

The Arizona Legislature is officially tied with the longest session in state history, as of June 30. Going back to the 1960s, Arizona's regular legislative session has never lasted beyond July 1. (Deposit Photos)

Legislature on track for longest session ever

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The Arizona Legislature is officially tied with the longest session in state history as of June 30, and it will be the longest with no end date in sight.

The regular legislative session has never extended beyond July 1 going back to the 1960s, according to records kept by the *Arizona Capitol Times*. The longest in state history prior to this year was in 1988 at 173 days. June 30 marked the 173rd day of the current session.

In 1988, after just 15 months as governor, Republican Evan Mecham was impeached and removed from office on April 4, 1988. He was convicted in an impeachment trial for obstruction of justice and misuse of government funds.

The reason for this year's long session is somewhat unclear.

Senate President Warren Petersen, R-Gilbert, and House Speaker Ben Toma, R-Peoria, have declined to comment on when they'd like to adjourn for the year, but some political consultants have speculated the Senate is keeping the Legislature in session. Democratic consultant Gaelle Esposito previously said Toma is not supportive of

continuing the session, but that Petersen is, since the Senate confirms Gov. Katie Hobbs' agency director nominees.

Sen. Jake Hoffman, R-Queen Creek, is the chair of the Senate Committee on Director Nominations, and canceled the most recent hearing to consider one of Hobbs' nominees on June 27 over an executive order effectively banning prosecution of abortions and is holding out on future meetings.

House Minority Leader Lupe Contreras, D-Avondale, said earlier this month that Republicans informed Democrats that the Legislature would sine die in August, which several lawmakers have said is too long. Historically, the Legislature has adjourned for the year shortly after the budget is passed.

When the House and Senate were last in session on June 13, both chambers adjourned for a break until July 31. That came after a break from May 16 to June 11 as lawmakers negotiated non-budget bills, including a Proposition 400 extension proposal, which Hobbs vetoed. Now it's up in the air whether the Legislature will address the Prop. 400 issue again later this year.

"Unprecedented. We pass a budget and we're still staying," Rep. Marcelino Quiñonez, D-Phoenix, said on June 7.

Hobbs signed the budget on May 17 – a much earlier date than many expected under divided government, including Toma.


House Speaker Ben Toma, R-Peoria

"I think if you were being honest, most of you had the budget pegged at June 30," Toma said at a Greater Phoenix Chamber's Legislative Wrap-Up Breakfast on June 15.

But this session's timeline has met the expectations of Petersen, who predicted before the start of the session that the budget would be done in about 100 days, but said he didn't know when sine die would be. At the current pace, Hobbs' director of confirmations said it won't be complete until her second term.

Petersen said in a text on June 28: "It's a matter of necessity and trust. When a governor issues a record number of vetoes you have unfinished work. Prop 400 being most notable. It raises concern when we hear that some directors are waiting to be nominated or for us to sine die before they take bold action. The latest slew of illegal orders hasn't helped breed trust. We don't want to be in a situation where the executive or agencies are harming businesses and families and they can't respond."

Democrats are generally critical of the Legislature's extended session with long breaks. "We are a working Legislature. I work two other jobs when we are not in session. There's a certain amount of predictability that we should be able to count on," said Senate Minority Whip Eva Burch, D-Mesa. "Republican leadership has gone too far and there really isn't any justifiable reason for these games and this arbitrary waste. It doesn't serve the people of Arizona and we should not be discouraging working class Arizonans from serving in the Legislature," she added.


Senate Minority Leader Mitzi Epstein, D-Tempe

Senate Minority Leader Mitzi Epstein, D-Tempe, concurs. "There is no reason for the Legislature to continue to be in session. It feels like an example of the Republican leadership wanting power but not responsibility. They want the power to call legislators back on a whim, but they do not want the responsibility to get work done. … Responsibility would be calling people on schedules set in advance to get work done. Power is what is being exercised by the Republican leadership: keeping the Legislature open without set schedules and without a plan to actually get work done that helps people."

As legislative sessions have grown longer over time, some have argued for a full-time Legislature, similar to the congressional schedule. Longtime Republican lobbyist Kevin DeMenna has advocated for a full-time, year-round Legislature with increased salaries and benefits for staff and lawmakers for years while arguing it would lead to a better product of lawmaking.

"The Legislature is absolutely stuck in the '60s," DeMenna said in an interview with KJZZ on June 26. "As a workplace, it stinks," he continued.

DeMenna told the *Arizona Capitol Times* on June 28 that many aspects of the Capitol need to be readdressed for the modern era, including buildings, bill numbering, televised hearings, as well as House and Senate rules and the legislative schedule.

Rep. Alma Hernandez, D-Tucson, also expressed support for a full-time Legislature in a tweet. The salary for legislators is $24,000 a year but that doesn't include per diem payments legislators receive.

Although lawmakers have only worked a few days in the past few weeks and won't reconvene until July 31, most of them are still collecting daily per diem payments and expensing mileage. For lawmakers in Maricopa County, per diem at this point is just $10 a day, and for out of county residents it's $119 a day.

A few lawmakers, including Petersen, did opt out of per diem this month.

"I don't think it's a factor in being here longer. I don't think it's a driving decision maker," consultant Beth Lewallen said of per diem.

Arizona and Nebraska are the only two states where voters must approve salary increases for legislators. Some states use a commission to determine salaries or tie legislative salaries to other state employees while others allow lawmakers to determine their own pay through legislation.

Lewallen noted that the legislative staff experience is often overlooked with this extension. "It's the time commitment and the uncertainty," she said. "You know, with the way the motion was made, it's July 31st, or any other time when we decide."

That was the format the Legislature used to adjourn in June, and it is not the usual procedure.

Senate Majority Leader Sonny Borrelli said on June 13: “I move that the Senate stand adjourned until Monday, July 31, 2023 at 1:15 pm, or until such time that the president and the speaker may determine whenever, in their opinion, legislative expediency shall warrant it, and shall be at least 24 hours after the president and the speaker have notified their respective members in the Senate and the House to reassemble and have given public notice of reassembly.”

The Senate and House have bended and altered the Legislature’s normal rules several times this session.

In earlier times, the House and Senate had to get permission from one another to adjourn for more than a couple of days, but that changed in 2020 at the beginning of the Covid-19 pandemic in Arizona, when this kind of order first came up.

Each Arizona session is supposed to last 100 days, but it can be extended for any length of time by the Legislature. Most other states have similar limitations and can be extended. Although this is the longest session in Arizona history, other states – including Alaska – have had sessions over 200 days. So, there’s still time for Arizona to set the nation’s record.

However, this new, long session system could be less popular next year when lawmakers will face re-election. Lawmakers can’t accept lobbyist contributions and focus on their campaigns while in session, so in competitive districts, it’s important to get out of session.

Lewallen said with so many freshman lawmakers and less institutional knowledge, this could become the new normal. She went so far as to say that the Legislature is edging toward becoming full time without discussing what that entails. “I think it could become a more permanent option,” she said.