates to collect signatures.*

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 2-13
Date: Tuesday, February 13, 2024 8:37:43 PM
Attachments: [2-13-24.pdf](#)

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Sent: Tuesday, February 13, 2024 5:40:30 PM
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Chierstin Susel

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From: [John Kavanagh](#)
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Subject: Fwd: Yellow Sheet 2-13
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YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

The Super Bowl of ESA bill hearings tomorrow in Senate ED

Split opinions among Empowerment Scholarship Account groups and education stakeholders are already coloring a hearing on a bill scheduled for Senate ED tomorrow requiring private schools accepting ESA funds to disclose and provide services to students with disabilities and issue a tuition refund if they fail to do so. SB1354 (ESAs; children with disabilities; requirements) puts in law a



requirement for private schools accepting ESA funds to notify parents of students with disabilities of services offered, requires a school meet the needs of student's IEP or 504 plan if they have one, gives parents an opportunity to waive services and allows a student to transfer out and obtain a tuition refund if the school fails to meet their needs. The bill, sponsored by Marsh, is one of Hobbs' proposed accountability measures for the ESA program, and one of two proposals to get a hearing so far. Ed chair Bennett added SB1354, along with SB1353 (ESA program; ADE; funding estimates), a bill requiring the Dept. of Education to estimate ESA cost for the upcoming fiscal year in their budget request, to the Senate Ed agenda for Wednesday. Save Our Schools put their support behind the bill, while Center for Arizona Policy and the Goldwater Institute logged in opposition. ESA groups weighed in too. School choice proponent Love Your School launched a campaign to see Bennett pull a bill earlier this week amid concerns that the additional regulations on private schools will present more challenges for students with disabilities to leave ESA and "go back to public schools" to get or update their IEP or 504 plan. Jenny Clark, founder of Love Your School, said in a text to our reporter, "1 in 7 Arizona kids on an ESA is a child with a disability. These families left the public school system to find better options for their kids. We're fine. We don't need Save Our Schools ruining our chances for private school options too – through hyper regulation wrapped in faux concern," Clark said. But ESA parent group the Arizona Coalition of Parents for Equal Student Access called it a "win" as it provides up front disclosure on services offered by a private school. Kathy Boltz, an ESA mom of a student with a disability, wrote to lawmakers ahead of tomorrow's hearing and plans to speak in support. "As a parent of a student with a disability who has used an ESA since 2017, I am well aware that disabled ESA students need protections from schools that use bait-and-switch tactics to misrepresent the extent of their offerings for disabled students while charging the full amount of the ESA as tuition," Boltz wrote. "This bill addresses those abusive tactics, while still allowing the option to waive receiving services for the student's disability."

Show me the money!

Lake cinched the endorsement from the National Republican Senatorial Committee, *POLITICO* first reported this morning. NRSC chair Steven Daines said in a statement that Lake is “building out an effective campaign operation that has what it takes to flip Arizona’s Senate seat in November.” Lake said she was “honored” to secure the endorsement in a statement. “We are uniting Republicans in Arizona and have a clear path to victory,” Lake said. But the true tell of the national party’s support will ultimately lie in investments in Lake’s campaign, according to Chuck Coughlin, GOP consultant. “It’s fairly obvious, absent a major tumultuous incident, that she will be the Republican nominee,” Coughlin said. “Their hands have been tied. It is what it is ... but the real proof in the pudding will be in investments.” NSRC has yet to put any funds into Lake’s campaign or her PAC, according to the latest campaign finance data. Coughlin said funding will likely come down to how competitive the race shapes out to be, a move that will likely depend on whether Sinema jumps in as a late-in-the-game independent. And he noted funding could very well hinge on her ability to garner support outside her base. “She’s going to have to create an image of her other than Trump in a dress because the MAGA narrative ... is incapable of winning unaffiliated voters, which is a key to winning an election,” Coughlin said.

Lawmakers give Mayes some work to do

Hendrix, Chaplik, Kolodin, B Parker, Heap and Marshall submitted a [318-page SB1487 complaint](#) to Mayes Monday claiming the Yuma County Board of Supervisors violated the Gift Clause by awarding a contract to expand broadband to a communications company lacking an Arizona license. The county put out an RFP for a company to expand broadband access using part of a \$41.5 million allocation from the American Rescue Plan Act. The board later voted to award the contract to ALLO Communications “contingent” on the company “meeting all Arizona State Statutes that pertain to the project.” But lawmakers claim the company did not have a license at the time of bidding, a violation of Arizona law, and violates the Gift Clause as “there were several bids by eligible vendors that would have been in the public’s best interests.” The county gave an update on the project in December and found the project is “on track and performing well within budget.”

Court to decide if documents in a citizen’s hand gets legislative privilege

Voting rights nonprofits, former and current lawmakers and the Free Enterprise Club asked the U.S. District Court to decide whether legislative privilege applies to documents “sought from, and in the possession, custody, or control of, third-party non-legislators,” in a suit over a provision that purges voters from the active early voting list if they fail to vote in two consecutive elections. The plaintiffs served subpoenas to the Free Enterprise Club after a motion to compel production from lawmakers was quashed due to legislative privilege. The court did note the opportunity for plaintiffs to subpoena third parties listed on the privilege log previously as “the state legislative privilege would not be implicated by such an approach.” And after issuing the subpoenas, the parties reached an impasse on whether the sought-after documents fall under First Amendment or legislative privileges. The plaintiffs claim they do and write, “(l)egislators cannot expect confidentiality when they communicate with third parties, and non-legislators cannot expect privacy in lobbying public officials.” And legislators and the FEC contend the plaintiffs should be denied access to the documents given a

potential for “chilling future dialogue between lawmakers and third parties.” They write, “Plaintiffs’ novel tactic—force legislators to claim privilege and identify their communications on a detailed privilege log, then use that log to identify subpoena targets and subpoena those privileged communications—has not yet been addressed by any federal court.” And an attorney for FEC contends the subpoena treads on their First Amendment rights as producing the documents would “unjustifiably burden FEC’s associational and political activity.” And they contend the fulfilling the subpoena, “means disclosure of entire conversations over weeks or months with various individuals, all of whom believed at the time they were speaking confidentially.” District judge Dominic Lanza ordered the plaintiffs to file a formal motion to compel, making way for FEC, a nonparty to the suit, a chance to weigh in. “(T)he Court concludes that the current dispute is better resolved through formal motion practice than the Court’s informal discovery dispute resolution process,” Lanza wrote. “Once the motion is fully briefed, the Court will rule in due course.”

More litigation in As The Zone Turns

Plaintiffs in the suit against Phoenix over the former homeless camp “the Zone” asked the Court of Appeals to affirm the trial court’s finding that the city failed to abate a public nuisance and counter the city’s claims of legislative, law enforcement discretion and a constitutionally unsound order. Ilan Wurman, an attorney for the *Brown* plaintiffs, argues the case was never about “solving homelessness” but abating a nuisance on public land. He claims the court did not overstep its bounds in the order as it allowed for discretion in how the city went about clearing out the area. And Wurman contends the city misinterpreted federal case law in failing to clear out the area sooner and again resurfaces the argument that rulings barring the use of sleeping and camping citation hinge on the person being “involuntarily” homeless. He adds “the City did manage to clear the Zone without violating the constitutional rights of the unsheltered” and saw the federal court injunction modified to make way for compliance. As the Arizona Court of Appeals mulls whether to keep the superior court’s permanent injunction on the city in place, the *Brown* plaintiffs seek to dismiss the federal case against the city over alleged illegal “sweeps” of unhoused people’s belongings.

·WAKE UP CALL·

[Southern Arizona lawmaker seeks to oust Biden from ballot if Trump is banned](#)

Daily Independent

A Marana lawmaker wants to ensure that if Donald Trump is knocked off the Arizona ballot, the same would happen to Joe Biden.

[Arizona Republicans sue Biden over his Grand Canyon monument](#)

AZ Mirror

Arizona Republicans are challenging the creation of a new national monument near the Grand Canyon that would protect the land from uranium mining and give Native Americans a say in how the land is managed.

[Foster families press for new legislation for when a child goes missing in Arizona](#)

Arizona’s Family

Dozens of adoptive families and advocates met at the Arizona State Capitol on Monday to push for a new bill that would require the state’s Department of Child Safety (DCS) to notify parents and send out an alert when kids go missing within their care.

[Conservatives File Third Lawsuit Challenging Arizona Election Procedures Manual](#)

Democracy Docket

On Friday, a conservative group filed the third lawsuit to challenge Arizona's 2023 Election Procedures Manual (EPM).

[Arizona Legislature takes up the 14th Amendment, slow drivers and breaking up Maricopa County](#)

KJZZ

The U.S. Supreme Court heard arguments last week in the case out of Colorado, in which the 14th Amendment was cited as a reason to keep former President Donald Trump off the ballot. That issue — albeit in a different form — will also be on the agenda in the Arizona legislature this week.

[Arizona man accused of assisting in a suicide in New York charged with manslaughter](#)

ABC News

An 85-year-old former doctor from Arizona was charged with manslaughter for his role in the suicide of a woman in an upstate New York motel room, authorities said.

[Rand Paul, Gaetz endorse Kari Lake in Arizona Senate race](#)

The Hill

Sen. Rand Paul (R-Ky.) and Rep. Matt Gaetz (R-Fla.) announced Monday that they would be endorsing Republican candidate Kari Lake in the Arizona Senate race.

[GOP senators want to arm Arizona college students ... with guns](#)

The Arizona Republic

It's an annual rite of passage at the state Capitol: What can we do this year to get guns into _____ (fill in the blank)?

[Arizona legislator protects bad doctors and throws out reporters who ask why](#)

The Arizona Republic

So, you're wondering if that doctor you're about to go see has shown up to work drunk. Or maybe he removed a woman's ovaries without asking or accidentally operated on the wrong knee.

[Would Kari Lake deport 'Dreamers'? Cue the tap dance](#)

The Arizona Republic

One thing you can say about Kari Lake. She's got moves. The Republicans' presumptive nominee for the U.S. Senate can tap dance around a question like no one I've ever seen.

·PRESS RELEASES·

House Republicans Unite to Protect State of Arizona from President Biden's Historic Open Border Crisis

STATE CAPITOL, PHOENIX – All 31 Republican members of the Arizona House of Representatives are united in strong support of vital new legislation, [HB 2748](#), sponsored by Representative Joseph Chaplik, to combat the uncontrolled tide of illegal immigration into the United States via the Arizona border and to protect Arizonans.

In recent powerful testimony during a special [joint legislative session](#), border sheriffs underscored the severity of the open border crisis. In Cochise County alone, the sheriff's office has investigated 601 border-related crimes involving felony victims. In one case mentioned to legislators, a teenage driver, attempting to evade border law enforcement, reached speeds of 140 miles per hour before crashing while transporting four migrants. Legislators were further alarmed to learn that nearly a

quarter of all fentanyl seized in the U.S. in 2022 was confiscated in or within 20 miles of Cochise County.

Despite continuous pleas for action, attempts to compel federal and state Democratic leaders have been met with silence. In August, [Republicans urged](#) Governor Hobbs and Attorney General Mayes to hold President Biden accountable for his failed border policies in court, to no avail. Meanwhile, the crisis continues to escalate:

- Encounters at Southwest border in FY2023 increased over 40 percent since FY2021.
- 169 migrants on the terrorist watch list tried to cross the southern border in the past year.
- 24,000 Chinese nationals were apprehended crossing into the U.S. from Mexico.

Representative Chaplik emphasized the urgency of the situation, stating, **“Under the Biden administration, the consistent refusal to enforce our nation’s federal immigration laws has led to an unprecedented surge of illegal immigration across our southern border, constituting a historic invasion. Despite the legislature’s repeated calls for action, President Biden and Congress has failed to address this crisis. This dereliction of duty has allowed open-border policies to prevail, undermining the rule of law.”**

Key provisions of HB 2748 include:

- Establishing a class 1 misdemeanor (or a class 6 felony for subsequent offenses) for individuals entering Arizona from a foreign country as aliens, except through legal ports of entry.
- Imposing a class 1 misdemeanor for aliens re-entering the U.S. through Arizona if they were previously deported, excluded, or left while a deportation or exclusion order was pending.
 - Elevating the offense to a class 3 felony if the alien was removed due to multiple drug misdemeanors, federal inadmissibility, terrorism involvement, or removal following a nonviolent crime.
 - Elevating the offense to a class 2 felony if the alien was removed after committing a felony.
- Providing for an order of return for aliens violating the law, with failure to comply constituting a class 2 felony.
- Granting immunity from civil liability for local and state government officials, employees, and contractors enforcing the law, with indemnification for civil actions under federal law.
- Mandating the Arizona Attorney General to pursue all available remedies to recover federal reimbursements for state costs incurred due to illegal immigration.

Chaplik continued, **“The consequences are dire: an uncontrolled border presents both security and humanitarian crises. The surge in violence, coupled with the rampant smuggling of illegal drugs, weapons, and human beings, poses an imminent threat to our communities, our state, and the safety of innocent Americans. It is imperative that we act swiftly to secure our borders and restore order, safeguarding the integrity of our nation and protecting our citizens. Just as the State of Texas is defending itself, this bill will allow the State of Arizona to defend itself at the border.”**

HB 2748, modeled after [Texas SB 4](#), received approval from the House Military and Public Safety Committee late Monday. Regrettably, Democratic members of the Committee unanimously opposed this much-needed, common-sense legislation. The bill now advances for consideration by the full House.

###

Small Business Owners Expectations for Higher Sales Declined in January

PHOENIX (Feb. 13, 2024) – The **NFIB Small Business Optimism Index** decreased two points in January to 89.9, marking the 25th consecutive month below the 50-year average of 98. The net percent of owners who expect real sales to be higher declined 12 points from December to a net negative 16% (seasonally adjusted), a very negative shift in expectations.

“Small business owners continue to make appropriate business adjustments in response to the ongoing economic challenges they’re facing,” said **NFIB Chief Economist Bill Dunkelberg**. “In January, optimism among small business owners dropped as inflation remains a key obstacle on Main Street.”

Although state-specific data is unavailable, **NFIB State Director Chad Heinrich** said:

“Arizona’s small businesses are doing everything they can to get through this challenging economy, but it’s tough. Inflation is driving up the cost of running a small business. Burdensome regulations and costly mandates only stand to make it harder for our job creators to raise wages, enhance benefits, and expand their operations. We’ll continue working with state lawmakers on policies that promote greater opportunity for hardworking Arizonans.”

Key findings include:

- The frequency of reports of positive profit trends was a net negative 30%, five points worse than in December and a very poor reading.
- Twenty percent of owners reported that inflation was their single most important problem in operating their business, down three points from last month and one point behind labor quality as the top problem.
- Small business owners’ plans to fill open positions softened, with a seasonally adjusted net 14% planning to create new jobs in the next three months, down two points from December and the lowest level since May 2020.
- Thirty-nine percent (seasonally adjusted) of all owners reported job openings they could not fill in the current period, down one point from December and the lowest reading since January 2021.

As reported in [NFIB’s monthly jobs report](#), 39% (seasonally adjusted) of all owners reported job openings they could not fill in the current period. Seasonally adjusted, a net 39% reported raising compensation, up three points from December. A seasonally adjusted net 26% plan to raise compensation in the next three months, down three points from December. Ten percent cited labor costs as their top business problem and 21% said that labor quality was their top business problem.

Fifty-nine percent of owners reported capital outlays in the last six months, up one point from December. Of those making expenditures, 40% reported spending on new equipment, 25% acquired vehicles, and 17% improved or expanded facilities. Twelve percent of owners spent money on new fixtures and furniture and

7% acquired new buildings or land for expansion. Twenty-three percent (seasonally adjusted) plan capital outlays in the next few months.

A net negative 11% of all owners (seasonally adjusted) reported higher nominal sales in the past three months, unchanged from December. The net percent of owners expecting higher real sales volumes declined 12 points to a net negative 16%.

The net percent of owners reporting inventory gains increased two points to 0%. Not seasonally adjusted, 13% reported increases in stocks and 19% reported reductions, up four points. A net negative 4% of owners viewed current inventory stocks as “too low” in January, up one point from December. By industry, shortages are reported most frequently in the wholesale (18%), retail (12%), and finance (11%) sectors. Shortages were reported least frequently in the professional services (2%) and construction (4%) sectors. A net negative 3% of owners plan inventory investment in the coming months, up two points from December.

The net percent of owners raising average selling prices declined three points from December to a net 22% seasonally adjusted. Fifteen percent of owners reported lower selling prices, the highest since August 2020. Twenty percent of owners reported that inflation was their single most important problem in operating their business, down three points from last month and one point behind labor quality as the top problem.

Unadjusted, 15% reported lower average selling prices and 36% reported higher average prices. Price hikes were the most frequent in wholesale (47% higher, 7% lower), retail (43% higher, 11% lower), services (43% higher, 6% lower), finance (42% higher, 14% lower), and construction (36% higher, 9% lower). Seasonally adjusted, a net 33% plan price hikes.

The frequency of reports of positive profit trends was a net negative 30%, five points worse than in December and a very poor reading. Among owners reporting lower profits, 32% blamed weaker sales, 15% blamed the rise in the cost of materials, 15% cited usual seasonal change, and 11% cited labor costs. For owners reporting higher profits, 49% credited sales volumes, 24% cited usual seasonal change, and 9% cited higher selling prices.

Three percent of owners reported that all their borrowing needs were not satisfied. Twenty-six percent reported all credit needs met and 62% said they were not interested in a loan.

A net 6% reported their last loan was harder to get than in previous attempts. Five percent of owners reported that financing was their top business problem. A net 18% of owners reported paying a higher rate on their most recent loan, down two points from December.

The **NFIB Research Center** has collected Small Business Economic Trends data with quarterly surveys since the fourth quarter of 1973 and monthly surveys since 1986. Survey respondents are randomly drawn from NFIB’s membership. The report is released on the second Tuesday of each month. This survey was conducted in January 2024.

###

Attorney General Mayes Urges Arizonans to Beware of Online Romance Scams

PHOENIX – With Valentine’s Day tomorrow, Attorney General Kris Mayes urges Arizonans of all ages to protect themselves from online romance scams. Romance scammers create fake online profiles and search

through dating apps, dating sites, and social media platforms such as Facebook or Instagram looking for victims. They work quickly to build a trusting relationship with you, sometimes chatting or calling several times a day, and will seem caring and believable. Then, they make up a story and ask for money.

“Romance scammers seek to exploit the desire we all have for love and companionship,” said Attorney General Mayes. “Scammers are very good at earning trust, and using that trust to convince victims to send them money. These scams affect tens of thousands of people each year, and you should not feel embarrassed if it has happened to you. My office is here to help if you have been a victim of one of these scams.”

Topping the list of lies told by romance scammers is that they need money because a friend or relative is sick, hurt, or in jail, according to the Federal Trade Commission. Other commonly reported lies include the scammer having great investment advice to share with their newfound romantic interest, or that the scammer was in the military, or needed help making some sort of important delivery.

Attorney General Mayes provides the following warning signs and tips:

Warning signs:

- Someone who is quick to profess their love.
- Someone who pretends to be a hero, such as a soldier, in a faraway place.
- Someone who continuously makes plans to meet in person but never follows through.
- Someone who makes a sudden request for money to deal with an emergency.
- Someone who asks you to wire them money, put money onto gift cards and give them the PIN codes, or send them money through a money transfer app or cryptocurrency.

Tips:

- Do not send money, including wiring funds, gift cards or cryptocurrency to a stranger or someone you just met on a dating app or social media platform.
- Be careful when sharing personal information on social media platforms. Scam artists use details shared on social media platforms to better target victims.
- Watch for inconsistencies in a person’s story or lack of information about their background.
- Talk to family and friends if you are unsure about someone.
- If you believe your relationship is a scam, stop all contact immediately.
- Trust your instincts. If something sounds too good to be true, it probably is.

If you are a victim of a romance scam, you can file a complaint with the Internet Crime Complaint Center (IC3) at www.ic3.gov.

If you believe you have been the victim of consumer fraud, you can file a consumer complaint by visiting the Arizona Attorney General’s at www.azag.gov/consumer. If you need a complaint form sent to you, you can contact the Attorney General’s Office in Phoenix at (602) 542-5763, in Tucson at (520) 628-6648, or outside the Phoenix and Tucson metro areas at (800) 352-8431.

###

Sinema Statement on Senate Passage of National Security Supplemental

WASHINGTON – Arizona senior Senator Kyrsten Sinema released the following statement on Senate passage of the national security supplemental:

“The United States is the greatest superpower in the world. As terrorists, fascists, and American adversaries work to destroy democracies around the globe, I’m relieved that the Senate came together to take crucial steps to defend our national security and stand up for our democratic allies worldwide.

“Make no mistake, the border crisis is a national security crisis and our nation will not be secure until our border is secure. While my colleagues may have decided the crisis is over because it’s good for them politically, Arizona doesn’t have that luxury. I’ll keep working with both Democrats and Republicans to deliver real, lasting solutions to solve the border crisis and ensure our country is safe and secure – at home and abroad.”

Sinema crafted a bipartisan border bill through months of good faith negotiations with Republican Senator James Lankford (Okla.) and Democratic Senator Chris Murphy (Conn.). The bill reasserts control of the border, protects border communities, disrupts the flow of fentanyl into the country, and solves the border crisis by ending catch and release, strengthening our asylum system by delivering determinations efficiently and fairly, enhancing security, and improving the legal immigration system.

###

Kelly Statement on Senate Passage of National Security Package

Arizona Senator Mark Kelly released the following statement after the Senate passed the national security [package](#) to support U.S. partners Ukraine, Israel, and Taiwan and provide aid to civilians in Gaza:

“Continuing to support Ukraine with the weapons and ammunition they need to beat Putin is not only the right thing to do—it’s also critical to our national security. Today, a bipartisan majority of my Senate colleagues agreed, and we know a bipartisan majority in the House supports it too.

“But we can’t ignore the fact that we had a real, rare opportunity to also address the humanitarian crisis at our border. Republicans walked away from a bipartisan border agreement that should have been included in this package. I’ll keep working to fix our border and broken immigration system because for Arizonans it’s not just a talking point, but a reality we face every day.”

Kelly [spoke](#) on the Senate floor last week about the consequences of not addressing the border and the need to support our allies.

###

“QUOTE OF THE DAY”

“She’s going to have to create an image of her other than Trump in a dress because the MAGA narrative ... is incapable of winning unaffiliated voters, which is a key to winning on election.” — *Consultant Chuck Coughlin on Kari Lake’s endorsement from the National Republican Senatorial Committee.*

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 2-16
Date: Friday, February 16, 2024 5:39:07 PM
Attachments: [02-16-24.pdf](#)

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From: Chierstin Susel <CSusel@azleg.gov>
Sent: Friday, February 16, 2024 3:48:41 PM
Subject: Yellow Sheet 2-16

Chierstin Susel

Deputy Director of Communications
Arizona Senate Republicans- Majority Staff
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YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

Judge's brother's tweets spur motion for disqualification

Petersen and Toma filed a motion to change judge for cause in their challenge to the 2023 Elections Procedure Manual because Judge Timothy Ryan's brother, Tom Ryan, called the legislative leaders "Yahoos" on



social media and deemed the suit frivolous in a thread. "In light of these developments – and even assuming that Judge Ryan is not subjectively persuaded by his brother's foundational misunderstandings of legislative standing principles – the Plaintiffs have ample reason to believe that they 'cannot obtain a fair and impartial trial,'" the duo's attorney Thomas Basile wrote. Tom Ryan wrote a thread on X breaking down the lawsuit and claiming the legislative leaders lack standing to bring the suit in the first place. Tom Ryan called the litigation "performative" and "frivolous," proclaimed the suit a "cowpie," noted the legislature previously "got their biscuits scorched" on the same issue and wrote, "Where is the proof that the Senate and House authorized these two Yahoos to sue on their behalf? Sheesh!" complete with a gif from Dumb and Dumber. Ryan quote-tweeted attorney Marc Elias announcing Arizona Alliance for Retired Americans and Voto Latino's intervention in the suit and wrote, "Sen Petersen and Rep Toma are about to go through some things. Stay Tuned!" Basile writes that the legislative leaders "are not alleging that Judge Ryan has communicated with his brother about any aspect of this proceeding, or even that he is subjectively aware of the social media postings," but they claim the posts warrant disqualification as they create a "perception that the judge's ability to carry out judicial responsibilities with ... impartiality is impaired." Ryan told our reporter he has never and would never talk to his brother about cases in his court and clarified Judge Ryan was not on X and called the notion he could influence his brother "nuts." "I have the right to call out chucklenuts and yahoos when I see chucklenuts and yahoos," Ryan said. "Thank you, Warren Petersen and Ben Toma, for finally getting things I thought about their lawsuits in front of my brother."

Pigs flying is 'theoretically possible' too

Parties to the lawsuit challenging the legislature's \$15.3 million allocation to the Prescott Frontier Days rodeo in FY2024 don't anticipate going to the discovery stage or to trial but said settlement isn't likely either in a status conference this morning. The key dispute in the case is whether the allocation violated the Gift and Appropriation clauses of the Arizona constitution, a finding which widely hinges on whether the money will go toward a legitimate public purpose. Attorneys from the Arizona Center for Law in the Public Interest, the AG's office and Prescott Frontier Days set a briefing schedule with dispositive motions on the case due Feb. 29 and tentatively scheduled discovery dates running into summer if need be. Maricopa County Superior Court Judge Scott Blaney asked if the parties had tried to reach a settlement. Daniel Adelman, attorney for the Arizona Center for Law in the Public Interest, said it was "theoretically possible" but added "so far we have not come up with anything."

What's in your wallet?

The Arizona Democratic Party's Q4 report is finally in after a multiweek delay caused by a glitch in the state's campaign finance report platform. ADP ended the year with \$1.4 million cash on hand, with about \$482,500 from individual contributions, \$387,920 in contributions from political committees and \$191,000 from businesses. AEA's PAC contributed more than \$50,000 and NaphCare, the Dept. Of Corrections health care vendor contributed \$25,000. Democrats are entering 2024 with more than \$1.3 million in cash on hand than the state Republican Party. AZGOP ended the year with \$159,435.

Court of Appeals to get visit from Lake

Lake's bid for ballot affidavit envelopes is headed to the Arizona Court of Appeals after a Maricopa County superior court judge wholly denied Lake's public records special action in late November. Lake filed a public records suit for the envelopes to support her ongoing election contest, in which she claims improper signature verification in Maricopa County translated to a win in the 2022 gubernatorial race. The Maricopa County Recorder's office denied Lake's request initially in line with a law requiring voter information be kept confidential and more broadly under the privacy and best interest of the state exemptions written into public records law. Judge John Hannah made it clear from the start of proceedings that the reason Lake sought the ballot affidavit envelopes was immaterial, rather the case hinged on whether ballot affidavit envelopes should be made public at all. And after a multi-day trial, Hannah [found](#) both citations of state law supported the Recorder's position as rendering envelopes containing voter information and signatures available to the public stood to undermine the signature verification process, create risk of voter fraud and deter voter participation. Lake filed a notice of appeal in superior court Thursday.

·WAKE UP CALL·

County supervisors appoint Charles Lucking to LD5 seat

Arizona Capitol Times

The Maricopa County Board of Supervisors appointed a second member to the state House of Representatives in a week. The board appointed Charles Lucking to fill a House vacancy in Legislative District 5, ensuring the district is fully represented after both former House members resigned in January.

[Senate panel kills one Hobbs voucher bill, moves another](#)*Arizona Capitol Times*

A Senate committee killed a measure to require private schools to lay out and provide services for students with disabilities Wednesday and narrowly advanced a bill to require updated Empowerment Scholarship Account cost projections from the Arizona Department of Education.

[AG's office investigates Yuma County broadband project](#)*Arizona Capitol Times*

Arizona Attorney General Kris Mayes is investigating a \$30 million broadband project in Yuma County that Republican lawmakers allege involved illegally gifted public funds.

[Bill requires political info on home sale listings](#)*Arizona Capitol Times*

Must-haves for those in the market for a new home often include elements such as location, amenities, square footage or hardwood floors.

[Arizona Republican who resisted pro-Trump pressure in 2020 to stand down](#)*The Guardian*

A Republican elected official in Arizona who protected the vote and withstood a barrage of pressure and threats in 2020 from within his own party to sway the election toward Trump announced on Thursday that he will not seek re-election.

[Rachel Dolezal, the White woman infamous for claiming to be Black, fired over OnlyFans account](#)*CNN*

Rachel Dolezal, the White woman and former National Association for the Advancement of Colored People (NAACP) chapter president who courted major controversy nearly 10 years ago for falsely claiming she was Black, has been fired from her position with an Arizona school district over an OnlyFans account.

[Arizona bill would allow for more Cochise County supervisors](#)*KJZZ*

Arizona representatives passed a bill on Wednesday that would give Cochise County supervisors the opportunity to multiply. Each of Arizona's 15 counties is governed by an elected board of supervisors. Cochise County doesn't have a large population, Rep. Gail Griffin says it's large in size, and argues five supervisors would be better than the three spots currently allowed on the board.

[Trump mob chases away Clint Hickman, one of the last mainstream Republicans](#)*The Arizona Republic*

One of the few remaining mainstream Republicans left in office in Arizona announced he is packing it up. After several years of threats and harassment, Maricopa County Supervisor Clint Hickman told the Washington Post's Yvonne Wingett Sanchez that he will not run for reelection this year.

['2000 Mules' was a lie? Cuing apologies from Kari Lake and company in 5, 4, 3 ...](#)*The Arizona Republic*

So, it turns out that "2000 Mules" was mere donkey droppings. The investigative whizzes who claimed to have evidence of 2,000 ballot "mules" stuffing drop boxes in five key battleground states, including Arizona, were apparently scamming the red-hatted rubes who glommed onto the documentary as proof that the 2020 election had been stolen.

[Arizona lawmaker: Let's just declare Trump the winner of the 2024 election now](#)*The Arizona Republic*

Remember when certain Arizona Republican legislators wanted to veto our vote for president? Now there's a plan afoot to simply award Arizona's 11 presidential electors to Donald Trump even before we go the polls.

·PRESS RELEASES·**State Representative David Cook Applauds \$13 Million Investment for Semiconductor Research & Training at NAU**

STATE CAPITOL, PHOENIX – State Representative David Cook applauded the Arizona Commerce Authority’s (ACA) announcement today of a \$13 million investment in Northern Arizona University (NAU) to expand training and programs related to metrology, a foundational component of semiconductor manufacturing and innovation.

“I commend the ACA for its strategic investment in top-tier semiconductor training at Northern Arizona University,” stated Representative Cook. **“This initiative not only benefits rural Arizonans by offering them access to state-of-the-art education programs and career paths but also strengthens our entire state’s position in a critical, future-focused industry.”**

This investment is part of the ACA’s broader \$100 million commitment to enhance semiconductor and microelectronics development in Arizona, underscoring the state’s commitment to technological leadership and economic growth.

Click here to read the ACA announcement:

<https://www.azcommerce.com/news-events/news/2024/2/arizona-commerce-authority-allocates-funding-to-northern-arizona-university-for-semiconductor-training-and-research/>

David Cook is a Republican member of the Arizona House of Representatives serving Legislative District 7, which includes Pinal, Gila, Coconino, and Navajo Counties. He is Chairman of the House Transportation & Infrastructure Committee and the House International Trade Committee. Follow him on X/Twitter at @RepDavidCook.

###

Kelly, Shaheen, Collins, and King Introduce Bipartisan Legislation to Address PFAS Contamination in Private Wells

Senator Mark Kelly (D-AZ), along with Senators Jeanne Shaheen (D-NH), Susan Collins (R-ME), and Angus King (I-ME) introduced bipartisan legislation to address PFAS contamination in private wells. The *Technical Fix for the State Response to Contaminants Program* bill would ensure that states have flexibility to use funding from the \$5 billion provided in the Bipartisan Infrastructure Law for PFAS and other emerging contaminants in small and disadvantaged communities to help assist private well owners get rid of toxins in their drinking water. The senators had previously [urged](#) the Biden administration to ensure this funding is available to address contamination in residential wells.

“Protecting our scarce groundwater resources from emerging contaminants like PFAS was a top priority of mine when we were negotiating the Bipartisan Infrastructure Law,” **said Kelly**. “With this bill, we will make sure all Arizonans who rely on groundwater for the water they drink are able to benefit from our historic investments in PFAS cleanup.”

“All Granite Staters deserve access to clean drinking water without having to worry about contamination from toxic PFAS chemicals,” **said Shaheen**. “This important fix would help ensure that families who rely on private wells for their drinking water in New Hampshire and throughout the nation aren’t left out of

historic investments in clean drinking water. New Hampshire families were top of mind as we negotiated the Bipartisan Infrastructure Law, and I'm committed to ensuring we're reaching all Americans, including those who rely on private wells, to ensure their water is safe from contamination.”

“PFAS and other harmful contaminants have been discovered in private water systems in Maine and across the country, and contamination will only become more evident as testing becomes more readily available,” **said Collins**. “It is crucial that the funding we provided through the Bipartisan Infrastructure Law be executed with the appropriate flexibility not only to support public water systems but also to help address contamination for those who rely on private wells. With more than half of Maine residents getting their drinking water from private wells, and an estimated 23 million people or more nationwide relying on residential wells, it is important that the historic investments in safe drinking water help all families.”

“Every Maine household deserves access to clean drinking water free of harsh or toxic chemicals like PFAS,” **said King**. “This responsible amendment to the Safe Drinking Water Act provide states more flexibility when mitigating PFAS contamination in private wells — providing an added peace of mind for Maine communities where private wells are prevalent. This is a proactive step forward to better protect our drinking water and promote public health.”

This piece of legislation amends the *Safe Drinking Water Act* to modify eligibility for the State Response to Contaminants program to allow private well programs to qualify, ensuring that Bipartisan Infrastructure Law funds are used to make clean, safe water accessible to more Americans, including those who rely on private wells.

###

Arizona for Abortion Access Coalition Announces Campaign Manager Cheryl Bruce

PHOENIX — Today, Arizona for Abortion Access announced hiring Cheryl Bruce as its Campaign Manager. Bruce is a seasoned campaign professional with more than a decade of experience working in progressive politics across the country, including in Nevada, Maryland and North Carolina. Bruce has a proven track record of running competitive races and leading campaigns to victory.

“We’re excited Cheryl is in Arizona leading our statewide effort to keep politicians out of personal healthcare decisions and enshrine abortion rights in the state Constitution,” said Arizona for Abortion Access spokesperson Chris Love. “From her experience helping to elect the nation’s first female-majority Legislature in Nevada to winning a DCCC Frontline race in Maryland last cycle, Cheryl’s experience and determination to win are exactly what this campaign needs to steer us to victory.”

“I’m honored to be on the frontlines in the fight for abortion access here in Arizona. Momentum for our campaign is growing every day thanks to the hard work and energy of our grassroots movement and the expertise of our coalition partners,” said Bruce. “We have a lot of work to do and we can’t let up for a second. I’m thrilled to be part of this campaign and determined to help deliver a historic win in November.”

###

ARIZONA LEADERS CELEBRATE NEW EPA SOOT STANDARDS PROTECTING ARIZONANS FROM DANGEROUS AND DEADLY PARTICULATE POLLUTION

Phoenix, AZ – Local leaders will gather at First New Life Church on Wednesday, February 21, at 9:00 a.m. to celebrate the [recent announcement](#) by the U.S. Environmental Protection Agency (EPA) regarding the finalization of stronger standards for Particulate Matter (PM 2.5), commonly known as soot pollution.

The EPA's revised National Ambient Air Quality Standards (NAAQS) for PM 2.5, announced on February 7, 2024, mark a significant step forward in efforts to reduce harmful pollution and improve air quality nationwide. These updated standards are expected to save lives, enhance public health outcomes by reducing asthma cases and hospital visits, and minimize missed work and school days due to associated health issues.

Speakers will highlight the anticipated benefits of the updated standards, emphasizing improved air quality and reduced pollution levels in communities disproportionately affected by environmental injustices.

Key Details:

- Date: Wednesday, February 21, 2024
- Time: 9:00 a.m. MST
- Location: First New Life Church, 1902 W Roeser Rd, Phoenix, AZ 85041

Speakers:

- Will Humble, Executive Director, Arizona Public Health Association
- Columba Sainz, Community Leader, Advocate, and Mother
- Senior Pastor Aubrey Barnwell, First New Life Church and African American Christian Clergy Coalition

Background:

Soot, or PM 2.5, is produced by burning fossil fuels and poses significant health risks due to its ability to penetrate lungs and bloodstream. Communities of color and lower-wealth areas are disproportionately exposed to higher levels of this dangerous pollutant.

The EPA's decision to tighten public health protections from soot pollution is a crucial step towards safeguarding public health and advancing environmental justice.

Soot pollution standards have not been updated since 2012, and the updated standards reflect a necessary response to the ongoing health risks posed by this pollutant.

Members of the media are invited to attend and cover this significant event. For further inquiries or to confirm attendance, please contact Sandy Bahr at (602)-999-5790 or sandy.bahr@sierraclub.org.

The news conference will be livestreamed [here](#).

###

Mayor Gallego, Tom Perez Host Discussion on Financial Incentives in *Inflation Reduction Act*

PHOENIX—On Monday, February 19th, Mayor Kate Gallego and White House Senior Advisor and Director of the Office of Intergovernmental Affairs Tom Perez will host a roundtable discussion about financial incentives in the *Inflation Reduction Act* (IRA)—the largest investment in clean energy and climate action in history.

The IRA provides state, local, Tribal, territorial and non-governmental partners significant new funding for clean energy, emissions reduction, climate resilience, and conservation-related investments through both grant funding and tax credits. [Direct pay \[whitehouse.gov\]](#) (also called “elective pay”) enables tax-exempt and governmental entities to take advantage of tax credits for building clean energy projects. For the first time ever, governmental and tax-exempt entities are able to take advantage of the types of clean energy tax credits that the private sector has traditionally used.

As communities continue to grapple with the adverse effects of climate change, Gallego has vowed to make Phoenix the most sustainable desert city in the world. In doing so, she has focused on [leveraging federal opportunities \[azcentral.com\]](#) to help reduce emissions, improve air quality, combat [extreme heat \[azcentral.com\]](#), and create thousands of new, green jobs.

WHAT: Roundtable Discussion on *Inflation Reduction Act* Financial Incentives

WHEN: Monday, February 19, at 1:00 PM

WHERE: RSVP to arielle.devorah@phoenix.gov for location details

WHO:

- Kate Gallego, *Mayor of Phoenix and Chair of Maricopa Association of Governments*
- Tom Perez, *Senior Advisor and Assistant to the President, Director of the Office of Intergovernmental Affairs*
- Stephen Roe Lewis, *Governor of the Gila River Indian Community*
- Heather Carter, *Senior Vice Chancellor for Maricopa County Community Colleges District*
- Representatives from the Cartwright School District
- And others.

###

ADVISORY: COUNCILWOMAN ANSARI TO RELEASE HOUSING POLICY PLAN ON MONDAY, FEBRUARY 19TH

PHOENIX, AZ— On February 19th, Councilwoman Yassamin Ansari will be joined by housing advocates to release her federal housing policy plan and tour multiple affordable housing properties in Arizona’s Third Congressional District. The tour will start at Harmony at the Park II, head to a property in development on Washington St, and end at Salt River Flats.

What: Advancing Housing Policy in Phoenix Tour

Who: Phoenix City Councilwoman Yassamin Ansari

When: Monday, February 19th at 9:00 AM

Where: Harmony on the Park II, 600 N 20th Street, Phoenix, AZ 85006 ; 2532 E. Washington St., Phoenix, AZ 85034; Salt River Flats, 4000 S 14th St. Phoenix, AZ 85040

###

MONDAY: Arizona Educators Call on GOP Leaders to Negotiate on Educator Pay and Proposition 123

WHAT: Press conference with 30+ Arizona teachers and school staff about the need for a bipartisan compromise to renew Proposition 123 and raise educator pay

WHEN: Monday, February 19, 10 to 11 am

WHERE: Rose Garden at the Arizona State Capitol

VISUALS: 30+ educators holding signs and sitting on one side of a large table with a black tablecloth, with empty seats on the other side labeled “Senate President Petersen” and “Speaker Toma”

BACKGROUND:

Governor Hobbs and legislators of both parties have expressed support for renewing Proposition 123 as a way to fund raises for Arizona educators. The Arizona Education Association, the labor union for Arizona’s public school employees, is pushing for any Proposition 123 renewal package to include raises for all educators, from classroom teachers and school counselors to classroom aides and bus drivers.

AEA President Marisol Garcia said:

“Arizona needs to raise educator pay, and renewing Proposition 123 is one promising route to make it happen. But for any Proposition 123 renewal to become law, it will need bipartisan support and a robust campaign. So far, Republican legislative leaders have not responded to our requests to work together on this issue.

On Monday, Arizona educators will be at the negotiating table, literally, and we’ve extended an open invitation to President Petersen and Speaker Toma to join us.

If President Petersen, Speaker Toma and their Republican colleagues are genuinely interested in raising pay for Arizona educators, then it’s time for them to get serious, work with us and get it done.”

“QUOTE OF THE DAY”

“I oppose codifying partisanship in our school board races because they already are too partisan.” — *Sen. Christine Marsh, D-Phoenix, on a bill to make school board elections partisan.*

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 2-20
Date: Tuesday, February 20, 2024 8:36:06 PM
Attachments: [2-20-24.pdf](#)

Get [Outlook for iOS](#)

From: Chierstin Susel <CSusel@azleg.gov>
Sent: Tuesday, February 20, 2024 4:57:11 PM
Subject: Yellow Sheet 2-20

Chierstin Susel

Deputy Director of Communications
Arizona Senate Republicans- Majority Staff
Office: 602-926-3905
Twitter: @azsenaterepublicans
Web: www.azsenaterepublicans.com



YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

Hobbs putting pardon stamp to use



Hobbs has granted seven of the nine recommendations sent by the Board of Executive Clemency — two pardons, two sentence commutations and three compassionate releases for inmates in imminent danger of death — since taking office. Of the nine, the [seven requests for clemency](#) granted saw

unanimous decisions from the board. She granted a pardon to Luis Avila, a man who committed a car burglary 26 years ago and has since “worked hard to become a respected member of society, a dedicated member of his church and a devoted family man,” according to the board’s assessment. The board noted Avila is the only non-U.S. citizen in his family and his immigration attorney advised him that because of his felonies, his only chance to obtain citizenship was through a gubernatorial pardon. Avila previously applied for a pardon under Gov. Janet Napolitano in 2006 but saw his bid rejected — Hobbs granted his request in May. She also pardoned Natalie Burke, a woman convicted of 5 felonies related to selling and transporting marijuana in 2003. The board found Burke was the victim of domestic violence and was “lured” into marijuana trafficking. Burke said she continued to struggle to secure employment and is at risk of deportation to Jamaica as she lost her permanent residence status because of the felonies. Hobbs granted the pardon. And as for commutations, one went to Leo Wright, a man who committed armed robbery in 2005 and is currently 16 years into a 25-year sentence. Wright suffered strokes and a heart attack while incarcerated, which “greatly impaired his physical and cognitive abilities.” The board found his “release is supported by the record of his medical condition and impairments along with the substantial likelihood that he will conform to lawful behavior.” And the second went to Bryan Cruz, a man who cashed three altered checks and saw a 9.5 year sentence as part of a plea deal, which the court later found was found was “clearly excessive.” The board recommended his sentence be commuted with community supervision. Hobbs granted the commutation in early December. Her starting record contrasts Ducey, who over his two terms, granted one pardon and 20 commutations, 19 of which were for inmates in imminent danger of death.

10,000 more kids to get AHCCCS coverage

Hobbs announced AHCCCS received federal approval to increase the upper income limit for the state's child health care insurance program from 200% of the federal poverty level to 225% and

solidify a program allowing parents caring for their children with disabilities to be compensated. Kavanagh and Livingston sponsored BRBs S1726 (health care; 2023-2023) and H2816 (health care; 2023-2024) last session to expand eligibility for the program. S1726 ended up passing both chambers with bipartisan, albeit limited Democrat support. Funding for the expansion is covered by the FY2024 budget, a provision Hobbs said she “demanded ... in budget negotiations.” The bill was contingent on approval from the Centers for Medicare and Medicaid Services. AHCCCS got federal approval to increase the income limit last week, allowing the agency to enroll an estimated 10,000 more children by April 1. In tandem, AHCCCS announced federal approval to make permanent a program allowing parents to be compensated for caring for their children with disabilities. The program was initially launched during the Covid pandemic and was later extended in Sept. 2023. Parents can be paid for up to 40 hours a week.

Memo to art teachers: the \$10M for supplies is ‘on the table’

Hobbs said today the FY2024 appropriations put on hold in Q3, including the Dept. of Education’s \$10 million art supplies grant, are still “on the table.” Hobbs declined to say whether the stall on funding would continue. “In preparing for the budget, we put a pause on unencumbered funds that were allocated in last year’s budget, so that we had room to work,” Hobbs said. “And so it's not something that is necessarily permanently paused. It's something that's on the table.”

When Hamadeh’s not in court, he’s consulting

Hamadeh reported no earned income on his [financial disclosure report](#), despite listing a consulting firm and two instances of more than \$5,000 in compensation for consulting work. Corp Comm. records show Hamadeh is [listed as the statutory agent](#) for HAM Advisors LLC, a consulting firm based in Scottsdale. The financial disclosure report notes the firm brought in somewhere between \$50,000-\$100,000 in the previous year but no income in 2023. But, in listing compensation in excess of \$5,000, Hamadeh tendered consulting services to [Morning in America II, Inc.](#), a Cave Creek based conservative political strategy firm run by Tim Mooney, a political consultant and former state director for National Federation of Independent Business, and [Election Freedom, Inc.](#), a Columbus, Ohio nonprofit connected to former RNC attorney Benjamin Mehr. Mooney told our reporter he compensated Hamadeh for consulting services through HAM Advisors. Mehr declined to comment. Hamadeh’s campaign did not respond before our deadline.

Dems trying to stop ‘seismic shift in Arizona election law’

The Arizona Democratic Party and the Democratic National Committee filed motions to intervene in two of the three suits seeking to alter or void the 2023 Elections Procedure Manual. In motions filed yesterday, Roy Herrera, attorney for ADP and DNC filed motions to intervene as defendants in the Arizona Free Enterprise Club and the RNC and AZGOP’s respective suits against Fontes. AFEC challenges provisions of the EPM allowing election officers to crack down on ballot drop box watching, following voters dropping off their ballots, and taunting, threatening, insulting or videotaping voters or poll workers, and a provision opening the presidential primaries to federal only voters. Herrera contends that if AFEC’s suit were to succeed, their members would be subject to “intimidation and harassment,” voter suppression and would require ADP and DNC to expend resources training and educating voters and employees. The RNC and AZGOP’s suit seeks to see the EPM invalidated as they claim the public comment failed to comply with the Arizona Administrative

Procedure Act. And if the court is not swayed by the administrative claim, they alternatively ask to enjoin select provisions, like prohibitions barring the public from accessing voter signatures and the elimination of a requirement that county recorders cancel voter registration of people who self-report as noncitizens on jury questionnaires. In intervening in the RNC and AZGOP suit, Herrera writes the lawsuit would cause an ‘immediate and seismic shift in Arizona election law’ and again cites potential impact to their constituents. ADP and DNC did not file to intervene in the legislature’s challenge to the EPM.

·WAKE UP CALL·

[Arizona public schools struggle to fill teaching positions as leaders brainstorm school staffing solutions](#)

Cronkite News

Public school educators say they are some of the most underpaid and overworked employees in the country. In 2023, Educators for Excellence polled thousands of teachers about their experiences and workloads and found that while 80% of teachers are likely to spend their entire careers in the classroom, only 14 % of teachers would recommend the job to others.

[Arizona hires Desireé Reed-Francois as athletic director to navigate move to Big 12](#)

The Associated Press

Arizona has hired former Missouri athletic director Desireé Reed-Francois to guide the athletics department through financial difficulties prior to the school’s move to the Big 12.

[Proposed law nixes public benefits for illegal border crossers](#)

Capitol Media Services

Republican lawmakers took the first steps Monday to making it more difficult for those who have crossed the border illegally to get public benefits. And that includes those who are seeking asylum and have been allowed to remain for the time being by the federal government.

[Arizona independents have struggled to win elections](#)

Axios

As far as Axios Phoenix has been able to determine, no independent candidate has ever won a state-level or federal office in Arizona.

[Arizona's biggest homeless services program faces \\$1.5M shortfall](#)

KJZZ

The state’s largest emergency shelter program may soon have to cut services to people experiencing homelessness. Central Arizona Shelter Services, known as CASS, serves the Valley and its biggest shelter is near downtown Phoenix. Thanks to an infusion of federal funds related to the pandemic and recovery, CASS was able to increase its beds from 470 to 650. But, now, cuts could be coming.

[Tucson leaders consider skipping role in 20-year regional transportation plan](#)

Arizona Daily Star

Tucson might do better funding its own long-term transportation projects rather than sticking with a regional group of governments that divvies up funding and schedules the work, a new memo from City Manager Michael Ortega says.

[Backyard casitas gaining traction; Arizona legislators seek to take concept statewide](#)

Phoenix Business Journal

On the heels of a Phoenix City Council nod to allow homeowners to build accessory dwelling units in their backyards, the Arizona Legislature may take the concept statewide.

[Don't penalize smokers for trying to quit](#)

Arizona Capitol Times

A new tobacco product that's 90% safer or greater than smoking cigarettes can help countless Arizonans quit. But unless Arizona lawmakers pass a crucial bill to ensure this safer alternative isn't taxed, the same as conventional cigarettes, the very Arizonans who need it the most will bear the brunt of the consequences.

[Another GOP bill marks Arizona MAGA's maddening anti-mail-in ballot madness](#)

The Arizona Republic

Outside of the Marvel Universe the only cartoon character with reality warping abilities is Donald Trump.

[HopeTech could change lives of former foster kids](#)

Arizona Capitol Times

In July, the East Valley Institute of Technology will open HopeTech at the EVIT Main Campus for students aging out of Arizona's foster care system. At this on-campus apartment-style community, they will have a safe place to live as they complete their high school education, learn a trade in one of EVIT's 50 career programs, earn an industry certification or college degree, all while receiving support services to help them transition into life on their own.

·PRESS RELEASES·

Arizona Solar Advocates Tell the Arizona Corporation Commission to Vote NO on the New Discriminatory Solar Charge

Phoenix, Arizona – On Thursday, February 22 at 8:30 a.m, Arizona Corporation Commission (ACC) stakeholders and solar advocates will hold a press conference to call on the ACC to vote no on a brand new charge being targeted only at APS customers with solar.

APS has proposed to increase rates for all of its solar customers by 13%. This significant increase comes on the heels of a 2023 rate hike caused by APS's overreliance on natural gas that increased the average residential customer's bill by \$145 annually. The ACC has now proposed that solar customers rates be increased by 15% more than everyone else. This will result in an additional fee of \$3-4 a month per solar customer in addition to the 13% overall rate hike. This discriminatory fee was proposed in the final stage of a multi-year rate case proceeding, and there has been no testimony or briefing addressing the fee or opportunity for the public to comment on it. Multiple parties have called on the ACC to eliminate the solar-specific fee when they vote on the rate case on February 22nd.

At the press conference, speakers will describe how local rooftop solar helps to reduce grid costs and protect ratepayers from skyrocketing gas prices, the solar fee the ACC has proposed, and the impact such a discriminatory fee will have on ratepayers and the solar industry in Arizona.

Who:

- [Autumn Johnson](#), Executive Director, Arizona Solar Energy Industries Association
- [Adrian Keller](#), Arizona Program Director, Solar United Neighbors
- [Kate Bowman](#), Interior West Regulatory Director, Vote Solar
- Possible additional speakers

When:

Thursday, February 22, 2024
8:30 AM MST

Where:

Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Interviews:

Speakers will be available for questions following the press conference.

About Solar United Neighbors

Solar United Neighbors is a nonprofit organization that works in Arizona and nationwide to represent the needs and interests of solar owners and supporters. Solar co-ops are part of the organization's mission to create a new energy system with rooftop solar at the cornerstone. Solar United Neighbors holds events and education programs to help people become informed solar consumers, maximize the value of their solar investment, and advocate for fair solar policies.

###

Arizona vacation & short-term rental hosts will gather Thursday at State Capitol to support industry's role in strong tourism economy

Phoenix, Ariz. – Vacation and short-term rental hosts from across Arizona will gather at the State Capitol this Thursday to advocate for the industry and its role in fostering economic opportunity and strengthening Arizona tourism and hospitality. The event is hosted by [Arizonans for Responsible Tourism \(AZRT\)](#) – a grassroots and statewide coalition with over 1,000 host members across the state.

The vacation and short-term rental industry is a proven driver of quality tourism and economic activity. Arizona short-term rentals support more than 75,000 jobs, generate over \$500 million/year in tax revenue for state and local governments, and create an estimated \$6.6 billion in overall economic output, [according to a 2022 analysis by the Rounds Consulting Group](#).

What: Arizona vacation rental owners and managers gather at AZ State Capitol

When: 1 PM, Thursday, Feb. 22

Where: Arizona State Capitol – East Lawn, 1700 W. Washington St., Phoenix

Media Contact:

John Hildebrand

john@hildehomes.com

About Arizonans for Responsible Tourism (AZRT):

AZRT is a 501(c)(6) membership organization that supports fair, common-sense regulation to manage short-term rentals throughout Arizona communities. We work within our communities to educate short-term rental owners on responsible hosting practices and help hosts stay up to date on evolving state and local regulations, including TPT compliance and new local ordinances.

###

Ahead of State of the Union Address, FDR's Great-Granddaughter, Democratic Members of Congress, and Arizona Seniors Will Demand

Local Republicans Stop Working with Trump to Cut Social Security and Cut Taxes for Billionaires

Phoenix, AZ — Ahead of President Joe Biden’s upcoming State of the Union address, Arizona seniors in Phoenix and Tucson will join FDR’s great-granddaughter and a Democratic member of Congress in calling on Arizona’s congressional Republicans to stop threatening to cut Social Security and cut taxes for billionaires.

In Phoenix, they will hold a press conference outside of Rep. David Schweikert’s (AZ-01) office on Thursday, February 22, at 9:45 a.m. A similar event will take place on Wednesday in Tucson.

These events come shortly before President Biden’s State of the Union address to Congress on March 7, in which he is expected to call for [increasing taxes on billionaires](#) and [protecting Social Security](#) from Republican attacks. The local events will highlight Republican Reps. Schweikert, Eli Crane (AZ-02), Andy Biggs (AZ-05), Juan Ciscomani (AZ-06), Debbie Lesko (AZ-08), and Paul Gosar (AZ-09)’s support for Donald Trump’s tax cuts for billionaires and their [support for cutting Social Security](#) – which Trump proposed [all four years](#) while he was president with [support from Republicans in Congress](#) like Congressman Schweikert.

“Social Security is the backbone of my great-grandfather’s legacy and is vitally important to Arizona seniors, but Donald Trump and Arizona’s congressional Republicans want to cut it,” said President Roosevelt’s great-granddaughter Maura Roosevelt. “When FDR taxed the wealthy, he was called a traitor to his class, but he was standing up for the American people. We must do that again today by taxing billionaires and using the money to protect Social Security from cuts.”

During the press conference, the Executive Director of Honest Arizona will be on hand to launch a billboard truck that says “Rep. Schweikert Voted To Give Tax Handouts To Billionaires” and “Rep. Schweikert Voted To Cut Social Security.”

In his 2023 State of the Union address, President Biden [successfully cajoled Republicans](#) into applauding for a pledge to not cut Social Security and Medicare. However, just months later, Republicans put forward [a budget](#) that would cut Social Security benefits. They still [refuse to consider](#) increasing taxes on billionaires and large corporations to address the national debt. Recently, House Republican Speaker Mike Johnson, with the support of Congressman Schweikert, [proposed](#) a “debt commission” to attack Social Security benefits and raise the retirement age.

All Republican members of Arizona’s congressional delegation voted to make it [easier for billionaires to cheat on their taxes](#) and have [pushed to cut taxes for big corporations](#). Earlier this year, Rep. Ciscomani and his Republican colleagues on the Appropriations Committee released a budget that would [dramatically cut funding](#) for the Social Security Administration. Meanwhile, Trump’s tax cuts for the ultra-wealthy are set to [expire next year](#) – and Republicans are [intent on renewing them](#).

“For two-thirds of current Social Security beneficiaries across the country, 50% of their income is from Social Security. Retirees have earned their benefits over a lifetime of work,” said Linda Somo, President of the Arizona Alliance for Retired Americans. “Our leaders owe it to retirees to protect Social Security by making billionaires pay their fair share into the program.”

Democrats like Rep. Ruben Gallego (AZ-03), Sen. Mark Kelly, Rep. Raul Grijalva (AZ-07), and Rep. Greg Stanton (AZ-04) are fighting to protect families’ hard-earned Social Security benefits and ensure that billionaires pay their fair share in taxes.

WHO: Maura Roosevelt, Great-Granddaughter of FDR
 Linda Somo, President, Arizona Alliance for Retired Americans
 Roman Ulman, President, AFSCME Arizona Retirees
 Andrea Moreno, Executive Director, Honest Arizona

WHAT: Press conference with Social Security advocates and local seniors concerned about Republicans' efforts to cut taxes for billionaires, which will force cuts to Social Security.

WHEN: Thursday, February 22, 2024, 9:45 a.m. MST

WHERE: 14500 N. Northsight Blvd. Ste. 221
Scottsdale, AZ 85260

RSVP: Media should RSVP to Sophie@BoldProgressives.org.

###

Two Medicaid Program Changes Increase Access to Health Care for Children

PHOENIX – Today, Governor Hobbs and the Arizona Health Care Cost Containment System (AHCCCS) announce two changes to Arizona's Medicaid program that will positively impact children, including children who live with developmental disabilities and the families who provide care to them.

AHCCCS received federal approval to increase the upper income limit of KidsCare, the Children's Health Insurance Program (CHIP) in Arizona, and to make permanent AHCCCS' ability to reimburse parents as paid caregivers of their Arizona Long Term Care System (ALTCS)-enrolled minor children with disabilities.

"Expanding access to health care is a pillar of my administration, and these two additions to the Medicaid program will have a direct impact on children in Arizona. Increasing the upper income limit on KidsCare eligibility means more children will get needed health care services through their early development, creating a healthier population overall," said Governor Katie Hobbs. "And parents of children with intellectual and developmental disabilities will be compensated for delivering health care services to their children."

"AHCCCS has worked diligently to successfully obtain the approvals necessary to expand these two Medicaid programs to positively impact the children of Arizona, especially those with developmental disabilities," said AHCCCS Cabinet Executive Officer Carmen Heredia. "These approvals showcase Arizona's longstanding status as one of the country's most innovative Medicaid programs."

In 2023, the Arizona Legislature passed, and Governor Hobbs signed, a bill to increase the income limit for KidsCare eligibility to 225% of the federal poverty level. With this approval, Arizona has become the first state in the nation to expand CHIP financial eligibility through its federal five-year 1115 Waiver approval process. The new benefit begins April 1 and could mean as many as 10,000 more children in Arizona will have health insurance.

AHCCCS also received approval to pay parents as caregivers of their minor children with disabilities who are enrolled in the Arizona Long Term Care System (ALTCS). Temporarily added during the Public Health Emergency to mitigate the direct care worker shortage and improve access to timely, effective care in the home and community, this approval continues the benefit as a permanent feature of the ALTCS program. Governor Hobbs has made continuing this program one of the priorities of her administration and has included its funding in her budget.

For more information see this [Fact Sheet](#) and the [Parents as Paid Careg](#)

###

Pima County approves eight projects for 835 affordable housing units

PIMA COUNTY, Feb. 20, 2024 – The Pima County Board of Supervisors voted 4-1 at its Feb. 20 meeting to award \$6.875 million for eight projects with the purpose of developing or preserving 835 affordable housing units.

This is the second batch of approved gap funding from the [Pima County Regional Affordable Housing Commission](#). In June 2023, the Board approved \$2.625 million for two affordable housing projects to develop or preserve 203 affordable housing rental units.

The Board had allocated \$10 million as part of the 2022-23 and 2023-24 fiscal year budgets toward increasing affordable housing in Pima County. The Board further indicated that they would look at funding future projects at their March 5 meeting.

The Supervisors' action aligns with their recent approval of [Pima County's Prosperity Initiative](#), a wide-ranging set of policies designed to reduce generational poverty and increase individual and community wealth.

"This allocation of gap funding makes sense within the budget priorities of this Board," said Dan Sullivan, the director of Pima County's [Community & Workforce Development](#) (CWD) Department, which solicited the proposals for funding.

"This is local money that goes to local people, and improving opportunities and outcomes for low-income renters and homeowners help stabilize the economy for all of us. The Board, the Commission and the County are moving as fast as possible to turn this funding into results."

CWD received 21 responses in the second round of request for proposals in three categories: new rental development; new home ownership development; and preservation, renovation, and/or re-use of existing housing.

CWD staffed the evaluation panel, which scored and recommended [eight proposals for the Board's approval](#).

The following projects were approved by the Board of Supervisors and will allow the County to enter into contract negotiations with these vendors:

New development, rental:

- West Point Apartments II, La Frontera Partners Inc., \$1 million
- Belvedere Terrace, LP, Newport SW LLC., \$1 million
- Desert Dove Apartments, GHK Properties, LLC, \$1 million
- The Safford, Marana Leased Housing Associates, LLLP, Dominion, \$1 million
- Emery Park Place, Family Housing Resources and Southern Arizona Land Trust, Inc. \$500,000

New development, homeownership:

- Mars Landing Development, Habitat for Humanity, \$1 million

Existing – preservation, renovation, re-use:

- Tucson House, City of Tucson, \$1 million
- El Camino Affordable Housing, Casa Maria and Compass Affordable Housing, \$375,000

The approval of the proposals from both funding opportunities ensures a total of 1,038 units are developed or preserved to include a commitment to a 30-year housing affordability period, with property management ensuring all households are at or below 80% of area median income.

"We received different and creative proposals across the various categories," Sullivan said. "That's very promising as we continue to increase affordable housing in our community."

Applications were open to qualified nonprofit and for-profit developers, builders, government agencies and partnerships.

MEDIA CONTACT: Dan Sullivan, director of Community & Workforce Development Department, 520-724-7309 or Daniel.Sullivan@pima.gov.

###

“QUOTE
OF THE DAY”

“It's not something that is necessarily permanently paused. It's something that's on the table.” — *Hobbs on millions of dollars for programs approved in FY2024 are paused.*

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 2-21
Date: Wednesday, February 21, 2024 6:04:03 PM
Attachments: [2-21-24.pdf](#)

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From: Chierstin Susel <CSusel@azleg.gov>
Sent: Wednesday, February 21, 2024 4:03:41 PM
Subject: Yellow Sheet 2-21

Chierstin Susel

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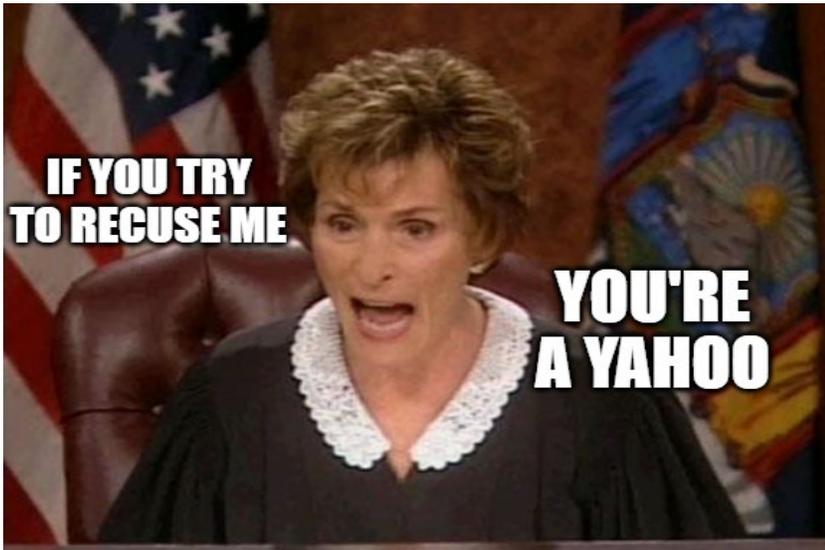


YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

Next judge could be a Napolitano appointee - just saying



Judge Timothy Ryan will not be presiding over the Legislature's challenge to the Election Procedure Manual after the legislative leaders brought his brother's social media posts as reason to change judges last week. Petersen and Toma filed to remove Ryan from the case due to social media posts by his brother, Tom Ryan, calling the legislative leaders "Yahoos" and the case a "cowpie." In a written statement, Arizona Senate Republicans said Ryan's recusal was the "appropriate action" and

called Tom Ryan a "liberal attorney who plagues social media with his contempt for the Republican-controlled Arizona Legislature with an incessant number of juvenile posts." Tom Ryan previously told our reporter he maintains the "right to call out chucklenuts and yahoos when I see chucklenuts and yahoos." The case is pending reassignment.

Dept. of Corrections gets another bad report card

Plaintiffs in the long-running lawsuit against the Dept. of Corrections say an interim report from the Court's monitoring team revealed "widespread and substantial violations" of the injunction, while attorneys for the department claim the report "does not serve as an accurate measure" of the department's compliance with the court order and fails to include a comprehensive guide in achieving compliance. Court-appointed monitors issued a report finding the department had "not yet made sufficient improvements," finding the staffing levels are still below the minimum set by the court and recruiting efforts by health care contractor NaphCare have been "woefully inadequate." Plaintiffs agreed and asked the court to order the department "to show cause why it should not vacate the state law privatizing correctional health care," noting it has been the "perennial problem that has been the root causes of noncompliance in this case for over a decade, through the tenure of four different for-profit vendors." They further claim inadequate self-monitoring and generally note the "present health care system is not functioning at a constitutional level, and there is no reason to believe it will do so in the foreseeable future." The department, on the other hand, claims the court monitors report, covering data from September, is outdated and "glosses over and in many cases is entirely silent as to areas in which ADCRR and NaphCare have made substantial improvements in the scope, timeliness, and quality of health care services provided to ADCRR inmates." They note efforts to bolster substance abuse and mental health treatment services and "significant strides" by NaphCare to increase staffing through pay raises and bonuses and a \$20,000 a month advertising program to draw in applicants. "Rather than dwell

on those isolated past instances from September 2023,” attorney Daniel Struck wrote, “the focus for the parties, the Monitors, and the Court going forward should be on those areas where systemic changes are still being implemented or further systemic changes may be needed to achieve full compliance.”

Hamadeh explains conflict in financial disclosure report

A spokesperson for the Hamadeh campaign said in a written statement his [financial disclosure report](#) is “accurate and in compliance with House Ethics guidance.” Hamadeh’s disclosure form reported no earned income but listed Hamadeh’s consulting firm, HAM Advisors, and two clients, Morning in America, Inc. and Election Freedom, Inc., that compensated Hamadeh more than \$5,000, for consulting services. The [U.S. House Ethics manual](#) requires all compensation above \$5,000 from a single source be disclosed. Tim Mooney, president of Morning in America, told our reporter he paid for consulting services from Hamadeh through HAM Advisors. Though Hamadeh did bring in earnings for HAM Advisors, he reported bringing the firm as partnership income and brought in no income or compensations from his consulting work.

Meghan McCain must not get Kari Lake’s sense of humor

Meghan McCain and Kari Lake got into it on X over Lake’s attempt to backpedal previous comments on John McCain in [an interview](#) with *KTAR*’s Barry Markson and Bruce St. James earlier this week. Lake told Markson and St. James her previous statements on McCain, namely telling his supporters to “get the hell out,” was a “joke.” “It was a joke that was said a year before the election,” Lake said. “It was said in jest. And I think if John McCain, who had a great sense of humor, heard it, he would have laughed.” Meghan McCain [wrote today](#), “Kari Lake is trying to walk back her continued attacks on my Dad (& family) and all of his loyal supporters after telling them to ‘get the hell out’ Guess she realized she can’t become a Senator without us. No peace, bitch. We see you for who you are - and are repulsed by it.” Lake then [made a plea](#) to McCain and extended an invitation to meet, to which McCain [responded](#), “NO PEACE, BITCH!” McCain is set to appear on *KTAR* later today to address Lake’s comments.



“It was said in jest. And I think if John McCain, who had a great sense of humor, heard it, he would have laughed.” Meghan McCain [wrote today](#), “Kari Lake is trying to walk back her continued attacks on my Dad (& family) and all of his loyal supporters after telling them to ‘get the hell out’ Guess she realized she can’t become a Senator without us. No peace, bitch. We see you for who you are - and are repulsed by it.” Lake then [made a plea](#) to McCain and extended an invitation to meet, to which McCain [responded](#), “NO PEACE, BITCH!” McCain is set to appear on *KTAR* later today to address Lake’s comments.

Good work if you can get it

Biden nominated two new federal judges to serve on the U.S. District Court for the District of Arizona, marking his first nominations to the state’s district court. Krissa Lanham serves as appellate chief in Arizona’s U.S. Attorney’s Office and previously worked as the Deputy Appellate Chief and Human Trafficking Coordinator for the office. She clerked for Judge Barry Silverman, a U.S. 9th Circuit Court of Appeals judge, and a Connecticut district court judge. And Angela Martinez currently serves as an

Arizona U.S. Magistrate Judge, previously worked as an assistant United States attorney in the U.S. Attorney's Office and clerked for U.S. District Judge Jennifer Zipp and the late John Roll. Lanham and Martinez must first receive Senate confirmation before taking the bench for a lifetime appointment.

·WAKE UP CALL·

[General warns lawmakers legislation could decimate AZ National Guard](#)

Capitol Media Services

Saying they're "our" National Guard soldiers, Republican state lawmakers are picking a fight with Washington over who controls them, a fight that a general said would leave the Guard with no money and no equipment. And yet it would still leave Arizona soldiers subject to being called up for overseas duty.

[DNC intervenes in GOP effort to nullify Arizona election manual](#)

Politico

The Democratic National Committee is looking to jump into a pair of Arizona election lawsuits Tuesday morning, another salvo in the sprawling legal battle over the country's election procedures ahead of November.

[Arizona House panel advances GOP plan to check citizenship of welfare recipients](#)

Tucson Sentinel

Arizona Republicans want to make it harder for undocumented immigrants to receive state benefits, and they plan to bypass the governor to do so.

[Feds reject massive water project permits on Navajo Reservation](#)

White Mountain Independent

Tribal nations won a big round in a long-running battle recently when the Federal Energy Regulatory Commission rejected seven hydro-electric projects on the Navajo Reservation.

[Almost 1 in 4 AZ Republicans wants to secede from the U.S.](#)

AZMirror

Nearly one in four Arizona Republicans think the Grand Canyon State should secede from the United States, a recent poll found.

[Arizona — among other states — is taking up the mantle to pass paid family medical leave](#)

JKZZ

Arizona Democrats have introduced a bill that would create a paid family and medical leave system in our state — so a new mother could stay home with a newborn and be paid, or a son could stay home with an elderly parent who's sick — and be paid.

[Arizona lawmakers introduce marijuana interstate commerce bill](#)

MJ Biz Daily

Arizona could be the next state to approve interstate commerce for marijuana. Lawmakers recently introduced House Bill 2770, which would allow marijuana products to be sold across state lines, Phoenix TV station KNXV reported.

[Let's not celebrate Black History Month without talking mental health](#)

Arizona Capitol Times

Throughout Black History Month, the role African Americans have played and continue to play throughout history is recognized and honored. It's a chance to celebrate the rich cultural traditions and accomplishments of the Black community, while also raising awareness about ongoing disparities deeply rooted in American history.

[Kari Lake's latest rehabilitation tour: McCain smear was just a joke. Riiiiight](#)

The Arizona Republic

Attention all you Arizona moderates. Kari Lake was just joking when she told supporters of the late Sen. John McCain to “get the hell out” of one of her campaign events during her run for governor.

[LGBTQ youth represent disproportionate number of homeless](#)

Arizona Capitol Times

Homelessness is an incredibly prevalent issue in Arizona. However, most of the attention on this issue has been focused on unhoused migrants and residents of the zone, while the most vulnerable homeless population of all has been mostly swept under the rug: homeless youth.

·PRESS RELEASES·

Maricopa County Superior Court Judge Rightfully Recuses Himself in Elections Procedures Manual Litigation Due to Juvenile Antics

PHOENIX, ARIZONA— A Maricopa County Superior Court judge voluntarily recused himself today in the case of [Petersen v. Fontes](#), after denigrating social media [posts](#) from his brother revealed a potential for an unfair and biased trial, prompting the plaintiffs to file [a motion](#) to change judge for cause.

The plaintiffs argued judges should be impartial and free from any political bias. For that reason, Judge Timothy Ryan's recusal was the appropriate action to take. His brother, Tom Ryan, is a liberal attorney who plagues social media with his contempt for the Republican-controlled Arizona Legislature with an incessant number of juvenile posts. There is no way anyone who has witnessed the antics of Judge Ryan's brother, which included case-specific criticisms and commentary, can credibly believe that Judge Ryan could give the Legislature a fair trial.

###

Attorney General Mayes Sues IRS Over Taxation of State-Issued Tax Rebate

PHOENIX – Attorney General Kris Mayes today announced the State of Arizona has sued the IRS to prevent it from taxing the state-issued Arizona Families Tax Rebate. The lawsuit filed today in federal district court contends that treating these rebates as taxable income is unlawful and contrary to the IRS’s treatment of similar tax rebates in other states.

"This lawsuit is about standing up for Arizona taxpayers," said Attorney General Mayes. "The federal government's decision to tax these rebates is unfair and unlawful – and I will do everything I can to ensure the tax relief provided to Arizonans by their state government remains in the pockets of Arizona taxpayers, as intended."

In May 2023, Arizona enacted a General Welfare Income Tax Rebate to offer financial relief to eligible taxpayers. This initiative was based on the understanding from previous IRS guidance that such rebates would not be considered taxable income. However, deviating from its previous stance, the IRS has opted to tax these rebates. The IRS did not confirm its decision in writing until late last week. Prior to filing suit, the Attorney General’s Office attempted in good faith to convince the IRS to reverse its erroneous decision.

The lawsuit specifically alleges the following:

- **Unlawful Taxation:** The IRS's decision to tax the rebates lacks legal basis and contradicts prior IRS guidance and precedents.

- **Arbitrary and Discriminatory:** The decision by the IRS is arbitrary, capricious, and unfairly targets Arizona taxpayers.
- **Economic Impact and Violation of Taxpayers' Rights:** Taxing these rebates affects not only the individual taxpayers but also the broader economic well-being of Arizona, reducing the disposable income of taxpayers and state sales tax revenue.

A copy of the complaint is available [here](#).

###

Senate Republicans Pass Crucial Legislation to Provide Law Enforcement with Tools to Protect Arizonans from Biden's Border Invasion

PHOENIX, ARIZONA— As the overwhelming majority of people who illegally cross the Mexico border continue to enter the United States [through Arizona](#), Senate Republicans remain steadfast in providing law enforcement the tools needed to protect our citizens from the influx of crime created by Biden's border invasion. Today, two critical bills advanced out of the Senate.

SB 1231, known as the [Arizona Border Invasion Act](#), establishes in Arizona statute three border-related crimes with subsequent punishments. Local, county, or state law enforcement officers would be granted authority to arrest any non-US citizens who enter Arizona from anywhere but a lawful entrance point, as well as those who have already been removed from our country or denied entry, and those who have previously been ordered to leave but are refusing to comply.

"Every single day Joe Biden allows this invasion at our southern border to continue, the lives of Arizonans remain in grave danger," said Senator Janae Shamp (R-29), sponsor of SB 1231. "Right now, law enforcement can't do their jobs to protect our citizens from the overwhelming cases of human smuggling, child sex trafficking, rapes, murders, deadly fentanyl, high-speed chases, and other heinous acts carried out by the large numbers of criminals allowed to freely enter our country through the Arizona-Mexico border. I'm grateful to my Republican colleagues who understand the necessity of this legislation, and I'm disgusted all Senate Democrats voted against the bill and showed their acceptance of the federal government's failure to keep our communities safe."

SB 1408, known as the [Aggravated Unlawful Flight](#) bill, creates tougher penalties for drivers who endanger the life of another person while attempting to flee law enforcement, prompting a high-speed chase. The bill also creates greater penalties against drivers who cause harm to another person during a high-speed chase, or those who are transporting a child under the age of 15.

"Like many other Arizona families, I lie awake at night concerned my child, my wife, or another loved one could be caught in the crossfire of a high-speed chase at any given time," said Senator David Gowan (R-19), sponsor of SB 1408. "We must send a firm message to these human traffickers and drug smugglers that fleeing our law enforcement at reckless speeds and endangering our citizens' lives will not be tolerated. God bless our county sheriffs, deputies, state troopers, local police, border patrol agents, and other law enforcement personnel who are on the frontlines fighting this border crisis. I'm hopeful we can get these commonsense bills signed into law to protect our communities."

###

Arizona Leaders Gather in South Phoenix to Talk about Soot Air Pollution and the New EPA Standards

Phoenix, AZ – Community leaders gathered today at First New Life Church in South Phoenix to express their appreciation for the [new, tighter Environmental Protection Agency \(EPA\) Standards](#) for Soot, or PM 2.5 Particulate Matter air pollution.

The EPA's revised National Ambient Air Quality Standards (NAAQS) for PM 2.5, announced on February 7, 2024, mark a significant step forward in efforts to reduce harmful pollution and improve air quality nationwide and here in Arizona. These updated standards are expected to save lives, enhance public health outcomes by reducing asthma cases and hospital visits, and minimize missed work and school days due to associated health issues.

Communities like South Phoenix have long and disproportionately suffered the consequences of environmental policies that inflicted stark, consistent [disparities in soot exposure](#) between white Americans and Black, Latino, and Asian Americans across the country in both rural and urban settings.

“The announcement from the EPA regarding the reduction of PM (Particulate Matter) levels is not just a policy change; it is a pivotal moment for South Phoenix,” said **Rev. Aubrey Barnwell, pastor at First New Life Church and Chairperson of the African American Christian Clergy Coalition**. “The lowering of PM levels from 12 to 9 micrograms per cubic meter demands our attention and concerted action. It is a call to protect the health and vitality of our community.”

“The EPA has done their part by updating their health-based standards for very fine particle pollution,” said **Will Humble, executive director for the Arizona Public Health Association**. “Now it's time for the Maricopa County Air Quality Department and Arizona Department of Environmental Quality to roll up their sleeves and figure out what changes need to be made to bring us into compliance with the new standards.”

Leaders discussed solutions, including reducing emissions from power plants and vehicles. Clean vehicle programs, such as the Advanced Clean Cars II Rule, the Advanced Clean Trucks Rule, or the Heavy Duty Omnibus Rule, would all reduce soot pollution, [according to Sierra Club analysis](#). By adopting clean vehicle programs, Arizona could cost-effectively reduce soot pollution, bring its pollution levels closer to compliance with federal standards, and create cleaner, healthier communities.

“These stronger pollution standards will keep more people, including children, out of the emergency rooms. These health-based standards will save lives. The movement in the right direction will help advance environmental justice in our communities and will save dollars too,” said **Sandy Bahr, director for Sierra Club's Grand Canyon (Arizona) Chapter**. “We look forward to working together to make sure all Arizonans have healthy air to breathe.”

The news conference can be viewed via YouTube [here](#).

###

Arizona vacation & short-term rental hosts will gather Thursday at State Capitol to support industry's role in strong tourism economy

Phoenix, Ariz. – Vacation and short-term rental hosts from across Arizona will gather at the State Capitol this Thursday to advocate for the industry and its role in fostering economic opportunity and strengthening Arizona tourism and hospitality. The event is hosted by [Arizonans for Responsible Tourism \(AZRT\)](#) – a grassroots and statewide coalition with over 1,000 host members across the state.

The vacation and short-term rental industry is a proven driver of quality tourism and economic activity. Arizona short-term rentals support more than 75,000 jobs, generate over \$500 million/year in tax revenue for state and local governments, and create an estimated \$6.6 billion in overall economic output, [according to a 2022 analysis by the Rounds Consulting Group](#).

What: Arizona vacation rental owners and managers gather at AZ State Capitol

When: 12:30 PM, Thursday, Feb. 22

Where: Arizona State Capitol – East Lawn, 1700 W. Washington St., Phoenix

###

Meth Distributor Sentenced to Over 7 Years in Prison

TUCSON, Ariz. – Esteban Terrazas, 56, of Tucson, was sentenced last week by United States District Judge Jennifer G. Zipp to 87 months in prison. Terrazas pleaded guilty to Possession with Intent to Distribute Methamphetamine on October 27, 2023.

On August 10, 2021, law enforcement officers stopped Terrazas for a traffic violation and found approximately one pound of methamphetamine and a loaded handgun in his possession. Terrazas admitted that he intended to sell the methamphetamine and that he was prohibited from possessing a gun. Terrazas has multiple prior felony convictions, the most recent being for manslaughter, that prohibit him from possessing firearms.

This case is part of an Organized Crime Drug Enforcement Task Forces (OCDETF) operation. OCDETF identifies, disrupts, and dismantles the highest-level criminal organizations that threaten the United States using a prosecutor-led, intelligence-driven, multi-agency approach. Additional information about the OCDETF Program can be found at <https://www.justice.gov/OCDETF>.

Homeland Security Investigations, the Drug Enforcement Administration, and the Federal Bureau of Investigation conducted the investigation in this case. The United States Attorney’s Office, District of Arizona, Tucson, handled the prosecution.

“QUOTE OF THE DAY”

“NO PEACE, BITCH!” — Meghan McCain to Kari Lake after the U.S. Senate candidate tried to sweet talk her into supporting her candidacy.

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 2-26
Date: Monday, February 26, 2024 8:57:06 PM
Attachments: [2-26-24.pdf](#)

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From: Chierstin Susel <CSusel@azleg.gov>
Sent: Monday, February 26, 2024 4:54:01 PM
Subject: Yellow Sheet 2-26

Chierstin Susel

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YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

Crosby, Judd grand jury proceedings not so secret any longer



Attorneys for the state urged the superior court to reject attempts by Cochise County Supervisors Tom Crosby and Peggy Judd to dismiss the charges for delaying the 2022 election canvass with prejudice as a matter of law or remanded to the state grand jury. In a motion filed by Crosby's attorney, Dennis

Wilenchik, and joined by Judd, he claimed the move to delay the canvass was protected by legislative immunity and claims no crime was committed as the statewide canvass was ultimately completed. The state contends Crosby and Judd are not immune at all as the canvass is a "non-discretionary" mandatory function of the board and Crosby's "voting his conscience" defense "does not apply in a canvass." "The canvass is not the place for the airing of grievances about perceptions of election fraud or improper votes," assistant AG Todd Lawson wrote. He also noted Crosby admitted during grand jury proceedings there was nothing materially wrong with the 2022 returned election canvass. Beyond asking for dismissal, Crosby separately claimed the state committed "numerous and egregious" violations of his procedural rights during grand jury proceedings by failing to instruct the grand jury on the law, utilizing "extensive privileged and quasi-privileged evidence," and failing to correct misleading testimony. Crosby said another problem with the grand jury proceeding was allowing County Attorney Bryan McIntyre, who his attorney calls "obviously biased," to testify despite attorney-client privilege, and he asked the court to remand proceedings back to the grand jury. Crosby's filing included excerpts from the grand jury transcript, a document typically sealed from the public eye. David Morgan, publisher of the *Cochise County Record*, obtained [Crosby's filing](#) before it too was sealed by the superior court. And with it out in the open, AG spokesperson Richie Taylor told our reporter the office "believes the entire grand jury transcript should be released." Taylor told our reporter the court would need to grant a motion to make transcript public but declined to comment further on next steps.

Board of Education issues report on rogue's gallery of teachers

Educator discipline spiked by about 100 cases compared to the prior year but not because of more cases of teacher misconduct. The State Board of Education's annual report showed an increase in staffing and efficiency led to a higher number of cases adjudicated overall. SBE oversees educator disciplinary investigations and proceedings for both certified and non-certified teachers and partners with assistant

attorneys general or outside counsel to do so. In 2023, the board attributes growth to securing outside counsel, citing “challenges with turnover among representation” provided by the assistant AG’s office. In a presentation to the board today, Jessica Mueller, Research and Data Analyst, State Board of Education, said the board’s investigative unit processed 272 cases in 2023, compared to 172 in 2022. According to the latest report, 44% of the complaints came from school officials, 31% came from the Dept. of Public Safety reporting fingerprint clearance card suspensions. In 2023, about 39% of cases were associated with sexual misconduct, 28% associated with assault, 15% related to substance use, while fraud and theft made up about 11% and breach of contract about 7%. And in 42% of cases, the educator surrendered their certification, while 15% saw their certification revoked and 13% saw suspensions. As for noncertified teachers, Mueller said the board is supporting legislation from Bennett, SB1560 (public schools; noncertified personnel; discipline) to require a noncertified person who has been disciplined in another jurisdiction complete their disciplinary proceedings before working at an Arizona public school and allows SBE to suspend or revoke a noncertified person’s ability to teach if they receive notice that another jurisdiction revoked or suspended a person’s ability to be employed in a public school. S1560 passed the Senate unanimously and now awaits a vote in the House.

Judge wants answers on whether too late to litigate

With the presidential preference ballots already shipped out, parties to the Republican National Committee, Republican Party of Arizona and Yavapai County Republican Party’s lawsuit against the 2023 Elections Procedure’s Manual disagree on whether it’s too late to litigate a count challenging a provision allowing federal only voters to vote in the presidential preference election. The RNC and AZGOP filed a lawsuit seeking to see the EPM invalidated in its entirety, or alternatively have select pieces enjoined – one of which is a challenge to a provision allowing federal only voters to participate in the PPE. Kurt Altman, the attorney for the plaintiffs, asked the court this morning for an expedited briefing and decision on the count dealing with PPE before March 19. But Karen Hartman-Tellez, attorney for Fontes, said it was “far too late to make changes” under current case law. Tellez said, “People have already voted. I’ve already voted so we can’t change the procedure in the middle of an election.” Altman agreed ballots had gone out but said he could not give the court an answer on whether it was too late to take the claim forward under case law. Judge Frank Moskowitz asked, “Based on that and the law, do you think it’s a good faith basis for this court even have to hear and decide that issue, given that stipulated fact?” Moskowitz said. “If you don’t know the answer to that, then I’m not going to give you an expedited basis to send everybody rushing around. If you don’t know the answer at this point, to that simple question, then I have some serious concerns about what’s in front of me here.” Moskowitz directed the parties to meet and confer on the PPE issue before he set a briefing schedule on the issue. “If it really is then worth briefing, we can have that conversation,” Moskowitz said. He ordered the same for a motion to intervene from Arizona Alliance for Retired Americans and Voto Latino. Altman said they planned to oppose AARA and Voto Latino’s intervention in the suit but noted they took no position on the Democratic National Committee and Arizona Democratic Party’s intervention. The parties are due for a follow up hearing March 6.

Kroger, Albertson’s now have Mayes to contend with

Mayes joined the FTC and a coalition of states in a lawsuit challenging Kroger and Albertson’s merger and claim allowing the companies to combine could lead to a decline in competition, worsened wages, benefits and working conditions for employees and higher prices for consumers. Early in her term,

Mayes announced her office would conduct an antitrust investigation into the merger and held eight listening sessions across Arizona in the past year to assess the impact on communities. Consistent concerns continued to be loss of grocery stores, fewer jobs and increased product prices, particularly in rural parts of the state, according to [a report](#) detailing the listening sessions. The lawsuit alleges violations of the Clayton Act, a federal law charging the FTC with eliminating corporate mergers and acquisitions posed to lessen competition or create a monopoly. "It is clear that Arizonans in rural and urban communities alike are seriously concerned about the potential for drastic changes to their daily lives if this merger goes through," Mayes said in a prepared statement. "Bottom line: this merger will benefit the shareholders of these companies, not regular Arizonans."

Dems attack Schweikert's record on IVF

Schweikert and several other Congressional Republicans are walking back a portion of the intent of [Life at Conception Act](#) from 2021. On Friday following the Alabama Supreme Court ruling that determined people who destroy frozen embryos could be liable for wrongful death, Schweikert posted on X his support for in vitro fertilization. "My wife and I struggled for years to have children. Today, we are blessed to have two beautiful children. IVF is a valuable and important tool for many Arizona families. I will oppose any effort to restrict it," Schweikert wrote. But the Life at Conception Act would have imposed similar restrictions to the Alabama Supreme Court ruling. CNN reporter Lauren Fox shared a [memo](#) that the National Republican Senatorial Committee sent Friday to Republican candidates instructing them to express support for IVF because of high polling data indicating American support for IVF and fertility treatments. "A recent ruling by the Alabama Supreme Court is fodder for Democrats hoping to manipulate the abortion issue for electoral gain," NSRC Executive Director Jason Thielman wrote in the memo. Several Democrats have pointed out Schweikert's earlier position with the Life at Conception Act including Conor O' Callaghan, who is seeking the Democratic nomination to challenge Schweikert. "Schweikert is lying to his constituents about his IVF sympathies," O'Callaghan said in a statement. "Schweikert's hypocrisy knows no bounds. This man co-sponsored legislation that would have jeopardized access to IVF and birth control and banned abortion nationwide."

·WAKE UP CALL·

Citizens' panel chooses nominees for LD22 House vacancy

Arizona Capitol Times

A citizen's panel appointed by the Maricopa County Board of Supervisors selected three candidates Thursday night as recommendations for a vacancy in the state House of Representatives.

4th generation chili farmer seeks unity on water

Arizona Capitol Times

After a successful agricultural career from genetically modifying chilis to winning FFA awards, Edward Curry now has a bigger goal set for Arizona water concerns.

Power plant closures to bring water reallocation

Arizona Capitol Times

Thousands of acre-feet of water from the Colorado River and state groundwater will no longer be used at Arizona coal plants after the four plants shut down by 2032, leaving resources to be redistributed among the states using the Colorado River basin.

Hobbs more inclined to issue clemency than predecessors

Arizona Capitol Times

Gov. Katie Hobbs granted seven of the nine recommendations sent by the Board of Executive Clemency since taking office, marking an early departure from the record of her Republican predecessor.

[**Audit says state leased land to Saudi company at rates below market**](#)

Capitol Media Services

State Auditor General Lindsey Perry is blasting the State Land Department for leasing land to a Saudi-owned company in western Arizona for below-market rates and not requiring it to pay for – or even report – the amount of groundwater it has been using.

[**Court filings reveal secret grand jury interviews that led to indictments of Cochise County supervisors**](#)

Votebeat

The two Cochise County supervisors who face felony charges for allegedly attempting to interfere with the certification of the county's midterm election recently filed documents in court that give glimpses of the secret grand jury interviews that led to their indictment.

[**What to Know About the Feud Between 2 Prosecutors Over a Murder Suspect**](#)

The New York Times

The extradition of a man accused of killing a woman in Manhattan and fleeing to Arizona, where he was later arrested on charges related to other serious crimes, set off a furious confrontation this week between two prominent local prosecutors.

[**Sleazy attempt by Republican shills to smear Rep. Ruben Gallego over divorce won't work**](#)

The Arizona Republic

A Republican propaganda outlet in Washington, D.C., is trying to instigate a bogus smear campaign against Democratic Rep. Ruben Gallego, a U.S. Senate candidate whose likely Republican opponent is former news reader and failed Arizona governor candidate Kari Lake.

[**If Gov. Katie Hobbs refuses to disclose her donors, lawmakers should do it for her**](#)

The Arizona Republic

The Arizona Legislature is working on a bill that would force Gov. Katie Hobbs to come clean on how much money she's raising — and where the money is coming from — to try to flip control of the Legislature to Democrats.

[**Poll says roughly one-quarter of Americans agree with Kari Lake on secession**](#)

The Arizona Republic

I finally have an answer to a question that many individuals from Arizona and around the country have asked me during the past couple of years. It is: Roughly 25%.

·PRESS RELEASES·

Governor Katie Hobbs Demands Meeting with ABOR and UA Leadership

Phoenix, AZ - After another series of conflicting accounts and an Arizona Board of Regents meeting filled with personal attacks and threats of lawsuits, Governor Katie Hobbs issued the following statement:

“It is crystal clear that the handling of the University of Arizona crisis is heading in the wrong direction. New facts have come to light that once again show the Arizona Board of Regents failed in their oversight role and highlight a university leadership that was clueless as to their own finances. In the past days, instead of addressing their failure of leadership, ABOR has told conflicting stories to me, the press, and the public about the purchase of Ashford University. And while I have not been given the facts and therefore cannot comment about the veracity of recent statements from faculty regarding ABOR board members potential conflicts of

interest, I do know one thing: ABOR members attacking faculty, even going so far as threatening a lawsuit, is not leadership.

“I cannot be more clear: because of Chair Duval and the Board’s actions, university employees are going to lose their jobs. Attacking faculty is not, and never will be, the answer.

“Instead of taking any accountability and guiding with a steady hand, ABOR is circling the wagons and announcing they are litigating personal grudges during Board meetings. In the February 22nd meeting, an ABOR member openly called for President Robbins to overthrow the faculty's governing body. This behavior is appalling and unacceptable. Chair DuVal and members of the Board of Regents appear more concerned with saving face than fixing the problems they created. It’s time for them to come down from their ivory tower and realize this is hurting Arizonans and the university.

“At some point, enough needs to be enough, and that time is now. People's livelihoods are at risk. College affordability is under threat. The state and the University of Arizona have suffered immense reputational damage as a result of this crisis. This lack of accountability and continued scapegoating can no longer continue. I am demanding an in-person meeting with ABOR leadership and President Robbins immediately where we will discuss next steps.”

###

Governor Hobbs, Mayors Gallego, Weiers, and Giles to Speak at Prop 479 Launch Event

Phoenix, AZ– Connect Maricopa, the campaign in support of Proposition 479 to renew the current Maricopa County transit tax, will be hosting a kick-off event **TOMORROW, Tuesday, February 27th at 10:00AM**. The event will feature remarks from Governor Katie Hobbs, Phoenix Mayor Kate Gallego, Glendale Mayor Jerry Weiers, Mesa Mayor John Giles and Connect Maricopa Co-chair Pam Kehaly. Local elected officials, business leaders, and community supporters will be in attendance as well.

Proposition 479 is the extension of the current 20-year half-cent sales tax dedicated to transportation infrastructure, known as Proposition 400. Interested media should **RSVP by February 26th**.

Connect Maricopa Launch Event Details

WHAT: Connect Maricopa, Campaign in Support of Prop 479, Launch Event

WHO:

- Governor Katie Hobbs
- Phoenix Mayor Kate Gallego
- Glendale Mayor Jerry Weiers
- Mesa Mayor John Giles
- Pam Kehaly, Connect Maricopa Co-Chair

WHEN: Tuesday, February 27th; Program begins at 10:00am; Media may arrive at 9:30am for set up.

WHERE: Multi-studio 521 S 3rd St #100, Phoenix, AZ 85004. Parking is available in the lot on the NE corner of 4th St. and Lincoln.

RSVP: Lorna@elevatestrategiesaz.com or (480) 231-8930

MEDIA AVAILABILITY: Phoenix Mayor Kate Gallego, Glendale Mayor Jerry Weiers, and Mesa Mayor John Giles will be available to press immediately after the event at approximately 10:30am.

###

Governor Katie Hobbs Statement on Job Killing Immigration Bills in Legislature

Phoenix, AZ - This week, legislators are pushing anti-business and anti-immigrant measures including HCR2060 which is a desperate, partisan attempt to circumvent the legislative process. After business and community leaders have [spoken out](#) against the job killing bills being considered, Governor Katie Hobbs released the following statement:

"Every Arizonan is frustrated by the federal government's failure to secure our border. But passing job killing, anti-business bills that demonize our communities is not the solution. Instead of securing our border, these bills will simply raise costs, hurt our farmers, put Arizona entrepreneurs out of business, and destroy jobs for countless working class Arizonans. I have taken action to help communities on the border, supporting law enforcement with tens of millions of dollars to keep our communities safe, mobilizing the National Guard, and stopping street releases of migrants. The answer to securing the border is more resources for border patrol and law enforcement in these communities, not job killing, anti-immigrant legislation meant to score cheap political points."

###

Former Arizona Governor Jan Brewer Endorses Maricopa County Attorney Rachel Mitchell

PHOENIX, AZ – February 26, 2024 – Today, former Arizona Governor Jan Brewer announced her endorsement of Maricopa County Attorney Rachel Mitchell for reelection. Brewer, known for her steadfast conservative principles and her bold stance against federal overreach, highlighted Mitchell's unwavering commitment to upholding the rule of law and her dedication to keeping communities safe.

Brewer, who famously stood up to President Obama during her tenure as governor, emphasized Mitchell's conservative values and her resolute efforts in combating the Biden administration's lax border policies.

"When it comes to the rule of law, Rachel Mitchell is a prosecutor who prosecutes, plain and simple," stated Brewer. "Her track record of getting results and her unwavering efforts to keep our neighborhoods safe make her the best to lead Maricopa County at a time when our border is completely open and crime is being legalized in hellscape like San Francisco."

Maricopa County Attorney Rachel Mitchell has been recognized for her conservative approach to law enforcement and her long record as a prosecutor and victims advocate. Mitchell has consistently taken decisive action to combat crime in Maricopa County, and enforce the rule of law.

"I am deeply honored to receive Governor Brewer's endorsement," said Mitchell. "Her leadership and dedication to our state have inspired many, and I am committed to upholding those same principles as Maricopa County Attorney. Together, we will continue to fight for the safety and security of our communities."

###

AHCCCS is Aware of Issue Impacting Health Plan Vendor

The Arizona Health Care Cost Containment System (AHCCCS) is aware of an issue impacting Change Healthcare. While AHCCCS does not have a direct relationship with Change Healthcare, many AHCCCS contracted health plans do and the outage may have an impact on AHCCCS providers and/or members. Visit the [Change Healthcare Status Update](#) web page for updates directly from Change Healthcare.

AHCCCS is working with our contracted health plans to address any member impacts and to ensure timely access to care and services. Members can contact their health plans if they experience any impact regarding this issue. Please visit the [health plans web page](#) on the AHCCCS website to find current contact information for each health plan.

###

Attorney General Mayes Announces Lawsuit Challenging Anticompetitive Kroger, Albertsons Merger

PHOENIX – Attorney General Kris Mayes, the Federal Trade Commission (FTC), and a bipartisan coalition of states, today announced the filing of a lawsuit that challenges the proposed merger of Kroger and Albertsons. These companies are the country's two largest national supermarket chains, and this merger presents a significant risk of reduced competition and higher food prices nationwide. In Arizona, Kroger and Albertsons are the 4th and 7th largest private employers, with 35,000 employees across 250 stores combined. The companies also operate under Fry's, Smith's, and Safeway brands in Arizona.

"For the better part of last year, I traveled across the state from Prescott to Kingman and Show Low to Sierra Vista to hear from Arizonans what they thought about this proposed merger," said Attorney General Mayes. "Many Arizonans I heard from voiced concerns about potential job losses from combining the two companies. Seniors on fixed incomes told me they were worried that grocery prices would only go up if the merger went through. Military families I spoke to feared their insurance would not be accepted at the pharmacy of a newly merged company. Rural Arizonans, in particular, raised serious concerns about how a merger would exacerbate existing food deserts."

The lawsuit seeks to block the proposed Albertsons-Kroger merger, alleging it violates the federal Clayton Act, which prohibits the acquisition of assets where the effect of such acquisitions may substantially lessen competition or create a monopoly. Businesses facing less competition have the ability to charge higher prices without providing improvements to the quality of goods.

"It is clear that Arizonans in rural and urban communities alike are seriously concerned about the potential for drastic changes to their daily lives if this merger goes through," continued Mayes. "Bottom line: this merger will benefit the shareholders of these companies, not regular Arizonans. I am proud to stand with the FTC and my fellow attorneys general in suing to block this anticompetitive, anti-consumer, and anti-worker merger."

Anticompetitive supermarket mergers can impose other harms, including a reduction in labor market competition, which may lower wages or slow wage growth, worsen benefits or working conditions, or result in other degradations of workplace quality.

Joining Attorney General Mayes and the FTC in opposing the merger are the attorneys general of California, Washington D.C., Illinois, Maryland, Nevada, New Mexico, Oregon and Wyoming.

A copy of the complaint will be made available as soon as possible and linked [here](#).

A report detailing Attorney General Mayes' listening sessions held across Arizona throughout 2023 is available [here](#). A video summary is available [here](#).

###

“QUOTE
OF THE DAY”

“The canvass is not the place for the airing of grievances about perceptions of election fraud or improper votes.” — *Assistant Attorney General Todd Lawson in response to Cochise County Supervisor Tom Crosby’s claim he was voting his conscience in delaying the 2022 election canvass.*

From: [John Kavanagh](#)
To: [John Kavanagh](#)
Subject: Fwd: Yellow Sheet 3-6
Date: Wednesday, March 6, 2024 5:54:23 PM
Attachments: [3-6-24.pdf](#)

Get [Outlook for iOS](#)

From: Chierstin Susel <CSusel@azleg.gov>
Sent: Wednesday, March 6, 2024 4:48:44 PM
Subject: Yellow Sheet 3-6

Chierstin Susel

Deputy Director of Communications
Arizona Senate Republicans- Majority Staff
Office: 602-926-3905
Twitter: @azsenaterepublicans
Web: www.azsenaterepublicans.com



YELLOW SHEET REPORT

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·NEWS NOTES AND GOSSIP·

No peace for Lake this week

Now that the *Richer v. Lake* defamation lawsuit is back in trial court, a railbird close to the case said discovery on the plaintiff's side could likely include communications to Lake that make it clear to her that her claims are false and depositions of Lake and those within her orbit. They clarified too that if Lake did have recorded conversations on a hot mic, they too could fall into discovery scope so long as it was relevant to the case. Richer said he was "happy to go to trial," in a text to our reporter.

"We have a whole bunch of attorneys who are ready to work on this. And they are top notch. And our case is very, very strong. And the verdicts from similar cases throughout the country have been very, very strong." As for settlement, Richer said Lake, "would have to start with what I've been asking for a year now — for her to acknowledge that this is false." The Arizona Supreme Court denied review of the case Tuesday and it now proceeds to discovery and then to trial, barring a settlement before all parties end up in court. Lake appealed a superior court decision allowing the defamation suit to proceed, which was upheld by the Arizona Court of Appeals.



Finchem's attorney argues against sanctions

One time Secretary of State candidate Mark Finchem asked the Arizona Court of Appeals to spare him from sanctions issued in his election contest. Judges heard arguments today from attorneys for Finchem and Fontes over whether Finchem's suit was "groundless" and brought "in bad faith." Attorney Dennis Wilenchik stepped in for Finchem today as his lawyer throughout the election contest and the appeal, Daniel McCauley, stepped out as part of a disciplinary settlement with the State Bar for arguing the case in the first place. Wilenchik waived some of McCauley's claims, namely an argument that the Rules of Civil Procedure do not apply to an election contest and those bringing election contests cannot be sanctioned. Wilenchik instead argued that Maricopa County Superior Court Judge Melissa Iyer Julian "wrongfully" considered the claims presented by Finchem, particularly a finding that Finchem failed to allege enough improper ballots to overcome his loss to Fontes. And regardless of specific ballot counts, Wilenchik claimed sanctioning at the motion to dismiss phase, as opposed to a motion for summary judgment or a trial, was improper given a lack of opportunity to fully develop and substantiate the claims. "This was a case that was not brought to harm somebody, harm the system, game the system, whatever things sanctions are meant to deter," Wilenchik said. "This was legitimately researched. And the courts may have rejected it. It may have turned out that the information turned out to be wrong," but he said that was no basis for sanctions. He added, "Sanctions today are all too often granted far too easily and particularly in election cases ... It's wrong to just sanction lawyers and clients for bringing

actions within five days to contest an election and expect them to have basically proven their case ... to expect them to basically run the whole case through the ringer within five days is absurd.” Craig Morgan, attorney for Fontes, said the case was about “consequences” and “accountability.” Morgan said the case, “had no merit when it was filed. It had no merit when it got to court. It has no merit now.” He pointed to particular claims that Hobbs should have recused herself as SoS, warranting misconduct, and that the SoS office flagged a Tweet for misinformation that was later taken down, also “somehow misconduct” Morgan claimed Finchem still fell short in alleging the proper number of ballots lost to Fontes. And he asked the court to again sanction Finchem and his former attorney McCauley. The judges took the matter under advisement.

Kelly endorses Gallego

Following Sinema’s decision to step out of the 2024 Senate race, Kelly endorsed the Democratic Party’s pick, Gallego. In his statement, Kelly took aim at Lake, saying she “uses politics to divide people and is more focused on denying the results of the elections years in the past than she is on real challenges facing Arizona today.” Sinema’s departure from the 2024 Senate race brought out swaths of Democratic support previously absent from Gallego’s campaign. The Democratic Senatorial Campaign Committee announced they were “fully behind his candidacy and look forward to winning this race with him in 2024 and defeating Kari Lake,” in a statement yesterday.

Alabama IVF case has Mayes working

Mayes put out a consumer alert today clarifying IVF protections in Arizona following an Alabama Supreme Court ruling found their wrongful death statute applies to embryos, effectively granting them personhood status. Arizona has a law under challenge in the federal court right now that would similarly grant personhood status, holding “an unborn child at every stage of development” maintains the “rights, privileges and immunities available to other persons,” but Mayes clarified the same law specifies it does not create a right to sue someone who lawfully performs IVF procedures. Mayes beckoned back to her establishment of the Reproductive Rights Unit in the AG’s office and said in a written statement she would, “fight back against any attempts to restrict the personal medical decisions of Arizonans.”

·WAKE UP CALL·

Registration is open for the Best Place to Work in Law Firms

Arizona Capitol Times

On behalf of our sister company, Best Companies Group, we are thrilled to announce that registration for the Best Place to Work in Law Firms is now open.

What to know about the Arizona Senate race now that Sinema is out

The Washington Post

Sen. Kyrsten Sinema (I-Ariz.) announced on Tuesday that she will not seek reelection this year, opting out of what would have been a contentious, three-way contest in a swing state that will be consequential for the political balance of the U.S. Senate.

Judge Upholds Parts of Arizona Law Requiring Voters to Prove Citizenship

The New York Times

Republicans and Democrats alike claimed victory days after a federal judge issued a mixed decision in Arizona’s ongoing battles over voting rights and public trust in elections, upholding requirements for voters to prove their citizenship but limiting the ways that voters could be disqualified.

Hobbs says she's no longer looking to replace Arizona Board of Regents ahead of meeting*Fronteras*

Gov. Katie Hobbs is scheduled to meet with the Arizona Board of Regents and University of Arizona leadership tomorrow as the school grapples with a \$177 million budget shortfall. The meeting comes after Hobbs criticized the Board of Regents' oversight of the university's finances and the leadership of then-board President Fred DuVal.

University of Arizona president to get a 10% pay cut after school's \$177M budget shortfall*The Washington Post*

University of Arizona President Robert Robbins is about to get a salary reduction, but he doesn't have a problem with that. In fact, he asked for it.

South Sudan activist charged in Arizona with trying to illegally export arms for coup back home*12News*

A leading South Sudanese academic and activist living in exile in the United States has been charged in Arizona along with a Utah man born in the African nation on charges of conspiring to buy and illegally export millions of dollars' worth of weapons to overthrow the government back home.

Man wanted in New York killing pleads not guilty to charges stemming from 2 stabbings in Arizona*Associated Press*

A man sought in New York in a fatal bludgeoning last month in a Manhattan hotel has pleaded not guilty to attempted murder and other felony charges in Arizona in separate stabbings of two women over a week later in metro Phoenix.

Sen. Kyrsten Sinema was done in by politics and her own ego*The Arizona Republic*

Arizona Sen. Kyrsten Sinema announced what has been obvious for a while now. She's not running for reelection. Sadly, I doubt there will be many around the state who will miss her. She was the first Arizona Democrat in three decades to win a U.S. Senate seat, campaigning on a pledge to work with anybody to get stuff done.

Sen. Kyrsten Sinema's bill would've shut down the border every single day this year*The Arizona Republic*

Before we talk about the important stuff, let's get our respective cliches out of the way. You're going to say, it's too little too, too late. And you'd be correct. I'm going to say, better late than never. Which is also true.

Former Arizona senator bashes early voting, even if he still votes that way*The Arizona Republic*

The Arizona House has passed a bill to end the early voting program used by 80% of Arizona voters. Former Arizona Sen. Tom Patterson must be giddy with delight.

·PRESS RELEASES·**Governor Katie Hobbs Concludes Meeting with Arizona Board of Regents and University of Arizona Leadership**

Phoenix, AZ – Today, Governor Katie Hobbs spoke with leadership of the Arizona Board of Regents (ABOR) and University of Arizona regarding the ongoing challenges that have resulted from the financial mismanagement of the university. Governor Hobbs has been clear in her expectations that ABOR and the University of Arizona take the necessary and appropriate steps to resolve these issues.

“From day one when the financial mismanagement at the University of Arizona became public, my goal has been to restore the public’s faith and trust in this institution,” **said Governor Katie Hobbs.** “There is a long road ahead of us to fix the financial mismanagement and ensure the university emerges from this situation stronger than it was before. Now is the time for ABOR and university leadership to step up to ensure that this situation is not just resolved, but resolved in a way that propels this university forward.”

During the meeting, Governor Hobbs requested the Board of Regents take the following steps:

- Engage external experts in supporting the improvement of financial processes and procedures;
- Provide monthly financial updates on progress to date to Governor Hobbs and her staff;
- Prioritize those who have longer lengths of time working at the university, working class staff, and Arizona-based employees when assessing layoffs;
- Resolve the issues with the University of Arizona Global Campus (UAGC) and the U.S. Department of Education;
- Ensure the new advisory council is inclusive of elected leadership of staff, faculty and student groups and does not silence the existing groups.

###

Arizona Legislature Passes Republican Bill to Make the American Dream of Homeownership More Affordable for Arizonans

PHOENIX, ARIZONA— The American dream of homeownership can soon be a reality for many hardworking Arizona families and young adults who are currently priced out of the market, thanks to the Legislature's passage today of the "[Arizona Starter Homes Act](#)."

Since January of 2020, the median Arizona home sale price has increased by more than 50% and currently sits at a whopping [\\$430,000](#). The driving force behind these skyrocketing prices is a supply shortage of roughly 270,000 housing units in Arizona. To bring prices down, supply must increase. Unfortunately, as developers build new starter homes to meet this demand, they're faced with requirements from cities and towns that are dramatically increasing costs, which are ultimately passed onto buyers, preventing them from being able to afford a home.

This legislation, sponsored by Senate Majority Leader Sonny Borrelli and House Majority Leader Leo Biasiucci, prohibits cities and towns from mandating homebuyers pay for costly amenities they don't want or mandating the formation of homeowners associations (HOAs). It also prohibits cities and towns from regulating the aesthetic features of a home, such as paint color, lighting, and roof design, which can tack on tens of thousands of dollars to the sale price of a home. Additionally, the bill allows homes to be built on smaller pieces of land, which are less expensive, by prohibiting cities and towns with populations of more than 70,000 from setting minimum lot sizes above 1,500 sq. ft. in new subdivisions larger than five acres.

"Hardworking Arizonans are finding it increasingly difficult to purchase their first home and begin their pursuit of the American dream. This legislation is a step in the right direction in bringing prices down by eliminating some of the restrictive government red tape and expensive regulatory constraints being passed onto homebuyers," said Senator Borrelli. "Government should do everything in its power to make the lives of our citizens better, but local municipalities are overstepping their authority by trying to control private property rights, instead of focusing their attention on valid rules and regulations protecting against nuisance and safety issues. The Arizona Starter Homes Act is a no-brainer, and I'm encouraged it received bipartisan support. I look forward to the Governor taking appropriate action on behalf of our citizens' lives and livelihoods by signing this bill into law."

###

Attorney General Mayes Clarifies IVF Law, Vows to Protect Treatment in Arizona

PHOENIX – Attorney General Kris Mayes today released a consumer alert regarding in vitro fertilization (IVF) in Arizona. Despite recent court decisions in other parts of the country, IVF treatment currently remains legal and accessible in Arizona.

“Despite the outrageous ruling by the Alabama Supreme Court last month that put the future of IVF treatment in doubt in that state, it remains legal in Arizona, and my office will fight like hell to keep it that way,” said Attorney General Mayes. “The chaos that has ensued since the US Supreme Court struck down *Roe v. Wade* two years ago is both predictable and maddening. The fall of *Roe* has opened the floodgates for activist judges like those that make up the Alabama Supreme Court to attempt to impose their extremist beliefs on the rest of us.”

The consumer alert issued today clarifies that Arizona law, as it currently stands, expressly excludes the “conception or the implantation of a fertilized ovum in the uterus” from the definition of abortion. In simple terms, that means Arizona’s abortion statutes do not apply to the forming and implantation of an embryo.

“Washington politicians could ensure the legality of IVF nationwide today, but the right-wing extremists in Congress have blocked efforts to do so,” continued Mayes. “And just last week on the floor of the Arizona Senate, Republican legislators lauded their efforts to pass legislation that would protect life ‘from the moment of conception.’ Such legislation is radical and, if passed, would jeopardize the legality of IVF treatment.”

Last year, Attorney General Mayes established the first-ever Reproductive Rights Unit in the Arizona Attorney General’s Office to lead the fight for protecting the fundamental rights of Arizonans.

“The Reproductive Rights Unit at the Attorney General’s Office is monitoring legal developments across the country and here in Arizona,” said Mayes. “We will be ready to fight back against any attempts to restrict the personal medical decisions of Arizonans. I was able to start my family and give birth to my daughter because of IVF treatment – and I will do everything possible to ensure every Arizonan can choose when and how to start their family without interference.”

Arizonans can stay up to date on Arizona laws related to reproductive healthcare and ongoing litigation and get answers to frequently asked questions by visiting our website at www.azag.gov/issues/reproductive-rights.

A copy of the consumer alert issued today is available [here](#).

###

Kelly, Cramer Introduce Legislation to Save Taxpayer Money by Reforming Process to Dispose of Unneeded Federal Property

Today, Senators Mark Kelly (D-AZ) and Kevin Cramer (R-ND) introduced the *FASTA Reform Act*, a bipartisan, good government solution to facilitate the process by which the federal government disposes of unused property and ensure taxpayers benefit from it.

The Federal Assets Sale and Transfer Act (FASTA), passed by Congress and signed into law in 2016, was enacted to address long-standing, federal deficiencies in managing its real property portfolio. It aimed to streamline the disposal of unneeded federal buildings, land, and structures, ultimately saving millions of dollars in taxpayer money. But unnecessary bureaucracy has prevented this from happening.

Kelly and Cramer’s bill addresses red tape issues—with local and tribal consultation—to ensure the federal property disposal process is faster and successful.

“Abandoned and unused federal buildings are an eyesore for communities, yet too often, bureaucratic red tape makes it difficult for federal agencies to sell these buildings—even when a community could find a better use for them,” **said Kelly**. “Our bipartisan bill will make sure the federal government can dispose of unused property, while generating a return for taxpayers.”

“Keeping unneeded federal buildings open for no reason is costing American taxpayers hundreds of millions of dollars each year. It’s ridiculous and must be fixed,” **said Cramer**. “Our legislation is a bipartisan, pragmatic effort to get rid of these buildings faster so they can quit draining federal coffers and be put to better public use.”

Background:

FASTA established a six-year pilot program overseen by the Public Buildings Reform Board (PBRB) to recommend the disposal of properties in three rounds. The PBRB began operating in 2019, and their work resulted in the sale of 10 buildings, generating over \$193 million in revenue. However, as of 2022, the federal government still had [7,697](#) vacant buildings.

After completing the first two rounds, the PBRB identified numerous challenges impacting FASTA’s overall effectiveness. Kelly and Cramer’s legislation addresses these outstanding issues and facilitates a successful final round. Their bill extends the PBRB’s termination date to 2026, reduces the minimum numbers required for a quorum, ensures tribal input is incorporated in the disposal process, and enables the use of more effective disposal methods.

U.S. Representatives Scott Perry (R-PA-10) and Dina Titus (D-NV-10) introduced similar bipartisan legislation, which was unanimously passed out of the House Transportation and Infrastructure Committee late last year. These much-needed reforms will help the PBRB complete its work more effectively, resulting in greater savings to the taxpayer.

Click [here](#) for bill text.

###

Sinema Meets with Arizona Department of The American Legion Ahead of Joint Hearing on The American Legion Priorities

WASHINGTON – Arizona senior Senator Kyrsten Sinema, a member of the Senate Veterans’ Affairs Committee, met with the Arizona Department of The American Legion in advance of a Veterans’ Affairs Committee hearing on The American Legion’s priorities.

“We’re working hand-in-hand with The American Legion so they can continue delivering for our veterans, Arizona servicemembers, and their families,” said Sinema, a member of the Senate Veterans’ Affairs Committee.

The Arizona Department of The American Legion shared with Sinema its legislative goals and priorities for the year, including improving health care service and support for servicemembers, retirees, veterans, and their families.

Sinema spoke about how, thanks to her partnership with The American Legion on the *PACT Act* law, veterans who were exposed to toxic substances are now [eligible for crucial VA health care](#) that was previously denied from them.

The meeting is the latest action in what has become a trusted, successful partnership between Sinema and The American Legion. In 2021, The American Legion was instrumental in working with Sinema to secure an ATLAS Pod in Wickenburg, Arizona, saving veterans hours of unnecessary transportation to the nearest VA clinic. In 2019, Sinema ushered the *LEGION Act* through Congress and into law – extending American Legion membership to honorably discharged veterans since World War II.

Since 1919, The American Legion has advocated on behalf of veterans, active-duty military, and their families. A nonpartisan and non-profit membership organization, it has over 2 million members and 14,000 posts nationwide, making it the largest Veterans Service Organization (VSO) in the United States.

###

“QUOTE OF THE DAY”

It’s wrong to just sanction lawyers and clients for bringing actions within five days to contest an election and expect them to have basically proven their case.” — *Attorney Dennis Wilenchik in trying to persuade the Arizona Court of Appeals to reverse a lower court’s sanctions of former Secretary of State candidate Mark Finchem.*

From: [Parja Moua](#)
To: aznon-smokersrights@centurylink.net
Subject: Request to Speak Manual
Date: Tuesday, January 30, 2024 11:21:00 AM
Attachments: [Request to Speak.pdf](#)
[image001.png](#)
[image002.png](#)

Sincerely,

Parja Moua

Assistant to Senator Anthony Kern
Arizona State Senate, LD 27
602-926-3497 | PMoua@azleg.gov

USING THE REQUEST TO SPEAK PROGRAM

The screenshot shows a web application interface for the AZ Legislature. On the left is a dark sidebar with the title "AZ Legislature" and two menu items: "Request to Speak" (with a microphone icon) and "Bill Status Inquiry" (with a document icon). The main content area has a header with the AZ state logo and the text "AZ Legislature Applications". Below the header, it says "Please select an application below:" and features two blue buttons. The first button is labeled "Request to Speak" and contains a white icon of a megaphone. The second button is labeled "Bill Status Inquiry" and contains a white icon of a document with a pen.

WHAT IS THE REQUEST TO SPEAK PROGRAM?

The Request To Speak program (RTS) is designed to allow the public to register an opinion on bills listed on agendas and to request to speak on a bill in a committee. It replaces the old slips of paper previously used to sign in and let the committee chairperson know you want to speak to the committee. Under the old paper system, you could only sign in to speak or register an opinion if you were physically at the capitol. After the initial setup, at a kiosk, the RTS program allows you to participate from your home or office.

When the committee is in session, the committee members, and the public, will see a list of names of people who have registered an opinion, if the person wishes to speak or not, who the person is representing, and comments the person may leave in the comment box. This information is also available if a person searches past committee agendas.

Legislators will see your bill position throughout the process.

Spk	Position	Name	Representing	Comments	Status
Yes	For	[REDACTED]	Self		[Icons]
If Necessary	For	[REDACTED]	AZ ASSN OF COMMUNITY MANAGERS (AACM)		[Icons]
No	For	[REDACTED]	Self		[Icons]

HOW TO CREATE AN RTS ACCOUNT

Constituents are required to come to the capitol the first time you use the RTS system. When you come to the Capitol, you can create an account and sign in on one of the Kiosks in either the House or Senate.

If you create an account at home, you will only be able to use the Bill Status Inquiry application to track activity on a bill, not register an opinion or create a request to speak until you come to the capitol and sign in on one of the Kiosks here. You only need to physically come to the capitol once. After that, everything can be done at home.

After the initial sign in at a Kiosk, you can sign in from home and request to speak, register an opinion, and leave a comment for the committee members.

The process for creating this account is very simple and requires minimal information. Click on Create An Account, fill in the requested information and then click on Create Account.

Welcome to the Arizona State Legislature Web Application System

[Sign Into Your Account](#) [Create An Account](#)

Note: Fields outlined in orange are required.

Sign on Information

Email

Password

Passwords must be at least 6 characters long.

Confirm Password

Personal Information

First Name

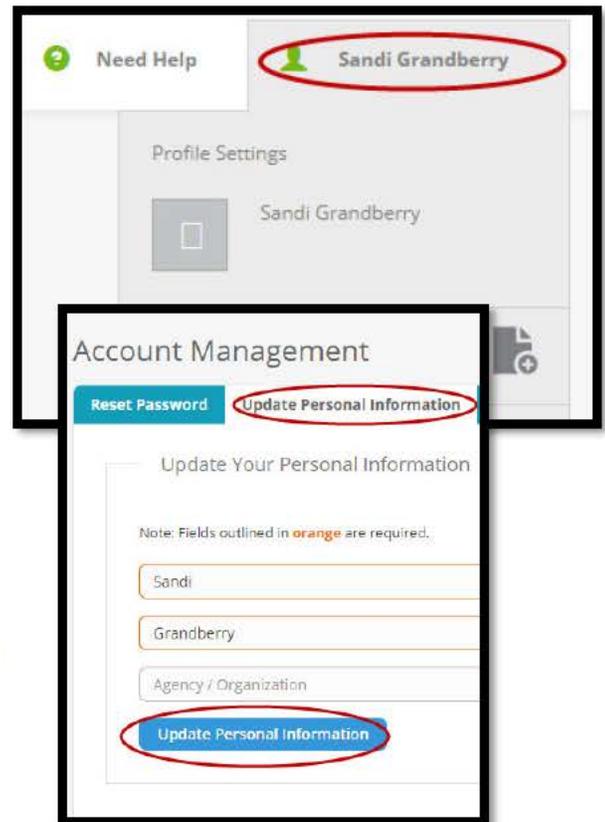
Last Name

[CREATE ACCOUNT](#)

HOW TO REGISTER AS A LOBBYIST IN RTS

You can register as a lobbyist in RTS if you know the exact name and your lobbyist number as it is registered with the Secretary of State.

- Be sure you have an **account on RTS.**
- **Sign into RTS.**
- Click on **your Name.**
- Click on **Account Management.**
- Click on the **Update Personal Information tab.**
- Click on the **Update Personal Information button.**
- Click on **"Yes"** next to the question "Do you wish to identify yourself as a registered lobbyist in Arizona?"



- Enter your **lobbyist ID number** assigned by the Secretary of State.
- Enter your **last name** as it appears with the Secretary of State.

NOTE: If you are one of several people working for a company that is registered as a lobbyist, you must enter YOUR number and the COMPANY'S name.

- Click on **Verify.**

The RTS system will communicate with the State of Arizona system and find your information, verifying you are a lobbyist and provide a list of companies you represent.



You have two options:

1. Save the information if it is correct.
2. Start over if it is not correct.

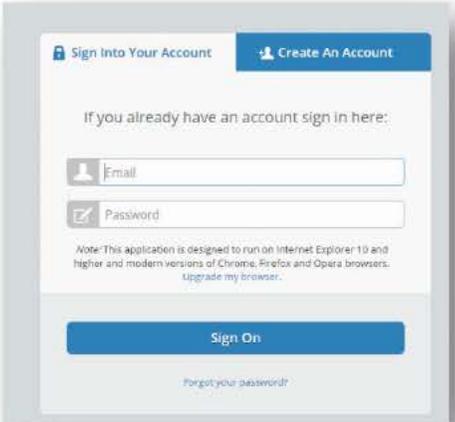
NOTE: If you are certain you have entered the correct information and you are getting an incorrect list, you will need to contact the Secretary of State. RTS has no control over what is registered with the Secretary of State, it only communicates with that database to provide the information you need to designate yourself as a lobbyist in the RTS system.

LOG IN AFTER CREATING AN ACCOUNT

To make a new request *at the Capitol* go to a Kiosk and log in.

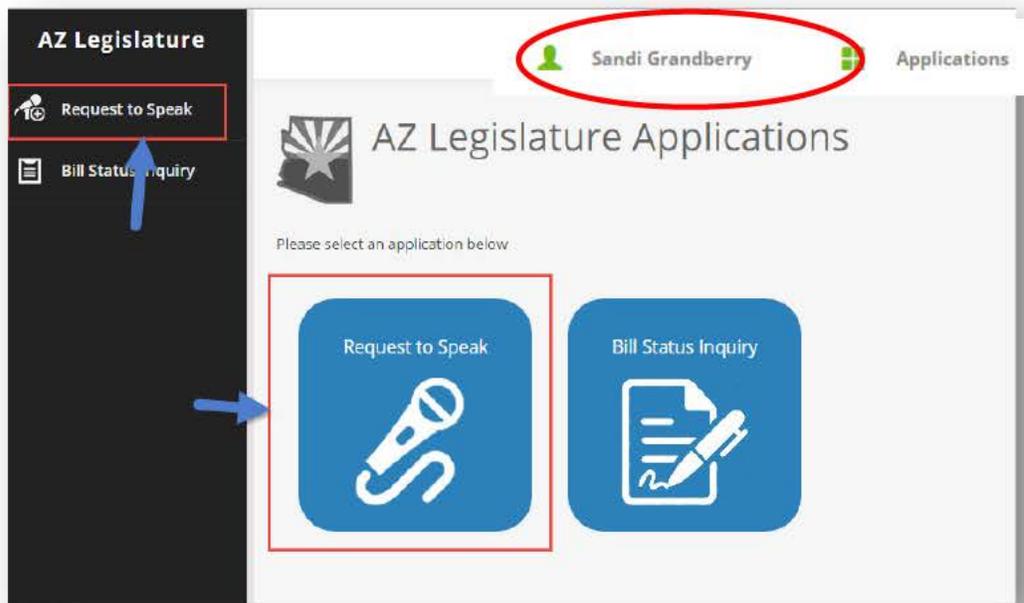
To make a new request *from home or work*, log onto the following:
<https://apps.azleg.gov/>

Type in the email address and password associated with your account, then click on sign on.



If you don't have an account you must come to the Capitol the FIRST time to log in to the RTS Kiosk, after that, you can do it from home or your office.

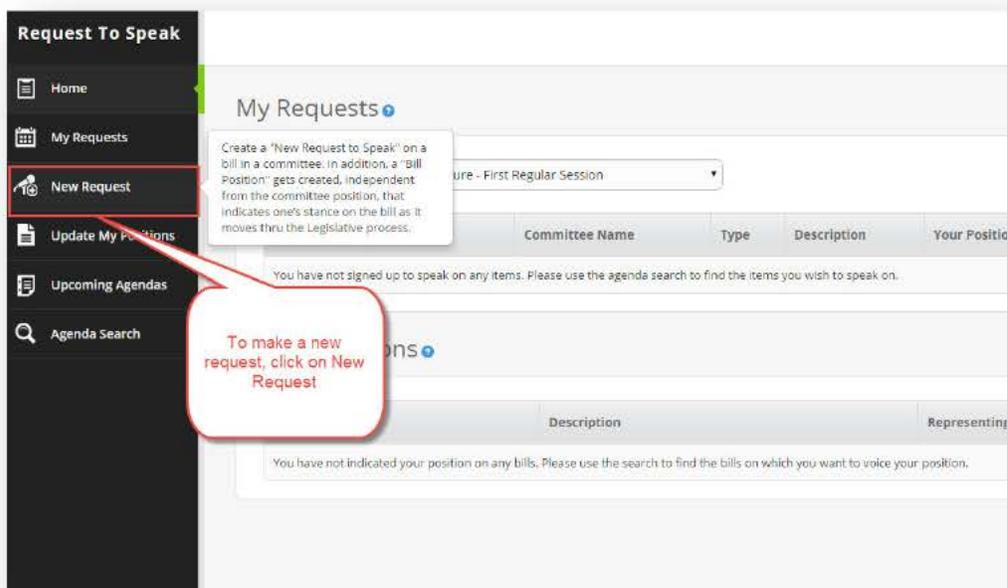
After a successful login: you'll see the following screen. Your name will show up on the upper right-hand corner.



Once logged in you will be able to switch between the RTS program and Bill Status Inquiry without logging out and back in again. One account allows access to both applications.

MAKING A REQUEST TO SPEAK*

After logging in, click on New Request. You will be taken to a search window that allows you search for the bills.



The screenshot shows the 'Request to Speak Topic Search' page. On the left is a dark sidebar with navigation links: Home, My Requests, New Request, Update My Positions, Upcoming Agendas, and Agenda Search. The main content area has the title 'Request to Speak Topic Search' and a sub-header 'Please use the following search criteria to find the topic you want'. Below this are several search criteria: 'Legislative Body' with radio buttons for 'Senate', 'House' (selected), and 'Both'; 'Session' with a dropdown menu showing '2015 - Fifty-second Legislature - First Regular Session'; 'Committee' with a dropdown menu showing 'Select a committee...'; and 'Search Phrase' with a text input field containing the placeholder 'Enter bill number, bill description, nominee name, or topic.'. A blue 'SEARCH' button is at the bottom left. Three red callout boxes provide instructions: one points to the 'Legislative Body' section with the text 'Select a Body (House/Senate)'; another points to the 'Search Phrase' field with the text 'If you know your bill number, type it in the search box.'; and a third points to the 'Committee' dropdown with the text 'Select a committee that the bill is assigned to from the drop down list'.

There are several options to conduct a search. *You can use one or all of them to find what you are looking for:*

- Check the session at the top of the window to be sure you are in the correct one
- Narrow the search by selecting the Senate, House, or both
- Select the committee
- Enter a phrase or a bill number (format for a bill number should be HB2001, not H B 2001 or H.B. 2001, etc.)

When you've either entered the bill or any of the other search options, click on Search. The results will show up below the search button

Request to Speak Topic Search

Please use the following search criteria to find the topic you would like to speak on.

Legislative Body: Senate House Both

Session: 2015 - Fifty-second Legislature - First Regular Session

Committee: Appropriations

Search Phrase:

SEARCH

Search Results

Session	Agenda Date	Type	Description	Committee Name	Location	Requests To Speak
1S	2/11/2015	Bill	HB2060 - state budget; consensus forecast	House Appropriations	HHR1	Add Request
1R	2/11/2015	Bill	HB2380 - state budget; estimates; public notice	House Appropriations	HHR1	Add Request
1R	2/11/2015	Bill	HB2517 - internet crimes against children; fund	House Appropriations	HHR1	Add Request
1R	2/11/2015	Bill	HCR2022 - auditor general; reappointment	House Appropriations	HHR1	Add Request

Callouts: "Select your particular bill from the list and click on Add Request." and "Add Request" (pointing to the button in the table)

- Find the bill you are looking for
- Click on Add Request as shown above

The following screen will appear.

New Request to Speak

Your position on the item:

For

Neutral

Against

Callout: "Indicate your position on the bill" (pointing to the position options)

Do you wish to speak?

Yes

No

If Necessary

Callout: "Indicate if you want to speak" (pointing to the "Do you wish to speak?" question)

Comment

250 characters remaining

Callout: "Leave comments that will be visible to the committee members and the public" (pointing to the comment box)

After filling in the form to show your position, if you wish to speak, and any comments you want to include, click on the *Submit* button. A current bill position is also created when you make this request to speak.

If the bill has not been heard yet in a committee, you will also be able to change whether or not you wish to speak.

OTHER THINGS YOU CAN DO IN RTS

1. View a list of your positions on bills
2. Update or Change your positions on a bill
3. Register a Position without making a request to speak
4. Find upcoming Agendas
5. Conduct an Agenda search including agendas from past legislation sessions

VIEW A LIST OF YOUR REQUESTS TO SPEAK AND CURRENT BILL POSITIONS

When you first log into RTS, you will see a list of requests you have made and current bill positions, in this example, there is one bill under My Requests.



On the right side is the option to Update or Delete your requests to speak or current bill positions.

UPDATE OR CHANGE YOUR POSITION ON A BILL

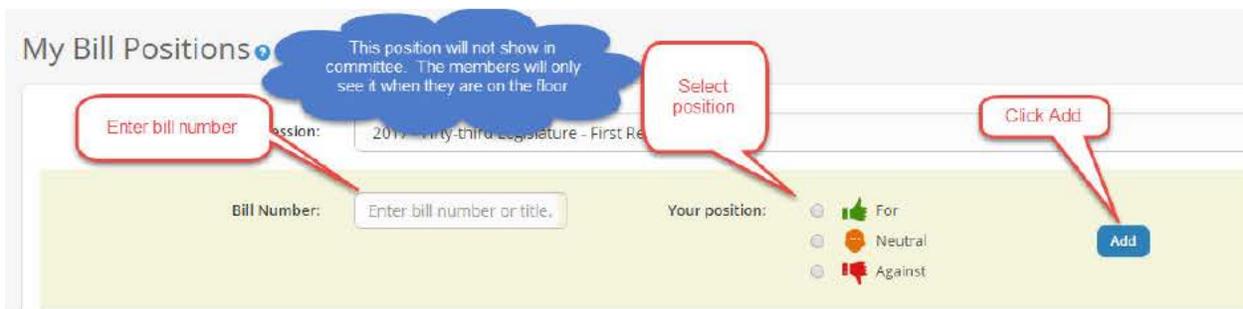
Click on Update My Position. This will take you to the screen--allowing you to change your positions. You are required to add a comment stating why you changed you position.

REGISTER A POSITION WITHOUT MAKING A REQUEST TO SPEAK

Click on Update My Positions. Here you can enter a bill number, select your position, and click on Add. *This will make your position available to members when they are on the floor voting on a bill. It will not show up on the Committee Agenda.* You cannot make a comment when you select this method. This only allows you to register your position on a bill. This position is called a *current bill position*.

The 'New Request to Speak' form includes the following fields and options:

- Your position on the item: Radio buttons for For (green), Neutral (orange), and Against (red).
- Do you wish to speak?: Radio buttons for Yes (blue), No (red), and If Necessary (grey).
- Comment: A text input field with a '250 characters remaining' indicator.
- SUBMIT button.



DELETE YOUR POSITIONS

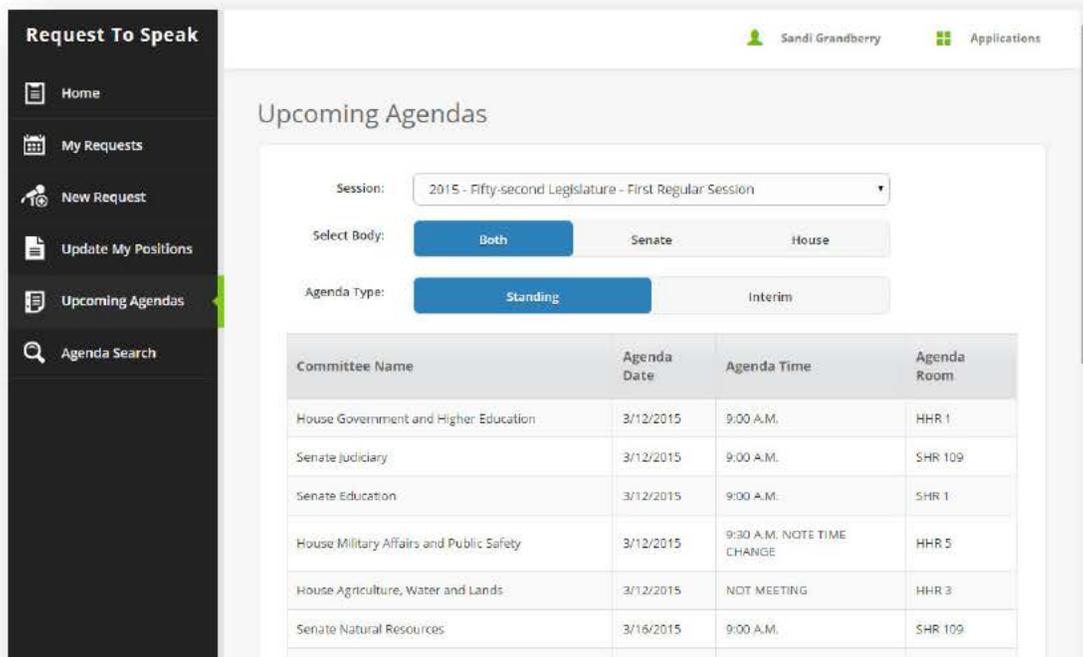
Under My Requests, click on delete to remove your position and comments.

VIEW UPCOMING AGENDAS

In this window, you will be able to see what Agendas are scheduled. You can select both the House and Senate, just the Senate, or just the House. You can also select Standing or Interim committees.

A Standing Committee is a regular committee assigned to a legislative session and meets on a regular basis while the legislature is in session.

An Interim Committee is a special committee set up to meet during a time when the legislature is not in session.



NOTE: All JLBC meetings are listed under Interim Committees

AGENDA SEARCH

An Agenda Search allows you to search past committee and bill information as well as current committees.

Request To Speak

- Home
- My Requests
- New Request
- Update My Positions
- Upcoming Agendas
- Agenda Search**

Agenda Item Search

Please use the following search criteria to locate an agenda item.

Legislative Body: Senate House **Both**

Session: 2015 - Fifty-second Legislature - First Regular Ses:

Committee: Select a committee...

Search Phrase: Enter bill number, bill description, nominee name, or

Show Past Agendas: No Yes

SEARCH

In this window, you can select all or some of these options:

- Click on Senate or House or Both
- Select the session you want to search
- Select a Committee for which to search
- Enter a search phrase or bill number
- Select whether you wish to search *past* agendas

Your search results will appear below the search button.

Session: 2014 - Fifty-first Legislature - Second Regular Sess

Committee: Select a committee...

Search Phrase: Enter bill number, bill description, nominee name, or

Show Past Agendas: No Yes

SEARCH

Search Results

Session	Agenda Date	Type	Description	Committee Name	Location
2R	3/31/2014	Bill	HB2703 - 2014-2015; general appropriations.	Senate Appropriations	SHR 100

*When you create a request to speak two things are created. 1) a request to speak in the committee which includes your opinion at the moment of committee, and 2) your current bill position which is available to be changed as the bill changes.

From: [Heather Covert](#)
To: [Josh Kredit](#); [Grant Hanna](#); [Rusty Crandell](#); [Kate Sawyer](#)
Cc: [Gina Jenkins](#)
Subject: FW: Issued Opinion I24-001 / Opinion Request R23-020
Date: Wednesday, January 17, 2024 9:23:00 AM
Attachments: [image003.png](#)
[2024-01-17 Issued Opinion I24-001 Governor's Memo.pdf](#)

From: Fifer, Sarah <Sarah.Fifer@azag.gov>
Sent: Wednesday, January 17, 2024 9:01 AM
To: 'bdul@az.gov' <bdul@az.gov>; Warren Petersen <wpetersen@azleg.gov>; Ben Toma <btoma@azleg.gov>; 'sosadmin@azsos.gov' <sosadmin@azsos.gov>
Cc: Mitzi Epstein <mepstein@azleg.gov>; Juan Mendez <jmendez@azleg.gov>; Andres Cano <ACano@azleg.gov>; Lupe Contreras <lcontreras@azleg.gov>; Susan Aceves <saceves@azleg.gov>; Krystle Isvoranu <KIsvoranu@azleg.gov>; Josh Babel <JBabel@azleg.gov>; Tim Fleming <t Fleming@azleg.gov>; Jennifer Holder <JHolder@azleg.gov>; Chris Kleminich <CKleminich@azleg.gov>; Bendor, Joshua <Joshua.Bendor@azag.gov>
Subject: Issued Opinion I24-001 / Opinion Request R23-020

Attached please find a copy of Arizona Attorney General Issued Opinion No I24-001.

Sarah Fifer
Paralegal



Arizona Attorney General Kris Mayes
Solicitor General's Office
2005 N. Central Ave., Phoenix, AZ 85004
Direct: 602-542-8045
Sarah.fifer@azag.gov
<http://www.azag.gov>

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KRIS MAYES
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TO: The Honorable Katie Hobbs, Governor
The Honorable Adrian Fontes, Secretary of State
The Honorable Warren Petersen, President of the Senate
The Honorable Ben Toma, Speaker of the House of Representatives

FROM: Kris Mayes, Attorney General

DATE: January 17, 2024

RE: Attorney General Opinion I24-001

Attached is a copy of Attorney General Opinion I24-004, which discusses whether the final results for Proposition 413 require the City of Tucson to conduct a recount.

cc: The Honorable Denise Epstein, Minority Leader, State Senate, MEpstein@azleg.gov
The Honorable Juan Mendez, Assistant Minority Leader, State Senate, JMendez@azleg.gov
The Honorable Lupe Contreras, Minority Leader, House of Representatives,
LContreras@azleg.gov
The Honorable Oscar De Los Santos, Assistant Minority Leader, House of Representatives,
ODeLosSantos@azleg.gov
Susan Aceves, Senate Secretary, saceves@azleg.gov
Krystle Isvoranu, House of Representatives Chief Clerk, KIsvoranu@azleg.gov
Joshua Babel, House of Representatives Deputy Chief Clerk, JBabel@azleg.gov
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Chris Klemminich, Rules Attorney (Senate), ckleminich@azleg.gov
Josh Bendor, Solicitor General, Joshua.Bendor@azag.gov



STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL

<p>ATTORNEY GENERAL OPINION</p> <p>By</p> <p>KRIS MAYES ATTORNEY GENERAL</p> <p>January 17, 2024</p>	<p>No. I24-001 (R23-020)</p> <p>Re: Whether Proposition 413 is subject to an automatic recount under A.R.S. § 16-661.</p>
--	---

To: Adrian Fontes
Secretary of State
1700 West Washington, 7th Floor
Phoenix, Arizona 85007

Questions Presented

Whether the City of Tucson is required to recount its November 7, 2023 election on Proposition 413 under A.R.S. § 16-661, the state’s automatic recount statute, because of the narrow margin of votes by which Proposition 413 passed.

Summary Answer

A.R.S. § 16-661’s reference to automatic recounts of “referred measures” only encompasses statewide ballot measures and does not include municipal measures like Proposition 413. As such, no recount is required.

Background

On November 7, 2023, the City of Tucson held a special election on Proposition 413, a ballot measure referred to Tucson voters by the Mayor and City Council to amend the city charter to increase the Mayor's and councilmembers' salaries.

City voters approved Proposition 413 by a margin of 289 votes out of 94,014 total votes cast. That margin represents less than half of one percent of all votes cast.

On November 21, 2023, the City of Tucson approved the canvass of Proposition 413. *See* City of Tucson Resolution No. 23697. Because of the narrow margin, the City also approved a motion directing the City Clerk and City Attorney to notify the Secretary of State and Attorney General of the Proposition 413 vote margin and canvass and to seek advice regarding the applicability of the automatic recount statute to the Proposition 413 election. The motion also authorized the City Attorney to file a legal action if necessary to confirm whether a recount is required under Arizona law for Proposition 413.

Analysis

Title 16, Chapter 4, Article 12 governs recounts of Arizona elections. *See* A.R.S. §§ 16-661-67. Specifically, A.R.S. § 16-661(A) provides:

A recount of the vote is required when the canvass of returns in a primary or general election shows that the margin between the two candidates receiving the greatest number of votes for a particular office, or between the number of votes cast for and against initiated or referred measures or proposals to amend the Constitution of Arizona, is less than or equal to one-half of one percent of the number of votes cast for both such candidates or on such measures or proposals.

Subsection B excludes certain elections from an automatic recount, namely, "elections for precinct committeemen, school district governing boards, community college district governing boards, fire district boards or fire district chiefs or secretary-treasurers or boards of other special districts."

A.R.S. § 16-661(B).

To determine whether the recount statutes apply to a municipal measure such as Proposition 413, we examine the meaning of “referred measures” in § 16-661(A) and assign the statutory text its ordinary meaning. *State v. Luviano*, 255 Ariz. 225, 530 P.3d 388, 391 ¶ 10 (2023). Viewed in isolation, “referred measures” would appear to encompass all potential referred ballot measures, including statewide, county, and municipal referred measures, because there is no indication in § 16-661(A) itself that “referred measures” should be limited to certain levels of government. Under that view, § 16-661(A) would apply to a municipal referred measure such as Proposition 413.¹

However, the meaning of statutory text must be assessed “in view of the entire text, considering the context and related statutes on the same subject” and text should not be read in isolation. *See Molera v. Hobbs*, 250 Ariz. 13, 24 ¶ 34 (2020) (citation omitted). The statutes that follow § 16-661 make clear that the term “initiated or referred measures” in the recount statutes refer only to *statewide* initiatives or measures. Put another way, the statutes do not contemplate recounts of local initiatives or referred measures.

First, A.R.S. § 16-662 governs which official should certify the facts requiring a recount and in which court that certification should be filed. “[I]n the case of an office to be filled by electors of the entire state, a congressional district, a legislative district or a subdivision of the state greater than a county, initiated or referred measures or proposals to amend the constitution,” the secretary of state shall certify the facts requiring a recount, and he shall do so in Maricopa County

¹ Proposition 413 was sent to voters in a special election. Section 16-661(A) states that it only applies to primary and general elections; however, because A.R.S. § 16-537 clarifies that “[t]he powers and duties conferred or imposed by law upon any public officer with respect to regular elections are conferred and imposed upon such officers with respect to special elections,” § 16-661(A) also applies to special elections. *See also* Tucson City Charter XIV § 18 (providing that special elections be conducted in the same manner as general elections).

Superior Court. A.R.S. § 16-662. By contrast, “[i]n the case of an office to be filled by the electors of a county or subdivision of a county or precinct,” the county board of supervisors shall certify the facts, and they shall do so in “the superior court in the county in which the canvass was conducted.” *Id.* Similarly, “in the case of an office to be filled by the electors of a city or town, the city or town council of that city or town shall certify the facts requiring a recount,” and they shall do it in the superior court in the county in which the canvass was conducted. *Id.* In other words, initiated or referred measures are included in § 16-662 only where the secretary of state is the filing officer; all other filing officers certify facts for a recount only for candidates.

This statute thus breaks elections down into two categories: (1) elections at greater than the county level, and (2) elections at the county level or lower. In the former category, the secretary of state is the initiating officer for a recount, and the recount action is filed in Maricopa County Superior Court. In the latter category, local officials are the initiating officers, and the recount action is filed in the county in which the election was conducted and canvassed.

Relevant here, § 16-662 places “referred measures” in the former category, of elections at greater than the county level. Whenever there is a recount for a referred measure, it must be initiated by the secretary of state in Maricopa County, just like elections for statewide office. That would make little sense if “referred measures” included measures voted on only by the voters of a single county, city, or town. It indicates that, in this statutory context, “referred measures” means statewide measures, not local ones.

Second, § 16-665 categorizes elections in a distinct but related way that similarly indicates that referred measures, in this context, means statewide measures. That section requires that the result of a recount be presented to a court, which announces the result and issues an order. A.R.S. § 16-665(A). Then, the certified copy of that order shall be delivered as follows:

1. To the governor with respect to an initiative or referendum measure, or proposal to amend the Constitution of Arizona. The governor shall forthwith issue a proclamation reciting the total number of votes cast for or against the initiative or referendum measure, or amendment to the constitution, as certified by the court, and declaring such measure or amendment as approved by a majority voting thereon, as certified by the court, to be the law.
2. To the secretary of state with respect to offices to be filled by electors of the entire state, a congressional district, a legislative district or a subdivision of the state greater than a county. The secretary of state shall forthwith deliver to the candidate entitled thereto, as certified by the court, the certificate of election.
3. To the clerk of the board of supervisors with respect to offices to be filled by electors of the county or a subdivision of a county, or a precinct, or in the case of an office to be filled by the electors of a city or town, to the city or town clerk. The clerk of the board of supervisors or the city or town clerk shall forthwith deliver to the candidate entitled thereto, as certified by the court, the certificate of election.

A.R.S. § 16-665(B). This statute groups measures referred to the people with other changes made by the people to state law (initiatives and constitutional amendments), all of which are certified and announced by the governor. By contrast, the only elections for which local officials receive the certificate are elections for local offices; referred measures are not included in this category of elections for which certification is a local matter. This too indicates that the term “referred measures” in § 16-661 refers to statewide measures, not local ones.

Third, A.R.S. § 16-666 allocates the expenses of recounts in a manner that, once again, indicates that referred measures in the recount statutes are statewide affairs. The statute provides:

The expenses of the recount of the votes as provided in this article, if for an office to be filled by state electors, or if upon an initiative or referendum measure, or proposal to amend the constitution, shall be a state charge, and if for an office to be filled by the electors of a county or a subdivision of a county, or precinct, shall be a county charge. In the case of an office to be filled by the electors of a city or town, the expenses of the recount shall be a city or town charge.

A.R.S. § 16-666. If there’s a recount of a “referendum measure,” the State pays the cost. By contrast, a county or city is responsible for the cost of a recount only for elections for offices of a county or city, respectively. *Id.* Again, it would make little sense for the State to be responsible for

the cost of recounts for local referenda or initiatives, but not for the cost of recounts for local offices.

Legislative history also provides some helpful context. In 2004, the Legislature passed S.B. 1244, amending the recount statutes to clarify that they applied to municipal *candidate* elections after a dispute about whether the then-operative version of the statute requiring recounts for county officer elections also encompassed city and town officer elections. *See* A.R.S. § 16-661(6) (2004).

As explained in the Senate Fact Sheet:

In 2003, the margin between two candidates for a council election in Youngtown was two votes. Maricopa County election officials determined the current statute did not apply to municipalities. Although county officials performed the recount in that instance, they informed Youngtown that the County did not believe it was responsible for administering the recount. Prior to that incident, Maricopa County had automatically conducted recounts for city and town elections where the difference in votes was equal to or less than one-tenth of one percent or ten or less votes. S.B. 1244 specifies that the recount statute also applies to municipal elections.

See S.B. 1244 Senate Fact Sheet as Enacted, (May 10, 2004), https://www.azleg.gov/legtext/46leg/2r/summary/s.1244jud_finalamended.doc.htm.

S.B. 1244 amended § 16-661(6) to explicitly confirm that city and town *officer* elections were subject to recount if there was a ten-vote margin. A.R.S. § 16-661(6) (2004). S.B. 1244 made similar conforming changes to the surrounding recount statutes. *See* A.R.S. § 16-662 (2004) (clarifying that municipal recounts in officer elections should be presented to the court in which the canvass was conducted); § 16-665(3) (2004) (clarifying that the city or town clerk shall deliver certificate of election after municipal recounts in officer elections); § 16-666 (2004) (clarifying that the city or town shall bear cost of municipal officer election recounts). These amendments all were made with respect only to elections to “an office”—the type of election underlying the dispute which prompted the amendment.

Although the Legislature could have also amended the recount provisions (in 2004 or at any other time) to clarify that the statutes apply to all municipal elections, it did not do so. In light of this legislative silence, and the way referred measures are treated in sections 16-662, -665, and -666, applying § 16-661 to municipal ballot measures would inappropriately “read into a statute something which is not within the manifest intention of the [L]egislature as indicated by the statute itself.” *Mussi v. Hobbs*, 255 Ariz. 395, 532 P.3d 1131, 1138 ¶ 34 (2023) (citation omitted); *see also State v. Fink in & for Cnty. of Santa Cruz*, ___ Ariz. ___, 539 P.3d 543, 546 ¶ 9 (Ariz. Ct. App. Nov. 7, 2023) (citation omitted) (The “mere fact a statute is silent as to a particular scenario neither makes it ambiguous nor permits [a court] to read provisions into it.”).

Finally, we note that the Legislature’s decision to not explicitly list municipal ballot measures in § 16-661(B) as a type of election not subject to the recount provisions does not counsel a different result. The fact that subsection (B) specifically excludes certain officer elections that would otherwise be subject to recount under subsection (A) sheds no light on whether the Legislature intended municipal ballot measures to be subject to recount. Furthermore, because the rest of the recount article indicates that municipal ballot measures are not included under § 16-661(A), there is no reason to exclude them under § 16-661(B).

Conclusion

Read in the context of the recount article, the term “referred measures” in § 16-661 encompasses only statewide referred measures, not municipal measures. If the legislature had intended to expand the recount article to encompass municipal elections more broadly, as opposed

to just municipal officer elections, it could have said so. It did not. Therefore, the City of Tucson is not required to recount the election for Proposition 413.

Kris Mayes
Attorney General

From: [Heather Covert](#)
To: [Emma Blair](#)
Subject: FW: Issued Opinion I24-004 / Opinion Request R23-021
Date: Monday, February 26, 2024 9:15:00 AM
Attachments: [image001.png](#)
[2024-02-23 Attorney General Opinion I24-004 Governor's Memo.pdf](#)

From: AGOPinionRequests <AGOPinionRequests@azag.gov>

Sent: Friday, February 23, 2024 1:00 PM

To: 'Governor Katie Hobbs, through counsel Bo Dul' <bdul@az.gov>; 'The Honorable Adrian Fontes, Secretary of State' <sosadmin@azsos.gov>; Ben Toma <btoma@azleg.gov>; Warren Petersen <wpetersen@azleg.gov>

Cc: Lupe Contreras <lcontreras@azleg.gov>; Oscar De Los Santos <ODELosSantos@azleg.gov>; Bendor, Joshua <Joshua.Bendor@azag.gov>; Chris Kleminich <CKleminich@azleg.gov>; Mitzi Epstein <mepstein@azleg.gov>; Jennifer Holder <JHolder@azleg.gov>; Josh Babel <JBabel@azleg.gov>; 'Juan Mendez, Assistant Minority Leader, State Senate' <JMendez@azleg.gov>; Krystle Isvoranu <KIsvoranu@azleg.gov>; Susan Aceves <saceves@azleg.gov>; Tim Fleming <tfleming@azleg.gov>; AGOPinionRequests <AGOPinionRequests@azag.gov>; 'achan@azsos.gov' <achan@azsos.gov>; Samuels, Alexander <Alexander.Samuels@azag.gov>

Subject: Issued Opinion I24-004 / Opinion Request R23-021

Attached please find a copy of Attorney General Issued Opinion No I24-004.

Sarah Fifer
Paralegal



Arizona Attorney General Kris Mayes
Solicitor General's Office
2005 N. Central Ave., Phoenix, AZ 85004
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KRIS MAYES
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TO: The Honorable Katie Hobbs, Governor
The Honorable Adrian Fontes, Secretary of State
The Honorable Warren Petersen, President of the Senate
The Honorable Ben Toma, Speaker of the House of Representatives

FROM: Kris Mayes, Attorney General

DATE: February 23, 2024

RE: Attorney General Opinion I24-004

Attached is a copy of Attorney General Opinion I24-004, which discusses Open Meeting Law's application to school district advisory committees and governing board communications.

Attachment(s)

cc: The Honorable Denise Epstein, Minority Leader, State Senate, MEpstein@azleg.gov
The Honorable Juan Mendez, Assistant Minority Leader, State Senate, JMendez@azleg.gov
The Honorable Lupe Contreras, Minority Leader, House of Representatives, LContreras@azleg.gov
The Honorable Oscar De Los Santos, Assistant Minority Leader, House of Representatives, ODeLosSantos@azleg.gov
Susan Aceves, Senate Secretary, saceves@azleg.gov
Krystle Isvoranu, House of Representatives Chief Clerk, KIsvoranu@azleg.gov
Joshua Babel, House of Representatives Deputy Chief Clerk, JBabel@azleg.gov
Tim Fleming, Rules Office, House of Representatives, tfleming@azleg.gov
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Chris Kleminich, Rules Attorney (Senate), ckleminich@azleg.gov
Josh Bendor, Solicitor General, Joshua.Bendor@azag.gov
Amy Chan, General Counsel to Secretary of State, achan@azsos.gov



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

ATTORNEY GENERAL OPINION By KRIS MAYES ATTORNEY GENERAL February 23, 2024	No. I24-004 (R23-021) Re: Open Meeting Law's application to school district advisory committees and governing board communications
---	--

To: Jennifer MacLennan, Gust Rosenfeld PLC, on behalf of Scottsdale Unified School District No. 48 and Paradise Valley Unified School District No. 69

Pursuant to A.R.S. § 15-253(B), this opinion affirms in part and revises in part the opinions that you prepared for the Scottsdale Unified School District No. 48 (“SUSD”) and Paradise Valley Unified School District No. 69 (“PVUSD”) (collectively, “the Districts”) regarding the application of Open Meeting Law to school district advisory committees and communications with governing board members. Those opinions are attached hereto as Appendix A.

Background

The Attorney General’s Office received complaints alleging that Scottsdale Unified School District No. 48’s use of certain advisory committees and 2x2x1 meetings¹ with governing board members violates the Open Meeting Law, A.R.S. §§ 38-431 *et seq.* Following an investigation,

¹ “2x2x1” meetings refers to the District’s practice of holding three separate meetings with the five governing board members to present them with information in advance of a public meeting. Two of the meetings are held with two members, and the third meeting with a single member, hence “2x2x1.”

the Office concluded that some of the District’s uses of advisory committees had violated the Open Meeting Law while others had not. The Office also concluded that the District’s use of 2x2x1 meetings violated the Open Meeting Law. The Office also determined, however, that all violations were unintentional and declined to impose penalties beyond corrective action.

Shortly thereafter, counsel representing Scottsdale Unified School District No. 48 and Paradise Valley Unified School District No. 69 submitted legal opinions to this Office for review under A.R.S. § 15-253(B) regarding the parameters of the Open Meeting Law with respect to school district committees and 2x2x1 meetings. Those submissions conclude that “there must be evidence that a board was actively involved in the creation of a committee for the committee to be a board advisory committee under A.R.S. § 38-431(1),” and that, “without further evidence of intent to discuss among a quorum, providing the board with updated information in a 2x2x1 [meeting format] does not violate the OML.”

The Office agrees with the submitted opinions regarding the application of the Open Meeting Law to school district advisory committees, but adds a few points of emphasis and clarification here. Regarding a district’s use of 2x2x1 meetings, the Office revises the submitted opinions and wishes to make clear here that while the use of 2x2x1 meetings (or similar formats) is not a *per se* violation of the Open Meeting Law, whether a particular meeting format with smaller groups of members violates the Open Meeting Law depends on the particular facts.

Analysis

I. Advisory Committees

The opinions you prepared for the Districts focus on advisory committees, and conclude that under A.R.S. § 38-431(1), “Board formation of the committee is a prerequisite . . . , whether that formation is by vote, policy or by acts or statements that lead to the conclusion of board intent.”

Although we generally agree with the opinions you’ve prepared, we write further to clarify that

the circumstances of the committee's formation are not the sole dispositive factor in determining whether a committee must comply with the Open Meeting Law. Other factors that may affect the determination include the circumstances of the committee's membership, purpose, and subsequent operation.

Your analysis focuses on the definition of "advisory committee" in A.R.S. § 38-431(1) to conclude that "there must be evidence that a board was actively involved in the creation of a committee for the committee to be a board advisory committee." Although we agree that board involvement in the "creation" or "formation" of a committee is a critical component of an "advisory committee" under § 38-431(1), this language must be read in conjunction with the broader definition of "public body" in § 38-431(6). The Open Meeting Law does not permit a governing board to evade the public meeting requirements by "informally" forming or establishing, or by directing a superintendent to establish, a committee to perform work that would otherwise need to be conducted in public. For that reason, we caution against an overly narrow reading of the law focused exclusively on the circumstances of a committee's creation.

For example, we agree that a committee established by a district superintendent rather than the governing board is not subject to the Open Meeting Law merely because the work of the committee may result in the superintendent bringing a recommendation to the governing board. A superintendent committee, for example, may voluntarily form recommendations to the board on matters of policy for which the superintendent sees a need. If the superintendent is not developing such a proposal in response to a directive (or other close involvement) of the board in the exercise of this governance function, the Open Meeting Law typically will not apply. Indeed, absent any board involvement at all, the superintendent and his or her committee are no different than any individual constituent, district employee, or group of constituents or employees, all of whom could

undoubtedly recommend that the board consider a particular policy without being subject to the Open Meeting Law in their deliberations before approaching the board.

On the other hand, if a committee initially formed by a superintendent is subsequently tasked by the governing board with developing further policy recommendations for the board's consideration, the committee's subsequent work on that issue would need to be conducted in public meetings. Put simply, the degree and type of the board's involvement matters, and it is not just the initial moment at which the committee is formed that is relevant to the analysis.

Similarly, as you note in the appended opinions, while the mere fact that two board members sit on a committee is not in and of itself dispositive when determining whether the committee is subject to the Open Meeting Law, the membership of a committee is a relevant factor. As you correctly observe, the presence of multiple board members heightens the risk that a committee will be engaged in the proposal, discussion, or deliberation of board matters, in which case the Open Meeting Law should apply. *See* A.R.S. § 38-431(3)-(4); *id.* § 38-431.01.

Accordingly, we approve of the submitted opinions but caution that any Open Meeting Law analysis requires a holistic view of all relevant factors, including but not limited to the circumstances of the committee's formation, membership, purpose, and subsequent operation.

II. 2x2x1 Meetings

The opinion you prepared for SUSD also addresses the use of "2x2x1 meetings." This term refers to the District's practice of holding three separate meetings with the five governing board members to allow the superintendent to present them with information in advance of a public meeting.

As you note, this Office previously concluded that SUSD's use of such meetings violated the Open Meeting Law. The Office's disposition notes that the 2x2x1 model utilized by SUSD

risks improperly “splintering the quorum” by permitting “separate or serial discussions with a majority of the public body members.” *See* Ariz. Att’y Gen. Agency Handbook § 7.5.2. (“Public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions with a majority of the public body members.”). We explained,

Even if the Board members are not speaking directly to each other during these meetings, the members present have the benefit of hearing the other members' questions and the answers to those questions. The remaining Board members and the public do not have this benefit. The public is entitled to hear this deliberative process, including the questions that the Board members ask the presenter during the meetings. Further, because these meetings were not recorded or open to the public, there is no way for the public to be sure that the Board members present were not discussing the matters amongst themselves.

The opinion you have submitted questions the correctness of this disposition because it “does not account for the requirement that each potential violation be examined on a case-by-case basis.” We respectfully disagree with that characterization of the prior disposition and wish to make clear here that a case-by-case evaluation is required. In its prior disposition, the Office did not conclude that all 2x2x1 meetings (or similar meeting structures involving a subset of board members) are *per se* prohibited by the Open Meeting Law. Rather, the Office examined the particular circumstances of SUSD’s practice and concluded that this specific practice did not comply with the Open Meeting Law. We reaffirm that position here and find that whether a particular meeting format violates the Open Meeting Law will depend upon the particular circumstances.

We recognize that SUSD and other boards may sometimes benefit from having information presented to board members in a 2x2x1 (or similar) format. And we recognize that merely providing information to board members in that format will not always run afoul of the Open Meeting Law. After all, board members are not prohibited from gathering information independently outside of a public meeting, nor are they prohibited from discussing matters with

another board member so long as the discussion does not directly or indirectly involve a quorum of board members. *See* Ariz. Att’y Gen. Agency Handbook §§ 7.5.1, 7.5.2, 7.5.3. The SUSD practice we evaluated, however, went beyond merely providing information to board members and, importantly, was discussed in a public meeting as a means to avoid having additional or more lengthy public meetings of the entire board. In the relevant SUSD 2x2x1 meetings, SUSD board members asked questions, received answers, and thus engaged in a dialogue with the presenter that aided their deliberative process. And this practice was repeated with every member of the board with the express intent of decreasing board deliberation at the public meeting. That practice (under those unique facts) violated the Open Meeting Law, which must be construed “in favor of open and public meetings.” A.R.S. § 38-431.09(A); *see also* Ariz. Att’y Gen. Op. I96-012 (finding that lengthy information-gathering meetings that explore the operation of the district’s programs cannot be held in executive session under the guise of a personnel evaluation).

Of course, school districts can take steps to ensure any 2x2x1 (or similar) meetings do not run afoul of the Open Meeting Law. For example, a school district might consider admonishing board members to simply receive the information presented and save their questions and any discussion for the public meeting. Board members should also be reminded at these meetings that they are not to discuss the information received with other board members who are not present until they can do so in a public meeting. In addition, there are fewer concerns about splintering the quorum or inadvertently preventing public observation of board deliberations if the information presented is not about a matter on which the board is planning to take legal action.

However, even with these (and perhaps other) precautions, the use of multiple meetings with a smaller number of board members should be undertaken with the utmost caution. “Public officials should refrain from any activities that may undermine public confidence in the public

decision-making process established in the Open Meeting Law, including actions that may appear to remove discussions and decisions from public view.” Ariz. Att’y Gen. Agency Handbook § 7.5.2. (“Public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions with a majority of the public body members.”). And while “technically, a committee which meets solely to receive information, which does not discuss the information, nor makes recommendations with regard to it could avoid the public meeting requirements,” “[p]ractically speaking, such a passive committee is difficult to imagine.” Ariz. Op. Att’y Gen. I80-202. Therefore, while it may be possible for a superintendent or other person to present information to a group of board members that is less than a quorum without violating the Open Meeting Law, this practice should be used sparingly and with substantial precautionary measures.

Conclusion

We agree with the submitted opinions’ conclusions regarding school district advisory committees, subject to the points of clarification made above. We revise the submitted opinions on the subject of 2x2x1 meetings to clarify that although a meeting at which information is provided to less than a quorum of board members is not a *per se* violation of the Open Meeting Law, the practice should be used carefully to avoid Open Meeting Law violations and to preserve public confidence.

Kris Mayes
Attorney General

APPENDIX A

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December 27, 2023

Scott Menzel, Ph.D.
Superintendent
Scottsdale Unified School District No. 48
8500 E. Jackrabbit Road
Scottsdale, AZ 85250

Re: *Open Meeting Law Requirements re: Advisory Committee and Board
Communication*

Dear Dr. Menzel:

This law firm represents Scottsdale Unified School District No. 48 and its Governing Board (collectively the “District”). The purpose of this communication is to provide a legal opinion regarding the parameters of the Open Meeting Law (OML) with respect to advisory committees and communication with the Governing Board. The District is specifically seeking review by the Attorney General’s office and respectfully requests a formal review pursuant to A.R.S. § 15-253(B).

I. Background

The Attorney General’s office recently completed an open meeting law investigation (Investigation No. OML2021-00067) and issued a disposition letter on December 1, 2023 (Exhibit A). The disposition found non-intentional violations of the OML with respect to the use of some (but not all) committees operated by the District and with respect to the use of 2x2x1 meetings with Board members.

The District administration has asked legal counsel to clarify certain elements of the findings and obtain additional guidance from the Attorney General’s office via this request for a formal written opinion. The District is cognizant and appreciative of the Attorney General’s findings that the violations were not made with any intentional disregard of the OML. However, as noted in the disposition letter, any future violations could subject the public officers or personnel to additional penalties as a second violation; hence, the intent to seek clarification.

II. Relevant Definitions and Guidance

The relevant statutory definitions that govern when the parameters of the OML applies are as follows:

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1. "Advisory committee" or "subcommittee" means any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body.

...

6. "Public body" means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of this state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by this state or a political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body.

A.R.S. § 38-431(1) and (6).

The Attorney General Agency Handbook states as follows:

This definition does not include advisory groups established by the single head of an agency unless they are created pursuant to a statute, city charter, or other provision of law or by an official act pursuant to some legal authority. See Ariz. Att'y Gen. Op. I92-007; Section 7.3.2.

Ariz. Att'y Agency Handbook, § 7.3.5 (revised 2018).

The 1992 Arizona Attorney General opinion cited in the Agency Handbook opined that advisory committees appointed by the Governor to provide the Governor with advice and counsel are not public bodies subject to the Open Meeting Law. Ariz. Att'y Gen. Op. I92-007 (1992).¹

III. Clarifying Advice regarding Advisory Committees

¹ A superintendent's cabinet is traditionally comprised of only school district employees. It assists with making operation decisions in addition to formulating board presentations and recommendations. In my opinion, the cabinet is not subject to OML. Ariz. Att'y Gen. Op. I92-007 (1992).

The Attorney General's disposition letter relied upon the 1992 opinion to clarify that if an advisory group is created by an agency head for the purpose of advising the chief officer in conducting their own official duties, then it is not subject to the Open Meeting Law.

The District's Governing Board did not officially establish any of the advisory committees which were found to have acted outside the bounds of the OML.² The OML violations are predicated on not elevating form over substance – if there are sufficient indicia that a governing board directed the creation of the committee, then the committee would be subject to OML requirements even without a formal board vote or policy. One of the key factors noted numerous times in the disposition was that various committee made recommendations to the Governing Board and therefore were formed for the purpose of advising the Board and not the superintendent.

A governing board is required by statute to make many decisions based upon recommendations from the district administration. For example, only a governing board has the power to hire and fire employees. A.R.S. § 15-502(A) (“The governing board at any time may employ and fix the salaries and benefits of employees necessary . . .”). Almost all hiring recommendations stem from a committee's selection of the candidate to be recommended. Often, the hiring committees will include parents.

I do not think the intent of the Attorney General's office is to preclude school superintendents from gaining feedback through a committee process with community members to assist in making recommendations to the governing board. That would also elevate form over substance.

School districts invite community members to participate in committees on many subject matters, many with the intent to formulate a recommendation for a board decision. Examples of committees currently operating at a variety of school districts include:

1. Hiring committees as described above;
2. School calendar committees;
3. Committees to make recommendations regarding boundary changes or school closures;
4. Procurement evaluation committees, which make recommendations regarding vendors;
5. Capital planning committees;

² The Governing Board did not create by policy or official act the Strategic Planning Design Team, the finance and facility, the policy committee or the communication and marketing committee. The Governing Board has acted by policy to create other committees such as an audit committee, which the District operates as an OML compliant public body.

6. Task force to address needs for sub groups of students such as gifted students or Native American students;
7. Wellness committees to assist in lowering employee benefit costs;
8. Equity advisory councils;
9. Parent councils;
10. Technology oversight committees;
11. Climate oversight committees; and
12. Bond oversight committees.

These committees are formed with the intent to provide input to the school administration prior to presentation of a final recommendation to the governing board. The function of the committees is to further the operation of the district (superintendent's role) by formulating recommendations for board consideration (governance role). For example, school districts are required under the Arizona Procurement Code to use a committee process to score and evaluate vendors in certain circumstances. Ariz. Admin. Code R7-2-1107 (defining the selection committee for the procurement of construction using alternative delivery methods). The intent is to create a recommendation that will ultimately go to the Governing Board for approval; that goal does not create a separate requirement that the procurement committees comply with OML.

School districts are required to operate textbook adoption committees in accordance with the OML. A.R.S. § 15-721 and § 15-722. The legislature has not extended this requirement to other school based committees. As noted recently by the Arizona Supreme Court:

It is a foundational rule of statutory construction “that courts will not read into a statute something which is not within the manifest intention of the legislature as gathered from the statute itself,” and similarly the “court will not inflate, expand, stretch or extend a statute to matters not falling within its expressed provisions.” *City of Phoenix v. Donofrio*, 99 Ariz. 130, 133, 407 P.2d 91, 94 (1965).

Roberts v. State of Arizona, 253 Ariz. 259, 266, 512 P.3d 1007, 1014 (2022).

In my opinion, there must be evidence that a board was actively involved in the creation of a committee for the committee to be a board advisory committee under A.R.S. § 38-431(1). For example, evidence that board members and not the superintendent selected committee members could lead to the conclusion that a committee was “established” by the board. In my opinion, an OML violation must be based upon the actions or statements of board members in order for the committee to be determined to be an advisory committee. Board formation of the committee is a prerequisite under A.R.S. § 38-431(1), whether that formation is by vote, policy or by acts or statements that lead to the conclusion of board intent.

The following factors do not, in and of themselves, require a committee to function as an OML compliant advisory committee:

- Whether the purpose of the committee is to ultimately present a recommendation to the governing board.
- Whether a board member sits on the committee. A single board member is not a quorum of the board such that a meeting has occurred. A.R.S. 38-431(4). Additional evidence would be needed, such the board dictated that the board member participate. The inclusion of a board member on a committee does not violate the OML if it is the superintendent's sole decision and discretion to include the board member.
- Whether two board members sit on the committee. In order for there to be an OML violation, there must be actual evidence that a quorum discussed a matter that is likely to be on an upcoming agenda. Ariz. Att'y Agency Handbook § 7.5.2 (revised 2018). While the presence of two members may heighten the risk of that occurrence, it does not violate OML unless a third member of the board is looped into a discussion or deliberation.
- Whether the superintendent presented use of the committee at a board meeting. Most school leaders will keep their boards apprised of the operational process. If a superintendent informs the board that the superintendent intends to use a committee to assist in formulating recommendations, that transparency should not translate into an OML violation without further evidence that the board deliberated regarding whether a committee should be used or who should be on the committee, this could be evidence of board intent to create.

■ IV. Clarifying Advice regarding 2x2x1 Meetings

The Attorney General's determination found that the District's practice of presenting complicated materials to board members in separate meetings with two board members, two board members and then a single board member (2x2x1) violated the OML. Central to this finding was that the board members could potentially begin deliberation outside of a public meeting during those presentations.

The Attorney General's Agency Handbook states as follows:

Discussions and deliberations (in person or otherwise) between less than a majority of the members of a governing body, violate the Open Meeting Law when used to circumvent the purposes of the Open Meeting Law. See Ariz. Att'y Gen. Op. 75-8; Town of Palm Beach v. Gradison, 296 So. 2d 473 (Fla. 1974). Public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions with a majority of the public body members.

Ariz. Att'y Agency Handbook, § 7.5.2 (revised 2018) (emphasis added).

An OML violation must be predicated on discussion or deliberations between a majority of the quorum. The determination letter notes that it was that the 2x2x1 meetings are of concern because board members could ask questions and the public was not a witness to the answers. It is not a violation of the OML for board members to gather information outside of an open meeting. They do so in all sorts of ways – email, review of board packets, independent inquiry. Gathering information to make an informed decision does not violate the OML unless there is a discussion with a quorum of the Board. As noted in the Agency Handbook:

Put simply, all discussions, deliberations, considerations, or consultations among a majority of the members of a public body regarding matters that may foreseeably require final action or a final decision by the governing body, constitute "legal action" and, therefore, must be conducted in a public meeting or executive session in accordance with the Open Meeting Law. Ariz. Att'y Gen. Ops. 75-8, I79-4.

Ariz. Att'y Agency Handbook, § 7.5.1 (revised 2018).

In my opinion, without further evidence of intent to discuss among a quorum, providing the board with updated information in a 2x2x1 does not violate the OML. Board members are even permitted to voice their opinions and telegraph their decision making outside an open meeting without violating OML.³ The determination that the format of the 2x2x1 presentations violates OML does not account for the requirement that each potential violation be examined on a case-by-case basis.

If the District is permitted to continue to use this efficient process, one option could include issuing an admonition during a two board member meeting so as to remind Board members of their obligations. The use of an admonition is approved for other circumstances such as on group emails or at executive sessions. A proposed admonition is as follows: the information and discussion you are about to receive shall not be utilized to gain a consensus in a quorum or to splinter the quorum through serial discussions with other board members. The

³ The Agency Handbook notes “[t]he Open Meeting Law does not prohibit a member of a public body from voicing an opinion or discussing an issue with the public either at a venue other than a public meeting of the body, or through media outlets or other public broadcast communications or technological means, so long as the "opinion or discussion is not principally directed at or directly given to another member of the public body," and "there is no concerted plan to engage in collective deliberation to take legal action." A.R.S. § 38-431.09(B); Ariz. Att'y Gen. Op I07-013.” Ariz. Att'y Agency Handbook, § 7.5.1 (revised 2018).

deliberative process shall be conducted at an open meeting and this meeting is permissible only because there is no quorum present.

V. Conclusion

The District seeks a formal opinion from the Attorney General's office with respect to the advice provided herein. Until such time as guidance is received (or review denied), I advise that the District administration operate cautiously with respect to the use of committees and the use of communication protocol such as the 2x2x1 meetings.

Very truly yours,



Jennifer N. MacLennan
For the Firm

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EXHIBIT A



OFFICE OF THE ARIZONA ATTORNEY GENERAL
SOLICITOR GENERAL'S OFFICE
OPEN MEETING LAW ENFORCEMENT TEAM

KRIS MAYES
ARIZONA ATTORNEY
GENERAL

Shannon Hawley Mataele
Assistant Attorney General
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December 1, 2023

VIA EMAIL and U.S. MAIL

Jennifer MacLennan
Gust Rosenfeld
One East Washington Street, Suite 1600
Phoenix, AZ 85004
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Re: Disposition of Open Meeting Law Investigation
Investigation No. OML2021-0067

Dear Ms. MacLennan:

As you know, the Office of the Attorney General has been investigating complaints alleging Open Meeting Law ("OML") violations by the Scottsdale Unified School District (the "District" or "SUSD") Governing Board (the "Board"). Thank you for your patience as we have worked to identify the OML investigations that have remained pending from the previous administration and resolve them as efficiently as possible.

The Office has concluded its review of the allegations pertaining to the events discussed below, which were the subject of the inquiry letter this Office sent to the Board on June 28, 2022. We find that the Board has violated the Open Meeting Law with respect to its Textbook Adoption Committee and the Strategic Planning Design Team, and in its use of Board subcommittees and "2x2x1" meetings. We also find that the Board did not violate the Open Meeting Law with respect to the Superintendent's Equity, Diversity, and Inclusion Committee and the Incident Command System. Because we are satisfied that the violations found were not made with intentional disregard for the Open Meeting Law, and because the Board reportedly has modified its practices after becoming aware of the problems with the Textbook Adoption Committee, we will not require any remedy beyond the training identified in this letter. However, these violations will be noted as prior violations, should this Office find any future Open Meeting Law violations.

The facts recited in this letter serve as a basis for these conclusions, but are not administrative findings of fact and are not made for purposes other than those set forth in A.R.S. §§ 38-431 *et seq.*

Committees

I. Textbook Adoption Committee

In 2017, the State Legislature enacted a specific statutory requirement that all committees established for “review and selection” of high school textbooks be held in compliance with the Open Meeting Law. A.R.S. § 15-722(B)(2). This includes a requirement that the committees keep minutes or a recording of the meetings. A.R.S. § 38-431.01(C). The minutes or recording of the meeting must be open for public inspection no later than three working days after the meeting, except as otherwise provided in the statute. A.R.S. § 38-431.01(E).

The complaint received by this Office alleged that the District failed to hold open meetings of its Textbook Adoption Committee during the 2020-2021 school year. Our investigation shows that the District timely posted agendas and curriculum presentations on its website in advance of each Textbook Adoption Committee meeting in 2020 and 2021. Further, each of these meetings was held in a public meeting via the Microsoft Teams platform. The District asserts that a live link to the meeting was contemporaneously posted on the District’s website. However, the District acknowledges that the Committee did not keep minutes of most of its meetings, nor did it record any of the meetings, and no minutes were subsequently posted on the website pursuant to the statutory requirements.

During a January 5, 2021 Board meeting, the District’s general counsel provided Open Meeting Law training to the Board and explained that the Open Meeting Law specifically applied to textbook selection committees. She also told the Board that she regularly trains those committees on the rules of the Open Meeting Law and that they “do all the things” that a governing board would do pertaining to the Open Meeting Law.

Given the general counsel’s assertion and apparent belief that the textbook committees were in compliance with the Open Meeting Law, it is unclear why the Committee neglected to record and post meeting minutes during this time. However, our investigation has not shown that this failure was deliberate or that the Committee intended to shield information from the public. This conclusion is supported by the fact that meeting materials, including the presentations and agendas, were posted on the District’s website, as were links to the live meetings and to the learning materials that the committee ultimately recommended to the Board. Further, the curriculum materials were ultimately approved at properly noticed public Board meetings. Accordingly, the textbook adoptions are not nullified under A.R.S. § 38-431.05(A); *Carefree Imp. Ass’n v. City of Scottsdale*, 133 Ariz. 106, 112 (App. 1982) (“[T]echnical violations and minor deviations from the requirements of the open meeting law should not render action by a public body null and void, so long as there is substantial compliance with the open meeting law.”). Accordingly, we find that, although the District properly posted agendas and held its Textbook Adoption Committee meetings in public, it failed to keep and post minutes or recordings of its

meetings pursuant to A.R.S. § 38-431.01(C). However, we do not find this violation to be knowing.

II. Advisory Committees

The purpose of the Open Meeting Law is to open the conduct of the business of government to the scrutiny of the public and to ban government decision-making in secret. *Welch v. Cochise Cty. Bd. of Supervisors*, 251 Ariz. 519, 526 (2021). Accordingly, the Open Meeting Law applies to all meetings of a public body, including any official advisory committees or subcommittees. A.R.S. §§ 38-431.01(A). An advisory committee or subcommittee includes “any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body.” A.R.S. § 38-431(1).

This definition does not include advisory groups established by the single head of an agency, including a school Superintendent, unless they are created pursuant to a statute or other provision of law. *See* Ariz. Att’y Gen. Op. I92-007; Ariz. Att’y Gen. Agency Handbook, § 7.3.2. As this Office has stated, “[s]ingle heads of agencies, during the course of conducting their official business in such capacity, are not ‘governing bodies’ capable of taking ‘legal action’ and therefore not subject to the Arizona Open Meeting [Law].” Att’y Gen. Op. I75-7. Accordingly, any advisory group that is created by an agency head for the purpose of advising them in the conduct of their own official duties is not subject to the Open Meeting Law. Att’y Gen. Op. I92-007.

Arizona law directs school district governing boards to “[p]rescribe and enforce policies” for the districts. A.R.S. § 15-341(A)(1). The law also provides governing boards authority to delegate to the Superintendent “the authority to prescribe procedures that are consistent with the governing board’s policies.” *Id.* (F). In line with these statutes, the District’s policy provides that “[t]he establishment of policies is the responsibility of the Board, and the execution of those policies is a function of the Superintendent.” SUSD Policy BDD (adopted May 13, 2014). This policy also states:

The Superintendent is responsible for the administration of the District. The Superintendent may delegate the necessary authority to other employees and develop such procedures and regulations as the Superintendent considers necessary to ensure efficient operation of the District.

Id.

The District’s policy also authorizes “the Superintendent to establish advisory councils, cabinets, and committees when deemed necessary for proper administration of Board policies and for the improvement of the total educational program.” SUSD Policy CE (version adopted June 8, 2004). “The number, composition, and work to be done by such cabinets, councils, and committees” is to be “defined by the Superintendent and reported to the Board.” *Id.* The District’s policy in effect during the relevant time provided that the Board itself may also create its own ad hoc committees “by majority vote” to “present[] to the Board recommendations for action.” SUSD

Policy BDF (version adopted Feb. 18, 2000). This policy provided that the Board President must develop guidelines for any committees created, which must be approved by the Board prior to the committee's first meeting. *Id.* The Superintendent was charged under this policy with ensuring that the committee was trained in the requirements of the Open Meeting Law. *Id.*

The complaint alleges that the Board and the Superintendent devised a system of advisory committees and mini-Board meetings to circumvent the Open Meeting Law and to deliberate on important issues of Board business outside of the public view. In light of the law and policies described above, the key inquiry in determining whether a particular committee is subject to the Open Meeting Law is whether it was formed by the Superintendent for the purpose of assisting him in the execution of his administrative duties, or whether the committee was formed by, or at the direction of, the Board "for the specific purpose of making a recommendation concerning a decision to be made" by the Board. A.R.S. § 38-431(1); SUSD Policies CE, BDF. The former is not subject to the Open Meeting Law, while the latter is.

a. Equity, Diversity, and Inclusion Committee

We find the allegation that the Board created a "Equity, Diversity, and Inclusion Committee" (the "Committee"), which subsequently held closed meetings in violation of the Open Meeting Law, to be unsubstantiated. A review of the relevant meeting recordings and other documentation show that this advisory group was formed by the Superintendent to advise the District administration. It was not formed by the Board, nor was it created with the purpose of advising the Board on some action to be taken. *See* Ariz. Att'y Gen. Op. I92-007; Ariz. Att'y Gen. Agency Handbook, § 7.3.2. Accordingly, any meetings of this advisory group were not subject to the Open Meeting Law.

During the June 9, 2020 Board meeting, pursuant to the listed agenda item, then-Superintendent John Krierkard discussed that he had just begun "putting together a group of concerned students, teachers, [and] administrators" to discuss goals related to how the District can improve its practices in the areas of inclusion and equity. He stated that his plan was to bring those goals to the Board to obtain "input" and "thoughts" from the Board, but not for Board "approval." He stated the Committee was to be led by other members of the District administration who would report to the Superintendent. One Board member suggested that a member of the Board should sit on the Committee to help keep the Board informed on its activities, though it is unclear whether this occurred. At the time the Committee was formed, the District had in place a policy titled "Non-Discrimination/Equal Opportunity," which stated that the "Governing Board is committed to creating an environment where celebrating cultural diversity stimulates the awareness of others by recognizing our similarities, acknowledging our differences, and developing global respect for the values of others." SUSD Policy AC (adopted June 8, 2004).

We find this Committee was created by the Superintendent on his own initiative to inform his administration, in furtherance of the Board's approved non-discrimination policy. There is no evidence in either the agenda or in the Board's discussion that the Board initiated the formation of the Committee. Nor is there any evidence that the purpose of the Committee was to bring recommendations to the Board for potential future action. To the contrary, the discussion in the

June 9, 2020 meeting made clear that the Board would be provided updates and could give input on the administration's goals, but would not be asked to approve any action. Any potential involvement of a Board member on the Committee does not affect this analysis because there is no evidence suggesting the number of Board members participating constituted a quorum. *See* A.R.S. § 1-216(B); Ariz. Att'y Gen. Agency Handbook 7.11. Accordingly, we find no Open Meeting Law violation with regard to the Committee.

b. Strategic Planning Design Team

We find the District violated the Open Meeting Law with regard to the meetings of the Strategic Planning Design Team (the "Team").¹ Although the Superintendent may create advisory committees to assist him in his administration of the District, the formation and adoption of Board policy is the prerogative of the Board itself. *See* A.R.S. § 15-341(A)(1).

The Open Meeting Law specifically contemplates that committees "whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made . . . by the public body" should be subject to the requirements of the Open Meeting Law. A.R.S. §§ 38-431(1), -431.01(A). Here, although Superintendent Scott Menzel spearheaded the Team, it is clear that the Team was designed to—and did in fact—advise the Board regarding matters on which it ultimately took legal action. Further, Board member Jann-Michael Greenberg stated at the June 9, 2020 special board meeting that the Board had "properly tasked" the Superintendent with creating the strategic plan. Although not done by official vote, the Board clearly directed the creation of the Team. And the Board ultimately considered and adopted the recommendations of the Team in three phases at public meetings held on June 22, 2021, January 25, 2022, and June 28, 2022.

To say that the Team is not subject to the Open Meeting Law simply because the Board did not officially create it by vote would elevate form over substance and defeat the purpose of the Open Meeting Law. *See* A.R.S. § 38-431.09(A) ("[A]ny . . . entity charged with the interpretation of this article shall construe any provision of this article in favor of open and public meetings."). Further, this Office has stated that any scheme or device designed to circumvent the purposes of the Open Meeting Law is subject to close scrutiny, and would constitute a violation subjecting the governing body and participating members to the sanctions provided for in the Open Meeting Law. Ariz. Att'y Gen. Op. I83-025.

However, our investigation does not show that the Board intended to circumvent the Open Meeting Law here, but rather that the Board sought to do its work more efficiently within the parameters of the law as the members understood it. The Open Meeting Law training the Board received in January 2020 emphasized that the Open Meeting Law applied only to those advisory committees created by a vote of the Board. While this training correctly quoted the statutory

¹ We do not find any violation related to the District's hiring of a consultant to lead the Team. District policy allows the Superintendent to employ consultants in circumstances such as those found here. *See* SUSD Policy BDH (adopted March 3, 2009).

requirements related to board advisory committees, it did not explain the implications of A.R.S. § 38-431.09(A) and Ariz. Att’y Gen. Op. I83-025 as they relate to the *purpose* of the committee. Accordingly, we do not find this violation to be knowing.

We also find the law does not require nullification of the Strategic Plan, because the ultimate approval and ratification of the plan was done in a public meeting. *See* A.R.S. § 38-431.05(A). Further, the strategic planning process provided significant opportunity for public input. The Superintendent held Town Hall meetings around the city during the planning period and the Team solicited input from the public using surveys. And at public Board meetings, the Team provided detailed presentations on each phase of the strategic plan prior to Board adoption. Accordingly, we do not find that the Board or District leadership intended to hide the strategic planning process from public view.

c. Incident Command System

We find that the Superintendent’s Incident Command System (“ICS”) is an internal administrative committee that is not subject to the Open Meeting Law. The District reports that the ICS meets regularly to address emergency management and hazard mitigation for staff and students. This action is consistent with the Board-approved District policy requiring the Superintendent to “establish procedures to protect the safety of all students, employees, visitors, and others present on District property or at school-sponsored events.” SUSD Policy EB (adopted June 8, 2004).

Our review revealed no indication that the purpose of the ICS is to bring recommendations to or otherwise advise the Board. The mere fact that items discussed in a Superintendent advisory group meeting may prompt the Superintendent to bring a matter to the Board’s attention does not transform the group to a Board committee, as suggesting policy changes is part of the Superintendent’s responsibilities. *See* SUSD Policy CHD (adopted June 8, 2004) (“It is the Superintendent’s duty to inform the Board of . . . the need to develop an official policy.”). Once again, it is the purpose for which the committee is formed that is of primary concern for purposes of the Open Meeting Law. *See* A.R.S. § 38-431(1). Accordingly, we find the District did not violate the Open Meeting Law with respect to the ICS.

d. Board Subcommittees

Our investigation shows that during the 2020-2021 school year, the Board and Superintendent Menzel together created several additional advisory committees, including a finance and facilities committee, a policy committee, and a communications and marketing committee. Each of these committees was apparently designed to include two participating board members.

At the February 2, 2021 special meeting, an agenda item addressed Board meeting structure. The Board discussed several suggestions related to meeting efficiency. One suggestion was to add an additional “study session” each month to discuss items that require extra attention and thereby shorten discussions held at the regular Board meetings. Another tool discussed was the use of Board “subcommittees” to discussing weighty, time-consuming issues in detail within

the small group, and then the group would bring summaries and recommendations to the Board as a whole. The Board discussed that these subcommittee meetings could “supplant the need for a study session” or otherwise take the place of additional Board meetings that would be needed to discuss the topics being delegated to the subcommittees. The Superintendent stated that the work of the committees accomplished the “same purpose” of a study session, at least in part. The Board’s conversation indicates that the motivation for creating this system was the extra Board work that had been generated because of the ongoing COVID-19 pandemic. The subcommittee system was apparently intended to help the Board address its workload more efficiently. None of these smaller group meetings were open to the public, and at least two of these committees made direct recommendations to the Board.

This subcommittee system is not equivalent to an agency head advisory committee, as contemplated by the Ariz. Att’y Gen. Op. I75-7 and I92-007. These subcommittees were created by the Board for the purpose of performing Board business more efficiently. This practice violates the Open Meeting Law because it removes some of the Board’s deliberations on important topics from the public view. Further, while the presence of less than a quorum of Board members on an advisory committee does not alone determine the status of the committee for purposes of the Open Meeting Law, in this instance, the fact that each of these committees was specifically designed to include two Board members supports the conclusion that these committees were simply subcommittees of the Board itself. If the Board wishes to form committees to break down its work on particular issues, it certainly may do so. But such groups must be officially established pursuant to District policy and their meetings must comply with the Open Meeting Law. *See* A.R.S. § 38-431(1).

Based on our review of relevant documents and multiple recorded meetings, we do not find that the Board intended to circumvent the Open Meeting Law through the use of this subcommittee system, though that certainly was the effect. Further, because the ultimate Board decisions relating to the committee recommendations were made in public meetings, we do not find any of the legal actions taken to be nullified. *See* A.R.S. § 38-431.05(A). We do, however, caution the Board that any future use of Board subcommittees that do not hold public meetings will be found to be knowing violations of the Open Meeting Law.

e. “2x2x1” Meetings

At the February 2, 2021 special meeting, the Board also discussed its use of its “2x2x1” meeting model. The Superintendent described these meetings as opportunities for him or other District staff to present information to the Board in smaller groups. One Board member described the use of these meetings as an “elimination of an additional meeting.” This structure was apparently intended to increase efficiency by allowing the Board members to ask questions of the presenter within these smaller group meetings and thereby eliminate time spent on questions during the regular Board meeting. The District reports that, during these meetings, information was communicated to the Board members but no discussion took place among the Board members in the meetings.

This practice violates the Open Meeting Law. Discussions and deliberations (in person or otherwise) between less than a majority of the members of a governing body, violate the Open Meeting Law when used to circumvent the purposes of the Open Meeting Law. *See* Ariz. Att’y Gen. Op. 75-8; Ariz. Att’y Gen. Agency Handbook § 7.5.2. Even if the Board members are not speaking directly to each other during these meetings, the members present have the benefit of hearing the other members’ questions and the answers to those questions. The remaining Board members and the public do not have this benefit. The public is entitled to hear this deliberative process, including the questions that the Board members ask the presenter during the meetings. Further, because these meetings were not recorded or open to the public, there is no way for the public to be sure that the Board members present were not discussing the matters amongst themselves.

It is settled policy that public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions with a majority of the public body members. Ariz. Att’y Gen. Agency Handbook § 7.5.2. Splintering the quorum can be done by meeting in person, by telephone, electronically, or through other means to discuss a topic that has been or may later be presented to the public body for a decision. Public officials should refrain from any activities that may undermine public confidence in the public decision-making process established in the Open Meeting Law—this includes any practice that removes Board discussion from public view in the name of efficiency.

It appears from the Board discussion at the February 2, 2021 meeting that the Board members believed this practice to be within the bounds of the Open Meeting Law because there was not a quorum of the Board present at any one of the meetings. Accordingly, we do not find this violation to be knowing. However, we strongly caution the Board and the administration to avoid any devices that have the effect of removing the discussion of Board business outside of an open meeting. Any future practices such as this will be considered knowing violations.

III. Conclusion & Remedy

We recognize that a significant amount of time has passed since the events discussed here occurred, and that the District and Board have amended their practices and already remedied many of the concerns raised in our initial inquiry letter sent more than a year ago. As a remedy for the violations noted above, we require that the Board include in its annual Open Meeting Law training specific instruction about the use of Board committees, consistent with the law as explained in this letter. The training materials must be approved by this Office prior to presentation.

We understand that the time period during which these violations occurred was a difficult time for school district governing boards to navigate, and we acknowledge that it may sometimes be difficult to distinguish the line between what constitutes a Board committee and an administrative committee. Ultimately, if the purpose of the committee is to advise the Board on some potential legal action or policy formation, it is subject to the Open Meeting Law and should be officially created and supervised by the Board pursuant to the District’s policy. If the committee or advisory group is created by the Superintendent and intended to advise him or her in the

implementation of an already-approved Board policy, or in the administration of the Superintendent's other designated duties, such a group is not a public body subject to the Open Meeting Law. If a Superintendent's work with an administrative advisory committee results in a need to bring a recommendation to the Board, this does not transform the committee into a Board committee—it is the purpose for which the Board is formed that is determinative. Further, the presence of Board members on either a Board or administrative committee does not necessarily raise Open Meeting Law concerns, so long as the number of Board members on the committee does not constitute a quorum and the purpose of the committee is not to circumvent the Open Meeting Law.

Superintendent's Report

The Open Meeting Law allows the chief administrator, presiding officer or a member of a public body to present a brief summary of current events without listing in the agenda the specific matters to be summarized, provided that the summary is listed on the agenda and that the public body does not propose, discuss, deliberate, or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action. A.R.S. § 38-431.02(K). The only persons who may provide a current events summary are the chief administrator, the presiding officer of the Board, or a Board member. *Id.* The agenda should specifically list "Summary of Current Events" as an agenda item and identify who will present the summary. Ariz. Att'y Gen. Agency Handbook 7.7.8. The summary of current events consists merely of one of the above-referenced people summarizing recent occurrences without any discussion or feedback from the remainder of the public body. *Id.*

Reports that address matters other than a summary of current events, or that are delivered by someone other than a proper official with the public body, do not come within the provision authorizing current events summaries and must comply with the agenda requirements of the Open Meeting Law. *Id.* The agenda must list descriptions of the topics that will be presented and state whether the public body will discuss or take action on such matters. The agenda item must provide more than a generic description and must include information "reasonably necessary to inform the public of the matters to be discussed or decided." A.R.S. § 38-431.02(H). Public bodies should limit the use of the current events summary provision to appropriate situations and should strive to provide as much advance information as possible to the public. If a topic could come before the Board for possible action, it should not be addressed during the current events summary. Ariz. Att'y Gen. Agency Handbook 7.7.8.

The complaint submitted to this office alleged that Superintendent Menzel frequently used his time during the current events summary portion of meetings to provide updates on the work of the Strategic Planning Design Team. A review of the meetings occurring during the 2020-21 school year shows that the Superintendent provided several updates on the work of the Strategic Planning Design Team during the time allotted for his current events summary. We find this to be a violation of the Open Meeting Law. The Board may not permit the Superintendent to use the current events summary to provide committee work updates or to report on any other matters that are likely to come before the Board for action. The public was entitled to notice that updates on

the strategic planning process would be provided at these meetings, especially considering that the Team's meetings were not open to the public as they should have been.

We do not find that the Board or the Superintendent intended to violate the Open Meeting Law here, and we recognize that it is common for Board members and other officials to misunderstand the scope of the current events summary provided for in the statute. As a remedy, we require that the Board's annual Open Meeting Law training include specific information related to the current events summary and that the Superintendent attend this training. The training materials must be consistent with the law as explained here and must receive prior approval from this Office.

Conclusion

This letter relates solely to the disposition of the aforementioned Open Meeting Law complaints, and does not relate to any non-OML matters. This is not a formal opinion of the Attorney General's Office and should not be cited as authority in other matters.

Sincerely,



Shannon Hawley Mataele
Assistant Attorney General

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December 27, 2023

Dr. Troy Bales
Superintendent
Paradise Valley Unified School District No. 69
15002 N. 32nd Street
Phoenix, AZ 85032

Re: *Open Meeting Law Requirements re Committee*

Dear Dr. Bales:

This law firm represents Paradise Valley Unified School District No. 69 and its Governing Board (collectively the "District"). The purpose of this communication is to provide a legal opinion regarding the parameters of the Open Meeting Law (OML) with respect to the formation of a committee to make recommendations regarding potential school closures and redrawing district attendance boundaries.

I. Background

The District is experiencing declining enrollment and is addressing existing and potential budget shortfalls. The Governing Board held a study session on March 2, 2023; one of the topics was a presentation for information only on demographics, enrollment projection and facility usage. During the superintendent's presentation on that topic, the superintendent announced that he would be calling for a committee to address potential school closures, repurposing, or potential boundary changes.

The superintendent formed a school closure and re-boundary committee. The superintendent was not instructed to form the committee by any board member. The superintendent chose the size of the committee and set its composition without board direction or input. The committee was apprised of twenty (20) individuals including six (6) teachers, two (2) support staff, three (3) school administrators, two (2) central office administrators, and seven (7) parents. Additionally, the group was led by two (2) assistant superintendents. Board members were not involved and did not attend committee meetings.

The committee made recommendations regarding four potential school closures and potentially altering the boundaries of twelve campuses. The superintendent's cabinet reviewed

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OVERSIGHT

the work and recommendations of the committee. District administrators then presented the recommendations to the Governing Board at a study session on December 5, 2023. The Governing Board took action on December 7, 2023 to schedule a public hearing to consider the potential closures of four schools and potential boundary changes to twelve schools on January 23, 2024. A public hearing and notice are required under state law. A.R.S. § 15-341(32) and (37).

II. Relevant Definitions and Guidance

The relevant statutory definitions that govern when the parameters of the OML applies are as follows:

1. "Advisory committee" or "subcommittee" means any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body.

...

6. "Public body" means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of this state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by this state or a political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body.

A.R.S. § 38-431(1) and (6).

The Attorney General Agency Handbook states as follows:

This definition does not include advisory groups established by the single head of an agency unless they are created pursuant to a statute, city charter, or other provision of law or by an official act pursuant to some legal authority. See Ariz. Att'y Gen. Op. I92-007; Section 7.3.2.

Ariz. Att'y Agency Handbook, § 7.3.5 (revised 2018).

The 1992 Arizona Attorney General opinion cited in the Agency Handbook opined that advisory committees appointed by the Governor to provide the Governor with advice and

counsel are not public bodies subject to the Open Meeting Law. Ariz. Att'y Gen. Op. I92-007 (1992).

III. Opinion regarding Use of Committee

The Governing Board has adopted Governing Board Policy CE, which states as follows:

The Board authorizes the Superintendent to establish advisory councils, cabinets, and committees when deemed necessary for proper administration of Board policies and for the improvement of the total educational program. All cabinets, councils, and committees created by the Superintendent shall be for the purpose of obtaining to a maximum degree the advice and counsel of the personnel, clients, and patrons of the District.

The number, composition, and work to be done by such cabinets, councils, and committees shall be defined by the Superintendent.

The school closure and re-boundary committee was a committee formed under the superintendent's discretion pursuant to Governing Board Policy CE. Governing board members did not direct the superintendent to form that committee nor did they have any involvement in choosing the members of the committee.

The committee was formed with the purpose of advising the superintendent and his cabinet level administrators on which schools the District administration should recommend to close given the declining enrollment. The committee was formed with the expectation that the Governing Board would be required to ultimately make a decision, after notice to the public and a public hearing. In my opinion, the superintendent is authorized by policy to form an advisory council for this purpose even when the intent is to ultimately make a board recommendation.

The Governing Board did not take any action to "form" or "establish" the school closure and re-boundary committee. The superintendent telegraphed his intent to create the committee in a transparent manner at a public study session on March 2, 2023. The Board did not vote on that item nor did the act in any way to control the establishment or set up of the committee. In my opinion, the committee formed is not an advisory committee required to comply with the requirements of the Open Meeting Law under A.R.S. § 38-431(1).

IV. Conclusion

I recommend that the District continue with its intent to hold community forums in January 2024 and a public hearing on January 23, 2024 regarding the consideration of the potential school closures and boundary changes.

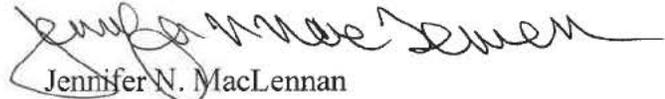
Dr. Troy Bales

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December 27, 2023

The District is specifically seeking for input from the Attorney General's office on this pressing issue and respectfully requests a formal review pursuant to A.R.S. § 15-253(B).

Very truly yours,



Jennifer N. MacLennan
For the Firm

JNM:pjs
6030023.1

From: [Wendy Rogers](#)
To: [ellen laybourne](#)
Cc: [Angelica Rodriguez](#)
Subject: Re: federal elections - daily caller
Date: Saturday, February 3, 2024 12:43:15 PM

We're suing.

@AZGOP @AZSenateGOP



Wendy Rogers (@WendyRogersAZ) on X
x.com

Wendy Rogers, Lt Col USAF (ret)
Senator LD7 Flagstaff Arizona

[Gab](#)

[Facebook](#)

[Twitter](#)

[Telegram](#)

[GETTR](#)

On Feb 3, 2024, at 9:26 AM, ellen laybourne <elblay8@yahoo.com> wrote:

An additional note. The Republicans failed to correct the EPM and keep illegal aliens from voting. If it is correct (according to Daily Caller) that "a voter applicant swear[s] under penalty of perjury that he is a citizen", and "the Justice Department ... [doesn't] prosecute these cases" then, one has to consider what can be done.

Political Republicans probably say "nothing". How about announcing an investigation of the 20,000 "federal-only" voters for perjury? Why not send a letter to every "federal-only" registrant since 2020 and suggest they will be investigated for perjury and referred to the Justice Department, if necessary. And, you could always find a person who committed perjury and then sue the Justice Department for failure to prosecute perjury.

I wonder how many Arizona Republicans signed the Motor Voter Act (1993) despite the clear indication that it would lead to voting by illegal aliens!!!

elections have worse consequences. Republican weakness has destroyed the current and future country. At least the RNC has lots of pretty flowers.

From: [Angelica Rodriguez](#)
To: [LWVAZ_Advocacy](#)
Subject: RE: League of Women Voters of Arizona Invitation to Legislative Leaders, February 23rd, 2024
Date: Tuesday, February 20, 2024 9:00:00 AM
Attachments: [image001.png](#)
[image003.png](#)

Good morning,

Thank you for your email. Although Senator Rogers appreciates the invitation, she will not be able to attend. Thanks again.

Respectfully,

Angelica Rodriguez

Assistant to

Senator Wendy Rogers

wrogers@azleg.gov

602-926-3042

From: LWVAZ Advocacy <lwvazadvocacy@gmail.com>
Sent: Tuesday, February 20, 2024 6:32 AM
To: Wendy Rogers <WRogers@azleg.gov>
Cc: Angelica Rodriguez <ARodriguez@azleg.gov>; Gitelle Seer <gitelleseer@gmail.com>; Bboycwilson <bboycwilson@gmail.com>
Subject: League of Women Voters of Arizona Invitation to Legislative Leaders, February 23rd, 2024



Dear Senator Rogers,

On behalf of the League of Women Voters of Arizona, I extend a cordial invitation for you to speak at our members-only Legislative Lobby Day on Friday, February 23rd. Our members would appreciate learning about your party's legislative and budget priorities and opportunities for bipartisan legislation.

We hope that you will be available between 11:00 and 11:30, and you are more than welcome to join us for lunch and chat with our members.

Schedule

Date: Friday, February 23, 2024

Venue: Governors Conference Room, 2nd floor, Executive Tower, Capitol Campus.

Program:

10 -10:30 League presentation

10:30 -11:00 Adrian Fontes, Secretary of State

11:00 - 11:30 Chairs, House Municipal Oversight and Elections, and Senate Elections Committees (invited)

11:30 - 12:00 Senator Mitzi Epstein, Senate Minority Leader, Representative Lupe Contreras, House Minority Leader (invited), Ranking Minority Members, Municipal Oversight & Elections and Senate Elections Committees (invited), and newly-appointed representatives (invited)

12:00 - 1:00 Lunch

I look forward to your reply.

Sincerely,

Pinny Sheoran, LWV of Arizona, President Elect and State Advocacy Chair
1934 E Camelback Road, Suite 120#277, Phoenix, Arizona 85016
pinny.sheoran@gmail.com, 480-540-4934

cc: Angelica Rodriguez, 602-926-3042
Gitelle Seer, State Advocacy Vice Chair
Bonnie Boyce-Wilson, State Advocacy Member