



CORRECTED

Bill Number: H.C.R. 2039

Mesnard Floor Amendment

Reference to: House Engrossed Resolution

Amendment drafted by: Anna Nguyen

FLOOR AMENDMENT EXPLANATION

- 1. Replaces the automatic termination of a Governor-proclaimed state of emergency after 30 days, with the automatic termination of the emergency powers granted to the Governor during a state of emergency after 30 days, unless extended or altered by the Legislature.**
- 2. Allows the Legislature to alter or limit the emergency powers, if the Legislature extends the emergency powers grant to the Governor during a state of emergency.**
- 3. Exempts the emergency powers granted to the Governor for a state of emergency relating to a flood or fire from automatic termination after 30 days and the requirement that the Legislature extend the emergency powers by concurrent resolution.**
- 4. Requires, if the Legislature is not convened, the Governor to promptly call a special session to assemble the Legislature on the date specified upon the presentation of a petition bearing the signatures of at least one-third of the members of each house requesting a special session for the purpose of terminating or altering the emergency powers granted to the Governor during state of emergency.**
- 5. Removes the prohibition on the Legislature from extending a state of emergency for more than 30-days at a time.**
- 6. Removes the requirement that the Governor call a special session to assemble the Legislature by the 10th day after the state of emergency was proclaimed for the Legislature to determine whether to extend the state of emergency and emergency powers granted to the Governor.**
- 7. Makes technical and conforming changes.**

MESNARD FLOOR AMENDMENT
SENATE AMENDMENTS TO H.C.R. 2039
(Reference to House engrossed resolution)

1 Page 1, between lines 2 and 3, insert:

2 "1. Article IV, part 2, section 1, Constitution of Arizona, is
3 proposed to be amended as follows if approved by the voters and on
4 proclamation of the Governor:

- 5 1. Senate; house of representatives; members; special
6 session on petition of members; independent
7 redistricting commission; congressional and
8 legislative boundaries

9 Section 1. ~~(1)~~ A. The senate shall be composed of one
10 member elected from each of the thirty legislative districts
11 established pursuant to this section.

12 B. The house of representatives shall be composed of two
13 members elected from each of the thirty legislative districts
14 established pursuant to this section.

15 ~~(2)~~ C. ~~Upon~~ ON the presentation to the governor of a petition
16 bearing the signatures of ~~not less than~~ AT LEAST two-thirds of the members
17 of each house, requesting a special session of the legislature and
18 designating the date of convening, the governor shall promptly call a
19 special session to assemble on the date specified. At a special session so
20 called the subjects ~~which~~ THAT may be considered by the legislature shall
21 not be limited. ON THE PRESENTATION TO THE GOVERNOR OF A PETITION BEARING
22 THE SIGNATURES OF AT LEAST ONE-THIRD OF THE MEMBERS OF EACH HOUSE
23 REQUESTING A SPECIAL SESSION OF THE LEGISLATURE FOR THE PURPOSE OF
24 TERMINATING OR ALTERING THE EMERGENCY POWERS GRANTED TO THE GOVERNOR DURING
25 A STATE OF EMERGENCY AND DESIGNATING THE DATE OF CONVENING, THE GOVERNOR
26 SHALL PROMPTLY CALL A SPECIAL SESSION TO ASSEMBLE ON THE DATE SPECIFIED. AT

1 A SPECIAL SESSION SO CALLED THE SUBJECTS THAT MAY BE CONSIDERED BY THE
2 LEGISLATURE ARE LIMITED TO EMERGENCY POWERS GRANTED TO THE GOVERNOR DURING
3 A STATE OF EMERGENCY.

4 ~~(3)~~ D. ~~By~~ ON OR BEFORE February 28 of each year that
5 ends in one, an independent redistricting commission shall be
6 established to provide for the redistricting of congressional
7 and state legislative districts. The independent redistricting
8 commission shall consist of five members. ~~No~~ NOT more than two
9 members of the independent redistricting commission shall be
10 members of the same political party. Of the first four members
11 appointed, ~~no~~ NOT more than two shall reside in the same
12 county. Each member shall be a registered Arizona voter who
13 has been continuously registered with the same political party
14 or registered as unaffiliated with a political party for three
15 or more years immediately preceding appointment, ~~AND~~ AND who is
16 committed to applying the provisions of this section in an
17 honest, independent and impartial fashion and to upholding
18 public confidence in the integrity of the redistricting
19 process. Within the three years previous to appointment,
20 members shall not have been appointed to, elected to, ~~or~~ or a
21 candidate for any other public office, including precinct
22 committeeman or committeewoman but not including school board
23 member or officer, and shall not have served as an officer of a
24 political party, ~~or served~~ as a registered paid lobbyist or as
25 an officer of a candidate's campaign committee.

26 ~~(4)~~ E. The commission on appellate court appointments
27 shall nominate candidates for appointment to the independent
28 redistricting commission, except that, if a politically
29 balanced commission exists whose members are nominated by the
30 commission on appellate court appointments and whose regular
31 duties relate to the elective process, the commission on

1 appellate court appointments may delegate to such existing
2 commission (hereinafter called the commission on appellate
3 court appointments' designee) the duty of nominating members
4 for the independent redistricting commission, ~~and~~ and all other
5 duties assigned to the commission on appellate court
6 appointments in this section.

7 ~~(5)~~ F. ~~By~~ ON OR BEFORE January 8 of years ending in
8 one, the commission on appellate court appointments or its
9 designee shall establish a pool of persons who are willing to
10 serve on and are qualified for appointment to the independent
11 redistricting commission. The pool of candidates shall consist
12 of twenty-five nominees, with ten nominees from each of the two
13 largest political parties in Arizona based on party
14 registration, and five who are not registered with either of
15 the two largest political parties in Arizona.

16 ~~(6)~~ G. Appointments to the independent redistricting
17 commission shall be made in the order set forth below. ~~No~~ NOT
18 later than January 31 of years ending in one, the highest
19 ranking officer elected by the Arizona house of representatives
20 shall make one appointment to the independent redistricting
21 commission from the pool of nominees, followed by one
22 appointment from the pool made in turn by each of the
23 following: the minority party leader of the Arizona house of
24 representatives, the highest ranking officer elected by the
25 Arizona senate, ~~and~~ and the minority party leader of the Arizona
26 senate. Each such official shall have a seven-day period in
27 which to make an appointment. Any official who fails to make
28 an appointment within the specified time period will forfeit
29 the appointment privilege. ~~In the event that~~ IF there are two
30 or more minority parties within the house or the senate, the

1 leader of the largest minority party by statewide party
2 registration shall make the appointment.

3 ~~(7)~~ H. Any vacancy in the above four independent
4 redistricting commission positions remaining as of March 1 of a
5 year ending in one shall be filled from the pool of nominees by
6 the commission on appellate court appointments or its designee.
7 The appointing body shall strive for political balance and
8 fairness.

9 ~~(8)~~ I. At a meeting called by the secretary of state,
10 the four independent redistricting commission members shall
11 select by majority vote from the nomination pool a fifth member
12 who ~~shall~~ IS not ~~be~~ registered with any party already
13 represented on the independent redistricting commission and who
14 shall serve as ~~chair~~ CHAIRPERSON. If the four commissioners
15 fail to appoint a fifth member within fifteen days, the
16 commission on appellate court appointments or its designee,
17 striving for political balance and fairness, shall appoint a
18 fifth member from the nomination pool, who shall serve as ~~chair~~
19 CHAIRPERSON.

20 ~~(9)~~ J. The five commissioners shall then select by
21 majority vote one of their members to serve as ~~vice-chair~~ VICE
22 CHAIRPERSON.

23 ~~(10)~~ K. After having been served written notice and
24 provided with an opportunity for a response, a member of the
25 independent redistricting commission may be removed by the
26 governor, with the concurrence of two-thirds of the senate, for
27 substantial neglect of duty, gross misconduct in office, or
28 inability to discharge the duties of office.

29 ~~(11)~~ L. If a commissioner or ~~chair~~ THE CHAIRPERSON does
30 not complete the term of office for any reason, the commission
31 on appellate court appointments or its designee shall nominate

1 a pool of three candidates within the first thirty days after
2 the vacancy occurs. The nominees shall be of the same
3 political party or status as was the member who vacated the
4 office at the time of ~~his or her~~ THAT MEMBER'S appointment, and
5 the appointment other than the ~~chair~~ CHAIRPERSON shall be made
6 by the current holder of the office designated to make the
7 original appointment. The appointment of a new ~~chair~~
8 CHAIRPERSON shall be made by the remaining commissioners. If
9 the appointment of a replacement commissioner or ~~chair~~
10 CHAIRPERSON is not made within fourteen days following the
11 presentation of the nominees, the commission on appellate court
12 appointments or its designee shall make the appointment,
13 striving for political balance and fairness. The newly
14 appointed commissioner shall serve out the remainder of the
15 original term.

16 ~~(12)~~ M. Three commissioners, including the ~~chair~~
17 CHAIRPERSON or ~~vice-chair~~ VICE CHAIRPERSON, constitute a
18 quorum. Three or more affirmative votes are required for any
19 official action. Where a quorum is present, the independent
20 redistricting commission shall conduct business in meetings
21 open to the public, with ~~48~~ FORTY-EIGHT or more ~~hours~~ HOURS'
22 public notice provided.

23 ~~(13)~~ N. A commissioner, during the commissioner's term
24 of office and for three years thereafter, ~~shall be~~ IS
25 ineligible for Arizona public office or for registration as a
26 paid lobbyist.

27 ~~(14)~~ O. The independent redistricting commission shall
28 establish congressional and legislative districts. The
29 commencement of the mapping process for both the congressional
30 and legislative districts shall be the creation of districts of
31 equal population in a grid-like pattern across the state.

Adjustments to the grid shall then be made as necessary to accommodate the goals as set forth below:

~~A.~~ 1. Districts shall comply with the United States Constitution and the United States voting rights act. ~~;~~

~~B.~~ 2. Congressional districts shall have equal population to the extent practicable, and state legislative districts shall have equal population to the extent practicable. ~~;~~

~~C.~~ 3. Districts shall be geographically compact and contiguous to the extent practicable. ~~;~~

~~D.~~ 4. District boundaries shall respect communities of interest to the extent practicable. ~~;~~

~~E.~~ 5. To the extent practicable, district lines shall use visible geographic features, city, town and county boundaries, ~~;~~ and undivided census tracts. ~~;~~

~~F.~~ 6. To the extent practicable, competitive districts should be favored where to do so would create no significant detriment to the other goals.

~~(15)~~ P. Party registration and voting history data shall be excluded from the initial phase of the mapping process but may be used to test maps for compliance with the above goals. The places of residence of incumbents or candidates shall not be identified or considered.

~~(16)~~ Q. The independent redistricting commission shall advertise a draft map of congressional districts and a draft map of legislative districts to the public for comment. ~~, which~~ Comment shall be taken for at least thirty days. Either or both bodies of the legislature may act within this period to make recommendations to the independent redistricting commission by memorial or by minority report. ~~, which~~ THE recommendations shall be considered by the independent

1 redistricting commission. The independent redistricting
2 commission shall then establish final district boundaries.

3 ~~(17)~~ R. The provisions regarding this section are
4 self-executing. The independent redistricting commission shall
5 certify to the secretary of state the establishment of
6 congressional and legislative districts.

7 ~~(18)~~ S. ~~Upon~~ ON approval of this amendment, the
8 department of administration or its successor shall make
9 adequate office space available for the independent
10 redistricting commission. The STATE treasurer ~~of the state~~
11 shall make \$6,000,000 available for the work of the independent
12 redistricting commission pursuant to the year 2000 census.
13 Unused monies shall be returned to the ~~state's~~ STATE general
14 fund. In years ending in eight or nine after the year 2001,
15 the department of administration or its successor shall submit
16 to the legislature a recommendation for an appropriation for
17 adequate redistricting expenses and shall make available
18 adequate office space for the operation of the independent
19 redistricting commission. The legislature shall make the
20 necessary appropriations by a majority vote.

21 ~~(19)~~ T. The independent redistricting commission, with
22 fiscal oversight from the department of administration or its
23 successor, shall have procurement and contracting authority and
24 may hire staff and consultants for the purposes of this
25 section, including legal representation.

26 ~~(20)~~ U. The independent redistricting commission shall
27 have standing in legal actions regarding the redistricting plan
28 and the adequacy of resources provided for the operation of the
29 independent redistricting commission. The independent
30 redistricting commission shall have sole authority to determine
31 whether the Arizona attorney general or counsel hired or

1 selected by the independent redistricting commission shall
2 represent the people of Arizona in the legal defense of a
3 redistricting plan.

4 ~~(21)~~ V. Members of the independent redistricting
5 commission are eligible for reimbursement of expenses pursuant
6 to law, and a member's residence is deemed to be the member's
7 post of duty for purposes of reimbursement of expenses.

8 ~~(22)~~ W. Employees of the department of administration
9 or its successor shall not influence or attempt to influence
10 the district-mapping decisions of the independent redistricting
11 commission.

12 ~~(23)~~ X. Each commissioner's duties established by this
13 section expire ~~upon~~ ON the appointment of the first member of
14 the next INDEPENDENT redistricting commission. The independent
15 redistricting commission shall not meet or incur expenses after
16 the redistricting plan is completed, except if litigation or
17 any government approval of the plan is pending, ~~or~~ to revise
18 districts if required by court decisions or if the number of
19 congressional or legislative districts is changed."

20 Renumber to conform

21 Page 1, line 20, after "B." strike remainder of line

22 Strike lines 21 through 23, insert "IF ANY EMERGENCY POWERS ARE AUTHORIZED BY
23 STATE LAW TO BE GRANTED TO THE GOVERNOR DURING A STATE OF EMERGENCY, UNLESS
24 SUCH POWERS ARE FOR A STATE OF WAR EMERGENCY OR AN EMERGENCY ARISING FROM A
25 FLOOD OR FIRE, THE EMERGENCY POWERS GRANTED TO THE GOVERNOR TERMINATE
26 EITHER:"

27 Line 25, after the second "THE" insert "EMERGENCY POWERS GRANTED TO THE
28 GOVERNOR DURING THE"

29 Line 26, after the period strike remainder of line

30 Strike lines 27 through 36

31 Line 37, strike "THAN THIRTY DAYS."; strike the second "THE"

- 1 Page 1, line 38, strike "STATE OF EMERGENCY AND"
- 2 Line 39, after "EMERGENCY" insert "OR DECLARE BY CONCURRENT RESOLUTION THE
- 3 EMERGENCY TO BE AT AN END"
- 4 Line 41, strike "TERMINATED"
- 5 Line 42, after the period insert "IF THE LEGISLATURE DOES EXTEND THE EMERGENCY
- 6 POWERS GRANTED TO THE GOVERNOR DURING THE STATE OF EMERGENCY, THE
- 7 LEGISLATURE MAY ALSO ALTER OR LIMIT SUCH POWERS BY CONCURRENT RESOLUTION."
- 8 Page 2, line 1, after "2." strike remainder of line
- 9 Line 2, strike "1 OF THIS SUBSECTION," after "GOVERNOR" insert "TERMINATING
- 10 THE STATE OF EMERGENCY"
- 11 Line 3, strike "STATE"
- 12 Line 4, strike "OF" after "EMERGENCY" insert "POWERS GRANTED TO THE GOVERNOR"
- 13 Amend title to conform

J.D. MESNARD

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