

REFERENCE TITLE: full-time legislature; compensation; effective dates

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HCR 2029

Introduced by
Representative Cobb

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, ARTICLE IV, PART 2, SECTION 3 AND ARTICLE V, SECTION 12, CONSTITUTION OF ARIZONA; RELATING TO THE LEGISLATURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Article IV, part 1, section 1, Constitution of Arizona, is
4 proposed to be amended as follows if approved by the voters and on
5 proclamation of the Governor:

6 1. Legislative authority; initiative and referendum

7 Section 1. (1) Senate; house of representatives;
8 reservation of power to people. The legislative authority of
9 ~~the~~ THIS state shall be vested in the legislature, consisting
10 of a senate and a house of representatives, but the people
11 reserve the power to propose laws and amendments to the
12 constitution and to enact or reject such laws and amendments
13 at the polls, independently of the legislature; and they also
14 reserve, for use at their own option, the power to approve or
15 reject at the polls any act, or item, section, or part of any
16 act, of the legislature.

17 (2) Initiative power. The first of these reserved
18 powers is the initiative. Under this power ten ~~per centum~~
19 PERCENT of the qualified electors shall have the right to
20 propose any measure, and fifteen ~~per centum~~ PERCENT shall have
21 the right to propose any amendment to the constitution.

22 (3) Referendum power; emergency measures; effective
23 date of acts. The second of these reserved powers is the
24 referendum. Under this power the legislature, or five ~~per~~
25 ~~centum~~ PERCENT of the qualified electors, may order the
26 submission to the people at the polls of any measure, or item,
27 section, or part of any measure, enacted by the legislature,
28 except laws immediately necessary for the preservation of the
29 public peace, health, or safety, or for the support and
30 maintenance of the departments of the state government and
31 state institutions; but to allow opportunity for referendum
32 petitions, no act passed by the legislature shall be operative
33 ~~for~~ UNTIL FROM AND AFTER THE NEXT LAST DAY OF JUNE OR DECEMBER
34 THAT IS AT LEAST ninety days after the ~~close of the session of~~
35 ~~the legislature enacting such~~ measure IS SIGNED BY THE
36 GOVERNOR, BECOMES LAW IN THE LIKE MANNER AS IF THE GOVERNOR
37 SIGNED IT OR IS PASSED ON RECONSIDERATION AFTER THE GOVERNOR
38 DISAPPROVES IT, AS PROVIDED IN ARTICLE V, SECTION 7 OF THIS
39 CONSTITUTION, except such as require earlier operation to
40 preserve the public peace, health, or safety, or to provide
41 appropriations for the support and maintenance of the
42 departments of the state and of state institutions; provided,
43 that no such emergency measure shall be considered passed by
44 the legislature unless it shall state in a separate section
45 why it is necessary that it shall become immediately

1 operative, and shall be approved by the affirmative votes of
2 two-thirds of the members elected to each house of the
3 legislature, taken by roll call of ayes and nays, and also
4 approved by the governor; and should such measure be vetoed by
5 the governor, it shall not become a law unless it shall be
6 approved by the votes of three-fourths of the members elected
7 to each house of the legislature, taken by roll call of ayes
8 and nays.

9 (4) Initiative and referendum petitions; filing. All
10 petitions submitted under the power of the initiative shall be
11 known as initiative petitions, and shall be filed with the
12 secretary of state not less than four months preceding the
13 date of the election at which the measures so proposed are to
14 be voted ~~upon~~ ON. All petitions submitted under the power of
15 the referendum shall be known as referendum petitions, and
16 shall be filed with the secretary of state not more than
17 ninety days after ~~the final adjournment of the session of the~~
18 ~~legislature which shall have passed~~ the measure to which the
19 referendum is applied IS SIGNED BY THE GOVERNOR, BECOMES LAW
20 IN THE LIKE MANNER AS IF THE GOVERNOR SIGNED IT OR IS PASSED
21 ON RECONSIDERATION AFTER THE GOVERNOR DISAPPROVES IT, AS
22 PROVIDED IN ARTICLE V, SECTION 7 OF THIS CONSTITUTION. The
23 filing of a referendum petition against any item, section, or
24 part of any measure shall not prevent the remainder of such
25 measure from becoming operative.

26 (5) Effective date of initiative and referendum
27 measures. Any measure or amendment to the constitution
28 proposed under the initiative, and any measure to which the
29 referendum is applied, shall be referred to a vote of the
30 qualified electors, and shall become law when approved by a
31 majority of the votes cast thereon and ~~upon~~ ON proclamation of
32 the governor, and not otherwise.

33 (6) (A) Veto of initiative or referendum. The veto
34 power of the governor shall not extend to an initiative
35 measure approved by a majority of the votes cast thereon or to
36 a referendum measure decided by a majority of the votes cast
37 thereon.

38 (6) (B) Legislature's power to repeal initiative or
39 referendum. The legislature shall not have the power to
40 repeal an initiative measure approved by a majority of the
41 votes cast thereon or to repeal a referendum measure decided
42 by a majority of the votes cast thereon.

43 (6) (C) Legislature's power to amend initiative or
44 referendum. The legislature shall not have the power to amend
45 an initiative measure approved by a majority of the votes cast

1 thereon, or to amend a referendum measure decided by a
2 majority of the votes cast thereon, unless the amending
3 legislation furthers the purposes of such measure and at least
4 three-fourths of the members of each house of the legislature,
5 by a roll call of ayes and nays, vote to amend such measure.

6 (6) (D) Legislature's power to appropriate or divert
7 funds created by initiative or referendum. The legislature
8 shall not have the power to appropriate or divert funds
9 created or allocated to a specific purpose by an initiative
10 measure approved by a majority of the votes cast thereon, or
11 by a referendum measure decided by a majority of the votes
12 cast thereon, unless the appropriation or diversion of funds
13 furthers the purposes of such measure and at least
14 three-fourths of the members of each house of the legislature,
15 by a roll call of ayes and nays, vote to appropriate or divert
16 such funds.

17 (7) Number of qualified electors. The whole number of
18 votes cast for all candidates for governor at the general
19 election last preceding the filing of any initiative or
20 referendum petition on a state or county measure shall be the
21 basis on which the number of qualified electors required to
22 sign such petition shall be computed.

23 (8) Local, city, town or county matters. The powers of
24 the initiative and the referendum are hereby further reserved
25 to the qualified electors of every incorporated city,
26 town,~~—~~ and county as to all local, city, town,~~—~~ or county
27 matters on which such incorporated cities, towns,~~—~~ and
28 counties are or shall be empowered by general laws to
29 legislate. Such incorporated cities, towns,~~—~~ and counties may
30 prescribe the manner of exercising said powers within the
31 restrictions of general laws. Under the power of the
32 initiative fifteen ~~per centum~~ PERCENT of the qualified
33 electors may propose measures on such local, city, town,~~—~~ or
34 county matters, and ten ~~per centum~~ PERCENT of the electors may
35 propose the referendum on legislation enacted within and by
36 such city, town,~~—~~ or county. Until provided by general law,
37 said cities and towns may prescribe the basis on which said
38 percentages shall be computed.

39 (9) Form and contents of initiative and of referendum
40 petitions; verification. Every initiative or referendum
41 petition shall be addressed to the secretary of state in the
42 case of petitions for or on state measures, and to the clerk
43 of the board of supervisors, city clerk,~~—~~ or corresponding
44 officer in the case of petitions for or on county, city,~~—~~ or
45 town measures; and shall contain the declaration of each

1 petitioner, for himself, that he is a qualified elector of the
2 state (and in the case of petitions for or on city, town, or
3 county measures, of the city, town, or county affected), his
4 post office address, the street and number, if any, of his
5 residence, and the date on which he signed such petition.
6 Each sheet containing petitioners' signatures shall be
7 attached to a full and correct copy of the title and text of
8 the measure so proposed to be initiated or referred to the
9 people, and every sheet of every such petition containing
10 signatures shall be verified by the affidavit of the person
11 who circulated said sheet or petition, setting forth that each
12 of the names on said sheet was signed in the presence of the
13 affiant and that in the belief of the affiant each signer was
14 a qualified elector of the state, or in the case of a city,
15 town, or county measure, of the city, town, or county affected
16 by the measure so proposed to be initiated or referred to the
17 people.

18 (10) Official ballot. When any initiative or referendum
19 petition or any measure referred to the people by the
20 legislature ~~shall be~~ IS filed, in accordance with this
21 section, with the secretary of state, ~~he~~ THE SECRETARY OF
22 STATE shall cause to be printed on the official ballot at the
23 next regular general election the title and number of said
24 measure, together with the words "yes" and "no" in such manner
25 that the electors may express at the polls their approval or
26 disapproval of the measure.

27 (11) Publication of measures. The text of all measures
28 to be submitted shall be published as proposed amendments to
29 the constitution are published, and in submitting such
30 measures and proposed amendments the secretary of state and
31 all other officers shall be guided by the general law until
32 legislation shall be especially provided therefor.

33 (12) Conflicting measures or constitutional amendments.
34 If two or more conflicting measures or amendments to the
35 constitution shall be approved by the people at the same
36 election, the measure or amendment receiving the greatest
37 number of affirmative votes shall prevail in all particulars
38 as to which there is conflict.

39 (13) Canvass of votes; proclamation. It shall be the
40 duty of the secretary of state, in the presence of the
41 governor and the chief justice of the supreme court, to
42 canvass the votes for and against each such measure or
43 proposed amendment to the constitution within thirty days
44 after the election, and ~~upon~~ ON the completion of the canvass
45 the governor shall forthwith issue a proclamation, giving the

1 whole number of votes cast for and against each measure or
2 proposed amendment, and declaring such measures or amendments
3 as are approved by a majority of those voting thereon to be
4 law.

5 (14) Reservation of legislative power. This section
6 shall not be construed to deprive the legislature of the right
7 to enact any measure except that the legislature shall not
8 have the power to adopt any measure that supersedes, in whole
9 or in part, any initiative measure approved by a majority of
10 the votes cast thereon or any referendum measure decided by a
11 majority of the votes cast thereon unless the superseding
12 measure furthers the purposes of the initiative or referendum
13 measure and at least three-fourths of the members of each
14 house of the legislature, by a roll call of ayes and nays,
15 vote to supersede such initiative or referendum measure.

16 (15) Legislature's right to refer measure to the people.
17 Nothing in this section shall be construed to deprive or limit
18 the legislature of the right to order the submission to the
19 people at the polls of any measure, item, section, or part of
20 any measure.

21 (16) Self-executing. This section of the constitution
22 shall be, in all respects, self-executing.

23 2. Article IV, part 2, section 3, Constitution of Arizona, is
24 proposed to be amended as follows if approved by the voters and on
25 proclamation of the Governor:

26 3. Sessions of legislature; special sessions;
27 limitation of subjects for consideration

28 Section 3. The sessions of the legislature shall be
29 held annually at the capitol of the state. ~~and~~ THE REGULAR
30 SESSION shall commence on the second Monday of January of each
31 year AND SHALL ADJOURN SINE DIE ON THE THIRD FRIDAY OF
32 NOVEMBER OF EACH YEAR. The governor may call a special
33 session, whenever in ~~his~~ THE GOVERNOR'S judgment it is
34 advisable. In calling a special session, the governor shall
35 specify the subjects to be considered, and at such special
36 session no laws shall be enacted except such as relate to the
37 subjects mentioned in the call.

38 3. Article V, section 12, Constitution of Arizona, is proposed to
39 be amended as follows if approved by the voters and on proclamation of the
40 Governor:

41 12. Compensation of elective state officers;
42 commission on salaries for elective state
43 officers

44 Section 12. A. The salaries of those holding elective
45 state offices OTHER THAN THE OFFICE OF STATE LEGISLATOR shall

1 be as established by law from time to time, subject to the
 2 limitations of article ~~6~~ VI, section 33 OF THIS CONSTITUTION
 3 and to the limitations of article ~~4~~ IV, part 2, section 17 OF
 4 THIS CONSTITUTION. Such salaries as are presently established
 5 may be altered from time to time by the procedure established
 6 in this section or as otherwise provided by law, except that
 7 legislative salaries may be altered only by the procedures
 8 established in this section.

9 B. A commission to be known as the commission on
 10 salaries for elective state officers is authorized to be
 11 established by the legislature. The commission shall be
 12 composed of five members appointed from private life, two of
 13 whom shall be appointed by the governor and one each by the
 14 president of the senate, the speaker of the house of
 15 representatives, and the chief justice. At such times as may
 16 be directed by the legislature, the commission shall report to
 17 the governor with recommendations concerning the rates of pay
 18 of elected state officers. The governor shall ~~upon~~ ON the
 19 receipt of such report make recommendations to the legislature
 20 with respect to the exact rates of pay ~~which he~~ THAT THE
 21 GOVERNOR deems advisable for those offices and positions ~~other~~
 22 ~~than for the rates of pay of members of the legislature.~~ Such
 23 recommendations shall become effective at a time established
 24 by the legislature after the transmission of the
 25 recommendation of the governor without aid of further
 26 legislative action unless, within such period of time, there
 27 has been enacted into law a statute ~~which~~ THAT establishes
 28 rates of pay other than those proposed by the governor, or
 29 unless either house of the legislature specifically
 30 disapproves all or part of the governor's recommendation. The
 31 recommendations of the governor, unless disapproved or altered
 32 within the time provided by law, shall be effective; ~~and any~~
 33 ~~1971 recommendations shall be effective as to all offices on~~
 34 ~~the first Monday in January of 1973.~~ In case of either a
 35 legislative enactment or disapproval by either house, the
 36 recommendations shall be effective only insofar as not altered
 37 or disapproved. ~~The recommendations of the commission as to~~
 38 ~~legislative salaries shall be certified by it to the secretary~~
 39 ~~of state and the secretary of state shall submit to the~~
 40 ~~qualified electors at the next regular general election the~~
 41 ~~question, "Shall the recommendations of the commission on~~
 42 ~~salaries for elective state officers concerning legislative~~
 43 ~~salaries be accepted? [] Yes [] No."~~ Such recommendations
 44 ~~if approved by the electors shall become effective at the~~
 45 ~~beginning of the next regular legislative session without any~~

1 ~~other authorizing legislation.~~ All recommendations ~~which~~ THAT
2 become effective under this section shall supersede all laws
3 enacted ~~prior to~~ BEFORE their effective date relating to such
4 salaries.

5 C. BEGINNING JANUARY 9, 2023, THE SALARY OF STATE
6 LEGISLATORS IS \$72,000. THE SALARY SHALL BE INCREASED ON
7 JANUARY 1 OF SUCCESSIVE YEARS BY THE INCREASE IN THE COST OF
8 LIVING. THE INCREASE IN THE COST OF LIVING SHALL BE MEASURED
9 BY THE PERCENTAGE INCREASE AS OF AUGUST OF THE IMMEDIATELY
10 PRECEDING YEAR OVER THE LEVEL AS OF AUGUST OF THE PREVIOUS
11 YEAR OF THE CONSUMER PRICE INDEX (ALL URBAN CONSUMERS, UNITED
12 STATES CITY AVERAGE FOR ALL ITEMS) OR ITS SUCCESSOR INDEX AS
13 PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR OR ITS
14 SUCCESSOR AGENCY, WITH THE AMOUNT OF THE SALARY INCREASE
15 ROUNDED TO THE NEAREST MULTIPLE OF \$100. STATE LEGISLATORS
16 ARE ALSO ELIGIBLE TO RECEIVE REIMBURSEMENT FOR TRAVEL AND
17 SUBSISTENCE EXPENSES INCURRED AS PROVIDED BY LAW.

18 4. The Secretary of State shall submit this proposition to the
19 voters at the next general election as provided by article XXI,
20 Constitution of Arizona.