

# A G E N D A

## Joint Select Committee on Constitutional Reform

House Committee Room 0112  
State Capitol Building  
Thursday, March 6, 2008  
8:00 a.m.

### SUMMARY FOLLOWS AGENDA

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**8:00 a.m.**                    **I. Call to Order**

**II. Opening Comments**

- *Senator Abel Tapia, Chair*
- *Representative Al White, Vice-Chair*

**8:05 a.m.**                    **III. Committee Discussion of Recommendations**

**9:00 a.m.**                    **IV. Adjourn**

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### Final

#### STAFF SUMMARY OF MEETING

#### COMMITTEE ON CONSTITUTIONAL REFORMS

Date: 03/06/2008

Time: 08:03 AM to 09:05 AM

Place: HCR 0112

#### ATTENDANCE

This Meeting was called to order by:  
Senator Tapia

This Report was prepared by:  
Cathy Eslinger

Kerr A.	E*
Mitchell S.	E*
Roberts	X
Shaffer	X
White	X
Tapia	X

X = Present, E = Excused, A = Absent,  
\* = Present after roll call

#### 08:03 AM -- Call to Order

The meeting was called to order by the chairman, Senator Tapia. Senior advisers present at the meeting were: Norma Anderson, Stan Matsunaka, Cathy Shull, and Penfield Tate. Barbara Montgomery was present by speaker phone.

#### 08:04 AM -- Discussion of Recommendations

Senator Tapia announced that he intended for this to be the final meeting of the committee and said that he wanted to share his ideas about potential

recommendations. He indicated that he has received feedback from the Senate and House leadership and the Office of the Governor on the work that the committee has done. He indicated that he felt that the recommendations that he would discuss would all fall within the scope of the committee's charge. He distinguished the work of the committee from that of an interim committee. Senator Tapia said that leadership in the House and Senate wished to have input into some of the details of any proposals. Further, he invited members to join him at a press conference at 1:00 p.m. today to discuss the work and recommendations of the committee. Senator Tapia said he would emphasize that the committee had listened to a variety of presenters, looked at work that has been done previously, and did not try to "reinvent the wheel." After consideration, Senator Tapia said he decided not to ask to extend the time frame for the committee. He also thanked the senior advisers for all of their input and work. Senator Tapia discussed the possibility of the Office of Legislative Legal Services beginning to work on the general recommendations of the committee.

**08:11 AM**

Senator Tapia discussed a recommendation for changing the basis for petition signatures from one based on a percentage of votes cast for the Office of the Secretary of State to one based on the votes cast for the Office of Governor. He asked Ed DeCecco and Jason Gelender, Office of Legislative Legal Services, to come to the table. Senator Tapia spoke to the issue of differentiating the percentage requirement for petition signatures between constitutional and statutory measures. He said he had been asked by leadership to wait to make a final recommendation on the details of that type of change.

**08:14 AM**

Senator Anderson said that she might recommend a change such as 4 percent for statutory measures and 8 percent for constitutional measures, both of which would be based on votes cast for the Office of the Governor. Senator Mitchell commented that he is concerned that the committee spent considerable time considering the initiative process and now any decisions would be delayed for additional input. He asked what the role of the committee would end up being if specific recommendations were not made. He thanked the senior advisers for all of their time and input. Senator Tapia responded to Senator Mitchell's concerns and said that he felt that there would be a lot of worthwhile legislative debate forthcoming and that all of the committee's recommendations would be forwarded to leadership. Senator Mitchell made further comments concerning his wish that the committee would offer specific recommendations.

**08:21 AM**

Senator Tate returned to the issue of a new threshold for petition signatures. He said that he advocated a threshold based on the Office of the Governor, with a differentiation of 5 percent and 10 percent for statutory and constitutional measures. Senator Tapia continued discussing his ideas for a geographic distribution requirement that would require that a specific percentage of signatures be gathered from each of the seven congressional districts. He indicated that a specific percentage would have to be thoroughly discussed. Representative Roberts and Ms. Shull discussed their support for use of state Senate districts. The issue of a requiring a specific minimum number of signatures from each geographic unit, such as 1,500, was raised.

**08:29 AM**

Senator Tapia continued his presentation of recommendations by discussing the possibility of protection for initiated statutes. Such protection would require a two-thirds vote of the legislature to amend or repeal initiated statutes for a specified period of time. A time period of between five and ten years was the range generally discussed by the committee. Senator Tapia also advocated consideration of a lengthier initiative process. Such a change might move up the deadline for filing petition signatures, so that there would be more time between the submission of petition signatures to the Secretary of State and the election at which the measure would be on the ballot. Mr. Gelender responded to questions in regard to the filing deadline. Senator Tapia spoke about taking the information that the committee had gathered and heard into account when determining this recommendation, after which Senator Anderson commented on a proposal by Representative Madden to change the process so that a certain percentage of signatures would be gathered prior to a final review and comment hearing on an initiative. Representative A. Kerr said that he hoped that this type of recommendation would be expressed as strengthening the review process rather than merely extending the initiative process. Ms. Montgomery spoke to the input and recommendations of Action 22 and alignment of several of its proposals with the recommendations of the committee.

**08:40 AM**

Senator Tapia asked the Office of Legislative Legal Services to comment on the potential drafting process for the committee's recommendations. Mr. DeCecco said he thought a single title could encompass the ideas under discussion, but that if there were proposals for differentiating requirements for constitutional and statutory measures, the recommendations could be considered separately. Mr. Gelender spoke to the possible need for implementing legislation that would be contingent on the passage of a constitutional proposal. Representative Roberts expressed concern about trying to draw out the debate and drafting process too much and of hopes to move the legislative debate forward. Senator Tapia responded that he also felt that the committee's ideas should be drafted and debated in an expedited manner. Representative Roberts expressed her wish to weigh in on some of the details of the recommendations. Senator Mitchell spoke to the committee's charge and his concern that the committee would not be producing draft legislation. Senator Mitchell moved that the committee take a vote on specifying its recommendations for signature petition thresholds, a geographic distribution requirement, and a time period for protection of initiated statutes.

**08:50 AM**

Senator Tapia responded to Senator Mitchell's concerns and said that he hoped that the Office of Legislative Legal Services could begin the drafting process without much delay. Representative Roberts made further comments and voiced concerns about the nature of the nonpartisan committee work changing with partisan input. Senator Shaffer provided his ideas about the process and time frame for putting ideas into legislation. He said that the committee has begun a process that would

play out expeditiously. Senator Tate urged the committee to present a comprehensive package forward for the 2008 election and to consider some of the ideas in Representative Madden's draft concurrent resolution. Senator Anderson expressed her concern that a measure that encompassed many ideas could foment opposition. Senator Tapia said he would allow Senator Mitchell's motion to go to a committee vote.

<b>BILL:</b>	<b>Discussion of Recommendations</b>	
<b>TIME:</b>		<b>08:56:23 AM</b>
<b>MOVED:</b>		Mitchell S.
<b>MOTION:</b>		Moved to have committee votes on the recommendations of the committee, with specifics to be decided on petition signature thresholds, a geographic distribution requirement, and a time period for protection of initiated statutes. The motion failed on a 3-3 tie vote.
<b>SECONDED:</b>		Roberts
		<b>VOTE</b>
	Kerr A.	No
	Mitchell S.	Yes
	Roberts	Yes
	Shaffer	No
	White	Yes
	Tapia	No
		<b>Not Final YES: 3 NO: 3 EXC: 0 ABS: 0 FINAL ACTION: TIE</b>

**08:57 AM**

Following the failure of Senator Mitchell's motion, Senator Tapia indicated that he would go forward with votes on specific recommendations of the committee. He presented options for a petition signature requirement for statutory and constitutional measures based on the number of votes cast for the Office of the Governor in the prior general election. He spoke to a proposal for changing the petition signature requirement for statutory initiatives to 4 percent of votes cast for the Office of the Governor in the prior general election and changing the petition signature requirement for constitutional amendments to 6 percent of votes cast for the Office of the Governor in the prior general election.

<b>BILL:</b>	<b>Discussion of Recommendations</b>	
<b>TIME:</b>		<b>08:58:52 AM</b>
<b>MOVED:</b>		Tapia
<b>MOTION:</b>		Moved to recommend changing the petition signature requirement for statutory initiatives to 4 percent of votes cast for the Office of the Governor in the prior general election and changing the petition signature requirement for constitutional amendments to 6 percent of votes cast for the Office of the Governor in the prior general election. The motion passed on a 5-1 roll call vote.
<b>SECONDED:</b>		
		<b>VOTE</b>
	Kerr A.	Yes
	Mitchell S.	Yes
	Roberts	Yes
	Shaffer	Yes
	White	No
	Tapia	Yes
		<b>Not Final YES: 5 NO: 1 EXC: 0 ABS: 0 FINAL ACTION: PASS</b>

**8:59 AM**

Senator Tapia discussed a proposal for a geographic distribution requirement based on congressional districts, with the potential for requiring a minimum number of 1,500 signatures from each congressional district. Senator Mitchell offered a recommendation to require, for proposed constitutional amendments, that at least 10 percent of the total signatures required be gathered from each of the state's congressional districts. Representative Roberts spoke about her concerns and commented that Senator Mitchell's proposal appeared to address her concerns.

<b>BILL:</b>	<b>Discussion of Recommendations</b>	
<b>TIME:</b>		<b>09:00:07 AM</b>
<b>MOVED:</b>		Mitchell
<b>MOTION:</b>		Moved to recommend that of the total number of petition signatures required for constitutional amendments, at least 10 percent of the total required signatures be gathered from <u>each</u> of the state's seven congressional districts. The motion passed on a 6-0 roll call vote.
<b>SECONDED:</b>		
		<b>VOTE</b>
	Kerr A.	Yes
	Mitchell S.	Yes
	Roberts	Yes
	Shaffer	Yes
	White	Yes
	Tapia	Yes
		<b>Not Final YES: 6 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: PASS</b>

9:01 AM

Senator Tapia discussed the options that the committee had to recommend a period of protection for initiated statutes.

<b>BILL:</b>	<b>Discussion of Recommendations</b>	
<b>TIME:</b>		<b>09:02:58 AM</b>
<b>MOVED:</b>		White
<b>MOTION:</b>		Moved to recommend to protect initiated statutes by specifying that such statutes may not be amended by the General Assembly without a two-thirds vote of each chamber for a period of ten years. The motion failed on a 2-4 roll call vote.
<b>SECONDED:</b>		
		<b>VOTE</b>
	Kerr A.	No
	Mitchell S.	No
	Roberts	No
	Shaffer	Yes
	White	Yes
	Tapia	No
		<b>Not Final YES: 2 NO: 4 EXC: 0 ABS: 0 FINAL ACTION: FAIL</b>

<b>BILL:</b>	<b>Discussion of Recommendations</b>	
<b>TIME:</b>		<b>09:04:25 AM</b>
<b>MOVED:</b>		Tapia
<b>MOTION:</b>		Moved to recommend to protect initiated statutes by specifying that such statutes may not be amended by the General Assembly without a two-thirds vote of each chamber for a period of six years. The motion passed on 6-0 roll call vote.
<b>SECONDED:</b>		
		<b>VOTE</b>
	Kerr A.	Yes
	Mitchell S.	Yes
	Roberts	Yes
	Shaffer	Yes
	White	Yes
	Tapia	Yes
		<b>Not Final YES: 6 NO: 0 EXC: 0</b>

**09:05 AM**

Senator Tapia expressed his gratitude to members and senior advisers and asked them to join him at a press conference at 1:00 p.m. today to announce the committee's recommendations.

**09:05 AM**

The committee adjourned.