



Arizona Schools To Reopen By March 15

Governor Ducey has issued an executive order requiring schools in the state to offer in-person learning instruction by March 15 or after spring break.

According to the executive order, all schools in Arizona's 12 out of 15 counties will be required to offer in-person instruction by the above date. For those who wish to participate in Hybrid models of instruction, remote learning options will still be available. There is an exception for Middle and High Schools located in counties with "high" transmission of COVID-19, as defined by the Centers for Disease Control (CDC) which currently includes the following counties: Coconino, Navajo, and Pinal.

The executive order also updates Arizona Department of Health Services (AZDHS) school reopening benchmarks with the metrics recently developed by the CDC. The metrics define "low", "moderate", "substantial" and "high" transmission levels with operational strategies for schools to reopen at all transmission levels.

Operational strategies for schools to reopen in the following Transmission Levels include:

- **Low Transmission or Moderate Transmission:** All schools will be required to open for in-person instruction and offer virtual instruction options. Physical distancing will be maximized to the greatest extent.
- **Substantial Transmission:** All schools will be required to open for in-person instruction and offer virtual instruction options. Middle and High Schools residing in these counties will have the ability to reduce attendance to reduce transmission and increase physical distancing.
- **High Transmission:** Elementary schools will be required to open for in-person instruction and offer virtual instruction options. Middle and High Schools residing in these counties that are already open for in-person instruction will remain open and are required to implement COVID-19 mitigation strategies. If a school has not already resumed in-person instruction, the school will have the ability to operate virtually. Schools can open during this phase if they implement strict COVID-19 mitigation strategies.

Below are the current AZDHS county benchmarks:

- **Apache County:** Substantial Transmission.
- **Cochise County:** Substantial Transmission.
- **Coconino County:** High Transmission.
- **Gila County:** Substantial Transmission.
- **Graham County:** Moderate Transmission.
- **Greenlee County:** Substantial Transmission.
- **La Paz County:** Substantial Transmission.
- **Maricopa County:** Substantial Transmission.

- **Mohave County:** Substantial Transmission.
- **Navajo County:** High Transmission.
- **Pima County:** Substantial Transmission.
- **Pinal County:** High Transmission.
- **Santa Cruz County:** Moderate Transmission.
- **Yavapai County:** Substantial Transmission.
- **Yuma County:** Moderate Transmission.

To view the Governor's Executive Order, click [here](#).

To view the updated CDC guidance, click [here](#).

Judge Issues Ruling On Maricopa County General Election Audit

A Maricopa County Superior Court Judge ruled that the State Senate has the authority to conduct an audit and review of the 2020 General Election. Judge Timothy Thomasson's decision grants the Senate access to voting equipment and all 2.1M ballots cast in Maricopa County in the Election.

In December, Senate President Karen Fann (R, LD1) and Senator Warren Petersen (R, LD12), Chairman of the Judiciary Committee, issued subpoenas to the Maricopa County Board of Supervisors to conduct an audit of the 2020 General Election. In response, the Board asked the Maricopa County Superior Court to block the subpoenas because the information requested could contain private voter information. They also argued that information sought from the voting machines was proprietary to the manufacturer and supplier of the machines. The Senate then requested a court order to enforce the subpoenas.

Judge Thomasson initially held that that the Board did not have to turn over the requested materials, giving the parties one week to reach an agreement. In response, the Board agreed to turn over information to perform the audit and the Senate gave the Board until January 29 to deliver the materials. On advice of legal counsel, the Board then reversed course and filed suit in Superior Court alleging that the request was outside the purview of the Senate's legal authority and should be blocked.

Judge Thomasson has now ruled that the Senate has legislative authority to access the requested materials because the Arizona Constitution gives lawmakers the power to secure the purity of elections. "The Senators state that they intend to use the data gathered under the [subpoenas] to evaluate the accuracy and efficacy of existing vote tabulation systems and competence of county officials in performing their election duties, with an eye to introducing possible reform proposals. This is a valid legislative purpose." He also rejected arguments by the County that the ballots and some of the materials are considered confidential under state law. "These statutes are intended to prevent the disclosure of information to the public. All government officials are obligated to follow the law and comply with confidentiality statutes.... this, of course, includes the Senators."

To read Judge Thomasson's decision, click [here](#).

Legislature Postpones Controversial Bills

The Legislature has postponed many of its more controversial bills that were expected to be voted on in each chamber last week and the early part of this week. Due to the absence of several lawmakers, many bills without bi-partisan support have been delayed.

Senate Appropriations Chairman David Gowan (R, LD14) has contracted COVID-19 and will be absent for the remainder of this week. With the absence of Senator Gowan, the Senate on Monday voted to change its rules to allow remote voting from home if a Senator is isolated after a positive COVID-19 test or otherwise receives approval from both Senate President Karen Fann (R,LD1) and Senate Minority Leader Rebecca Rios (D,LD27). This change will replace the prior rule which required Senators, even those who are quarantined or ill, to be present in the building in order to vote on third readings of bills.

In the House, five lawmakers returned from El Salvador late Tuesday night after observing the legislative and municipal elections that took place on February 28. Organized by Representative César Chávez (D,LD29), the trip included Representatives Diégo Espinoza (D,LD19), Alma Hernández (D,LD3), Daniel Hernández (D,LD2), and Justin Wilmeth (R,LD15). The only Republican on the trip, Wilmeth's absence caused the House to postpone all of the election-related bills that had been scheduled Monday for votes in the House. It takes the absence of just one Republican lawmaker to stop all party-line bills.

With the delay of bills, lawmakers may request an extension of hearings for a week which could give more opportunity for bills that were delayed. In prior Sessions, committees have been extended a week but leadership is loathe to extend the schedule. We will keep you posted.

JLBC Issues January Budget Update

Joint Legislative Budget Council (JLBC) analysts announced that January 2021 general fund revenue was \$1.29 billion, an increase of 9.4% over the previous year.

January sales tax collections, which represent December 2020 sales activity, grew by 9.2% and were \$34M above the baseline forecast. The state also experienced a high year-to-date revenue percentage growth rate, and FY2021 General Fund revenues are 16.5% above the prior year. Yet, close to half of that growth is due to the state deferring its 2020 income tax filing deadline from April 15 to July 15, pushing collections into FY21. When calculating the increase without that extension, JLBC estimates state revenue is up 8.9 percent over the last fiscal year. Since the pandemic began, lower K-12 school enrollment, higher federal Medicaid reimbursements and federal Covid-19 relief dollars have contributed to the current state of the state budget. Presently, JLBC is projecting an FY2022 ending balance of between \$1.6B and \$2.0B.

All of the state's sales tax categories except for restaurants and bars performed better in January, compared to the previous year. Latest JLBC numbers show that restaurant and bar sales tax declined by 13.8%; retail and remote sales increased 11.2%; and contracting increased 29.1%.

To read the JLBC January Report, click [here](#).

Ethics Complaint Dismissed Against Senator Rogers

The Senate Ethics Committee voted on party lines (3-2) to dismiss a complaint filed against Senator Wendy Rogers (R,LD6) by her former assistant Michael Polloni.

Michael Polloni, a former campaign staffer of Senator Rogers, filed an Ethics Complaint alleging that she disparaged his appearance, his family and badgered him for missing work while on medical leave for COVID-19. Pollini also alleged that the Senator asked him to do political campaign work while working at the Legislature, a violation of state law.

The Ethics Committee members voted on the evidence collected during an investigation by the committee's attorney. The Republican majority concluded that the evidence did not meet the "clear and convincing" standard of proof required for an Ethics Complaint to result in discipline. Ethics Chairman Sine Kerr (R,LD13) stated, "we looked at it, we discussed it thoroughly. But again, we're charged with that very high bar of clear and convincing, and again, it didn't meet that standard for this senator." Though Senator Rogers will not face discipline based on Polloni's Ethics Committee Complaint, Polloni has also filed a complaint with the EEOC which is being investigated and has retained an attorney, former lawmaker Adam Kwasman to represent him in a potential civil suit against the state.

Governor Appoints New ADOR Director

Governor Ducey has appointed Rob Woods as Director of the Arizona Department of Revenue (ADOR).

Woods who has served as interim Director since December 2020, was the prior Deputy Director for ADOR. While serving as Deputy Director, Woods led ADOR's agency's response to COVID-19 and the transition to remote work. In addition, he led the design and deployment of the Arizona Management System to all 30+ executive cabinet agencies.

Prior to joining ADOR, he served as the Administrator of the Arizona Department of Administration (ADOA) Government Transformation Office (GTO) for eight years and is a former Vice President at JP Morgan Chase.

Woods replaces former Director Carlton Woodruff.

AZDHS Issues COVID-19 Update

Arizona Department of Health Services (AZDHS) reported that the state's COVID-19 rate of spread (Rt) is below 1 at .69 (the average number of people a COVID-positive individual will infect). Of known test results from last week, AZDHS reported that 7% have come back positive. A positivity rate of 5% or less is considered a good indicator that the spread is being controlled.

According to the AZDHS dashboard, 14% of the state's ICU beds are readily available, or approximately 252 beds for COVID and non-COVID patients alike.

To view the AZDHS dashboard, click [here](#).

For more information on free COVID-19 testing sites click [here](#).

AZDHS COVID-19 Vaccine Update

Arizona Department of Health Services (AZDHS) officials announced the opening of the state's fourth run vaccination site. Beginning March 1, appointments at Chandler-Gilbert Community College are open for statewide residents. The site will initially operate from 7 a.m. to 5 p.m. daily, aiming to ramp up to 24 hours a day as more supply becomes available.

AZDHS Director Christ hopes to obtain between 50,000 and 60,000 doses of the new FDA-approved Johnson & Johnson vaccine this week. The requested amount will be in addition to doses of the Pfizer and Moderna vaccines.

Latest AZDHS data shows that about 1.16 million people have received at least one dose of either the Pfizer or Moderna two-dose regimen. That is nearly 16% of Arizona's population. Of those, nearly 500,000 are considered fully vaccinated against COVID-19.

For information on each county's vaccination phase and vaccination locations, click [here](#).

Registration to receive a vaccine is available [here](#) or by calling 844-542-8201.



[Click here to find COVID-19 resources and volunteer opportunities](#)

Legislators' Birthdays



**Happy Birthday Rep.
Jeff Weninger
Wednesday, March 10th**

Representing LD17, Representative Jeff Weninger was first elected to the Legislature in 2014 and previously served as Vice Mayor of Chandler.

A Kansas native, Weninger graduated from the University of Wichita and moved to Arizona in 1993. He is the co-owner of two local restaurants, Floridino's Pizza & Pasta in Chandler and Dilly's Deli, with several locations throughout the valley.

Weninger serves as Chairman of the House Commerce Committee. A legislative priority for Weninger this session is HB2813, which establishes a new chapter in Title 28 (Transportation) for regulating autonomous vehicles. The bill recently passed the House and awaits access by the Senate.

To wish Representative Weninger happy birthday: jweninger@azleg.gov

Arizona Governmental Affairs

Address:

99 E. Virginia Avenue, #180
Phoenix, AZ 85004
602.296.5966

[E-mail AZ Governmental](#)