

Arizona Capitol Times

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Elections officials process mail-in ballots prior to first day of tabulation in Maricopa County, Wednesday, Oct. 23, 2024, at the Maricopa County Recorder's Office in Phoenix. (AP Photo/Matt York)

ARIZONA REPUBLICANS WANT QUICKER ELECTION RESULTS LIKE IN FLORIDA

BY JAKOB THORINGTON
jthorington@stateaffairs.com

Republicans in the state Legislature pre-filed an elections bill that aims to make Arizona's election system more like Florida's, but there's no guarantee the measure will see Gov. Katie Hobbs's signature. Speeding up election night reporting is one of the top priorities for Republicans, many of whom have

grown frustrated with how long the state has taken to count ballots. "Arizona is a laughingstock across the country for how long it's taking our state to determine winners and losers in this election," said Sen. J.D. Mesnard in a Nov. 8 news release days after the general election. **Continue on page 4**

"This is kangaroo court at its top."

– Attorney Jim Barton, on the apparent partisanship of censuring Democratic Arizona Corporation Commissioner Anna Tovar and referring the case to a Republican county attorney.

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Agencies set to expire in 2025 will likely get 'shorter leashes'

BY REAGAN PRIEST rpriest@stateaffairs.com

State agencies up for sunset reviews have faced a rockier road in recent sessions and those hoping to be continued in 2025 are likely to see a similar fate. Among the state agencies, boards and commissions set to expire in 2025 are the Department of Housing, the Department of Insurance and Financial Institutions, the Governor's Regulatory Review Council and the Board of Executive Clemency. They are all up for review as Republicans continue to advocate for shorter continuation periods. Arizona's sunset review process allows lawmakers to assess the effectiveness of state agencies periodically. When agencies are set to expire, the Auditor General's Office conducts a review of an agency and publishes a report with findings and recommendations. **Continue on page 5**

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Peggy Judd:
Just here to do her job

CAPITOL QUOTES



Well, then he's not going to get the money."

– Sen. John Kavanagh, R-Fountain Hills, on withholding border enforcement funds from Santa Cruz County because of Sheriff David Hathaway's stance on immigration enforcement.



"If we take out Santa Cruz County, that is defunding the police."

– Rep. Nancy Gutierrez, D-Tucson, on withholding border enforcement funds from the county.



"It's not a fiscal cliff. It's designed not to be a fiscal cliff."

– Sen. J.D. Mesnard, R-Chandler, on the urgency of passing an extension of Proposition 123, a measure to fund K-12.



"I think we can expect agencies to get shorter leashes again this next legislative session."

– Former Department of Health Services Director Will Humble, on the status of sunset reviews during a period of divided government.

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"I have wonderful, wonderful stories and experiences and memories, and made friends with a lot of people, including the governor (Katie Hobbs). She was right across the hall from me. Her kids sold Girl Scout cookies. I always bought Girl Scout cookies."

BY KIERA RILEY kriley@stateaffairs.com

Peggy Judd is done. She sat on her last meeting of the Board of Supervisors earlier this month. She took a plea deal, putting an end to two hovering felony charges lodged against her for failing to certify the 2022 election. She leaves with around \$70,000 in legal fees and a long legacy of public service.

As she reflects now on her career, Judd said she never wanted to be political, she just wanted to do her job.

How did you first get involved in public service?

I got invited to apply to be on the Parks and Recreation organization in our community, and that was the first time I'd really gone to board meetings and tried to get things done. We got Keiller Park – our main park where the swimming pool is, and the big ramada and all of our events are – we got that completely remodeled, and I got my name on a big stone plaque with all the other board members.

And from that, our president was in charge of Rex Allen Days. And Rex Allen Days brings about 20,000 people into Willcox. Rex Allen was a great music star, a silver screen cowboy. We're particularly close to their family because my dad was really good friends with Rex Allen. I helped on that committee. I took care of all the vendors, got people to perform at the park and all those things. And then I ended up being the president of Rex Allen Days ... It's a big festival with a rodeo and a parade and everything, so it was quite something.

I wasn't political. I was just really busy. I had my kids, and I volunteered at school, I went on every field trip. I did everything. I did everything, and loved it. And so I was really that kind of a person anyway.

When did you become more political?

One day, I had this lady come in. She and her husband had a little group called the Old Time Fiddlers in Willcox. Every year they performed for us at Keiller Park. And so she came in, she sat down, and she said, "Peggy, I'm so worried about our country. It seems like everything's going wrong." She says, "I'm just really upset. And my kids won't talk to me about it anymore. Will you talk to me? I'm just so worried."

I had heard of this thing called the Tea Party. And so I said, "Why don't I have a tea party, and we'll let people come and bring signs and talk about the government, and talk about what they're experiencing."

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ARIZONA REPUBLICANS WANT QUICKER ELECTION RESULTS LIKE IN FLORIDA

Both Mesnard and Senate President Warren Petersen, R-Gilbert, have pre-filed bills intended to speed up election result reporting.

Petersen's bill will be the first bill heard in the Senate Judiciary and Elections Committee, chaired by Sen. Wendy Rogers, R-Flagstaff, according to a Dec. 12 post on X from Petersen.

The Senate president's measure, SB1011, would move the deadline to drop off an early ballot at a polling place to 7 p.m. the Friday before an Election Day instead of on Election Day. It would also expand early voting to include the Monday and weekend before an election, and repeal state law that instructs county supervisors to set up emergency voting centers, which requires voters to provide "unforeseen circumstances" that prevent them from voting at the polls.

If the bill becomes law, anyone who drops off an early ballot in person after the new deadline could show identification and sign an affidavit, eliminating signature verification for their "late early" ballots, which election officials say is one of the leading causes of election reporting delays.

Many of the ideas in Petersen's bill are also supported by Maricopa County Board of Supervisors Vice Chairman Thomas Galvin.

"By moving up the cutoff date for early ballot drop offs, using government buildings to host polling sites, and eliminate emergency voting for the Saturday and Monday prior to the

election while allowing folks to vote in person, we can significantly speed up the process and have nearly 95% of ballots tabulated by election night," Galvin said in a Nov. 18 news release.

Doug Cole, a political consultant at HighGround Public Affairs Consultants, said Galvin's support of speeding up election results is significant, particularly since Maricopa County contains nearly two-thirds of the number of people who vote in Arizona.

"There's more momentum right now than there has been in years past," Cole said. "Maybe there's a deal to be made. When you're dealing with a divided government, it's all about making a deal." Cole said

Incoming House Speaker Steve Montenegro, R-Goodyear, said the House is planning on running a mirror bill to Petersen's. It will likely have no trouble passing the GOP-controlled House or Senate, but Democrats have publicly opposed the measure.

"Faster election results should not come at the expense of voters' rights," Hobbs's spokesman Christian Slater said in a written statement. "Governor Hobbs is open to proposals to speed up the counting process, but any solution must protect Arizonans' freedom to make their voices heard at the ballot box. She remains committed to a voting process that maintains accessibility and integrity for all Arizona voters and guarantees safe, secure and fair elections."

The Arizona Association of Counties has

not stated a position on Petersen's bill yet. Association Executive Director Jen Marson told the Arizona Capitol Times on Dec. 18 in an email that prefiled bills have gone out to county officials for feedback, but many newly elected individuals have not had their county emails activated yet with a chance to weigh in on legislation.

The association was against a similar proposal from Mesnard two years ago that allowed early ballots to be submitted at polling places if voters showed identification at the polls to eliminate signature verification.

That measure was vetoed by Hobbs in 2023. The governor wrote in her veto letter that she believed the bill failed to meaningfully address real challenges facing Arizona voters. Mesnard has reintroduced his bill as SB1001 in the upcoming legislative session.

Maricopa County Recorder Stephen Richer has also supported speeding up election results. Richer outlined several proposals to do so after the 2022 election and he said the "cleanest" solution is to eliminate late early ballots like Petersen has proposed.

"Some will say this reduces accessibility. And it does. And there will be some pains during the first election cycle," Richer wrote in a Dec. 13 thread on X. "But it still allows for 27 days of early voting, 24 of which allow for the drop off of early mail ballots at ANY location. It allows you to return your ballot through USPS. It allows 27 days of in-person early voting. It allows in-person voting

on Election Day."

Richer will not be returning to office. Cole said Richer's successor, Rep. Justin Heap, R-Mesa, a Freedom Caucus Republican, is likely to support Petersen's proposal.

Another prominent county recorder in the state has criticized the measure. Pima County Recorder Gabriella Cázares-Kelly pointed out in a similar thread on X to Richer's that Arizona's 15 counties are much larger than Florida's 67 counties.

"The problem the bill sponsors want to solve: reducing the time it takes to obtain election results, was largely impacted by political parties who discouraged voters from returning ballots by mail in 2020. In 2024 the parties supported Early Voting and that number was reduced," Cázares-Kelly wrote.

While Democrats largely oppose Petersen's measure, they have shown support for the goal of faster results.

A recent poll from Noble Predictive Insights that surveyed nearly 1,000 voters found 52% of respondents expressed frustration with how long it takes the state to finalize election results, despite an increased confidence in the election process.

"Arizona's elections are secure and trusted, but we can always improve," Noble said. "Expediting the ballot counting process should be a top priority. Voters deserve accuracy, but they also deserve timeliness."



Caption: Election workers process ballots at the Maricopa County Tabulation Center Wednesday, Nov. 6, 2024, in Phoenix. (AP Photo/Ross D. Franklin)

CONTINUED FROM FRONT PAGE

AGENCIES SET TO EXPIRE IN 2025 WILL LIKELY GET ‘SHORTER LEASHES’



The Winged Victory statue stands atop the Arizona State Capitol building on the opening day of the 56th Legislature in Phoenix on Jan. 9, 2023. (Photo by Gage Skidmore)

The Legislature then holds committee hearings to discuss the reports and allow the auditor general and agency staff to testify. Lawmakers on those committees then vote on a recommendation to continue, revise, consolidate or terminate that agency.

Traditionally, agencies are continued for up to 10 years. But in recent sessions, lawmakers have debated whether 10 years is too long of a period to allow agencies to operate without regular auditing and oversight.

Some agencies up for review this year will likely face calls for shorter continuation periods given findings from the Auditor General's Office. In its audit of the Housing Department, the auditor general found that the agency had inadvertently fallen for a scam and gave \$2 million to individuals posing as employees of a title company and nonprofit that the department had been working with on affordable housing initiatives.

Sen. Jake Hoffman, R-Queen Creek, has led the push for tightening the reins on state entities since he was elected in 2022. He told the Arizona Capitol Times that he plans to continue advocating for two-year continuations in 2025, as he did this year.

“A responsible government is an accountable government, and the legislature’s primary tool for ensuring

executive branch accountability is through the agency audit process,” Hoffman said in a statement via text. “There is no reasonable justification for giving bloated government bureaucracies, many of which function incompetently at best, eight or ten year continuations whereby they are effectively free from any meaningful legislative oversight.”

Hoffman, who chairs the Senate Government Committee, said in January that all 10 agencies going through his committee in 2024 would receive two-year continuation recommendations. That received pushback from Democrats, who said such a short period of time between audits would place strain on agencies and the Auditor General's Office.

Will Humble, who served as the director of the Department of Health Services from 2009 to 2015, called the battle over continuation periods a byproduct of “divided government.” He said he is supportive of more frequent audits for agencies and disagrees with Democrats who characterized it as weaponizing the sunset review process.

“Since we’ve been in divided government ... the sunset reviews have become a lot more muscular because it’s not Kumbaya anymore like it was back in the Ducey era,” Humble said, referring to former Gov. Doug Ducey’s tenure when Republicans

controlled both the Governor’s Office and the Legislature. “I think we can expect agencies to get shorter leashes again this next legislative session ... not that the agencies are doing anything worse, but when there’s divided government, it’s going to be a lot more acrimonious.”

Humble said he agrees with Democrats that more resources would need to be allocated to the Auditor General's Office if agencies are going to go through the sunset review process more frequently. Currently, some agencies complete self-audits due to the lack of resources provided to the auditor general.

The Governors’ Regulatory Review Council is another agency that could see a contentious continuation process, as Republicans attempted to add more oversight to the council this year through a ballot referral. Proposition 315, which voters rejected in November, would have required legislative approval for state agency rules approved by council that increased regulatory costs by more than \$500,000.

The Auditor General's Office only found minor issues in its review of the Governors’ Regulatory Review Council, and the council’s chair agreed to implement all recommendations from the audit. However, Republicans have been critical of state agencies for rules implemented during

the Hobbs administration, signalling the council could get flak for approving them.

Other entities up for review include the Board of Osteopathic Examiners, the Board of Respiratory Care Examiners, the Board of Behavioral Health Examiners and the School Facilities Oversight Board. Most agencies and boards that went through the review process received minor feedback and agreed to implement recommendations from the Auditor General's Office without protest.

However, Hoffman hinted that even agencies that are performing well will likely face an uphill battle in 2025 as Republicans in the Legislature look to model their approach off of President-Elect Donald Trump’s newly created Department of Government Efficiency.

“The American people and the people of Arizona were promised, and voted for, a Department of Government Efficiency (DOGE) mentality toward government — cut the waste, tighten the belt, eliminate non-essential functions and employees, and far greater accountability,” Hoffman said. “Now it’s time for the Republican majority right here in the Arizona Legislature to deliver on that promise, although I have a sneaking suspicion it won’t just be Democrats lining up to feed at the trough of government lobbyists seeking to subvert the will of the People.”

GUEST COMMENTARIES

Illicit vape task force needs accountability for inaction

When the Food and Drug Administration (FDA) announced the creation of a joint task force with the U.S. Department of Justice, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the U.S. Marshals Service, the U.S. Postal Inspection Service, and the Federal Trade Commission to combat the proliferation of illegal e-cigarettes in June, it promised this new joint venture would “bring all available criminal and civil tools to bear against the illegal distribution and sale of e-cigarettes responsible for nicotine addiction among American youth.” Months later, the agencies on the new task force have done little while illicit products continue to pour into the country. It’s time for Congress to call each agency involved to testify and determine why nothing has changed.

This task force was created due to the ongoing flagrant violations of FDA regulations requiring all e-vapor products to submit product applications for review. These FDA regulations are being flagrantly ignored by numerous



By Marco Lopez

disposable e-vapor product manufacturers resulting in a tide of illicit vapes flooding into the country – tripling in just four years. Perhaps most concerning is that a significant number of these products are manufactured and distributed from China by companies tied to the Chinese Communist Party. Chinese-based flavored e-cigarette brands like Elf Bar are now the most popular products among American youth.

It’s not hard to see what’s happening; Chinese tobacco companies are slipping their unregulated products into the country with no repercussions. This begs the question as to why the new joint task force hasn’t taken swift action.

The FDA’s press release announcing the task force was so vague that a bipartisan group of senators sent a letter to the head of the FDA’s Center for Tobacco Products, Dr. Brian King, requesting more information and expressing concerns over the FDA’s apparent lack of urgency. As the letter states, the senators were “deeply concerned about the inconsistency between FDA and DOJ’s public statements that there are only 27 FDA-authorized e-cigarettes and the reality that thousands of unauthorized e-cigarettes in kid-friendly flavors ... are readily available for purchase.”

The FDA has done nothing to dissuade those concerns. During his recent testimony before the House Energy & Commerce Committee, the head of FDA’s Center for Tobacco Products was surprisingly

nonchalant about the issue of illicit Chinese vapes making their way into our country and downplayed the number of illicit vapes available in the U.S. When asked who was leading the task force effort to eliminate illicit products from the market, Dr. King acknowledged that he had no idea who was in charge, and admitted that he wasn’t personally on the task force or had so much as attended a meeting. That apathetic response – in the face of a problem attracting bipartisan scrutiny – is simply unacceptable.

It’s clear the agencies behind the task force aren’t taking enough swift or aggressive action – or any substantive action at all – to stop illegal e-cigarettes. Congress must hold them accountable for the American people whose taxes fund those agencies and who depend on these agencies to effectively do their jobs to keep people safe.

Lawmakers should be demanding answers for why seizures of illicit goods seem

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Understand criminal code before trying to improve it

A recent article entitled “Conservative in Criminal Defense/Public Policy” contains some errors that are not just important to overall understanding of our current criminal code, but also illustrate why some of the voices at the Legislature have confused legislators. Most likely, those same voices also make legislators wary about implementing any changes at all – positive or negative, liberal or conservative – and are wholly frustrating to those who do understand how all aspects of Arizona’s criminal code is implemented in terms of sentencing criminal offenders.

Kurt Altman, who laments our truth-in-sentencing code, provides an example of two guys “who get 10 years (each) in prison. One guy goes in, gets a job, an education and makes himself better, and he has to serve eight and one-half years due to truth-in-sentencing.” Altman goes on to claim that another guy goes in with a 10-year sentence and he “gets in trouble, never comes out of his cell, never betters himself.” He claims that this guy will also serve only eight and one-half years of his 10-year sentence. This is patently false information.



By Donna Hamm

Each time a prisoner “gets in trouble” within the prison system, and if it is a serious (major) disciplinary sanction, he not only loses privileges such as visits, commissary, and may be assigned to a higher classification unit with fewer privileges, but he also forfeits earned release credit days and is commonly placed in what is known as parole class three, which is a non-credit earning status for a period of days. While in “class three time,”

the prisoner is essentially serving flat-time, or in other words, earning no release credits at all. In addition to the number of his already earned release credit days that are forfeited for a major disciplinary infraction, the prisoner also cannot earn new ones for a specific amount of time. Both of these factors negatively impact the prisoner’s release eligibility date – moving it forward into the future. If he maintains a disciplinary-free record for a period of one year or more, the prisoner can apply to have previously forfeited release credits restored and can also apply to have class three time rescinded. It is up to the department to determine at what rate these might be reinstated.

In the meantime, forfeiture of release credits and placement in class three time do negatively impact a prisoner’s release eligibility date. In simple terms, a person being released on his earned release credit date, which totals precisely 85.7% of the sentence, minus any jail credit days which may have been awarded at time of sentencing, falls into one of two categories. The person either maintained a spotless record or is someone who

has had disciplinary problems, but who has redeemed himself by remaining disciplinary-free for a minimum of 12 months and had credits restored and/or rescinded. For those others whom Altman is referring to – the misbehaving prisoner who doesn’t come out of his cell or improve himself – their release eligibility date keeps moving forward beyond their 85.7% date. Some really badly behaved prisoners can end up serving the full number of years imposed. Beyond that, even if Altman’s example guy served his full 10 years in prison, he still must serve the equivalent of 15% of the imposed sentence on community supervision, once released. In short, truth-in-sentencing certainly does provide incentives to perform well and behave in prosocial ways while incarcerated.

For those convicted of possession of limited amounts of illegal drugs, they can earn release credits at a faster rate than others, creating the opportunity for them to serve roughly 70% of an imposed sentence, rather than 85.7%. However, in

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GUEST COMMENTARIES

Have we truly come to celebrate violence?

We should be deeply troubled by the growing acceptance of violence as a way to address grievances in our society. A recent Public Religion Research Institute survey found that nearly a quarter of Americans (23%) believe that “true American patriots may have to resort to violence to save the country” — up significantly from 15% in 2021. Among Republicans, that number rises to nearly one-third, especially among those who support former President Trump. This troubling trend reflects a dangerous erosion of our commitment to civil discourse and the rule of law.

The recent murder of a United Healthcare executive has sparked an alarming wave of comments on social media, with some liberal-leaning commentators lionizing the perpetrator as a hero for supposedly bringing attention to the inequities of our health care system. Glorifying cold-blooded murder in the name of justice is not only dangerous but also a stark reflection of how far we’ve veered from the principles of moral clarity and democratic action.

The inequities and suffering caused by our profit-driven health care system are real and devastating, particularly for society’s most vulnerable. This pain demands urgent action. However, we must distinguish between systemic failures and individual actions. While corporate leaders, legislators, and regulators must be held accountable for their failure to address these inequities, equating



By Herb Paine

systemic injustices with acts of violence is perilous. Rationalizing murder as a form of protest or retribution not only undermines the moral high ground but also perpetuates a cycle of harm. This kind of moral equivalence is a dangerous oversimplification, one that risks derailing meaningful efforts to achieve systemic reform.

History offers numerous examples of how nonviolent activism has achieved transformational change. The civil rights movement in the United States, led by Dr. Martin Luther King Jr., and Gandhi’s leadership in India are powerful reminders that moral clarity and peaceful resistance can produce lasting justice. These movements succeeded not because they compromised their values, but because they inspired people to act in ways that upheld them.

But what happens when violence is normalized, even celebrated? Beyond its moral implications, the increasing public tolerance for violent rhetoric and actions carries profound policy consequences. The erosion of trust in our institutions — government, media, and even law enforcement — fuels this acceptance. When citizens feel unheard or disillusioned by ineffective or unaccountable leadership, they may see violence as the only path to meaningful change.

The role of social media cannot be ignored. These platforms amplify extreme rhetoric, create echo chambers, and often reward the most incendiary voices. Policymakers must confront the growing challenge of regulating these digital spaces while preserving freedom of expression.

How can we ensure that these platforms foster healthy dialogue rather than magnify our divisions? What role should they play in discouraging calls for violence?

Similarly, we must examine the responsibility of political leaders whose words have the power to either calm or inflame tensions. Rhetoric that glorifies “fighting back” or portrays opponents as existential threats can have real-world consequences. Policymakers, parties, and civic leaders must prioritize accountability and adopt a zero-tolerance approach to rhetoric that undermines democracy or glorifies violence.

When movements are tainted by violence,

they risk alienating the broader public and losing the moral authority necessary to inspire meaningful change. Acts of violence often lead to further polarization and can even justify crackdowns that suppress legitimate dissent. Rather than advancing the cause, they provide ammunition to those who seek to discredit it.

Let’s resist the temptation to glorify violence, no matter how justified the frustration may feel. Instead, we must model a better way forward — through advocacy, community-driven activism, and democratic action — that addresses the root causes of systemic injustice without abandoning our moral compass.

Each of us has a role to play in pushing back against this dangerous trend. Whether through fostering civil discourse, supporting policies that address systemic inequities, or holding leaders accountable for inflammatory rhetoric, we can reaffirm our commitment to the principles that bind us as a democratic society.

The path forward demands courage, but it must be the courage to build, not destroy, to unite, not divide. If we fail to rise to this challenge, we risk undermining the very foundations of justice and democracy that we claim to cherish.

Herb Paine is president of Paine Consulting Services, specializing in organizational development and change management, a social and political commentator, and former congressional candidate.

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ILLICIT VAPE TASK FORCE NEEDS ACCOUNTABILITY FOR INACTION

nonexistent relative to the scale of the problem, and why those charged with managing product imports have been unable or unwilling to weed out illegal products.

The FDA, DOJ and other agencies on the task force have so far failed to properly enforce their own laws or regulations, allowing Chinese companies financially supporting the CCP to ship illegal products unencumbered directly into our country and targeting our kids. The American people deserve to know what tangible steps are being taken by the new joint task force to combat this problem. The only way that will happen is if Congress forces them to answer tough and long-overdue questions and take action now.

Marco Lopez is a cross-border expert and president of Intermestic Partners. In addition, he is former chief of staff at the U.S. Customs and Border Protection at the U.S. Department of Homeland Security and former mayor of Nogales, Arizona.

UNDERSTAND CRIMINAL CODE BEFORE TRYING TO IMPROVE IT

order to be released at the 70% mark the prisoner must have met all criteria, including completion of a major rehabilitative program and not having lost credit days due to major disciplinary infractions.

What we need to be focusing on in Arizona’s criminal code are the length of sentences we issue in the first place, especially for non-dangerous or substance abuse-related crimes. We need to focus on laws that require stacking sentences on top of each other (consecutively) in some cases. We need to implement much more diversion in our court system and allow judges to have the discretion to divert many more people from prison. Reinstating parole has benefits because it requires an independent review of the prisoner’s suitability for release by a sole and separate agency from

the prison — the Board of Executive Clemency. However, increasing the rate at which some non-violent offenders are allowed to earn release credits is the easiest way to reduce the amount of time that motivated, well-behaved and serious prisoners spend in secure confinement.

The reality is that legislators, lobbyists and all other stakeholders, including victims, must commit first to truly understanding our complex criminal code and all of its ancillary but intertwined applications before attempting to “improve” it with change.

Prisoners must earn release credits in order to be released at 85.7% of the imposed sentence.

Donna Hamm is executive director of Middle Ground Prison Reform in Tempe.

IMMIGRATION



Nogales, Mexico, is seen at left beyond a razor-wire-covered border wall that separates it from Nogales, Ariz. Saturday, March 2, 2019. (AP Photo/Charlie Riedel)

BORDER SHERIFFS LIKELY TO GET MORE MONEY, BUT HOW MUCH?

BY JAKOB THORINGTON
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Border sheriffs want to nearly triple the funding for local law enforcement in the next fiscal year, the president of the Arizona Sheriffs' Association said Dec. 18.

Association President and Yavapai County Sheriff David Rhodes told the *Arizona Capitol Times* that the association is requesting about \$50 million in state funding in the next fiscal year for local law enforcement agencies' drug interdiction efforts in border communities.

The current state budget includes \$17 million for local border law enforcement distributed through the Department of Public Safety from Gov. Katie Hobbs' Stopping Arizona's Fentanyl Epidemic Initiative.

Rhodes said the \$50 million estimate is needed for border sheriffs after the passage of Proposition 314, the Secure the Border Act.

"The citizens are expecting local law enforcement, particularly along the border, to be able to do more," Rhodes said.

Prop. 314 will make it a state crime for non-citizens to enter the state at any location other than a port of entry once it goes into effect, allowing for law enforcement to arrest non-citizens they've observed or have evidence of entering the state illegally.

The measure also includes penalties for people found guilty of selling fentanyl that results in the death of another person, making the act a Class 2 felony with a 4-year to 12.5-year prison sentence.

Voters overwhelmingly passed Prop. 314 in November. The measure passed with more than 62% of voters supporting it.

Rhodes said border sheriffs need more deputies, and he expected a good portion

of increased funding if it's enacted by the Legislature to go to deputy positions and their equipment. He estimated adding 20 deputies would cost about \$5 million.

"There's \$20 million annually on the four border counties right there if that comes to pass," he said.

An increase in funds could also go toward technology for fentanyl investigators and jail renovations for an expected increase of detentions, Rhodes said.

The need for further funding as a result of Prop. 314's passage isn't new for lawmakers. During the 2024 legislative session, Rhodes told legislators law enforcement wouldn't be able to enforce Prop. 314 without additional funding.

During a Joint Legislative Budget Committee hearing Dec. 18, Rep. Stephanie Stahl-Hamilton, D-Tucson, said, "I have heard several of the sheriffs for the counties on the border say ... Prop. 314 is going to be an unfunded mandate. It is expenditures that we have not put in the budget."

The House Appropriations Committee Chairman, Rep. David Livingston, R-Peoria, told the *Arizona Capitol Times* that he is expecting the Legislature to increase border law enforcement funding, but he's not sure yet if they'll get to the \$50 million estimate. He has not met with the sheriffs or the Governor's Office yet to discuss details, he said.

"We have to do a better job protecting our citizens," Livingston said. "I do expect we will increase (funding). Will we increase it to that amount? I just don't know yet."

The Legislature will have some wiggle room in budget negotiations compared to last session when lawmakers faced a \$1.8 billion deficit – recent state tax collections given the state about a \$660 million surplus to work with as of October, but JLBC staff

has warned lawmakers that the state could see another budget shortfall by 2026 if they spend excessively.

There are other big-ticket spending items lawmakers will consider in the upcoming session. An October presentation from JLBC staff projected a sharp rise of K-12 spending with costs increasing by \$524 million. That estimate was calculated by backfilling the loss of Proposition 123, which funds public schools from the State Land Trust Permanent Fund.

Lawmakers on JLBC also removed \$250,000 of funding designated toward the Santa Cruz Sheriff's Office by the Department of Public Safety's Gang and Immigration Intelligence Team Enforcement Mission.

The committee voted on party lines to exclude the funds from Santa Cruz after Republicans raised issues with Santa Cruz Sheriff David Hathaway's attitude of immigration enforcement.

Hathaway, a Democrat, publicly opposed Prop. 314 because the measure had no funding mechanism. He told *KJZZ* in October that he also believed immigration responsibilities would distract local law enforcement from other priorities.

The DPS expenditure plan originally allocated \$1 million to sheriff offices in Cochise, Graham, Greenlee, La Paz, Santa Cruz and Yuma counties. Now, Santa Cruz's share will be reallocated to the other counties because Republicans say they don't have confidence in Hathaway enforcing immigration laws.

"He's projecting the impression that he thinks immigration enforcement is racist and xenophobic and he's not going to do it. Well, then he's not going to get the money," said Sen. John Kavanagh, R-Fountain Hills, who also serves as the Senate Appropriations Committee chairman.

Democrats on the committee opposed taking away Santa Cruz's funding and accused Republicans of defunding police.

"Taking something like this away – you are going to hurt our families down in my district and people who rely on this money for their income and the support to do their job and keep them safe," Stahl-Hamilton said.

The county has received grants from the Gang and Immigration Intelligence Team Enforcement Mission since 2016. County Manager Jesus Valdez wrote a letter to the committee Dec. 18 asking them to include the county in the expenditure plan, noting both the Nogales and Mariposa ports of entry are located within the county, which contribute about \$30 billion in trade each year.

"A reduction of border security funding would increase already substantial challenges related to gang activity and transnational crime that directly impact our residents' safety and well-being," Valdez wrote. "Securing these funds will directly translate into a safer community for our residents and absent this important state assistance the financial burden will be borne by our local taxpayers."

But Valdez's request wasn't good enough for Republicans on the committee. They wanted to personally hear Hathaway request border funds and give assurance that he would enforce the law.

Sen. Ken Bennett, R-Prescott, said while he wanted to see Santa Cruz get the grant funds, he couldn't vote to include them in the expenditure plan unless he had assurance from Hathaway.

"If we take out Santa Cruz County, that is defunding the police," said Rep. Nancy Gutierrez, D-Tucson, the incoming House assistant minority leader.

CORPORATION COMMISSION

ACC referral of Anna Tovar
complaint to county attorneyCREATES
CONFUSION,
SUSPICIONBY REAGAN PRIEST
rpriest@stateaffairs.com

The Arizona Corporation Commission's decision to refer alleged violations of state law by Commissioner Anna Tovar to the Maricopa County Attorney's Office has created confusion over which agency should handle a potential investigation.

Three Republican commissioners voted on Dec. 17 to censure Tovar over a letter that expressed her disagreement with a pay bonus for commission Executive Director Doug Clark. The commission alleged that Tovar's letter, sent on Nov. 15, violated open meeting laws and employee confidentiality laws by disclosing personnel information that had been discussed during executive session on Nov. 6.

The commissioners voted to refer the complaint to MCAO, rather than the Attorney General's Office, which is an option available to them according to the commission code of ethics. But media representatives for MCAO seemed confused about the situation when reached for comment on Dec. 18.

Vanessa Ceja-Cervantes, MCAO's public information officer, told the Arizona Capitol Times via email that "the action you described does not apply to our office."

"It would be unusual for the ACC, a state agency, to refer a matter like this to our office," Ceja-Cervantes said. "We would recommend that you reach out to the ACC for clarification."

Another media representative for MCAO said that though it appeared the commission had referred the complaint to their office, "that is not accurate." The spokesperson said the complaint was referred to the Attorney General's Office.

However, Richie Taylor, a spokesperson for Attorney General Kris Mayes, said their office had not received the referral.

Nicole Garcia, a spokesperson for the ACC, said as of Dec. 18 the complaint had not yet been referred but the commission's legal division had reached out to MCAO. Spokespeople for MCAO did not immediately respond to follow up questions.

Tovar's attorney, Jim Barton, said the move to refer the alleged violations to Maricopa County Attorney Rachel Mitchell instead of Mayes was purely partisan, given that Mitchell is a Republican while Tovar and Mayes are both Democrats.

"What is most profoundly transparent about their partisanship is that they actually referred this to the Republican county attorney instead of the Attorney General's Office, where the Open Meeting Law Enforcement Team is," Barton said after the Dec. 17 vote. "This is kangaroo court at its top."

Kurt Altman, a criminal defense attorney who has represented politicians, said the referral to MCAO is "curious"

"The appearance of sending it to Rachel Mitchell's office, I think is not a great appearance," Altman said. "If it is not a politically motivated thing, this makes it look like it is to the public without greater detail."

Altman noted that most violations of open meeting law are not pursued criminally and are usually worked out between public officials and the Attorney General's Office.

"Even with education on [the laws], people in public office sometimes violate them and they don't know they violate them," Altman said. "Usually it ends up being, it sounds kind of corny, a learning experience, and that's the end. And they're better going forward, and they don't make the mistake again."

Tovar, who will leave the commission when her term ends in January, denied the allegations in a statement posted to X on Dec. 17, calling them "baseless."

"Today's vote to censure me by other members of the Arizona Corporation Commission (ACC) proves that they are scared of criticism and unwilling to engage in any kind of conversation with which they disagree," Tovar wrote in the post.

Barton also said the way the investigation was conducted seemed to indicate it was driven by partisanship because of how it differed from past commission ethics complaints.

"When there were other ethics complaints against other commissioners, they were sent out to outside counsel," Barton said. "This time, they rapidly, in days, finished the so-called investigation, and then they censured a leaving member of the opposite party."

Barton said he and Tovar received a copy of the investigation report, but were told it was confidential. The report has not been made public and commissioners did not discuss any details from it during the Dec. 17 meeting.

The three Republicans who approved the censure, Jim O'Connor, Kevin Thompson and Nick Myers, did not elaborate on the results of the investigation and were not available for comment after the vote. During the meeting, O'Connor said it was with "a very heavy heart" that he made the motion to approve the censure, but otherwise did not explain his vote further.

Myers briefly addressed the issue in a post on X on Dec. 18, saying, "It is unfortunate when people of power do not treat their employees respectfully, and on occasion it can even cross into the realm of illegality."

The resolution also states the ACC "reserves its right to complete its investigation into other matters and modify this Censure ..." but it is unclear what other matters the commission is investigating.

Barton said he believes an investigation will "exonerate" Tovar and said he hasn't seen any evidence that she disclosed information that was not already publicly available. Whether Tovar will challenge the censure or take any action against the ACC remains to be seen, he said.

"She has to weigh risk versus gain," Barton said. "Sometimes when you get down in the mud with a pig, everybody ends up dirty."

Tovar did not immediately respond to a request for comment. It's currently unclear what agency, if any, will investigate the alleged violations.



SCHOOLS

Lawmakers, stakeholders working on next version of Prop 123

BY KIERA RILEY kriley@stateaffairs.com



In this file photo, Arizona Gov. Doug Ducey hands out pens after certifying the results of a special election on school funding at the state Capitol in Phoenix on May 26, 2016. Funding from the measure, passed as Proposition 123, expires in 2026 and lawmakers, stakeholders and Gov. Katie Hobbs are working out details on a measure to extend the funding. (AP Photo/Ryan Van Velzer)

When is the deadline to call a special election to pass a renewed version of Proposition 123 before the end of the fiscal year? It depends on who you ask.

With Proposition 123, a 2016 voter-approved measure increasing the distribution from the state land trust to K-12 schools, set to lapse at the end of the fiscal year, stakeholders are still trying to figure out how exactly to fashion the next version of the school funding mechanism, and when to send the resulting measure to voters.

According to the Secretary of State's Office, lawmakers would need to call an election within the first week of the legislative session as county election officials need a minimum of five months to prepare for a statewide election. But a senator working on the measure said the true legal deadline is closer to mid-February.

Either way, a new iteration of Prop. 123 by the end of the fiscal year is not exactly vital. Though stakeholders are working to extend the measure sooner rather than later, the Legislature has a legal obligation to backfill about the approximately \$300 million that would no longer be covered by the state land trust come July.

"It's not a fiscal cliff," Sen. J.D. Mesnard, R-Chandler, said. "It's designed not to be a fiscal cliff."

Although an election call in the first week of session may be ideal, Mesnard said he did not believe it to be the legal drop dead date. He noted, too, a call by the first week is not realistic.

"It would be hard enough if we had the same Legislature," Mesnard said. "But we have a new Legislature, some members don't know anything about this, even though we are picking up where we left off."

Mesnard said he understood the deadline to be in February, though he would "admittedly get more concerned as we get

into February."

State statute requires consolidated election dates, one of which being the third Tuesday in May, which in 2025, would be May 20. The Secretary of State's Office has a separate constitutional duty to publish the proposed amendments for at least 90 days prior to the election.

Under that time constraint, the Legislature would have to pass legislation before Feb. 18, with time to transmit to the governor and the secretary of state.

Though a special election is the initial goal, Mesnard said the question could wait, with the potential it goes to voters in the 2026 general election.

How the measure itself takes shape remains an open question.

Prop. 123 came about as part of a settlement of Cave Creek Unified School District v Ducey, in which the court required the state to keep base level funding for K-12 schools in step with inflation.

The measure, which was first enacted with 50.92% voters approval in a special election in 2016, increased the distribution rate from the state land trust fund to schools from 2.5% to 6.9% through FY2025.

Last session, as Prop. 123's expiration date crept closer, lawmakers started to formulate how exactly to retool and revamp the draw from the state land trust.

Republicans hit first and proposed the Legislature backfill the base level for Prop. 123 and use the funds for teacher pay raises instead. Democrats shot back with a plan to increase the distribution rate from 6.9% to 8.9%, with a split to cover general school funding, educator and staff pay raises and school safety.

But no salient, bipartisan plan came to be by the end of session, leaving Prop. 123's fate yet to be decided.

Stakeholders, including the governor, the Secretary of State's Office, lawmakers, education groups and business groups have continued to meet about Prop. 123 since late summer.

Meghaen Dell'Artino, a lobbyist with Public Policy Partners, said in an email that spending the dollars on teachers and those who support the classroom continue to be a priority.

"For us, as long as the funding is ongoing we are okay restricting the dollars for that purpose. But if the plan only provides funding for 10 years then the funds would need to be flexible or you end up with a funding cliff and pay that can not be sustained because the funding expires," Dell'Artino said. "Stakeholders are talking with legislators and the governor and believe that a bipartisan Prop 123 deal that benefits all public schools will get to the finish line. When, we aren't sure."

For the governor's part, spokesman Christian Slater said in a text that a special concurrent legislative session is "definitely on the table if it will be necessary and productive."

He added Hobbs is "committed to extending Prop. 123 to properly fund public education and ensure Arizona students can thrive in their neighborhood schools."

Mesnard said he and Rep. Matt Gress, R-Phoenix, held a listening session with stakeholders "from one end of the political spectrum to the other one (and) one area of interest within education or another" to start and plan to hold another before the session starts.

"I think it's early to say what all will be captured, but certainly within our K-12 conversation, you have a lot of support for school choice and the right of parents to make the educational decisions that work best for their kids," Mesnard said.

He continued, "How that fits into (Prop 123)? I'm uncertain right now, but it's just acknowledging because when we go to the voters, we're going to want to have as broad a support as possible. We want it to pass. We don't want to send something that is going to fail. And so hearing from all these different groups with, again, their different lens on what they see is valuable, what they know, what they prioritize, that right now can include anything."

The key contentions with Prop. 123 last session continued to be the proportion drawn from the state land trust fund and who would benefit from the funds, with a particular fissure along party lines on whether school staff or solely teachers would benefit from pay raises.

Justan Rice, executive director for the Arizona School Boards Association, attended a Prop. 123 listening session, and said "no one has really said one thing or the other about whether this money will be strictly siloed to teachers, or where this is something that might be a little bit more expansive."

Rice said discussion about dollar or percentage amounts from the state land trust fund is at early stages.

Mesnard added that there is a potential for a "plethora" of legal challenges down the line. There could be litigation on the single subject rule, a provision requiring a constitutional amendment be limited to one matter, and a standing question of whether the state has congressional approval to further tap into the state land trust fund under the Enabling Act, the initial federal legislation setting up the Arizona state land trust at the time of statehood.

"There are plenty of places this thing could go off the legal rails," Mesnard said. "It's an uphill battle, politically, policy wise, legally. We're still working to get it done, but we're cognizant of the land mines."

CORPORATION COMMISSION

CORP COMM UPHOLDS CONTROVERSIAL APS SOLAR CHARGE

BY REAGAN PRIEST
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The Arizona Corporation Commission reaffirmed its decision to allow Arizona Public Service to impose a grid access charge on customers who use residential solar energy, despite solar advocates calling the charge discriminatory.

Commissioners voted 3-1 to uphold the charge, known as a “GAC,” with Republican Commissioner Lea Marquez Peterson absent from the vote due to a personal emergency.

The GAC was included in APS’s most recent rate case. Solar advocates asked the commission to reconsider its decision to include the GAC, and the regulatory body held a rehearing on the issue near the end of October.

After over a week of rehearing testimony, administrative law judge Belinda Martin said the commission has full discretion over whether to implement the GAC. In a recommended order to the commission, Martin found that the GAC was not discriminatory to solar customers but that not including it would not be discriminatory to non-solar customers.

APS said imposing the GAC allows it to recoup the cost

it takes to serve residential solar customers. Without a GAC, those extra costs would fall to non-solar customers, according to the company.

The three Republican commissioners who voted for the charge said they were concerned about the potential costs to non-solar customers if solar customers are not paying their fair share

“I hope we can all agree that all costs related to providing service should be equitably distributed to each class of service,” said Commissioner Kevin Thompson. “But I haven’t heard anything here today or in prior proceedings that disputes inequity exists.”

CONTINUED FROM FRONT PAGE 3

PEGGY JUDD: JUST HERE TO DO HER JOB

So we had our first tea party. Now I didn’t know what a Tea Party was, I had to call Representative Griffin. At the time, she was the party chairman for the GOP in our county ... this was my first political thing. And Representative Griffin said you have to invite both political parties, and I barely could get any Democrats to come. Every now and then a couple of interested ones would come ... and they would say, “Oh, that wasn’t so bad.”

We had open mic time, and everybody talked. And I really did think it was important. It made me feel good. But I couldn’t make it non-partisan. I couldn’t make it be a balance, because we’re like, 80% Republican in Willcox. It was very one sided.

What led you to the Legislature?

Whenever Representative Griffin was trying to get someone to run for Senate, she was looking around our district, she thought of me, and I was like, “Oh, geez. Give me a couple of days to pray about this because this is not something I ever thought of in my future.”

I said no. And she goes, “Well, you know what? I think I’ll just run then, and then you can come up to the Legislature and shadow me and learn what it’s about, and then maybe in the future, you can run for Legislature.” So I just went on about my merry business.

For Mother’s Day, I was camping in San Diego. I was on the beach. I had my stupid little flip phone – I should have left it at camp – and I’m reading, and my toes are in the sand, like they’re supposed to be. I was against this rock, which was soft, actually, I was comfortable, and I got a phone call.

It was Representative Griffin, and she said, the lady who was going to run for House of Representatives cannot run. Her husband got sick. She cannot run. So I need you

to do it. How do you feel on the beach? Because it’s like the whole world is my oyster. So I said, Sure, I’ll do it.

What was your experience like in the Legislature?

I really loved being a representative. I loved that part, and because my district was about half Democrat and half Republican, I was very respectful of that ... I’m a representative, not just a tool of the party.

I have wonderful, wonderful stories and experiences and memories, and made friends with a lot of people, including the governor (Katie Hobbs). She was right across the hall from me. Her kids sold Girl Scout cookies. I always bought Girl Scout cookies.

Then, I needed support ... A band teacher had abused me, like I was like a victim of sexual abuse when I was 10 and 11, and I really wanted to fix that.

I had for the third time called the State Department of Education, and they’re like “Oh this guy, he’s teaching over here in this district, and he’s still a band teacher, and he’s still doing this and that.” And I was just so mad, and I needed to do something. And finally, a person at the state called me back, they asked me a bunch of questions, and then they said, “I think you need to just take it to your police department.” But they said forget it, the statute of limitations ran out.

I worked on it every way I could at home, with my school. I worked everywhere I could, and they just got mad at me. And it ended up being ugly, like stupid, ugly. So, when I was in the Legislature, and I’m like, gosh, I can get on this bandwagon, and I can work on this. But the perfect partner for something like that was Katie, because that’s what she did. That was her job (social worker).

I knew Katie was a partner in all those kind of things. And because I had half Democrats in my district, we became really good friends. And if you asked her right now, she would say that we’re really good friends still. I needed her, and we needed each other. And we were both brand new in the Legislature, and we just became friends.

What brought you back to Cochise County?

I was out for a while, and then I got a call from my county chairman. He said you could pick representative or supervisor, but we want you to run for something. So I picked supervisor so I could stay home, and it was more money, and it was four years instead of just two.

Fast forward a lot of years, I am there. I’m in my second term. I’m wanting – because some constituents needed me to show them – that I did and I do care about election integrity. Everybody does, no matter what party you’re in. So when this election stuff came up, honestly, I said, there is one thing I can do ... we can hand count the ballots.

The next day, we got a letter from the secretary of state, from Katie, and she said, you need to follow the law.

What was your view on elections at the time?

I was telling everyone in the meetings everywhere, our elections are fine. These people that call themselves, we the people, for whatever reason, really want to see that for themselves, to experience that. I don’t think this is gonna hurt anything.

It wasn’t to change anything or create something out of nothing. It was to show those people that we have good elections, that our machines work. We have a good system. I talked to my IT people. I said,

“You know, they’re saying that it could be broken into, it could be hacked,” And they said, “Not with what we’re doing.” It was very protected. It was very fine. I can’t say we had problems in our elections. I had watched them very closely. For several years I had already certified them. So literally, this was just about a simple hand count of as many ballots as we could, limited by what the secretary of state said. And it became ugly and stupid.

What was the aftermath of the court-ordered vote to certify?

The people that liked me and were supporting me so loudly started hating me. And it never got better. Then, I was getting hate from everyone, the Democrats and the Republicans, and that was ugly.

What have been some milestones since taking the plea deal?

I made up with Kris Mayes ... I told her I don’t have any hard feelings ... She goes, Peggy, I need you to know this isn’t personal.

It was pretty personal to me. I was struggling all year long with my husband dying of cancer. And then I lost him, and it was pretty hard for me, and I still have this huge bill, but I said I understand. And I don’t fault you for it ... it was kind of neat. I feel better. I feel lighter. I did tell Katie, now that my case is over, I need to call her and come see her. She needs to get my side of the story. It’ll be so much easier now that I’m not indicted anymore.

Would you consider running for office again?

I might do public office. I doubt I would do the Legislature. I really need to be in something that’s not political ... I’m not political. I’m just here to do my job.

CHILD SAFETY

Feds say agency discriminates against kids, parents with disabilities



The federal government accuses the Arizona Department of Child Safety of discriminating against parents and children with disabilities. (Photo by Deposit Photos)

BY HOWARD FISCHER
Capitol Media Services

The Arizona Department of Child Safety is violating federal law by discriminating against parents and children with disabilities, according to the U.S. Department of Justice.

In findings released Dec. 16, the federal agency said DCS does not communicate effectively with parents and children with hearing disabilities, including the failure to provide interpreters. The Justice Department also concluded the state has failed to reasonably accommodate the needs of parents with disabilities in several ways, including not providing information in a simplified form.

And the federal report also said DCS denies parents with disabilities an equal chance to participate in and benefit from DCS programs and services.

All that, the Justice Department concluded, violates the Americans with Disabilities Act.

“Under the ADA, parents and children with disabilities are entitled to fair and equal treatment by child welfare agencies, said Assistant Attorney General Kristen Clarke of the Justice Department’s Civil Rights Division in a prepared statement.

What makes all that important is that it is DCS that gets involved with families in cases of abuse and neglect. It is that agency that decides when to remove a child from a home, at least temporarily – if not forever – and what steps that parents need to take to be reunited with their children.

“The Civil Rights Division is committed to ensuring that unlawful discrimination does not interfere with a parent’s opportunity to stay with or be reunited with their child and that separations are not prolonged because a child welfare agency does not give parents the effective communication and reasonable accommodations that the ADA

guarantees,” Clarke said.

So far, the federal government has not filed suit.

Instead, it sent a 13-page letter on Dec. 16 to DCS Director David Lujan detailing in depth its findings and exactly why the Department of Justice believes the agency is violating the law.

More to the point, it contains a list of things that it says DCS must do, at a minimum, to come into compliance with federal law.

Most significantly, it requires the agency to develop and implement changes in policies and procedures to ensure not only that parents with disabilities have equal access to DCS programs, services and activities and that they do not lead to discrimination. That, according to the DOJ, must include changes in DCS assessments, case plans, psychological evaluations, service plans, visitation, and reunification programs and services.

The Department of Justice also wants both DCS workers and the private contractors with whom it works to undergo training and compliance with the Americans with Disabilities Act. That includes how to consistently document the disabilities of parents and children and how to provide “appropriate modifications and effective communication” to both.

DCS also has been ordered to adopt and publish grievance procedures to resolve complaints against the agency for violating federal law as well as to pay unspecified compensatory damage to those who have complained for the injuries caused by the agency’s violations of the law.

The clock is running

In the letter to Lujan, Rebecca Bond, chief of the disability rights section of the Department of Justice, told him that he should contact her agency within two weeks “if Arizona is interested in working with the

department to reach a solution.”

“We hope to collaborate with Arizona and agree on changes the state will make to remedy the violations,” she wrote. “We must inform you, however, that if Arizona will not negotiate or if our negotiations fail, the United States may take appropriate action – including initiating a lawsuit – to remedy Arizona’s ADA violations.”

In a prepared response, DCS said it is reviewing the findings of what it said was nearly five-year long investigation “and will work with the DOJ to remedy any alleged violations of law.”

The letter to Lujan details some specific examples of where the Department of Justice says the agency denies parents with disabilities an equal chance to show they can safely parent.

One case involves a father of two children who became involved with DCS when the children’s mother died shortly after giving birth to their younger child, who was born early.

According to DOJ, the state knew from the start the father, who lived independently, had a learning disability.

The agency removed the younger child amid concerns the father was not feeding the baby properly. While the agency did not identify safety concerns for the older child, it removed that child, too, based solely on the father’s disability and DCS speculation the father had “developmental delays.”

DCS subsequently returned the older child with no issues. But the Department of Justice said the removal was traumatic for both child and father because it happened shortly after the mother’s death.

The case of the younger child lasted several years, the DOJ said, with DCS focused on the father’s “cognitive limitations” and his “adaptability.”

“DCS employees made many decisions based on assumptions and stereotypes about the father’s disability,” the letter from Bond stated.

“They also did not consistently provide the father with the reasonable modifications he asked for or obviously needed, such as written summaries and oral explanations of the child’s medical appointments, or parenting classes or other services tailored for a parent with a learning disability,” Bond continued. “DCS gave the father no services to help him build skills to raise a child with medical needs.”

After three years, Bond said, the father gave up his parental rights to his younger child.

The report cites other instances that include:

- DCS removing a newborn baby from a couple at the hospital based on generalized concerns that the mother’s autism and ADHD made her an unsafe parent, something DOJ said occurred based solely on her disability, with no actions or incidents the agency could identify as the basis for these concerns;
- Requiring a mother with traumatic brain injury to go for a neuropsychological evaluation based only on her history of TBI without identifying any specific concerns on how that was affecting her parenting, a move DOJ said likely prolonged her separation from her children;
- DCS refusal to provide even partially unsupervised visits to a couple, both with intellectual and developmental disabilities, even though they might be able to parent as a team with occasional help from their support system, and that DCS required multiple psychological evaluations “based on stereotypes and generalizations about parents with disabilities.”

NEW FACES OF THE LEGISLATURE



JAMES TAYLOR
Legislative District 29

BY JAMAR YOUNGER
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James Taylor has been active in Republican politics ever since he retired from Arizona Public Service about 12 years ago, but he never considered running for office until this year. That’s when Republican leaders in Legislative District 29 asked if Taylor would consider running for the district’s House seat after Rep. Austin Smith, R-Wittmann, withdrew his reelection bid following accusations that Smith forged signatures. Taylor ultimately won his election and will represent the district in the House alongside Rep. Steve Montenegro, R-Goodyear. Taylor described himself as a lifelong conservative Republican who believes in parental control, protecting the nuclear family, developing clean sources of energy, and economic growth and prosperity. “Everybody wants economic prosperity. So there’s no particular insight there, but I really (want) to continue the economic growth that we had in Arizona, and what that looks like,” he said. “That’s the American dream, is to have your children do better than you do.” Taylor also opposes mandates for electric vehicles and vaccines, and expressed concerns regarding election integrity. He will serve as vice chair of the House Education Committee, and also work on the Ways and Means and Public Safety committees.

REPUBLICAN



MARK FINCHEM
Legislative District 1

BY KIERA RILEY
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Mark Finchem, former Republican candidate for secretary of state and longtime member of the House of Representatives, is making his debut in the state Senate representing Legislative District 1. Upon his return to the Legislature, Finchem, branding himself a “center right conservative,” said he’s focused on “security, transparency and integrity.” As chair of both the Joint Legislative Audit Committee and the Committee on Federalism, Finchem said he plans to pay close attention to performance of all agencies due for a sunset review and to keep an eye on the “tensions” between state and federal government. Finchem is set to introduce legislation “necessary to establish a reliable transparent audit trail.” He said he intends to pay “close scrutiny” to the judiciary and said he believes judges should have to stand for direct election as he deems retention elections a “facade of accountability.” “Our Constitution guarantees us a forum for redress. It dismisses cases as fast as a race car on the Indy 500,” Finchem said. “I’m not asking for an assured outcome. I’m asking to be heard, and the courts have so far refused to hear the people who are entitled to a system of redress of grievances. So, that’s going to be a robust discussion.”

REPUBLICAN



LAUREN KUBY
Legislative District 8

BY JAMAR YOUNGER
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Former Tempe Councilwoman and Vice Mayor Lauren Kuby will represent Legislative District 8 as its state senator. The Democrat will serve on the Senate Director Nominations, and Senate Transportation, Technology and Missing Children committees. According to her campaign website, Kuby has a background in sustainability, serving as a senior global futures scientist at ASU and leading Tempe’s climate action planning when she served on the City Council. Her top priorities include clean energy, increasing mass transit options, expanding the Groundwater Management Act and allowing cities to maintain local control. She also wants to increase accountability and transparency, and highlighted her success leading a dark money ballot initiative that received support from Tempe voters in 2018. In addition, Kuby wants to focus on campaign finance reform and enhancing voter participation through measures like automatic voter registration, according to her website. Her other main issues include eliminating ESA vouchers, developing long-term sources for education funding, protecting abortion rights, increasing affordable housing and worker protections. Kuby did not respond to a request for an interview before deadline.

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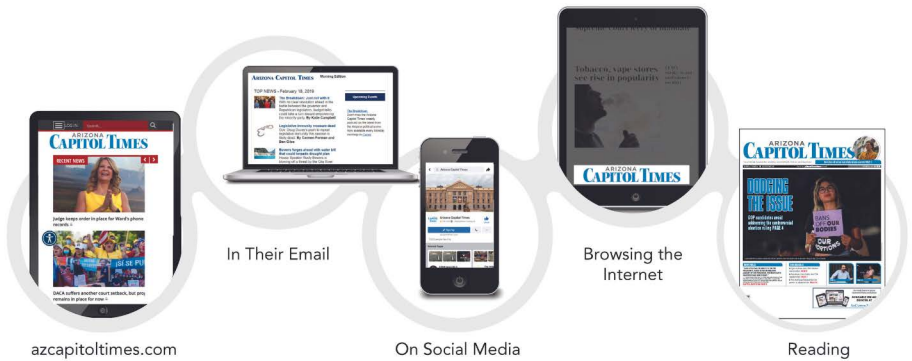
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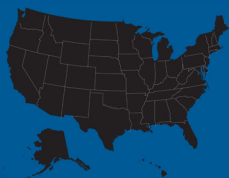


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FROM OTHER STATES

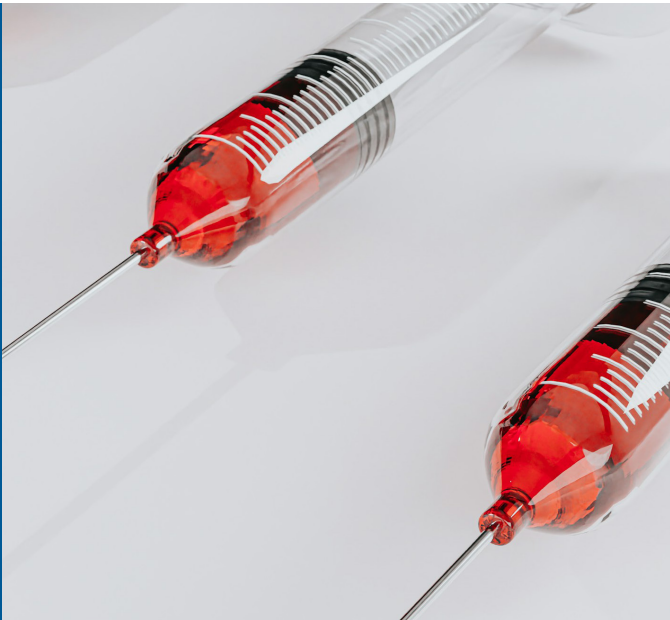
NEWS OF INTEREST FROM ACROSS THE NATION



Alabama

DEATH PENALTY SOUGHT FOR 8 CHARGED WITH KIDNAPPING, KILLING WOMAN

BIRMINGHAM — Alabama prosecutors are seeking the death penalty for the eight people charged in the kidnapping, assault and killing of a 20-year-old mother. Birmingham law enforcement say video from February shows eight people kidnapped Mahogany Jackson and physically and sexually assaulted her before fatally shooting her. The prosecutor described the case in a court document as “especially heinous, atrocious, or cruel compared to other capital offenses.” A public defender representing at least one of the suspects has filed a motion to bar the death penalty if the jury verdict is not unanimous.



Birmingham law enforcement say video from February shows eight people kidnapped Mahogany Jackson and physically and sexually assaulted her before fatally shooting her. (Photo by UnSplash)

California

MILLIONS TO TRAIN WORKERS IN DISASTER RELIEF IS LEFT ON TABLE

When disaster strikes, California gets federal funding to hire temporary workers to clean debris. But the jobs are tough, and some agencies struggle to manage the grants. The National Dislocated Worker Grants has pumped over \$210 million into California since 2015 to provide temporary, disaster-relief jobs to low-income and unemployed workers. The money came from 12 grants, each one in response to drought, floods, wildfires, or the Covid pandemic. A CalMatters analysis of public records shows the state failed to use about 20% of federal disaster-relief grants available. Officials say that’s in part because of “bureaucratic hoops,” such as delays in receiving grant money. Federal officials say if the funding isn’t used, it is reallocated.

Florida

COUNTY TO VOTE ON FINANCING FOR NEW \$1.3B BALLPARK FOR TAMPA BAY RAYS

TALLAHASSEE — After two costly delays, the Pinellas County Commission is set to vote on its share of financing for a new \$1.3 billion Tampa Bay Rays ballpark. Rays officials say they’re confident of approval this time. The overall plan was approved by the county commission and city of St. Petersburg officials this summer, but votes on the funding for the deal have been repeatedly postponed. The St. Petersburg City Council voted earlier this month to approve its share of the bonds necessary to build the new 30,000-seat ballpark. Now it’s up to the county to decide whether to ante up.

Georgia

JUDGE DENIES EX-PROSECUTOR’S MOTION TO HALT HER MISCONDUCT TRIAL

SAVANNAH — A Georgia judge has denied a former prosecutor’s legal motion to halt her upcoming trial on charges that she interfered with police investigating the 2020 killing of Ahmaud Arbery. A senior judge rejected former District Attorney Jackie Johnson’s argument that the Georgia Attorney General’s Office should be disqualified from prosecuting her. Johnson’s lawyers argued the Attorney General’s Office has a conflict of interest because members of its staff are key witnesses. Arbery, who was Black, was fatally shot in February 2020 after being chased by armed white men in pickup trucks. The men giving chase included a former employee of Johnson’s. Johnson recused her office from the case, but prosecutors say she used her office to show favor toward Arbery’s killers.

Idaho

FBI PROBES CHILD SEX ABUSE IN LITTLE-KNOWN CHRISTIAN SECT

BOISE — A small Christian sect that for decades was little noticed by the outside world has found itself riven by a very public child sex abuse scandal. In the past year, news stories and a documentary have focused on the misdeeds of predator preachers in the religious community known as the “Two by Twos,” as well as the leaders who sent them to live with unsuspecting families. Survivors say leaders pressured victims to keep quiet and sometimes failed to make legally required reports to police. The FBI is investigating, and a website, a hotline and social media pages established by victims have documented allegations against more than 900 abusers, with survivors in more than 30 countries.

Kansas

MAN PLEADS GUILTY TO DEATH OF 5-YEAR-OLD GIRL IN HOMELESS CAMP

TOPEKA — A man who lived in a makeshift camp with a homeless 5-year-old Kansas girl and her father has pleaded guilty to rape and first-degree murder in connection with the child’s death. Prosecutors said that Mickel Cherry, 26, admitted suffocating Zoey Felix in October 2023 with a pillow in a tent at the camp in Topeka. Cherry’s plea in Shawnee County District Court in Topeka means he will not face the death penalty. Cherry had been charged with capital murder, but District Attorney Mike Kagay said Cherry may have an intellectual disability, and that would bar his execution. His sentence will be life in with prison no possibility of parole for at least 25 years.

Kentucky

GOVERNOR UNVEILS PAID LEAVE PLAN FOR STATE WORKERS

FRANKFORT — Gov. Andy Beshear has announced a plan to give state employees paid time off so they can bond with a new child or deal with a serious medical situation. Beshear said that the added benefit will allow state executive branch workers up to six weeks of paid leave, available in three intervals during an employee’s career. New hires will immediately become eligible for six weeks of paid time off. Another six weeks of paid leave will be offered two more times: when an employee reaches 10 years of service and again at 20 years.

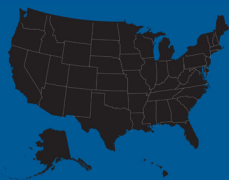
Louisiana

NEW ORLEANS WANTS TO END FEDERAL OVERSIGHT OF ITS POLICE

NEW ORLEANS — Federal prosecutors have joined the city of New Orleans in pushing to end more than a decade of federal oversight of the police department. But critics want the oversight to continue. Activists point to lackluster police efforts at community engagement, poor handling of sex crimes and racial disparities in the use of force. One of the federal monitors formed a nonprofit and hired former New Orleans police leaders to help monitor Minneapolis police in the wake of George Floyd’s murder. But critics say the reform in New Orleans is hardly a success story that should be replicated nationwide.

FROM OTHER STATES

NEWS OF INTEREST FROM ACROSS THE NATION



Missouri

DEATH ROW HAD NEARLY 100 INMATES IN 1990S – NOW HAS 8

ST. LOUIS — Missouri’s status as one of the most active death penalty states is about to change for one simple reason: The state is running out of inmates to execute. The lethal injection of Christopher Collings on Dec. 3 left just eight men on Missouri’s death row. By contrast, nearly 100 people were living with a death sentence three decades ago. Missouri isn’t alone. Across the nation, the number of people awaiting the ultimate punishment has declined sharply over the past three decades. There are several reasons. Prosecutors are hesitant to take on the expense of a capital case. The Supreme Court has banned execution of those who were minors at the time of the crime, and the mentally disabled.

Montana

RULE BLOCKED THAT PREVENTED TRANSGENDERS FROM CHANGING SEX ON DOCUMENTS

HELENA — A state judge has temporarily blocked policies that prevented transgender people from changing the sex designation on their birth certificates and driver’s licenses. District Judge Mike Menahan issued his order, blocking the rule while the case moves through the courts. The state had argued that sex is binary and that correct information is needed by the state for vital statistics. Menahan rejected the state’s argument that discrimination against transgender people was not illegal discrimination based on sex. The American Civil Liberties Union argued that requiring people to carry documents that contradict their identity violates their right to privacy.

Nevada

AG REVIVES 2020 FAKE ELECTORS CASE

LAS VEGAS — Nevada’s attorney general has revived the state’s 2020 fake electors case. Democrat Aaron Ford said that six Nevada Republicans are again charged with a felony tied to the bogus certificate they submitted to Congress declaring Donald Trump the 2020 winner in Nevada. A Las Vegas-area judge dismissed the original indictment over the summer. Ford says the new case was filed in the state capital of Carson City to avoid the statute of limitations expiring while he appeals the judge’s ruling. The defendants include Nevada GOP chair Michael McDonald. His attorney called the new complaint a political move. Attorneys for the others didn’t respond to emails seeking comment.

New Mexico

HARASSMENT PROBE CLEARS NAVAJO PRESIDENT, STOKES POLITICAL UPHEAVAL

SANTA FE — Political turmoil is erupting within one of the largest Native American tribes in the U.S. as the top attorney for the Navajo Nation announced that an investigation has cleared the Navajo president of sexual harassment allegations by the vice president. Even as results of the investigation were announced, Navajo Nation Attorney General Ethel Branch was removed from office by tribal lawmakers. The investigation found that the allegations against President Buu Nygren did not constitute sexual harassment. Nygren expressed vindication and warned of political instability with implications for major Navajo Nation ventures.

North Dakota

REGULATORS OK UNDERGROUND STORAGE FOR CARBON DIOXIDE PIPELINE

BISMARCK — North Dakota regulators have approved permits for underground carbon dioxide storage for a massive pipeline proposed for the Midwest. The approval is another victory for Summit Carbon Solutions, whose project has faced fierce opposition from landowners. The proposed 2,500-mile, \$8 billion pipeline would transport carbon dioxide emissions from 57 ethanol plants in North Dakota, South Dakota, Iowa, Minnesota and Nebraska for storage deep underground in North Dakota. Summit has approval for its route in Iowa and North Dakota. Some opponents argue the amount of greenhouse gases sequestered through the process won’t have a great impact.

Oregon

LAWMAKERS OK \$218M IN EMERGENCY WILDFIRE FUNDING

SALEM — Oregon lawmakers have approved \$218 million in emergency wildfire funding after convening for a special session. The state has seen a historic wildfire season in 2024. Blazes scorched a record 1.9 million acres, largely in rural eastern Oregon, and destroyed over 40 homes. According to Gov. Tina Kotek’s office, fighting the fires cost the state over \$350 million, making it the most expensive wildfire season in Oregon history. The emergency funding will help state agencies pay the contractors that helped fight the blazes and provide resources. Oregon is among several states, including California, Wyoming and North Dakota, that have requested federal disaster declarations this year to help with wildfire recovery costs.

Texas

MORE COLLEGE AID WILL HELP MEET WORKFORCE NEEDS, HIGHER ED CHIEF SAYS

Wynn Rosser will take the helm of Texas’ higher education agency in the new year. The bow tie-wearing East Texan with multigenerational familial roots in rural life will serve as the chief executive officer of the Coordinating Board, the state agency that oversees Texas’ financial aid programs and helps enact the state’s strategic vision for public higher education. Rosser said he is focused on getting more low-income Texans to college because a postsecondary degree is a pathway to a stable job and can transform future generations of families. And the state can get there by expanding financial aid programs, investing in research and emphasizing associate degrees and certificates.

Utah

ROMNEY’S EXIT MAY CREATE VACUUM OF CONSERVATIVE TRUMP CRITICS

SALT LAKE CITY — Sen. Mitt Romney has given his final remarks after seeing the Republican Party for which he was once the standard bearer drastically transform under Donald Trump. At a news conference at his Salt Lake City office, the retiring senator reflected on his two-decade political career, which included the 2012 Republican presidential nomination, a term as Massachusetts governor and several skirmishes with Trump loyalists in Congress. Romney, 77, chose not to run for reelection this year after representing Utah in the Senate since 2019.

Wisconsin

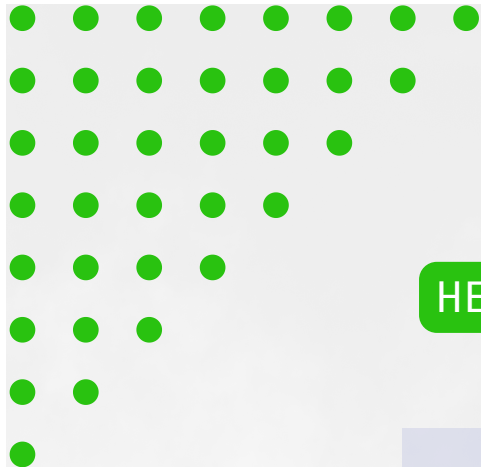
MOTIVE NEXT KEY TASK AS POLICE PROBE FATAL SCHOOL SHOOTING

MADISON — Investigators in Wisconsin are trying to determine a motive in a school shooting that left a teacher and a student dead and two other children in critical condition. Shon Barnes, the police chief in Madison, Wisconsin, says police were made aware of a “manifesto” or “some type of letter” posted by someone who knew the 15-year-old shooter. The shooting occurred at Abundant Life Christian School. The shooter died of a self-inflicted gunshot wound. Six people were wounded.

Wyoming

NEW APPROACH TO GRIZZLIES SOUGHT AHEAD OF TRUMP PRESIDENCY

CHEYENNE — Environmental groups are asking the U.S. government to do more to protect grizzly bears in Wyoming, Montana and Idaho. Their request comes just weeks before a court-imposed deadline and political change that will chart the future of the region’s grizzlies.



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Charles Long II; death resolution

Sen. Catherine Miranda D

Sen. Ken Bennett R

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Compare Group Track

SCR1043

Teofilo Archuleta Tachias; death resolution

Sen. Catherine Miranda D

Sen. Ken Bennett R

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SR1005

Greg Jernigan; fifty years; service

Sen. Warren Petersen R

Sen. Sonny Borrelli R

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