

From: Crandell, Rusty
Sent: Wednesday, April 03, 2019 12:38 PM
To: GJernigan@azleg.gov
Cc: Anderson, Ryan
Subject: H.B. 2523: Applicability of the Voter Protection Act

Mr. Jernigan,

It is the opinion of the Arizona Attorney General's Office that H.B. 2523, as currently proposed, would likely violate the Voter Protection Act ("VPA") without the concurrence of three-quarters of the Legislature. In 2006, Arizona's voters passed Prop. 202, which raised the minimum wage above the federal minimum wage level. H.B. 2523 would allow employers to pay the (lower) federal minimum wage, for persons under twenty-two years of age who are employed on a casual basis and enrolled full-time as a student. But the VPA prevents the Legislature from amending voter-approved initiatives (either explicitly or implicitly) unless the Legislature's amendment furthers the purpose of the initiative and is approved by three-fourths of both chambers. Ariz. Const. art. IV, § 1(6)(C). The general conclusion in the Arizona Legislative Council Memorandum dated March 13, 2019 is legally sound: H.B. 2523 is subject to the VPA.

Regards,

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