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Senate panel's head would mandate legislative role in citizen initiatives

By Howard Fischer

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PHOENIX — The new chairman of the Senate Government Committee is pushing a fundamental change in the right of Arizona voters to enact their own laws — a change foes see as a roadblock to citizen action.

Sen. Jack Harper, R-Surprise, wants to strip language from the state constitution allowing people to approve new laws "independently of the Legislature." Instead, they would have to find at least one lawmaker willing to introduce the measure in the House and Senate.

Harper's proposal would not require the proposed initiative be approved, or even get a hearing. In fact, it recognizes people can take their case directly to voters when the Legislature refuses to act.

But Harper said it would at least give lawmakers a chance to address the issue.

More important to Harper, though, is having the language approved by legislative staff attorneys to ensure there are no unintended flaws.

He cited the recent approval of Proposition 202 to require employers to pay at least \$6.75 an hour. The measure, unlike its federal counterpart, has no exception for disabled workers, a gap some advocates say will result in people losing their jobs.

But the idea is drawing derision from some people who have taken advantage of the constitutional right of voters to propose their own laws.

"That is the most ridiculous exercise of governmental power I've ever heard of," said Rick Murphy, who spent \$500,000 of his own money this year on an unsuccessful initiative to have Arizona go to an all vote-by-mail system. "An initiative is designed to hear from the people, not from special-interest legislators."

Harper said his proposal would give legislators a chance to consider an issue — and have it fully debated — rather than allowing any group to put its own version on the ballot. He said that

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supports the idea of "representative democracy," under which the elected legislators get a chance to debate items voters consider important.

But Sierra Club lobbyist Sandy Bahr called the measure "kind of silly."

She said legislators had years to craft their own plan to alter constitutional provisions on state-trust lands and conservation. It was only when proponents actually wrote their own initiative, which became Proposition 106 this year, that lawmakers finally acted, putting their own competing measure on the ballot as Proposition 105.

Both failed.

Nor was Bahr convinced that review by legislative staff attorneys prevents errors. She pointed out what was supposed to be a measure by lawmakers to put aside \$20 million a year for 10 years to buy state lands actually was drafted, and put on the ballot by the Legislature, to last 11 years, adding \$20 million to the cost.

Mark Osterloh, who backed an unsuccessful initiative this year for a \$1 million lottery to encourage voter turnout, said that if Harper is concerned about drafting errors or unintended consequences, there is a simple fix: Allow, but not require, initiative proponents to have their measures reviewed by the legislative attorneys before they circulate petitions.

He said forcing initiative backers to find a legislative sponsor for a measure that will never be enacted simply would "put another impediment" in the way of the constitutional right of voters to enact their own laws.

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