

POLICY *report*

Goldwater Institute

No. 234 | November 9, 2009

2009 Legislative Report Card for Arizona's Forty-ninth Legislature, First Regular Session

By Andrea Woodmansee, Senior Editor, Goldwater Institute

EXECUTIVE SUMMARY

The annual Goldwater Institute *Legislative Report Card* considers how well Arizona legislators are fulfilling their constitutional obligation to uphold liberty. The report scores legislators on 305 votes across four categories: education, constitutional government, regulation, and tax and budget. The primary criterion is whether a vote for or against each bill expands or restricts liberty.

Specifically, education bills that give parents more choice, make public schools more accountable and competitive, expand the teaching pool through relaxed certification requirements, and encourage local control of schools are scored a +1.

In the constitutional government category, legislation that repeals and restricts government programs that lie outside the government's constitutional duties, decentralizes authority, or allows people to govern themselves is scored positively.

In regulation, legislation that adds to regulation or licensing schemes on private business received a -1. Legislation that removes regulation and fosters a free economy received a +1.

Bills in the tax and budget category were scored a +1 if they reduced the tax burden, made government expenditures more transparent, or restrained government spending, while bills that increased government spending, created industry-specific incentives, or otherwise increased taxes received a -1.

Each legislator's voting record was examined according to those criteria, and points were tallied into final percentage scores and letter grades that indicate how consistently each legislator adheres to the principles of limited government enshrined in the U.S. and Arizona Constitutions.

The report's broad scope and intuitive grading scale bring transparency to the legislature's work, sorting through the more than 1,200 bills, memorials, and resolutions introduced this session, to help citizens objectively determine whether their elected representatives are serving the interests of liberty.

Scores for the Forty-ninth Arizona Legislature remain around the 50 percent mark, indicating a near equal amount of votes that undermined liberty as upheld it. While legislators with the highest scores received a letter grade of A, it should be remembered that this rating represents a percentage score of 80, leaving much room for improvement. Likewise, these scores illustrate legislators' relative commitment to liberty. They are not absolute measures of a legislator's merit, and do not constitute any endorsement.

GOLDWATER
I N S T I T U T E

2009 Legislative Report Card for Arizona's Forty-ninth Legislature, First Regular Session

by Andrea Woodmansee, Senior Editor, Goldwater Institute

Introduction

“The maintenance of a free society is a very difficult and complicated thing. And it requires a self-denying ordinance of the most extreme kind. It requires a willingness to put up with temporary evils on the basis of the subtle and sophisticated understanding that if you step in to try to do something about them, you not only may make them worse, but you will spread your tentacles and get bad results elsewhere.”

–Milton Friedman

This report strives to serve as a standard-bearer for the principles of constitutional liberty.

The purpose of state government as set forth in the Arizona Constitution is to “protect and maintain individual rights.”¹ Too often, however, lawmakers’ good intentions and political considerations for special interests create a government that violates rights and involves itself in the minutia of citizens’ lives. These forces have created a growing government that is far from the limited government the state constitution envisions.

Government growth, however, can be checked and reversed, but only with a well-informed electorate. This report provides a window into legislative action so that voters have information they can use come election time.

This report filters the mass of the legislative session through objective criteria into easily understandable grades. By assigning total scores, the report gives a summary view of each legislator’s commitment to constitutional principles. To reveal specific strengths and weaknesses, the report card also disaggregates legislative votes into four policy areas. By analyzing 305 votes (140 in the Senate and 165 in the House of Representatives), this report card attempts to reduce the potential selection biases of other ratings based on smaller portions of legislative activity.² The appendix lists included bills, along with a brief explanation of how each bill was scored.

This report strives to serve as a standard-bearer for the principles of constitutional liberty. Therefore, bills are scored strictly upon principles of limited government. The primary criterion is whether a bill expands or restricts individual liberty.

Figure 1: Number of Bills Introduced, 1997-2009

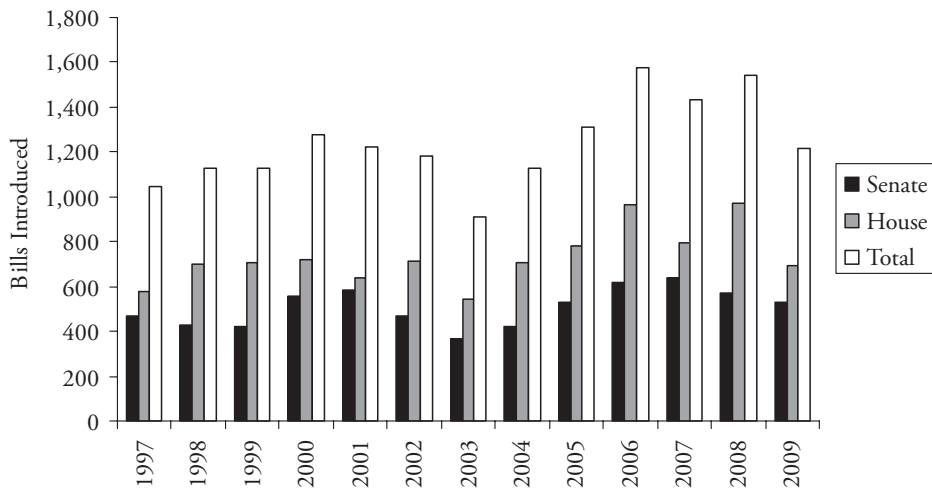


Figure 2: Number of Votes Included in Report, 2003-2009

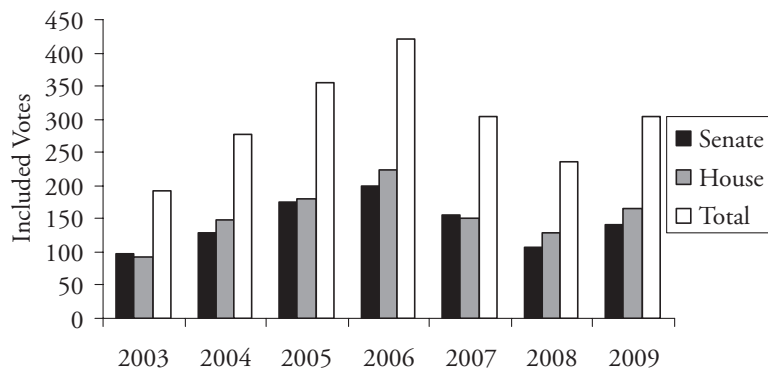


Figure 3: Average Legislative Scores, 2003-2009

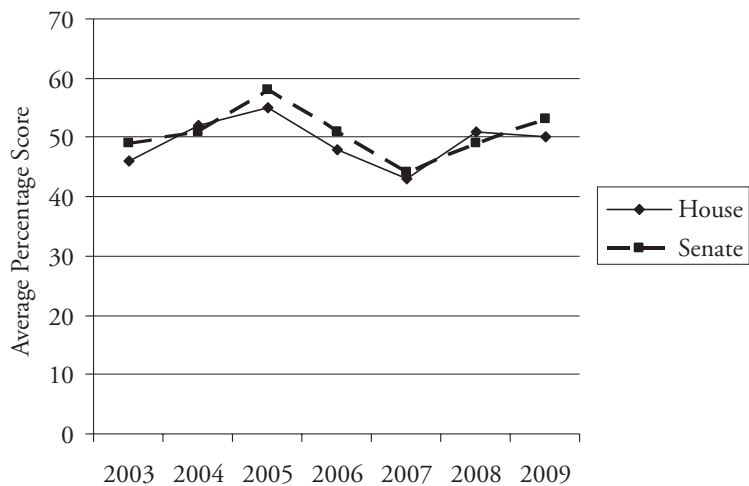


Table 1: Senate Scores and Grades

Senator	District	Total Score	Letter Grade	2008 Score	Change	Education	Constitutional Government	Regulation	Tax & Budget
Gould	3	80	A	82	-2	83	77	83	81
Pearce*	18	76	A-	78	-2	83	71	67	92
Gorman	6	75	A-	63	12	92	71	64	86
Gray (C.)	19	72	A-	63	9	83	66	64	86
Allen (S.)	5	71	A-	N/A		92	68	61	81
Harper*	4	71	A-	73	-2	83	68	69	72
Waring	7	70	A-	61	9	92	66	64	75
Burns	9	66	B	62	4	92	66	50	72
Verschuur	22	65	B	63	2	92	66	50	69
Gray (L.)*	10	63	B	51	12	88	63	51	65
Huppenthal*	20	62	B-	52	10	92	60	44	74
Pierce	1	61	B-	N/A		92	63	44	67
Paton	30	60	B-	55	5	88	60	46	67
Leff	11	59	C+	56	3	83	63	42	64
Nelson	12	59	C+	55	4	92	60	38	67
Melvin*	26	58	C+	N/A		92	59	42	61
Tibshraeny	21	55	C	54	1	75	57	47	51
Allen (C.)	8	51	C-	48	3	67	50	47	53
Chevront	15	43	D	46	-3	54	40	46	40
McCune Davis	14	42	D-	31	11	50	46	40	33
Aguirre*	24	38	F+	38	0	50	41	39	28
Alvarez*	25	36	F	42	-6	67	41	33	22
Miranda	13	35	F	37	-2	46	35	40	28
Rios*	23	34	F	31	3	46	38	39	19
Landrum Taylor*	16	33	F	39	-6	67	31	33	24
Hale	2	33	F	35	-3	50	31	39	22
Aboud	28	31	F	37	-6	33	35	31	26
Burton Cahill*	17	30	F	31	-1	46	36	29	18
Garcia*	27	30	F	34	-4	58	29	38	17
Lopez	29	30	F	36	-6	54	33	29	19
Mean		53	C			73	53	47	53
Median		58	C+			83	59	44	63

*Accepted public funding from Arizona Citizens Clean Elections Commission in the 2008 general election.

Table 2: House of Representatives Scores and Grades

Representative	District	Total Score	Letter Grade	2008 Score	Difference	Education	Constitutional Government	Regulation	Tax & Budget
Biggs	22	76	A-	79	-3	86	68	75	83
Burges*	4	73	A-	73	0	79	70	67	79
Seel*	6	70	A-	N/A		86	66	60	79
Murphy	9	68	B+	67	1	93	60	62	77
Montenegro*	12	68	B+	N/A		82	61	57	81
Kavanagh*	8	66	B	70	-4	79	61	52	81
Hendrix*	22	65	B	N/A		86	61	57	73
Weiers (Je.)	12	64	B	62	2	96	56	52	76
Crump	6	64	B	73	-9	79	57	50	79
Lesko	9	64	B	N/A		79	61	55	71
Weiers (Ji.)	10	63	B	59	4	79	59	55	71
Court*	18	62	B-	N/A		79	61	55	67
Barto	7	62	B-	66	-4	75	57	50	73
Adams	19	61	B-	68	-7	79	57	50	71
McLain	3	61	B-	64	-3	79	61	48	69
Driggs*	11	61	B-	66	-5	75	57	54	69
Boone*	4	61	B-	57	4	79	56	55	67
Gowan*	30	61	B-	N/A		79	59	50	67
Nichols*	21	61	B-	68	-7	86	57	54	64
Stevens*	25	61	B-	N/A		79	57	52	67
Antenori	30	60	B-	N/A		79	57	52	65
Yarbrough*	21	59	C+	66	-7	86	56	50	65
Barnes	7	59	C+	60	-1	71	54	56	65
Ash*	18	59	C+	N/A		79	52	52	67
Pratt*	23	59	C+	N/A		79	57	50	63
Goodale*	3	58	C+	N/A		79	54	50	66
Mason	1	58	C+	54	4	61	53	62	60
McComish	20	58	C+	56	2	79	56	50	63
Reagan	8	58	C+	53	5	75	55	52	60
Tobin	1	57	C+	55	2	79	54	48	63
Williams	26	56	C	N/A		79	59	52	48
Crandall*	19	55	C	63	-8	57	55	55	55
Quelland*	10	55	C	N/A		64	56	51	53
Jones*	24	52	C-	N/A		68	49	50	54
Konopnicki	5	49	D+	52	-3	71	48	46	47

This report card strives to objectively gauge whether the totality of each legislator's votes expands or limits liberty in Arizona.

Campbell, Jr.	16	40	D-	38	2	50	42	44	31
Sinema*	15	40	D-	34	6	64	44	43	24
Brown*	5	39	F+	39	0	54	52	39	18
Cajero Bedford*	27	38	F+	38	0	50	43	39	29
Heinz*	29	38	F+	N/A		46	42	35	34
Meza	14	38	F+	38	0	61	39	38	29
Miranda*	16	38	F+	37	1	57	41	38	27
Young Wright*	26	37	F+	35	2	46	43	37	27
Waters*	20	37	F+	N/A		61	43	36	24
McGuire*	23	37	F+	42	-5	50	39	43	24
Meyer*	11	37	F+	N/A		54	39	42	25
Garcia	13	36	F	36	0	46	41	38	26
Patterson*	29	35	F	N/A		54	43	37	19
Bradley	28	35	F	37	-2	57	39	36	23
Pancrazi*	24	35	F	34	1	57	34	39	24
Deschene*	2	34	F	N/A		43	35	35	30
Ableser*	17	33	F	36	-3	46	34	39	24
Tovar	13	33	F	N/A		36	39	33	24
Campbell	14	32	F	33	-1	43	39	33	19
Lopes*	27	32	F	35	-3	50	34	35	20
Schapira*	17	32	F	36	-4	57	33	35	20
Lujan*	15	31	F	N/A		43	35	32	22
Chabin*	2	30	F	36	-6	50	30	33	21
Farley*	28	30	F	36	-6	46	33	31	20
Fleming*	25	29	F-	N/A		43	30	29	23
Mean		50	C-			67	50	47	49
Median		56	C			71	54	50	58

*Accepted public funding from the Arizona Citizens Clean Elections Commission in the 2008 general election.

Methodology

Bill Selection

This report card strives to objectively gauge whether the totality of each legislator's votes expands or limits liberty in Arizona. Thus, we review the greatest possible number of bills. Rather than selecting bills that were especially meritorious or egregious, this report card reviewed all bills the House or Senate voted on in a Third Read or Final Read vote.³

All bills that had a discernable impact on liberty in one of the Goldwater Institute's core areas of research, including education, constitutional government, regulation, and tax and budget issues, were scored. Bills that did not pertain to one

of the categories were excluded. Bills that may have pertained to more than one category were assigned based on the dominant policy area they stood to affect.

Likewise, memorials and resolutions that indicated a legislator's commitment to the principles of limited government were included. Omnibus bills were generally excluded because of their broad reach and the difficulty of determining whether they would have a net positive or negative effect on liberty. The majority of bills that reached a floor vote were of a technical nature that did not clearly advance or restrict liberty, and were therefore excluded from scoring.

Scoring

For each of the 305 votes scored, a determination was made whether a vote *for* (yes) or *against* (no) would advance liberty through its fundamental components: limited government, the free enterprise system, and the rule of law.⁴ Bill information was primarily derived from fact sheets assembled by legislative staff. Points were awarded according to a straightforward +1, 0, or -1 system. For example, a legislator who voted "yes" on a bill that created unnecessary regulation would be given a -1, while voting against the bill would earn the legislator a +1. Those who did not vote on the bill would be assigned a 0. The points were then summed to determine the legislator's raw score.

Final scores were calculated on a percentage basis (from zero to 100 percent) by adding the raw score to the total number of votes and then dividing by two times the number of votes.⁵ This puts all scores into a positive range, enabling side-by-side score comparisons.⁶

Weighting

All votes were given equal weight in the final score calculation. While bills certainly differ in importance and magnitude, allocating varying weights to bills would mean abandoning the objectivity of the scoring process. The Joint Legislative Budget Committee (JLBC) provides dollar estimates of the fiscal impact of some bills, so those could have been weighted and compared in dollar terms. But for many bills, the JLBC reports that the fiscal effect cannot be determined. Further, there are few reliable estimates of the pecuniary effect of proposed bills on the private economy, even where such an effect theoretically could be measured in dollars.⁷ Finally, it would be impossible to project a dollar amount for the effect of bills of a noneconomic nature. For example, there is no way to estimate the dollar value of a bill expanding or preserving free speech.⁸

This report card also treats all legislators equally, rather than weighting them according to leadership, committee membership, rank, or bill sponsorship: each vote is worth one point. This reflects the arrangement of the legislature itself, where roll-call votes assign equal influence to each legislator—no member's vote is worth more than any other's.

This report card also treats all legislators equally, rather than weighting them according to leadership, committee membership, rank, or bill sponsorship: each vote is worth one point.

Final Grades

Final grades are determined by converting the raw percentage scores, between zero and 100 percent, to letter grades based on the following scale:

Lower Limit	Upper Limit	Grade
92	100	A+
79	91	A
70	78	A–
67	69	B+
63	66	B
60	62	B–
57	59	C+
53	56	C
50	52	C–
47	49	D+
43	46	D
40	42	D–
37	39	F+
30	36	F
0	29	F–

During the session covered in this report, the highest overall score of any legislator was 80 percent. Although that score corresponds to a grade of A on our scale, the percentage score shows that there is significant room for improvement.

Letter grades are a tool for *comparison* of various legislators (e.g., Legislator X voted more consistently according to the principles of liberty than did Legislator Y) and are not absolute measures of quality. During the session covered in this report, the highest overall score of any legislator was 80 percent. Although that score corresponds to a grade of A on our scale, the percentage score shows that there is significant room for improvement.

In the other direction, a grade of F– is assigned to the lowest group of scores, but the designation does not stand alone in representing poor voting records. Arguably, legislators who score below 50 percent (a grade of D+ or lower) have voted to restrict freedom in more instances than they voted to expand it. But again, it is more instructive to think of these scores and grades in a relative context.

As the grade scale indicates, the grade distribution is curved—the percentages are not equated with letter grades according to the normal grading convention (i.e., 90 to 100 percent equals an A, 80 to 90 percent equals a B, etc.). Such a curve assigns a fuller range of grades and facilitates comparison.

Limitations

The legislative process is both complicated and nuanced. With that in mind, the methodology employed in this report, and the resulting grades, use legislators' Third Read votes as proxies to measure legislative commitment to individual liberty, the rule of law, and free enterprise.⁹ Legislators, however, have much more responsibility in advancing or hindering those principles. Ideally, a measure of legislative performance would account for the balance of each legislator's work.

Before a bill is even introduced, legislators must determine which issues they will concern themselves with, arrange for cosponsors and negotiate support, and perform and commission research on the issue, among other efforts. Once the bill is ready, a legislator often strategically aligns votes (considering which other bills are likely to be introduced, maneuvering the content and language of the bill to assuage opposition, authoring opinion pieces, giving speeches to civic groups, etc.) in order to advance it.

The importance of leadership, vision, and dedication is a critical part of legislative service. It is highly subjective work, however, that cannot be objectively measured. For this reason, we are unable to include effort or leadership skills in the report. On a continuum of legislative action, the more one attempts to quantify these elements, the more one risks sacrificing the impartiality and objectivity of the assessment.

Additionally, a major drawback to weighting bills equally, as this report does, is that it risks mischaracterizing the records of legislators who have inconsistent voting patterns. On the one hand, the method may award high grades to legislators who are “penny wise and pound foolish.” If a legislator votes “no” on nine small spending increases and “yes” on a single massive spending increase, that legislator would have a raw score of +8 on those 10 votes, equating to a final score of 90 percent. A second legislator with the exact opposite voting record would end up with a score of -8 (10 percent), even though he or she may have voted for less spending overall. This report seeks to avoid that potential numerical pitfall by including all relevant votes. In fact, previous report cards yielded scores (low and high) that many legislators claimed accurately represented their commitments as per the criteria used in scoring.¹⁰

The report card separates legislative votes into four categories: education, constitutional government, regulation, and tax and budget.

So, while the methodology employed may be accused of being obtuse by not accounting for subjective qualities such as “leadership ability,” it credibly deflects criticisms of “cherry-picking” or otherwise contriving end results.¹¹ Certainly, considering characteristics such as a legislator’s constituent service or committee membership has merit, but doing so would require subjective judgments that would sacrifice this report card’s objective scoring system. At the end of the day, voting records provide the best data for objective analysis.

Format

The report card separates legislative votes into four categories: education, constitutional government, regulation, and tax and budget. Each section contains a brief description of the principles that should guide government involvement in that area and provides the guidelines used for scoring bills. A summary of scores in that category for both chambers is provided. The final section, “Total Score,” discusses overall trends and results.

Education

A recent survey of Arizona public high school students showed that only 3.5 percent of students can pass the U.S. citizenship exam, a basic, 10-question civics exam.¹² Arizona students also score poorly on most other achievement measures. Yet, Arizona spends an average \$9,500 per student, nearly double the average private school tuition in Arizona.¹³

That poor performance need not be a foregone conclusion. Research shows that students in schools facing competition from charter and private schools progress faster than their peers in noncompetitive schools.¹⁴ An open, competitive education system lets parents choose the schools and curricula that are best for their children, and requires schools to improve and compete to attract students.

Education freedom advances liberty through greater individual choice and use of the free enterprise system. Accordingly, bills that give parents more education choice, make existing public schools more accountable and competitive, expand the pool of potential teachers through relaxed certification requirements, and encourage local control of schools are scored a +1. Bills that thwart competitiveness and accountability are scored a -1.

Education freedom advances liberty through greater individual choice and use of the free enterprise system.

The average Senate education score was 73 percent, and the House of Representatives average was 67 percent. While these averages may seem high, indicating broad support for education choice, it should be remembered that the legislature considered few education bills this session. Scores are based on just 12 votes in the Senate and 14 votes in the House, many of which were fairly modest in their effect. Rather than a measure of the absolute legislative commitment to education choice, these scores indicate the *relative* willingness of legislators to make public schools more accountable and give parents and students more control over their education. The highest education scorers in both chambers were Reps. Jerry Weiers (96%) and Rick Murphy (93%), with nine senators tying at 92 percent.

Table 3: Senate Scores: Education

Senators	District	Education	Letter Grade
Allen (S.)	5	92	A+
Burns	9	92	A+
Gorman	6	92	A+
Huppenthal	20	92	A+
Melvin	26	92	A+
Nelson	12	92	A+
Pierce	1	92	A+
Verschoor	22	92	A+
Waring	7	92	A+
Gray (L.)	10	88	A
Paton	30	88	A
Gould	3	83	A
Gray (C.)	19	83	A
Harper	4	83	A
Leff	11	83	A
Pearce	18	83	A
Tibshraeny	21	75	A-
Allen (C.)	8	67	B+
Alvarez	25	67	B+
Landrum Taylor	16	67	B+
Garcia	27	58	C+
Cheuvront	15	54	C
Lopez	29	54	C
Aguirre	24	50	C-
Hale	2	50	C-
McCune Davis	14	50	C-
Burton Cahill	17	46	D
Miranda	13	46	D
Rios	23	46	D
About	28	33	F
Mean		73	A-
Median		83	A

Table 4: House of Representatives Scores: Education

Representatives	District	Education	Letter Grade
Weiers (Je.)	12	96	A+
Murphy	9	93	A+
Biggs	22	86	A
Hendrix	22	86	A
Nichols	21	86	A
Seel	6	86	A
Yarbrough	21	86	A
Montenegro	12	82	A
Adams	19	79	A
Antenori	30	79	A
Ash	18	79	A
Boone	4	79	A
Burges	4	79	A
Court	18	79	A
Crump	6	79	A
Goodale	3	79	A
Gowan	30	79	A
Kavanagh	8	79	A
Lesko	9	79	A
McComish	20	79	A
McLain	3	79	A
Pratt	23	79	A
Stevens	25	79	A
Tobin	1	79	A
Weiers (Ji.)	10	79	A
Williams	26	79	A
Barto	7	75	A-
Driggs	11	75	A-
Reagan	8	75	A-
Barnes	7	71	A-
Konopnicki	5	71	A-
Jones	24	68	B+
Quelland	10	64	B
Sinema	15	64	B
Mason	1	61	B-

Meza	14	61	B-
Waters	20	61	B-
Bradley	28	57	C+
Crandall	19	57	C+
Miranda	16	57	C+
Pancrazi	24	57	C+
Schapira	17	57	C+
Brown	5	54	C
Meyer	11	54	C
Patterson	29	54	C
Cajero Bedford	27	50	C-
Campbell, Jr.	16	50	C-
Chabin	2	50	C-
Lopes	27	50	C-
McGuire	23	50	C-
Ableser	17	46	D
Farley	28	46	D
Garcia	13	46	D
Heinz	29	46	D
Young Wright	26	46	D
Campbell	14	43	D
Deschene	2	43	D
Fleming	25	43	D
Lujan	15	43	D
Tovar	13	36	F
Mean		67	B+
Median		71	A-

Constitutional Government

In free societies, the purpose of government is to protect individual rights. The Arizona Constitution embodies this principle, declaring, “All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.”

Too often, however, government steps beyond its constitutionally limited powers to the detriment of individual freedom. This is the case when city governments view themselves as drivers of economic growth, using public tax money for subsidies to private businesses.¹⁵ In other cases, governments impose

civil and criminal sanctions on individuals whose actions have not violated the rights of other individuals.¹⁶ Legislation that creates and extends government programs, commissions, and boards that lie outside the government’s constitutional duties erodes individual liberty. Legislators should seek to decentralize authority as much as possible, encouraging local control and the ability of people to govern themselves.¹⁷

Accordingly, bills that uphold property rights, repeal or restrict government agencies, boards and programs, or that decentralize authority are scored a +1. Bills that increase the size and power of government and violate individual rights are scored a -1.

The Senate scored an average 53 percent in constitutional government, while the House scored 50 percent. The highest constitutional government scorers in both chambers were Sens. Ron Gould (77%), Pamela Gorman (71%), and Russell Pearce (71%).

The highest constitutional government scorers in both chambers were Sens. Ron Gould (77%), Pamela Gorman (71%), and Russell Pearce (71%).

Table 5: Senate Scores: Constitutional Government

Senators	District	Constitutional Government	Letter Grade
Gould	3	77	A-
Gorman	6	71	A-
Pearce	18	71	A-
Allen (S.)	5	68	B+
Harper	4	68	B+
Burns	9	66	B
Gray (C.)	19	66	B
Verschoor	22	66	B
Waring	7	66	B
Gray (L.)	10	63	B
Leff	11	63	B
Pierce	1	63	B
Huppenthal	20	60	B-
Nelson	12	60	B-
Paton	30	60	B-
Melvin	26	59	C+
Tibshraeny	21	57	C+
Allen (C.)	8	50	C-

McCune Davis	14	46	D
Aguirre	24	41	D-
Alvarez	25	41	D-
Cheuvront	15	40	D-
Rios	23	38	F+
Burton Cahill	17	36	F
Aboud	28	35	F
Miranda	13	35	F
Lopez	29	33	F
Hale	2	31	F
Landrum Taylor	16	31	F
Garcia	27	29	F-
Mean		53	C
Median		59	C+

Table 6: House of Representatives Scores: Constitutional Government

Representatives	District	Constitutional Government	Letter Grade
Burges	4	70	A-
Biggs	22	68	B+
Seel	6	66	B
Court	18	61	B-
Hendrix	22	61	B-
Kavanagh	8	61	B-
Lesko	9	61	B-
McLain	3	61	B-
Montenegro	12	61	B-
Murphy	9	60	B-
Gowan	30	59	C+
Weiers (Ji.)	10	59	C+
Williams	26	59	C+
Adams	19	57	C+
Antenori	30	57	C+
Barto	7	57	C+
Crump	6	57	C+
Nichols	21	57	C+
Pratt	23	57	C+
Stevens	25	57	C+
Driggs	11	57	C+
Boone	4	56	C

McComish	20	56	C
Quelland	10	56	C
Weiers (Je.)	12	56	C
Yarbrough	21	56	C
Crandall	19	55	C
Reagan	8	55	C
Barnes	7	54	C
Goodale	3	54	C
Tobin	1	54	C
Mason	1	53	C
Ash	18	52	C-
Brown	5	52	C-
Jones	24	49	D+
Konopnicki	5	48	D+
Sinema	15	44	D
Young Wright	26	43	D
Cajero Bedford	27	43	D
Patterson	29	43	D
Waters	20	43	D
Campbell, Jr.	16	42	D-
Heinz	29	42	D-
Garcia	13	41	D-
Miranda	16	41	D-
McGuire	23	39	F+
Meza	14	39	F+
Bradley	28	39	F+
Campbell	14	39	F+
Meyer	11	39	F+
Tovar	13	39	F+
Deschene	2	35	F
Lujan	15	35	F
Lopes	27	34	F
Pancrazi	24	34	F
Ableser	17	34	F
Farley	28	33	F
Schapira	17	33	F
Fleming	25	30	F
Chabin	2	30	F
Mean		50	C-
Median		54	C

Regulation

Policymakers implement regulations ostensibly to reduce various risks for consumers, employees, and citizens. Much regulation, however, is counterproductive, resulting in higher compliance costs for businesses, fewer jobs, and fewer choices for consumers. In general, regulation stunts economic growth and exposes consumers to unforeseen risks.¹⁸

While the principles of limited government allow authorities to mitigate genuine public-good problems and punish fraud,¹⁹ most regulation addresses concerns that the free market, with individuals and businesses exchanging freely, could solve more efficiently and effectively.²⁰ The impetus behind some regulatory policy is a phenomenon that economists call “regulatory capture,” where certain industry interests use government power to prevent competition.²¹ Moreover, most industries can, and many do, self-regulate, including kosher food certifiers and companies involved with product safety testing and certification (e.g., Underwriters Laboratory).

Legislation that adds regulation or increases the burden of licensing schemes on private business received a -1. Legislation that removes regulation and fosters a free economy received a +1.

The Senate and House both score an average 47 percent. The highest-scoring legislators in the regulation category in both chambers were Sen. Ron Gould (83%), Rep. Andy Biggs (75%), and Sen. Jack Harper (69%).

While the principles of limited government allow authorities to mitigate genuine public-good problems and punish fraud, most regulation addresses concerns that the free market, with individuals and businesses exchanging freely, could solve more efficiently and effectively.

Table 7: Senate Scores: Regulation

Senators	District	Regulation	Letter Grade
Gould	3	83	A
Harper	4	69	B+
Pearce	18	67	B+
Gorman	6	64	B
Gray (C.)	19	64	B
Waring	7	64	B
Allen (S.)	5	61	B-
Gray (L.)	10	51	C-
Burns	9	50	C-
Verschuur	22	50	C-
Allen (C.)	8	47	D+

Tibshraeny	21	47	D+
Cheuvront	15	46	D
Paton	30	46	D
Huppenthal	20	44	D
Pierce	1	44	D
Leff	11	42	D-
Melvin	26	42	D-
McCune Davis	14	40	D-
Miranda	13	40	D-
Aguirre	24	39	F+
Hale	2	39	F+
Rios	23	39	F+
Garcia	27	38	F+
Nelson	12	38	F+
Alvarez	25	33	F
Landrum Taylor	16	33	F
Aboud	28	31	F
Burton Cahill	17	29	F-
Lopez	29	29	F-
Mean		47	D+
Median		44	D

Table 8: House of Representatives Scores: Regulation

Representatives	District	Regulation	Letter Grade
Biggs	22	75	A-
Burges	4	67	B+
Mason	1	62	B-
Murphy	9	62	B-
Seel	6	60	B-
Hendrix	22	57	C+
Montenegro	12	57	C+
Barnes	7	56	C
Boone	4	55	C
Court	18	55	C
Crandall	19	55	C
Lesko	9	55	C
Weiers (Ji.)	10	55	C
Driggs	11	54	C
Nichols	21	54	C
Antenori	30	52	C-

Ash	18	52	C-
Kavanagh	8	52	C-
Reagan	8	52	C-
Stevens	25	52	C-
Weiers (Je.)	12	52	C-
Williams	26	52	C-
Quelland	10	51	C-
Adams	19	50	C-
Barto	7	50	C-
Crump	6	50	C-
Goodale	3	50	C-
Gowan	30	50	C-
Jones	24	50	C-
McComish	20	50	C-
Pratt	23	50	C-
Yarbrough	21	50	C-
McLain	3	48	D+
Tobin	1	48	D+
Konopnicki	5	46	D
Campbell, Jr.	16	44	D
McGuire	23	43	D
Sinema	15	43	D
Meyer	11	42	D-
Ableser	17	39	F+
Brown	5	39	F+
Cajero Bedford	27	39	F+
Pancrazi	24	39	F+
Garcia	13	38	F+
Meza	14	38	F+
Miranda	16	38	F+
Patterson	29	37	F+
Young Wright	26	37	F+
Bradley	28	36	F
Waters	20	36	F
Deschene	2	35	F
Heinz	29	35	F
Lopes	27	35	F
Schapira	17	35	F
Campbell	14	33	F
Chabin	2	33	F
Tovar	13	33	F
Lujan	15	32	F
Farley	28	31	F
Fleming	25	29	F-
Mean		47	D+
Median		50	C-

Tax and Budget

To respect the liberty of citizens, government should restrain spending and keep taxes as low as possible. Such a policy of low taxes on individuals and businesses lays the foundation for a regionally and nationally competitive economy. Numerous studies show that states with low taxes enjoy economic growth that exceeds growth in states with high taxes.²² When legislators authorize the state to provide another service or expand an existing service, they take resources from the private economy, reducing the resources available for new businesses and investment.²³ This is also true in good economic times, when budget surpluses create the illusion that government is not diverting resources from the private economy.²⁴ To restrain spending, legislators must provide only those services that the private sector truly cannot.²⁵

Many current government functions are inconsistent with the principles of limited government outlined in the Arizona Constitution and could be provided more efficiently through privatization.²⁶ Even an economy that has low taxes and little regulation may not be a true free-market economy. Frequently, legislators who claim to be “pro-business” are in fact guilty of creating a kind of crony capitalism, where government gives special tax exemptions and payouts to favored businesses and industries. Such arrangements generally advantage existing market players and limit competition from smaller players and potential market entrants.²⁷

Frequently, legislators who claim to be “pro-business” are in fact guilty of creating a kind of crony capitalism, where government gives special tax exemptions and payouts to favored businesses and industries.

Because the benefits of government programs are generally concentrated and the costs of government are diffused, the resulting dynamic of special-interest politics makes it difficult for politicians to resist new spending initiatives and remove existing spending.²⁸ An institutional mechanism that automatically limits the growth of government is one way to resist that dynamic and to promote fiscal restraint.²⁹

Bills that increased government spending, created new programs, manipulated the market through industry-specific incentives, or otherwise increased taxes were scored a -1. Bills that reduced the tax burden, made government expenditures more transparent, or restrained government spending were scored a +1.

The Senate average was 53 percent and House scored 49 percent. The highest tax and budget scores in both chambers went to Sens. Russell Pearce (92%), Pamela Gorman (86%), Chuck Gray (86%), and Rep. Andy Biggs (83%).

Table 9: Senate Scores: Tax and Budget

Senators	District	Tax & Budget	Letter Grade
Pearce	18	92	A+
Gorman	6	86	A
Gray (C.)	19	86	A
Allen (S.)	5	81	A
Gould	3	81	A
Waring	7	75	A-
Huppenthal	20	74	A-
Burns	9	72	A-
Harper	4	72	A-
Verschuur	22	69	B+
Nelson	12	67	B+
Paton	30	67	B+
Pierce	1	67	B+
Gray (L.)	10	65	B
Leff	11	64	B
Melvin	26	61	B-
Allen (C.)	8	53	C
Tibshraeny	21	51	C-
Cheuvront	15	40	D-
McCune Davis	14	33	F
Aguirre	24	28	F-
Miranda	13	28	F-
Aboud	28	26	F-
Landrum Taylor	16	24	F-
Alvarez	25	22	F-
Hale	2	22	F-
Lopez	29	19	F-
Rios	23	19	F-
Burton Cahill	17	18	F-
Garcia	27	17	F-
Mean		53	C
Median		63	B

Table 10: House of Representatives Scores: Tax and Budget

Representatives	District	Tax & Budget	Letter Grade
Biggs	22	83	A
Kavanagh	8	81	A
Montenegro	12	81	A
Burges	4	79	A
Crump	6	79	A
Seel	6	79	A
Murphy	9	77	A-
Weiers (Je.)	12	76	A-
Barto	7	73	A-
Hendrix	22	73	A-
Adams	19	71	A-
Lesko	9	71	A-
Weiers (Ji.)	10	71	A-
Driggs	11	69	B+
McLain	3	69	B+
Ash	18	67	B+
Boone	4	67	B+
Court	18	67	B+
Gowan	30	67	B+
Stevens	25	67	B+
Goodale	3	66	B
Antenori	30	65	B
Barnes	7	65	B
Yarbrough	21	65	B
Nichols	21	64	B
McComish	20	63	B
Pratt	23	63	B
Tobin	1	63	B
Mason	1	60	B-
Reagan	8	60	B-
Crandall	19	55	C
Jones	24	54	C
Quelland	10	53	C
Williams	26	48	D+
Konopnicki	5	47	D+
Heinz	29	34	F
Campbell, Jr.	16	31	F
Deschene	2	30	F

Cajero Bedford	27	29	F-
Meza	14	29	F-
Miranda	16	27	F-
Young Wright	26	27	F-
Garcia	13	26	F-
Meyer	11	25	F-
Ableser	17	24	F-
McGuire	23	24	F-
Pancrazi	24	24	F-
Sinema	15	24	F-
Tovar	13	24	F-
Waters	20	24	F-
Bradley	28	23	F-
Fleming	25	23	F-
Lujan	15	22	F-
Chabin	2	21	F-
Farley	28	20	F-
Lopes	27	20	F-
Schapira	17	20	F-
Campbell	14	19	F-
Patterson	29	19	F-
Brown	5	18	F-
Mean		49	D+
Median		58	C+

Overall, the average House of Representatives score was 50 percent, and the Senate score was 53 percent, indicating a near-equal number of votes to uphold liberty as there were to restrict it.

Total Scores

Overall, the average House of Representatives score was 50 percent, and the Senate score was 53 percent, indicating a near-equal number of votes to uphold liberty as there were to restrict it.

Despite the low average scores, a number of legislators earned grades in the A range. The highest overall scorer in either chamber was Senator Ron Gould (R-3), with 80 percent, an A. The highest category score in either chamber went to Rep. Jerry Weiers, with a 96 percent in education. Rep. Andy Biggs (R-22) and Sen. Russell Pearce tied for the second-highest score, 76 percent, an A-. Districts 6 and 22 tied for the highest district average at 69 percent.³⁰

This year, Senate Republicans scored an overall average of 33 points higher than Senate Democrats. The average overall advantage for House Republicans over House Democrats was 24 percentage points.

Table 11: District Grade Averages

Name	District	Education	Constitutional Government	Regulation	Tax & Budget	Total Score	Letter Grade
Mason	1	61	53	62	60	58	C+
Tobin	1	79	54	48	63	57	C+
Pierce	1	92	63	44	67	61	B-
						59	C+
Chabin	2	50	30	33	21	30	F
Deschene	2	43	35	35	30	34	F
Hale	2	50	31	39	22	33	F
						32	F
Goodale	3	79	54	50	66	58	C+
McLain	3	79	61	48	69	61	B-
Gould	3	83	77	83	81	80	A
						67	B+
Boone	4	79	56	55	67	61	B-
Burges	4	79	70	67	79	73	A-
Harper	4	83	68	69	72	71	A-
						68	B+
Brown	5	54	52	39	18	39	F+
Konopnicki	5	71	48	46	47	49	D+
Allen (S.)	5	92	68	61	81	71	A-
						53	C
Crump	6	79	57	50	79	64	B
Seel	6	86	66	60	79	70	A-
Gorman	6	92	71	64	86	75	A-
						69	B+
Barnes	7	71	54	56	65	59	C+
Barto	7	75	57	50	73	62	B-
Waring	7	92	66	64	75	70	A-
						64	B

Kavanagh	8	79	61	52	81	66	B
Reagan	8	75	55	52	60	58	C+
Allen (C.)	8	67	50	47	53	51	C-
						58	C+
Lesko	9	79	61	55	71	64	B
Murphy	9	93	60	62	77	68	B+
Burns	9	92	66	50	72	66	B
						66	B
Quelland	10	64	56	51	53	55	C
Weiers (Ji.)	10	79	59	55	71	63	B
Gray (L.)	10	88	63	51	65	63	B
						60	B-
Driggs	11	75	57	54	69	61	B-
Meyer	11	54	39	42	25	37	F+
Leff	11	83	63	42	64	59	C+
						52	C-
Montenegro	12	82	61	57	81	68	B+
Weiers (Je.)	12	96	56	52	76	64	B
Nelson	12	92	60	38	67	59	C+
						63	B
Garcia	13	46	41	38	26	36	F
Tovar	13	36	39	33	24	33	F
Miranda	13	46	35	40	28	35	F
						35	F
Campbell	14	43	39	33	19	32	F
Meza	14	61	39	38	29	38	F+
McCune Davis	14	50	46	40	33	42	D-
						37	F+
Lujan	15	43	35	32	22	31	F
Sinema	15	64	44	43	24	40	D-
Chevront	15	54	40	46	40	43	D
						38	F+
Campbell, Jr.	16	50	42	44	31	40	D-
Miranda	16	57	41	38	27	38	F+

Landrum Taylor	16	67	31	33	24	33	F
						37	F+
Ableser	17	46	34	39	24	33	F
Schapira	17	57	33	35	20	32	F
Burton Cahill	17	46	36	29	18	30	F
						32	F
Ash	18	79	52	52	67	59	C+
Court	18	79	61	55	67	62	B-
Pearce	18	83	71	67	92	76	A-
						66	B
Adams	19	79	57	50	71	61	B-
Crandall	19	57	55	55	55	55	C
Gray (C.)	19	83	66	64	86	72	A-
						63	B
McComish	20	79	56	50	63	58	C+
Waters	20	61	43	36	24	37	F+
Huppenthal	20	92	60	44	74	62	B-
						52	C-
Nichols	21	86	57	54	64	61	B-
Yarbrough	21	86	56	50	65	59	C+
Tibshraeny	21	75	57	47	51	55	C
						58	C+
Biggs	22	86	68	75	83	76	A-
Hendrix	22	86	61	57	73	65	B
Verschoor	22	92	66	50	69	65	B
						69	B+
McGuire	23	50	39	43	24	37	F+
Pratt	23	79	57	50	63	59	C+
Rios	23	46	38	39	19	34	F
						43	D
Jones	24	68	49	50	54	52	C-
Pancrazi	24	57	34	39	24	35	F
Aguirre	24	50	41	39	28	38	F+
						42	D-

Fleming	25	43	30	29	23	29	F-
Stevens	25	79	57	52	67	61	B-
Alvarez	25	67	41	33	22	36	F
						42	D-
Williams	26	79	59	52	48	56	C
Young Wright	26	46	43	37	27	37	F+
Melvin	26	92	59	42	61	58	C+
						50	C-
Cajero Bedford	27	50	43	39	29	38	F+
Lopes	27	50	34	35	20	32	F
Garcia	27	58	29	38	17	30	F
						33	F
Bradley	28	57	39	36	23	35	F
Farley	28	46	33	31	20	30	F
Aboud	28	33	35	31	26	31	F
						32	F
Heinz	29	46	42	35	34	38	F+
Patterson	29	54	43	37	19	35	F
Lopez	29	54	33	29	19	30	F
						35	F
Antenori	30	79	57	52	65	60	B-
Gowan	30	79	59	50	67	61	B-
Paton	30	88	60	46	67	60	B-
						60	B-

Table 12: Scores and Grades by Party

Senate	Number	Education	Const. Govt.	Regulation	Tax and Budget	Overall	Grade
Democrat	12	48	34	34	23	32	F
Republican	18	87	64	54	71	65	B
House							
Democrat	25	51	39	37	24	35	F
Republican	35	76	56	52	65	59	C+

Conclusion

Free societies depend on government to protect, rather than infringe upon, individual liberty. Government threatens liberty, however, when lawmakers violate fundamental individual rights, tax earnings, and take freedom and choice away from individuals to benefit specific classes, special interests, and favored groups. As the governmental body explicitly charged with lawmaking authority, the legislature is often the greatest offender.

However, because the legislature is the branch that is most accountable to the governed by virtue of the citizens' ability to vote legislators into and out of office, the legislature has the most potential to serve the interests of the governed. It therefore behooves voters to keep a careful watch on legislative activities.

This report quantitatively analyzes how well Arizona's Forty-ninth Legislature respected the principles of free markets, limited government, rule of law, and individual rights embodied in the Arizona Constitution. Using a 50 percent benchmark to determine whether the net sum of votes advanced or hindered liberty, it is evident that during this legislative session both the House of Representatives and the Senate did little to roll back existing government encroachment on individual rights, but did not enact many sweeping new programs, leaving both chambers almost at the neutral mark.

In the first year of this report card (2003), average scores for both chambers were "within earshot of the neutral mark (50 percent)."³¹ Since 2003, however, scores have hovered around the 50 percent mark, never indicating a real legislative commitment to limited government. Further, of the bills included in the report, which were determined to have some measureable impact on liberty in Arizona, nearly 60 percent were positive bills. That the average legislative score remains at about the 50 percent neutral mark while the majority of bills are positive in nature indicates that legislators may be actively blocking legislation that limits government and expands freedom.

It is our hope that by casting light on the totality of legislative work during this session, voters may be better equipped to hold legislators accountable, and that legislators might give more careful consideration to how their votes affect liberty.

This report quantitatively analyzes how well Arizona's Forty-ninth Legislature respected the principles of free markets, limited government, rule of law, and individual rights embodied in the Arizona Constitution.

APPENDIX: Included Bills

Note: “Yes” votes on bills marked with an asterisk were scored a –1.

EDUCATION

- HB 2099 charter schools; zoning
Gives charter schools same zoning status as public schools.
- HB 2108 WICHE student loans; repayment
Requires students who fail to meet WICHE (Western Interstate Commission for Higher Education) loan contract obligations to pay 100 percent of loans instead of the current 50 percent.
- HB 2120* school districts; bonds; purposes
Would allow schools to bond for “soft capital”—items that are durable but of relatively limited life and that do not hold value like desks and other equipment do.
- HB 2284 charter schools; enrollment preference
Allows a charter school to give enrollment preference to children of employees of the school and charter holder. Gives charter schools a bit more flexibility over how they manage enrollment.
- HB 2287 tax credits; withholding tax reduction
Allows employers to reduce withholding tax amounts for employees who plan to make contributions to public schools, school tuition organizations, or charitable organizations. Enhances school choice tax credit program by making it easier for taxpayers to direct a portion of their pay to scholarship organizations.
- HB 2288 premium tax credit; STO contribution
Allows insurers to take a credit against their insurance premium tax liability for donations to a school tuition organization, and repeals the sunset date for the corporate credit for donations to school tuition organizations (STOs). Modest expansion of the corporate tuition tax credit program.
- HB 2346 charter schools; leased property
Lowers property taxes for charter schools, putting them on a more equal footing with public schools.
- HB 2437* school districts; internet based advertising
Allows school districts to sell advertising on their websites. Sets up

governmental entities as competitors with the private sector and inefficiently requires proceeds to first be spent on alternative-energy buses and other energy-saving technology.

- HB 2459 schools; superintendents; certification
Allows school districts to hire superintendents who have not met State Board of Education requirements. Opens the field of candidates to those with special expertise outside the traditional education establishment.
- HB 2525 TAPBI programs; schools
Allows more distance learning through Technology Assisted Project-Based Instruction (TAPBI) programs, but prevents students not residing in Arizona from participating.
- SB 1134* commission for postsecondary education; continuation
Continues postsecondary education regulatory board.
- SB 1135 teacher student loan program; expansion
Allows students enrolled in private universities to participate in a preexisting loan forgiveness program for public university students in high-need subject areas. While schools ought to be able to pay math and special education teachers more, they cannot because of union contracts. This program should not have to exist, but given the realities, if it does exist, it should not discriminate against private university students.
- SB 1196 education omnibus
Greatly liberalizes online learning.
- SB 1370 WICHE student loans; repayment
Changes the law to require 100 percent repayment of WICHE student loans when the student fails to complete a degree program.
- SB 1375 student information; written parental request
Increases school district transparency.
- SB 1386 charter schools; charter renewal period
Allows charter schools to apply for an early renewal, and lengthens the charter from 15 to 20 years.
- SB 1395 common school districts; grade nine
Allows K–8 districts to include grade 9. JLBC indicates that the bill

is likely to save some construction money.

SB 1427 schools; instructional technology; fees; deposit
Allows school boards to assess damage fees and deposits for instructional equipment issued to students, leading to marginal improvement in fiscal responsibility of schools.

CONSTITUTIONAL GOVERNMENT

HB 2091* charitable organizations; solicitations; disclosures
Effective January 1, 2010, requires an item donation location to post the name of the charity or company who owns the collection site as well as who will benefit from the donations received at the location. Despite noble intentions, such information can be conveyed through public awareness efforts and by legitimate charities posting the information at collection sites, without the need for government interference.

HB 2125 permissible raffles; clubs
Permits booster clubs, civic clubs, and political clubs or political organizations to conduct raffles. Expands exemption from raffle-gambling prohibition.

HB 2155* hospital districts; elections
Grants the Williams hospital district a one-time election to reauthorize the existing secondary property tax funding the hospital's operations. Sets a dangerous precedent of election exemptions for special districts.

HB 2157* wildlife; aquatic invasive species
Allows the Arizona Game and Fish Director to create an aquatic invasive species program. Increases environmental regulatory authority.

HB 2158 adult immunization information system
Establishes an adult immunization database to which health professionals have the option of reporting. Violates privacy.

HB 2164 administration of immunizations; pharmacists
Allows pharmacists certified by the Board of Pharmacy to administer certain immunizations to adults without a prescription. Is a minor relaxation in regulations, although it also creates a new advisory committee and protocols.

- HB 2173* notification; complaint; registrar of contractors
Minimally compels speech in violation of the First Amendment; minimally dictates the form of contracts.
- HB 2252* international transportation and port infrastructure
Creates a new special district to centrally plan trade with Mexico. Deregulation could achieve this.
- HB 2273 health services districts; voter approval
Makes it easier to preclude formation of unnecessary special districts.
- HB 2331 federal immigration law; enforcement
This bill forbids cities from refusing to enforce immigration laws. The bill enhances the rule of law without imposing affirmative obligations.
- HB 2336* community facilities districts; renewable energy (Now: country renewable energy incentive districts)
Allows creation of new special districts to permit renewable energy production. The positive features of expedited zoning approval are outweighed by the fact that zoning approval would still be discretionary, which means that the freedom involved would be subjective. Also, the bill violates the rule of law by favoring renewable energy production, threatens property rights and fiscal responsibility because there are no limits on taxing or spending authority or eminent domain usage by the district. Lastly, there is no apparent reason for structuring the law to allow creation of a new special district, rather than simply giving cities, counties, and towns the power to relax regulations on energy production by way of a zoning overlay authority. At the cost of possibly increasing freedom for favored renewable energy producers, the bill empowers local governments to create a new public body that would duplicate existing municipal powers. The board could evade taxing and spending limitations, while being functionally immune to electoral accountability.
- HB 2357 public education; students' religious liberties
Prohibits a public educational institution from discriminating against students or parents on the basis of a religious viewpoint or expression. Upholds First Amendment rights.
- HB 2372* tax credit; pollution equipment (Now: country island fire districts)

Modifies the provisions relating to county island fire districts.
Increases in the power of special districts.

- HB 2426 enhanced driver licenses; prohibition
Prohibits Arizona from participating in the implementation of an Enhanced Driver License (EDL) program. Upholds federalism.
- HB 2439 concealed weapons permit; safety course
Exempts persons who meet specified criteria from completing the required firearms safety training program needed to obtain a permit to carry a concealed weapon. Upholds Second Amendment rights.
- HB 2440 drought emergency groundwater transfers
Allows groundwater to be transported away from a groundwater basin that is outside an active management area under specific emergency circumstances and on a temporary basis. Slightly relaxes and limits regulatory authority.
- HB 2441 drought emergency groundwater transfers
Slightly relaxes laws prohibiting public drinking in connection with wine festivals.
- HB 2449* fingerprinting; arrest; procedures
Requires fingerprinting for petty offenses. Overbroad.
- HB 2474* firearms; storage; motor vehicles
Prevents property owners, tenants, employers, and businesses from prohibiting the storage or transport of lawfully possessed firearms in locked and privately owned vehicles parked in a parking lot, parking garage, or other designated parking area. Violates private property rights.
- HB 2482* civil air patrol; federal monies
Could undermine federalism by authorizing state militia entity to receive federal funding to perform federal functions. However, it is unclear whether this entity really is a state militia entity. It looks like a corporate entity created as a vehicle for federal military law enforcement operations within the territory of the United States, evading the Posse Comitatus Act.
- HB 2514* amateur radio; structures; accommodation
Overrides property rights and freedom of contract of homeowners' associations (HOAs).

- HB 2532 prohibited possessors; persistently, acutely disabled
Establishes a reasonable procedure to restore the right to bear arms to the disabled.
- HB 2533* unlawful roadside solicitation of employment
Specifies a Class 3 misdemeanor to occupants of motor vehicles and persons whose activities block or impede traffic in an attempt to hire or be hired for work at a different location. Redundant of existing law and diminishes economic freedom.
- HB 2566 nuclear security guards; weapons; ranges
Increases scope of right to bear arms.
- HB 2568* unlawful use of building; marijuana
Makes marijuana possession in a home grounds for civil forfeiture of the home and also Class 4 felony. Overbroad (see Timothy Keller and Jennifer Wright, *Policing and Prosecuting for Profit: Arizona's Civil Asset Forfeiture Laws Violate Basic Due Process Protections*, Goldwater Institute Policy Report no. 198, November 15, 2004, <http://www.goldwaterinstitute.org/article/1294>).
- HB 2610 civil liability; affirmative defenses
Tort reform targeting products liability cases, which are not philosophically objectionable and appear well tailored to frivolous cases.
- HCM 2004 secret ballots; protecting fundamental right
Asks Congress to oppose “card check” legislation. Upholds right to secret union ballots.
- HCM 2006 state land; natural resources
Advances federalism and economic freedom by demanding that federal government not take state public lands for conservation purposes.
- HCM 2009 opposing federal firearms legislation
Encourages the U.S. Congress to oppose legislation impinging on the individual right of every American to keep and bear arms in any manner. Upholds individuals’ Second Amendment rights.
- HCR 2014 health care services; direct purchase
Places language on the ballot that would amend the Arizona Constitution related to what types of health care systems could lawfully exist in Arizona. Maintains Arizonans’ right to choose health care providers.

- HCR 2019 justices and judges; senate confirmation
Constitutionally prohibits the discrimination against or preferential treatment of any group or individual on the basis of race, sex, color, ethnicity, or national origin, subject to voter approval. Guarantees equal protection of the law regardless of race or ethnicity.
- HCR 2024 sovereignty; tenth amendment
Asserts states' rights.
- SB 1002 elected officials; print; visual media
Prohibits elected officials from using taxpayer funds for self-promotional purposes. Limits the power of incumbency.
- SB 1063* domestic violence victims; fee exemptions
Creates a special class of individuals who do not have to pay fees associated with driver's licenses.
- SB 1091 secretary of state; elections; filing
Conforms some voting laws to First Amendment rulings in *Davis* and other cases.
- SB 1097 emergency medical services; records; confidentiality
Slightly increases due process afforded to emergency medical technicians under investigation for violating licensure rules.
- SB 1113 restaurants; handguns; posting
Increases scope of right to bear arms without violating property rights.
- SB 1147 greenhouse emissions; regulations; fuel economy
Blocks environmental regulations by agencies and subdivisions of the state without sunrise review by legislature.
- SB 1148* deed restrictions; for sale signs
Violates property rights by overriding deed restrictions voluntarily assented to. Violates contracts clause by having retroactive applicability.
- SB 1152* mental health services; court-ordered treatment
Substantially weakens common-law marital privilege for mental health hearings in connection with court-ordered competency hearings.

- SB 1155* trust lands; conservation; technical correction (Now: elections; hospital districts)
Allows the Williams Hospital District to hold a special election in June to continue its secondary property tax after it missed holding the election in November, the now only legal election date for such elections. Circumvents principles of the rule of law.
- SB 1157* department of environmental quality; continuation
Continues existence of regulatory agency that could have been “sunsetting” without reducing any regulatory authority.
- SB 1168* storage; firearms; motor vehicles
Prevents property owners from prohibiting the storage or transport of lawfully possessed firearms on their property. Violation of private property rights.
- SB 1169* vehicle impoundment; administrative towing fund
Establishes a Capitol Police Administrative Towing Fund that can be used to fund capitol police expenses. Has the potential for abuse, since capitol police would be somewhat self-funded. There should not be a financial incentive to immobilize others’ property.
- SB 1183* recreational corridor districts; termination date
Creates new special districts to centrally plan water management. Property rights and existing local governments could manage.
- SB 1209* children; foster care; rights
While noble in intent, creates a very broad set of positive rights that violates principles of limited government.
- SB 1243 justification; defensive display of firearm
Enhances the right to bear arms.
- SB 1246 CPS information
Allows access to Child Protective Services (CPS) records regarding minors; increases transparency.
- SB 1254* anti-marital fact privilege; exception
Violates common-law marital privilege.
- SB 1264* health professionals; disclosure
Requires health professionals to identify their license type by spelling out their full professional title on advertisements, if the

advertisement mentions their names. Compels speech in violation of the First Amendment.

- SB 1271 deficiency judgment; foreclosed properties
Upholds contract rights by making it a bit more difficult for mortgage defaulters to avoid a deficiency judgment.
- SB 1285* CPS information; redactions; challenges
Violates separation of powers by giving legislators an almost executive power.
- SB 1303 open meeting law; minutes; notice
Increases transparency by requiring posting of public hearings and related information.
- SB 1313* county merit system; hearing officers
Continues a law that allows the formation of an Industrial Development Authority for the sake of nonprofit nursing homes. These extra-governmental entities are not necessary.
- SB 1362 solid waste; private enterprise
Would expand free-market competition to trash collection.
- SB 1363* homeowners' associations; foreclosures; voting rights
Violates freedom of contract by overriding existing HOA documents and precluding certain provisions in future contracts.
- SB 1407* health spa contracts; military members
Violates freedom of contract by overriding existing contracts.
- SB 1442* county supervisors; membership; number
Changes number of members on board of supervisors; increases cost of government by making bigger boards mandatory for more counties.
- SB 1443* cellular telephone use; texting; driving
Bars cell phone usage while driving, but creates many exceptions in violation of the rule of law. Laws should apply equally. Also, redundant to laws against distracted driving.
- SB 1449 applicability; self-defense
Protects exercise of Second Amendment rights

- SB 1459 cold case register; victim report
Increases transparency about closed police cases.
- SB 1462 state public employment policies
Blocks union contracts based solely on executive authority; good fiscal constraint on the executive branch.
- SB 1466 council on efficient government
Brings accountability via a sunrise/sunset agency and expands managed competition.
- SCR 1004 American Sovereignty Restoration Act
Enforces principles of federalism by asserting state sovereignty.
- SCR 1025 publicly financed elections; prohibition
Cuts public funding of elections; increases free speech by reducing government crowd-out; increases fiscal responsibility.
- SCR 1026 secret ballot; fundamental right
Secures secret ballot from National Labor Relations Board; advances federalism and curtails quasi-governmental power of unions.
- HB 2335* improvement districts; renewable energy
House version allows creation of a new special district. Senate version encourages taking on new debt.

REGULATION

- HB 2042* loan originator fees; DFI funds
Establishes the Financial Services Fund to help pay for enforcement of the law over loan originators. No new fees are authorized, but the fund makes it more likely fees will be assessed and raised.
- HB 2078* community colleges; bonds; technical correction (Now: outdoor behavioral health; definition; requirements)
Defines and establishes inspection and licensure criteria for outdoor behavioral health care programs. Increases burden of licensure.
- HB 2123 License plate commission repeal
Repeals the License Plate Commission. Modest reduction in size of government.

- HB 2133* motorcycle safety council
Extends unnecessary government council.
- HB 2144* insurance; actuarial opinions; financial audits
Slightly increases scale and scope of regulations on insurance companies.
- HB 2159* Board of podiatry examiners; continuation
Continues the Arizona State Board of Podiatry Examiners until July 1, 2011. Continues unnecessary occupational regulation that could be handled adequately by the industry itself.
- HB 2160* chiropractic practice
Increases burden of occupational regulation on chiropractors.
- HB 2172 charity game ticket games
Slightly increases freedom to offer bingo by creating a new license category.
- HB 2185 life insurance
Makes various revisions to the statutes governing life insurance, including allowing exclusions in the life insurance policy for suicides that occur within two years of an increase in death benefits. Improves freedom of contract.
- HB 2190* nuisance abatement; entry on premises
Gives administrative warrant access to private property because of "filth." Administrative warrants are an anathema to the original meaning of the Fourth Amendment.
- HB 2206* psychologist examiners board; omnibus behavior analysts
Increases burden of occupational regulation on psychologists.
- HB 2207* behavior analysts
Increases burden of occupational regulation on behavior analysts.
- HB 2210* professional offices; records; protocols (Now: chiropractic services)
Establishes requirements regarding the maintenance of patients' records for business entities that provide chiropractic services, and classifies failure to do so as a Class 6 felony. Increases business regulation.

- HB 2240 rule making; state agencies; moratorium
An emergency measure placing a moratorium on rule-making activity that results in monetary or regulatory cost increases. Inhibits new regulations for one year.
- HB 2258 consumer fireworks
Allows for the sale of permissible consumer fireworks by a retail establishment. Returns some power to individuals to decide which products to purchase.
- HB 2269* landlords; tenants; foreclosures
Increases regulation of landlord-tenant relationship and mortgage agreements.
- HB 2275 technical correction; game and fish (Now: mining study committee)
Establishes a Mining Study Committee to review regulations that are burdensome to the mining industry, which is a step toward eliminating burdensome regulations.
- HB 2277 agricultural study committee
Establishes in session law a study committee to review agricultural rules and regulations. Establishes sunset committee; enhances economic freedom
- HB 2278 technical correction; state trust lands
Relaxes regulatory restrictions on using tires as closed-mine-filling fill.
- HB 2283 certified nursing assistants; pilot program
Delays the repeal date of the Medication Technician Pilot Program, which allowed certified nursing assistants to administer certain medications. A step toward expanding the scope of practice for nursing assistants.
- HB 2301 domestic microbreweries; production cap
Doubles (from 620,000 to 1,240,000 gallons) the amount of gallons of beer a domestic microbrewery is allowed to produce in one calendar year. Reduces regulatory burden.
- HB 2302 distance restriction; liquor license
Relaxes zoning regulations affecting the sale of alcohol.

- HB 2310 subdivision public reports
Modifies the Department of Real Estate's procedure for reviewing subdividers' notices and public reports for the sale of improved lots. A modest regulatory reduction that eases regulations on homebuilders.
- HB 2317* fiduciaries
Requires fiduciaries to be licensed by the Arizona Supreme Court rather than certified. Imposes new occupational licensure.
- HB 2323 health insurance; small business coverage
Requires fiduciaries to be licensed by the Arizona Supreme Court rather than certified. Imposes new occupational licensure.
- HB 2324 health insurance; individuals; coverage exemptions [HB 2324 was substituted for SB 1325 on Third Read]
Allows health insurers to issue policies to uninsured individuals who are exempt of certain mandated benefits. Reduces regulation of health care policies to make basic coverage more available and affordable.
- HB 2330* biodiesel fuel dispensers; labeling
Requires biodiesel dispensers to be labeled in conformance with federal regulations. Adds regulation that could be managed by private groups and interested parties.
- HB 2352 aquifer protection permits; natural gas
Relaxes regulations on energy storage.
- HB 2391* homeowners' associations; declarant failure
Establishes a timeframe for members of a planned community to incorporate and form an HOA following the departure of the declarant. Restricts freedom of contract.
- HB 2399 automated external defibrillators
Removes a number of requirements related to physician oversight of automated external defibrillators. Increases occupational freedom as well as general freedom to use defibrillators
- HB 2401 administrative rules oversight committee
Establishes the Administrative Rules Oversight Committee. Provides a venue for review of onerous regulations.

- HB 2435 amendments; self-storage units
Makes changes to statute relating to the proper procedures for dealing with unpaid rent on self-storage units. Modest regulatory reduction on storage unit businesses.
- HB 2465* scrap metal; theft; dealers
Increases prophylactic regulation of scrap metal dealers. This is only a marginal increase in the regulation of a business that is already highly regulated; still, it increases regulation and presumes scrap dealers are criminals unless they comply with rather onerous requirements. Thwarting theft could be accomplished by increasing statutory penalties for trafficking in stolen goods.
- HB 2486* health insurance; purchase outside state (Now: commercial mortgage broker license)
Adds commercial mortgage brokers to the licensing law for mortgage brokers and is therefore additional regulation. Such licensing often harms, rather than protects, consumers.
- SB 1072 charity game ticket games
Slightly increases freedom to offer bingo by creating a new license category.
- SB 1104* AHCCCS; SCHIP; application process (Now: assisted living managers; nursing administrators)
Allows the Board of Nursing Care Institution Administrators and Assisted Living Facility Managers to set fees by rule, creating potential for higher certification fees.
- SB 1105* nursing board; omnibus
Increases burden of regulation on nurses, and raises taxes through the guise of taking 10 percent of license fees for the General Fund in violation of two-thirds requirement of the state constitution.
- SB 1111* county planning and zoning; revisions
Increases regulatory authority of county zoning boards.
- SB 1118 definition; begin actual construction
Provides for some greater flexibility in construction of facilities that will require an air pollution permit.

- SB 1225/
HB2181* dust control; best management practices
Increases regulation of particulates from agricultural activities in rural areas.
- SB 1256* mining omnibus
Allows collection of a fee to train miners, which should be handled privately.
- SB 1259 aggregate mine reclamation; initiation; extension
Allows required reclamation activities to be delayed when shutdowns are due to likely temporary economic factors. Enhances economic freedom.
- SB 1273* motorcycle safety fund; council; continuation
Unnecessary tax of all who ride motorcycles for the subset who opt to participate in safety programs.
- SB 1310* developmental disabilities council; duties; continuation
Continues and increases power of a regulatory agency.
- SB 1400* dental assistants; community oral health
Slightly increases occupational freedom by increasing the scope of practice of dental apprentices.
- SB 1437 schools; gun safety instructors; certification
Increases occupational freedom for gun certifiers.
- SB 1440* minors in vehicle; smoking prohibited
Additional smoking regulation that fines people who smoke in a car with minors, regardless of the age of minor or consent.
- SCM 1002 statewide strategy; restoring Arizona's forests
Asks the U.S. Forest Service to follow what appears to be a good forest management plan in Arizona that would allow for increased timber production.

TAX AND BUDGET

- HB 2051* 2008–2009; appropriations; budget revisions
Makes session law changes to implement a revised FY 2008–2009 budget. Restores funding to specified agencies, reverts monies to specified funds, and makes supplemental appropriations. Increases state expenditures.
- HB 2124 photo enforcement; allowable uses (Now: preemption; commercial lease; cities)
Prohibits cities from sales taxing commercial leases, which are business inputs. Good tax policy.
- HB 2143* loan originators; mortgage recovery fund
Establishes transfer payment scheme that saddles taxpayers with losses from private mortgage deals.
- HB 2201* chiropractic board; fees
Allows the Arizona Board of Chiropractic Examiners to set fees by rule with certain restrictions. Essentially a tax increase in the guise of fee increase, by passing two-thirds vote.
- HB 2234 trailer registration; VLT
Reduces fees associated with trailers.
- HB 2237 AHCCCS; verification of eligibility
Potential savings from verifying citizenship eligibility for social programs.
- HB 2238 AHCCCS; DES; fraud reduction
Would require DES and AHCCCS to contract with private entities for fraud-reduction measures.
- HB 2264 agencies; fund sources; expenditures; report
Requires greater reporting, timeliness, and internal transparency from government agencies on expenditures.
- HB 2268 political subdivision budgets
Would bring additional transparency for local government through the dissemination of budget documents on the Internet.
- HB 2279 state debt and expenditures; report
A transparency measure that would require JLBC to analyze and

summarize the Department of Revenue's debt report.

- HB 2285 merger; fire district assistance tax
Modifies the calculation for the Fire District Assistance Tax (FDAT) that consolidated fire districts receive. Protects property owners by limiting the amount of property taxes that merged fire districts can collect.
- HB 2286 tax credit; charitable organizations
Modifies the eligibility for the individual income tax credit for donations to charitable organizations for the working poor. Removes baseline year requirement to make the tax credit more available to charitable contributors.
- HB 2311* car rental surcharge; exception
Would codify current practice of not charging a rental surcharge on vanpools. All taxes should apply to all as equally as possible.
- HB 2312* small special districts; financial review
Reduces financial transparency for small special districts by requiring financial reviews only when requested rather than biannually.
- HB 2314 property valuation; telecommunications companies
Reduces property taxes on telecommunications equipment—a business input.
- HB 2329* solar energy; permit fees
Establishes maximum building permit fees for solar energy system construction permits for cities, towns, and counties. Creates a tax incentive for solar energy that should apply to all building permits.
- HB 2341* renewable energy production tax credit
Tax credits for those who produce electricity with renewable sources. Promotes inefficiency and special privilege.
- HB 2360 general obligation bond requirements
Requires more and better information in publicity pamphlets for bond issue elections.
- HB 2363 GPLET; lease records and reporting
Transparency for government property lease excise taxes (GPLETs), requiring information to be provided to the state on these agreements.

- HB 2369 revenue department; technical correction (Now: noncustodial federal monies; legislative appropriation)
Gives the legislature additional budgeting control.
- HB 2396 transportation; public-private partnerships
Outlines provisions for public-private partnerships to construct and operate toll lanes. Opens the door for competitive private provision of infrastructure, which will increase available roads, relieve congestion, and do so without burdening state revenues.
- HB 2398* project financing review; repeal; extension
Extends power to issue bonds for special districts; violates fiscal responsibility by maintaining spending authority of unnecessary governmental bodies.
- HB 2457* university athletic facilities district
Would allow the creation of a district to tax commercial leases to provide money to universities to expand athletic facilities.
- HB 2480* regional transportation authorities; qualifying countries
Would expand the inefficient practice of using sales taxes to support transportation spending.
- HB 2503* contractors' recovery fund; person injured
Expands potential recipients of what is essentially government insurance against poor contractor services. People should take steps to reduce their own risk.
- HB 2540 tax assessment of retention basins
This amounts to a commercial tax cut by valuing retention basins at a standard low amount. These lands are essentially public lands, since they are required by the government.
- HB 2572* sports authority districts
Allows Pima County to vote on a Sports Authority District. Results in more government and special privilege.
- HB 2615 government transparency; political subdivisions
Improves local government transparency.
- HB 2643 general appropriations; 2009–2010; trailer [HB 2643 substituted for SB 1470 on Third Read in Senate]
Part of package to avoid tax increase. Several cuts in spending.

- HB 2647 technical correction; certificate of title [HB 2647 substituted for SB 1475 on Third Read in Senate]
Brings some privatization to prisons.
- HB 2650 budget reconciliation; health; welfare; trailer
Repeals KidsCare parents.
- SB 1028 technical correction; private funds; disposition (Now: budget reconciliation; criminal justice)
While this bill includes some undesirable fine increases, it is slightly outweighed by a measure that allows concession contracts for prisons, essentially privatizing food services.
- SB 1031 tax exemption; technical correction (Now: budget reconciliation; assets)
Requires the sale of state assets in order to use the proceeds to fund the budget. Would help balance the budget without a tax increase.
- SB 1035 school bonds; technical correction (Now: budget reconciliation; general government)
Although complex, this bill requires proof of citizenship to gain benefits, potentially reduces infrastructure fund fees, reduces various appropriations, and requires more transparency in certain cases.
- SB 1100* biomedical research commission; continuation
Continues the Biomedical Research Commission for ten years. Creates a taxpayer liability for narrow interests. Reduces liberty and is not a core function of government.
- SB 1102* Eligibility determinations; AHCCCS
An emergency measure requiring redetermination of AHCCCS eligibility to occur once every 12 months, rather than once every six months, for childless adults enrolled in AHCCCS. Makes recipients of public assistance less accountable and will likely increase the state's future AHCCCS liabilities.
- SB 1103* partnership for nursing education
Continues the Nursing Education Demonstration Project for five years. Creates a taxpayer liability for narrow interests.
- SB 1142 public expenditure transparency database
Requires cities, towns, county treasurers, school districts, and community college districts to establish and maintain a receipts and expenditures public Internet database. Improves local fiscal transparency.

- SB 1145 technical correction; dry wells; regulation (Now: budget reconciliation; health and welfare)
Makes a number of changes to reduce spending in AHCCCS, DES, and Department of Health Services, and repeals biomedical research funding.
- SB 1149* districts; university athletics
Establishes sports facilities taxing districts for universities. Potential increase in taxes for projects of dubious utility.
- SB 1187 technical correction; deceptive mailings (Now: budget reconciliation; K–12)
Makes needed cuts in public education and contributes significantly to avoiding a tax increase.
- SB 1188 fiduciary funds; deposits; technical correction (Now: general appropriations; FY 2009–2010)
Makes various budget cuts to avoid a tax increase.
- SB 1320 ADOT omnibus
Improves high-occupancy vehicle lane policy and provides for the privatization of roadside parks (rest stops).
- SB 1322* unemployment insurance; benefits
An emergency measure that temporarily provides 13 to 20 weeks of additional unemployment benefits to workers who exhaust their regular benefits in a time of high unemployment. Creates economic inefficiencies and a disincentive to work, and burdens taxpayers.
- SB 1373 income tax returns; penalties
Changes the law to keep from double-penalizing taxpayers who file an extension but have not paid 100 percent of taxes.
- SB 1403* renewable, high wage industries incentives
Provides special, unfair incentives to solar energy industry. Market manipulation.
- SB 1421 special districts; secondary levy limits
Improves fiscal responsibility by limiting fire district levies.
- SB 1444 appropriation of federal monies
Shifts some balance of power back to the legislature, giving it some control over federal monies.

- SB 1464 state financial condition; state treasurer
Requires the State Treasurer to submit an annual financial condition statement to the Governor, President of the Senate, and Speaker of the House of Representatives. Improves transparency of state's financial status.
- SCR 1006 state appropriation limit; reduction
Tightens the personal income limit on state spending.
- SCR 1009 voter-protection; temporary budgetary suspension
Reins in fiscal excesses of ballot initiatives.
- HB 2280 state budget; revenues; expenditures; report
In the House, would have required the Treasurer to issue a statement on how the budget varied compared with inflation and population growth. In the Senate, the bill was struck and replaced with a provision to restrict government agencies from limiting immigration law enforcement and it explicitly made illegal immigration across private land a punishable trespass. Both are good provisions: the first gives more transparency on spending; the second protects private property and rule of law.

NOTES

With appreciation to Goldwater Institute Ronald Reagan Fellows Rebecca Hudson and Brad Galbraith for their assistance in tracking bills and entering scores.

1. Ariz. Const. art. 2, sec. 2.
2. For example, see Sierra Club Grand Canyon Chapter, “2007 Environmental Report Card: Arizona Legislature and Governor,” July 12, 2007, http://arizona.sierraclub.org/political_action/pa_2007/2007ReportCardFinal.pdf, and Arizona Federation of Taxpayers Association, “22nd Annual Legislative Report Card,” August 15, 2006, http://www.aztaxpayers.org/Finalissimo_Chart_2006.pdf.
3. In Arizona, bills must go through several steps to be passed by either chamber, and they must pass both chambers to become law. In the process, a bill is heard, debated, and amended by various entities within the considering chamber. The “Third Read” is the formal voting stage. The Third Read vote is conducted by means of an electronic roll-call vote that records each legislator’s vote or lack thereof. If a bill is passed by a majority of the entire chamber, or by a two-thirds supermajority in cases of “Proposition 108” or “emergency” bills, it is then transferred to the other chamber for consideration. In the case of simple resolutions and memorials, the measure is transmitted directly to the Secretary of State. In a small number of instances, a bill is voted on twice in the Third Read phase, upon motion to reconsider. In these instances, this report considers each vote separately, with each vote representing a potential point in the final tally. For bills that reached a Final Read, only the Final Read vote was scored, unless the Final Read bill was substantially different from the Third Read version, in which case both votes were included. For a comprehensive explanation of legislative procedures and processes, refer to Arizona Legislative Council, *Arizona Legislative Manual* (Phoenix, 2003), <http://www.azleg.state.az.us/alisPDFs/council/legman2003.pdf>.
4. These criteria were aptly summed up by U.S. Rep. Howard Buffett (R-Nebraska) when he asked before every vote, “Will this add to, or subtract from, human liberty?” Bill Kauffman, “Meet Warren Buffett’s Daddy,” *The American Enterprise*, July/August 2003.
5. Legislators were not held accountable for votes from which they were excused or otherwise vacant. If this occurred, the legislator’s total was determined by the number of votes for which he was able to vote.
6. Negative raw scores will result in a final score of $0\% < x < 50\%$; positive raw scores will fall in a range of $50\% < x < 100\%$; a raw score of 0 will equal a final score of exactly 50 percent.
7. Indeed, even when a benefit-cost analysis can be used, its accuracy should be considered highly suspect. See Paul R. Portney, “Benefit-Cost Analysis,” in Library of Economics and Liberty, *The Concise Encyclopedia of Economics* (no date), <http://www.econlib.org/library/Enc/BenefitCostAnalysis.html>.

8. For example, see Solveig Bernstein, “Beyond the Communications Decency Act: Constitutional Lessons of the Internet,” Cato Institute Policy Analysis no. 262, November 4, 1996, <http://www.cato.org/pubs/pas/pa-262.html>.

9. Final read votes were used when available.

10. See Pam M. Smith, “Yuma’s State Legislators Get Poor Grades from Institute,” *Yuma Sun*, October 24, 2003, <http://www.goldwaterinstitute.org/article/1200>; Amanda Keim, “Legislators Flunk in Institute Report,” *ASU WebDevil*, October 7, 2003, <http://www.goldwaterinstitute.org/article/1186>; and “Our Opinion: Goldwater’s Ideals Don’t Fly in Tucson,” *Tucson Citizen*, 2003.

11. This was acknowledged in an editorial written about the 2003 *Legislative Report Card*: “The upshot is, if you embrace the political ideals of Goldwater, the Institute’s report card is an apt guide of legislative performance. If Goldwater’s politics offended you, low-scoring lawmakers are right up your political alley. Regardless of one’s political leanings, the Goldwater Institute does a thorough and useful job of political analyses” (“Our Opinion: Goldwater’s Ideals Don’t Fly in Tucson,” *Tucson Citizen*, 2003).

12. Matthew Ladner, “Freedom from Responsibility: A Survey of Civic Knowledge Among Arizona High School Students,” Goldwater Institute Policy Brief no. 09-04, June 30, 2009, <http://www.goldwaterinstitute.org/article/3211>.

13. Vicki Murray and Ross Groen, “Survey of Arizona Private Schools: Tuition, Testing and Curricula,” Goldwater Institute Policy Report no. 199, January 5, 2005, <http://www.goldwaterinstitute.org/article/1299>.

14. Lewis C. Solmon and Pete Goldschmidt, “Comparison of Traditional Public Schools and Charter Schools on Retention, School Switching, and Achievement Growth,” Goldwater Institute Policy Report no. 192, March 15, 2004, <http://goldwater.design44.com/aboutus/articleview.aspx?id=431>; Caroline M. Hoxby, “Rising Tide,” *Education Next* 1, no. 4 (Winter 2001).

15. “Appeals Court Voids CityNorth Subsidy,” Goldwater Institute news release, December 23, 2008, <http://www.goldwaterinstitute.org/article/2652>.

16. The maxim that government must respect the rights of individuals to live as they please, so long as they do not actually harm someone else, is one of the cornerstones of Western civilization and political tradition, as well as a key element in the American constitutional canon. Numerous thinkers have articulated variations of that maxim over the past half-millennium. A very short list of such thinkers includes Thomas Jefferson, John Locke, James Madison, John Stuart Mill, Robert Nozick, Thomas Paine, and Herbert Spencer. That maxim has also been defended on a strictly utilitarian basis, from economic and historical evidence, by numerous thinkers over the past 250 years. A very short list includes Milton Friedman, F. A. Hayek, David Hume, Adam Smith, and Ludwig von Mises.

17. The classic American discussion of decentralization and subsidiarity is found in *The Federalist Papers* and in *The Anti-Federalist* papers (*The Anti-Federalist*, ed. Herbert Storing [Chicago: University of Chicago Press, 1985]). Other treatments of the subject include Felix Morley, *Freedom and Federalism*

(Indianapolis: Liberty Fund, 1981); F. A. Hayek, *The Political Order of a Free People*, vol. 3 of *Law, Legislation, and Liberty* (Chicago: University of Chicago Press, 1979); and Michael S. Greve, *Real Federalism: Why It Matters, How It Could Happen* (Washington: AEI [American Enterprise Institute] Press, 1999). For analyses of decentralization at the local level, see Sam Staley, “Bigger Is Not Better: The Virtues of Decentralized Local Government,” Cato Policy Analysis no. 166, January 21, 1992, <http://www.cato.org/pubs/pas/pa-166.html>, and Charles M. Tiebout, “A Pure Theory of Local Expenditure,” *Journal of Political Economy* no. 64 (October 1956): 416–24.

18. Total federal regulatory costs alone were estimated to be \$860 billion in 2002 (Clyde Wayne Crews, Jr., “Ten Thousand Commandments: An Annual Snapshot of the Federal Regulatory State,” Cato Institute, June 8, 2003, http://www.cato.org/tech/pubs/10kc_2003.pdf). Indeed, many observers have argued that regulations often cost individuals more than they benefit them. For example, see Sam Kazman, “Comments of CEI [Competitive Enterprise Institute] and Consumer Alert to the United States Department of Transportation, National Highway Traffic Safety Administration, Concerning Its Proposed Light Truck Fuel Economy Standard for Model Years 2005–07,” National Highway Traffic Safety Administration, February 26, 2003, <http://cei.org/gencon/027,03371.cfm>; Doug Bandow, “The FDA Can Be Dangerous to Your Health,” *Fortune*, January 29, 1997, <http://www.cato.org/dailys/1-29-97.html>; Kay H. Jones and Michael Gough, “Smog Proposal Promises a Legacy of High Costs and Lost Lives,” *Detroit News*, July 8, 1997, <http://www.cato.org/dailys/7-08-97.html>; and Jonathan Klick and Thomas Stratmann, “Subsidizing Addiction: Do State Health Insurance Mandates Increase Alcohol Consumption?” Mercatus Center, February 3, 2003, <http://www.gmu.edu/jbc/stratmann/rational%20addiction%20jls3.pdf>. For a more general discussion of the theory of detrimental regulation, see Robert W. Crandall, “An End to Economic Regulation?” in *Competition and Regulation in Utility Markets*, ed. Colin Robinson (London: Edward Elgar, 2003), and Sam Peltzman, “The Economic Theory of Regulation after a Decade of Deregulation,” in *Brookings Papers on Economic Activity, Microeconomics 1989* (Washington, D.C.: Brookings Institution Press, 1989).

19. The phrase “public good” is used here in the strict economic sense, with the further caveat that the very few goods having the characteristics of public goods actually require government provision. For an exploration of the concept of public goods, see *Public Goods and Market Failures: A Critical Examination*, ed. Tyler Cowen (New Brunswick, N.J.: Transaction Publishers, 1991).

20. Yesmin Yilmaz, “Private Regulation: A Real Alternative for Regulatory Reform,” Cato Policy Analysis no. 303, April 20, 1998, <http://www.cato.org/pubs/pas/pa-303.pdf>; “Health and Safety Policy,” ch. 35 of *Cato Handbook for Congress: Policy Recommendations for the 108th Congress* (2003), <http://www.cato.org/pubs/handbook/hb108/hb108-35.pdf>.

21. See Sean Barrett, “Regulatory Capture, Property Rights and Taxi Deregulation: A Case Study,” *Economic Affairs* no. 23 (December 2003): 34–40; Richard Posner, “Theories of Economic Regulation,” *Bell Journal of Economics and Management Science* no. 5 (1974): 335–58; Michael E. Levine, “Regulatory Capture,” in *New Palgrave Dictionary of Economics and the Law* vol. 3 (1998), 267–71; and Irina Slinko, Ekaterina V. Zhuravskaya, and Evgeny Yakovlev, “Laws for Sale: An Empirical Study of the Effects of Regulatory Capture,” Center for Economic and Financial Research Discussion Paper, March 2004, <http://ssrn.com/abstract=402840>.

22. See Matthew Ladner, “The Tax Man and the Moving Van: Fiscal Policy and State Population Shifts,” Goldwater Institute Policy Report no. 194, May 24, 2004, <http://www.goldwaterinstitute.org/article/1258>; Zsolt Besci, “Do State and Local Taxes Affect Relative State Growth?” *Economic Review* (Federal Reserve Bank of Atlanta) (March/April 1996): 18–36; Gerald Scully, “The Institutional Framework and Economic Development,” *Journal of Political Economy* (June 1988); Robert Carroll et al., “Personal Income Taxes and the Growth of Small Firms,” National Bureau of Economic Research Working Paper W7980, October 2000; Ross Gittell, Allen Kaufman, and Marvin Karson, “The New Economic Geography of the States,” *Economic Development Quarterly* (May 2000); and Richard Vedder, “Taxes and Economic Growth,” *Taxpayer’s Network*, September 2001.

23. A good introduction to the concept of “deadweight loss” of taxation is Martin Feldstein, “Tax Avoidance and the Deadweight Loss of the Income Tax,” *Review of Economics and Statistics* (November 1999), 674–680. See also Richard K. Vedder and Lowell E. Gallaway, “Tax Reduction and Economic Welfare,” Joint Economic Committee, April 1999, <http://www.house.gov/jec/fiscal/tax/reduce.pdf#search=%22deadweight%20loss%20taxation%22>.

24. Dean Stansel and Stephen Moore, “The State Spending Sprees of the 1990s,” *Cato Policy Analysis* no. 343, May 13, 1999, <http://www.cato.org/pubs/pas/pa-343es.html>.

25. See Mancur Olsen, Jr., *The Logic of Collective Action* (Cambridge, Mass.: Harvard University Press, 1971); James Buchanan and Gordon Tullock, *Toward a Theory of the Rent-Seeking Society* (College Station: Texas A&M Press, 1980); James Buchanan and Gordon Tullock, *The Calculus of Consent* (Ann Arbor: University of Michigan Press, 1962); and Gordon Tullock, *The Vote Motive* (London: Institute of Economic Affairs, 1976).

26. Adrian Moore, “Privatization: Competition Yields Quality,” Reason Public Policy Institute Commentary, May 1, 2002; Adrian Moore, “Making Privatization Work for State Government,” American Legislative Exchange Council Issue Analysis, August 2002.

27. “Corporate Welfare,” *Cato Handbook for Congress*. This also occurs in a form known as “rent seeking,” which was fully explored in Gordon Tullock, *Rent Seeking* (Northampton, Mass.: Edward Elgar Publishing, 1993).

28. This is a common public choice explanation of how political interests operate. Assume that Arizona's legislature is considering a proposal for a new \$40 million program. Also assume that 4,000 Arizonans will benefit from that program and that they will share those benefits equally. That means each will receive \$10,000 from the program. Meanwhile, assume that the cost of the program in taxes is spread out equally over 4 million Arizona taxpayers. Each taxpayer will have to pay \$10 for the program. The results of this arrangement are clear: the beneficiaries, who each stand to gain \$9,990 (\$10,000 minus \$10), have a strong incentive to lobby for the program. But the average taxpayer, who stands to lose only \$10, has very little incentive to resist the program, even with the rational understanding that \$10 here and \$10 there eventually add up to large tax bills. For further discussion, see Olsen (1971), Buchanan and Tullock (1980), Buchanan and Tullock (1962), and Tullock (1976).

29. The most promising kind of spending limitation would be based on Colorado's Taxpayer Bill of Rights, which limits growth in state expenditures to the rate of population growth plus inflation, with surpluses above the limit refunded to taxpayers. See Michael New, "Tax and Expenditure Limitations: What Arizona Can Learn from Other States," Goldwater Institute Policy Report no. 180, April 21, 2003, <http://www.goldwaterinstitute.org/article/1102>; and Stephen Slivinski, "Put a Cap on It: How to Control Government Spending and Balance the Budget," Goldwater Institute Policy Report no. 167, November 15, 2001, <http://www.goldwaterinstitute.org/article/898>.

30. Averages were calculated by averaging scores of the senator and representatives from each district, with equal weight given to each.

31. Satya Thallam, "2003 Legislative Report Card," Goldwater Institute Policy Report no. 83, September 29, 2003, 31, <http://goldwaterinstitute.org/pdf/materialsofofficialpublications> that verifiably referred to the public official's name or audio/visual likeness within the four corners of the materials provided to us was \$1,806,696.86.

The Goldwater Institute

The Goldwater Institute was established in 1988 as an independent, non-partisan public policy research organization. Through policy studies and community outreach, the Goldwater Institute broadens public policy discussions to allow consideration of policies consistent with the founding principles Senator Barry Goldwater championed—limited government, economic freedom, and individual responsibility. The Goldwater Institute does not retain lobbyists, engage in partisan political activity, or support or oppose specific legislation, but adheres to its educational mission to help policymakers and citizens better understand the consequences of government policies. Consistent with a belief in limited government, the Goldwater Institute is supported entirely by the generosity of its members.

Guaranteed Research

The Goldwater Institute is committed to accurate research. The Institute guarantees that all original factual data are true and correct to the best of our knowledge and that information attributed to other sources is accurately represented. If the accuracy of any material fact or reference to an independent source is questioned and brought to the Institute's attention with supporting evidence, the Institute will respond in writing. If an error exists, it will be noted on the Goldwater Institute website and in all subsequent distribution of the publication, which constitutes the complete and final remedy under this guarantee.

