

WEEKLY LEGISLATIVE REPORT

Southern Arizona Water Users Association

March 7, 2014

ADEQ Continuation Legislation Fails to Advance in Senate Committee

The Senate Committee on Government and Environment failed to pass HB 2092, relating to the continuation of the Arizona Department of Environmental Quality. The bill failed on a 3-4 vote.

As passed out of the House, HB 2092 would have continued the department for 10 years, which is the typical timeframe for state agencies.

In explaining their votes, multiple committee members commented on their support for the agency, expressing that the department is operating as a “model agency.”

Nevertheless, prior to the entire committee’s arrival to the hearing, the committee’s chairman, Senator Gail Griffin, had successfully adopted an amendment to reduce the continuation to five years. Accordingly, there was no testimony or discussion on the amendment that reduced the length of the department’s continuation.

Politically, committee members that voted against HB 2092 were actually supporting the agency’s 10-year continuation, as opposed to the five-year amendment.

The bill has been placed on the committee’s agenda for Monday, March 10th, in which a more positive outcome is anticipated. As a practical matter, a compromise of an eight-year continuation is the likely outcome.

Week in Review

HB 2092, relating to the continuation of the Arizona Department of Environmental Quality, failed in the Senate Committee on Government and Environment with a 3-4 vote.

Preview of the Week Ahead

HB 2092, relating to the continuation of the Arizona Department of Environmental Quality, is scheduled to be heard in the Senate Committee on Government and Environment on Monday, March 10th at 2:00 p.m.

SCM 1001, relating to the Yuma desalting plant, is scheduled to be heard in the House Committee on Agriculture and Water on Tuesday, March 11th at 2:00 p.m.

Comments

Please contact Stuart Goodman at 602-277-0911 or sgoodman@goodmanschwartz.com.

LEGISLATIVE TRACKING REPORT

Southern Arizona Water Users Association

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BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2046	disaster recovery; businesses; tax; regulation	Lesko (R)	As passed by the House, exempts out-of-state employees and businesses, who are in Arizona on a temporary basis solely for the purpose of performing disaster recovery, from filing, remitting, withholding or paying state or local income taxes for or during a disaster period. Excuses out-of-state employees and businesses from obtaining state or local registration, licensing or certification requirements, as long as they are in compliance with all regulatory and licensing requirements in their state of residency.	Ways & Means; Rules	Finance; Government & Environment; Rules	passed House 58-0, 2/27 Senate committee assignment, 3/3
HB 2115	NOW: unemployed; severance pay; definition	Fann (R)	As passed by the House, defines severance pay as any sum of money an employer pays to an employee due to the employee's retirement, participation in an exit incentive program or due to the termination of employment.	Ways & Means; Rules	Commerce, Energy & Military; Rules	passed House 35-21, 3/4 Senate committee assignment, 3/5

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2117	NOW: performance standards; water softeners	Fann (R)	As passed by the House provides minimum performance standards for residential water softeners and prohibits time-clock regenerated ion exchange water softeners from and after January 31, 2016. Prohibits a person from installing an ion exchange water softener in this state that is connected to a water supply that has total dissolved solids of 750 milligrams per liter or less unless the water softener meets specified salinity performance standards.	Energy, Environment & Natural Resources; Rules		passed House 32-24, 3/4
HB 2118	NOW: utilities; right of way	Fann (R)	As passes by the House, specifies that an underground facilities operator is not required to remove or relocate an active, inactive or abandoned underground facility located in the right-of-way of a state highway under the control of the Director, except if during the design phase the underground facilities operator is notified that the underground facility will be in direct physical conflict with the excavation for active roadway construction and will be within the boundary of the area identified for excavation.	Transportation; Rules		passed House 58-0, 3/5
HB 2223	water infrastructure finance authority; continuation	Fann (R) (17)	As passed by the House, continues the Water Infrastructure Finance Authority (WIFA) for 8 years, until July 1, 2022. If WIFA has no outstanding contractual obligations, debts or other obligations, WIFA is repealed on January 1, 2023. Stipulates that the WIFA statutes continue in existence until any debt or obligation is fully satisfied.	Agriculture & Water; Rules	Government & Environment; Rules	passed House 60-0, 2/10 passed, Senate GE, 2/24

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2343	NOW; forest health management	Barton (R) (2)	As passed by the House, requires the State Land Department to develop and adopt best land management practices, by January 1, 2016, for state lands to decrease the severity of wildland fires. Establishes the Best Land Management Practices Fund. Appropriates \$1.8 million to the fund each Fiscal Year.	Energy, Environment & Natural Resources; Appropriations; Rules		passed House 54-3, 3/6
HB 2379	special districts; secondary levy limits	Olson (R)	STRIKE EVERYTHING AMENDMENT: Requires a county assessor to transmit and certify to each county free library district, county jail district and public health services district, the total net assessed values in the district by February 10th of each tax year. Stipulates that if a proposed secondary tax levy of a county free library district, county jail district or public health services district, excluding amounts attributable to new construction, is greater than the amount levied the year prior, that district is subject to Truth in Taxation requirements.	Ways & Means; Rules		passed, House WM, 2/17
HB 2386	special districts; elections; financing; limits	Olson (R)	As introduced, exempts agricultural improvement districts from specified election dates required for authorization of secondary property taxes and includes any election regarding the formation of a special taxing district. Requires public bonds that are issued by any special taxing district established beginning June 30, 2014 to be included in the calculation of the aggregate indebtedness of a county, city, town or similar municipal corporation that includes any portion of the special taxing district. Prohibits loans from being issued to any entity that is not governed by an elected governing body.	Government; Rules		held, House GOV, 2/18

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2420	NOW: government websites; open meetings; materials	Stevens (R)	As passed by the House, requires all public bodies to conspicuously post open meeting law materials prepared and approved by the Attorney General on the home page of their website.	Technology & Infrastructure; Rules	Government & Environment; Rules	passed House 50-5, 3/4 Senate committee assignment, 3/5
HB 2421	technical correction, bond contracts S/E: public records; notice; penalty	Stevens (R)	STRIKE EVERYTHING AMENDMENT: Allows the AG, the county attorney for the county in which an alleged violation occurred or any person who is affected by an alleged violation of any law that requires a public record or public notice to be posted on a public body's website to commence a suit in the superior court in the county in which the public body is located for the purpose of requiring compliance with any law requiring a public record or public notice to be posted.	Technology & Infrastructure; Rules		passed, House TI, 2/13
HB 2422	technical correction; joint school district	Stevens (R)	STRIKE EVERYTHING AMENDMENT: Permits municipalities to adopt streamlined local government policies and provides the framework for those adopted policies. Prohibits the adoption of any regulation that restricts or burdens the free exercise of property rights by an adopting municipality, with specified exceptions. Requires an adopting municipality's chief executive officer (CEO), at the beginning of each fiscal year, to determine and publish online the processing deadlines for all applications requesting regulatory approval. Outlines conditions and deadlines that must be met by municipalities with respect to processing those applications.	Technology & Infrastructure; Rules		held, House TI, 2/20

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2504	supplemental appropriation; navigable stream commission	Gray (R)	Appropriates \$150,000 from the state General Fund in fiscal year 2014 to the Arizona Navigable Stream Adjudication Commission for legal expenses of the commission.	Appropriations; Rules		(SB 1219 substituted for HB 2504)
HB 2523	projects; water supply development	Barton (R) (10)	As passed by the House, expands the definition of "water provider" for the purposes of funding from the Water Supply Development Revolving Fund (Fund). Includes a county that enters into an agreement with a city, town or other water provider regarding a water supply development project. Adds subdivided lands located outside of Active Management Areas (AMA), as specified, to the entities eligible to receive financial assistance from the Fund if a determination of an adequate water supply is determined by the Director of the Department of Water Resources. Appropriates \$30 million from the state General Fund to the Fund.	Agriculture & Water; Appropriations; Rules		passed House 50-7, 3/6

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2536	best land management practices; appropriation	Otondo (D) (9)	<p>As introduced, requires the State Land Commissioner, in coordination with the State Forester, to develop and adopt best land management practices for state lands to decrease the severity of wildland fires. Requires public meetings for developed specific area plans. Establishes the Best Land Management Practices Fund and appropriates \$20 million from the state General Fund to land management Fund in FY 2015.</p> <p>AMENDMENT: Allows the Commissioner and Forester to coordinate with members of a natural resource conservation district (NRCD) to develop the best land management practices. Allows the Commissioner to enter into intergovernmental agreements with a county, city, town, NRCD or other political subdivision to share the cost of implementing the specific area plan. Stipulates that the Commissioner may not spend more than 10% of the money in the Fund for administrative purposes.</p>	Energy, Environment & Natural Resources; Appropriations; Rules		passed, House EENR, 2/10
HB 2541	federal land; emergency access	Townsend (R) (18)	As introduced, allows the state or a county, city or town to access federal land located in Arizona to address an emergency including accessing federal land with the equipment necessary to repair or address the emergency situation.	Public Safety, Military & Regulatory Affairs; Rules		motion to reconsider, House, 3/5

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2578	municipalities; counties; wildland-urban interface regulation	Pratt (R) (1)	As passed by the House, requires the governing body of a city or town and the board of supervisors of a county that contains a wildland-urban interface area, by ordinance, to compel the owner, lessee or occupant of property located within the wildland-urban interface area to remove any hazardous vegetation, other natural fuels, trash or other accumulation that constitutes a wildfire hazard. Stipulates that if a person does not comply within the time prescribed, the city or town and county may remove, abate or cause the removal of any hazardous vegetation, other natural fuels, trash or other accumulation that constitutes a wildfire hazard, making the owner, lessee or occupant liable for any costs associated. Clarifies that the provisions of this Act apply to the owner, lessee and occupants of private property.	Energy, Environment & Natural Resources; Rules		passed House 35-20, 3/4
HB 2699	endangered species programs; rescission; reimbursement	Thorpe (R) (5)	As introduced, prohibits the Arizona Game and Fish Department from participating in all programs under the Endangered Species Act of 1973 if they are programs that were not cooperatively implemented.	Federalism & Fiscal Responsibility; Rules		passed, House Rules, 3/3

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2700	federal acquisition; state lands; monitoring	Thorpe (R) (3)	As introduced, requires the State Land Department to identify state lands that have been acquired by the federal government since statehood, select a third party to assess the short-term and long-term financial impacts that the current and any future acquisitions of state lands by the federal government has on the state, and to monitor federal activity for proposals to sell or transfer federal land to a private group or individual or to designate national monuments in this state. Finds that the large percentage of lands in this state held by the federal government is an attack on the sovereignty of the state and has a negative impact on the taxing ability of the state and its political subdivisions.	Federalism & Fiscal Responsibility; Rules		retained, House COW, 2/6
SB 1150	sewer connection; county islands; prohibition	Farnsworth D (R) (21)	As passed by the Senate, prohibits a city or town from requiring the owner of a property located in the city's or town's municipal planning area to connect to the city's or town's sewer system if the property is located in a county island. Authorizes ADEQ to require sewer connection under certain circumstances.	Government; Rules	Government & Environment; Rules	passed Senate 28-1, 2/20 House committee assignment, 2/25

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
SB 1156	prohibited electronic data; metadata collection	Ward (R) (14)	As introduced, prohibits an agency or political subdivision of the state or a corporation providing services on behalf of this state or a political subdivision of this state from: providing material support in any form to any federal agency that purports to authorize the collection of electronic data or metadata of any person that is not based on a specific warrant; and, using any assets or monies allocated to local entities by the state on or after January 1, 2015 to engage in any activity that aids a federal agency to collect electronic data or metadata about any person without a specific warrant. Political subdivisions in violation are subject to loss of funding. Employees of the state or political subdivision in violation are subject to loss of their position. Any person or corporation in violation is made forever ineligible to act on behalf of or provide services to the state or any political subdivision.		Government & Environment; Rules	passed, Senate Rules, 2/24

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
SB 1161	municipal policies; authority	Griffin (R) (15)	As introduced, permits municipalities to adopt streamlined local government policies through municipal legislation or local initiative. Outlines specific criteria that must be included in the initiative or charter amendment and provides the framework for those adopted policies. Prohibits municipalities from adopting any regulation that restricts or burdens the free exercise of property rights or the freedom to engage in a lawful business or occupation, with specified exceptions. Requires an adopting municipality's chief executive officer (CEO), at the beginning of each fiscal year, to determine and publish online the processing deadlines for all applications requesting regulatory approval. Outlines conditions and deadlines that must be met by municipalities with respect to processing those applications.		Government & Environment; Rules	held, Senate GE, 1/27
SB 1164	sanitary district bonds; terms	McGuire (D) (8)	As passed by the Senate, extends the maximum period of payment for sanitary district bonds from 20 years to 30 years, except that if the federal government was the initial purchaser the maximum period is extended to 41 years, from 40 years and 3 months.	Ways & Means; Rules	Finance; Government & Environment; Rules	passed Senate 27-0, 3/3 House committee assignment, 3/5

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
SB 1167	natural resource conservation district; funding	McGuire (D) (4)	As introduced, increases the maximum amount the State Land Commissioner may request for each natural conservation district in the Biennial State Land Department Budget from \$30,000 to \$50,000. AMENDMENT: Requires the commissioner to do annual state land department budget, instead of biannual budget.		Appropriations; Natural Resources & Rural Affairs; Rules	passed, Senate APPROP, 2/18
SB 1214	NOW: natural resource conservation district; expertise	Griffin (R)	As passed by the Senate, recognizes the special expertise of the Natural Resource Conservation Districts in the fields of land, soil, water and natural resources management within their boundaries.	Energy, Environment & Natural Resources; Rules	Government & Environment; Rules	passed Senate, 30-0, 2/27 House committee assignment, 3/4
SB 1215	NOW: unsubdivided land; definition	Griffin (R)	As passed by the Senate, modifies the definition of <i>unsubdivided lands</i> to include any land that is sold that would otherwise constitute the sixth lot from a parcel if the sale occurs 10 or more years after the earliest of the previous five sales and if all of the sales consist of property that was originally contained within the same lot that is between 40 acres and 160 acres.		Government & Environment; Rules	passed Senate 25-2, 3/3
SB 1219	supplemental appropriation; navigable stream commission	Biggs (R) (7)	As enacted, appropriates \$150,000 from the state General Fund in fiscal year 2014 to the Arizona Navigable Stream Adjudication Commission (ANSAC) for legal expenses of the commission.		Appropriations; Rules	signed by the Governor, 2/6 Laws 2014, Chapter 2 (SB 1219 substituted for HB 2504)

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
SB 1267	natural resources management, state agencies S/E: natural resources conservation districts; funding	Pierce (R)	STRIKE EVERYTHING AMENDMENT: requires the State Land Department, DEQ, DWR, and the Arizona Game and Fish Department to: monitor federal natural resource management issues; encourage increased cooperation and collaboration with federal agencies regarding the natural resource management of federal lands location in Arizona; submit comments regarding the impacts of proposed federal regulations; provide information to the public regarding impacts of proposed federal regulations; and, inform the Legislature of federal natural resource management issues considered to be of statewide importance.		Natural Resources & Rural Affairs; Rules	passed, Senate Rules, 3/3
SB 1274	aquifer protection permits; post-closure procedure	Griffin (R) (23)	As passed by the Senate, establishes periodic closure cost estimate and financial responsibility reporting requirements for aquifer protection permits. Requires the cost estimate for evaluation of an applicant's financial competence for closure to be based on the cost to hire a third party to conduct the closure strategy plan. Provides an exemption to the above provision if the financial responsibility mechanism provided is self-assurance or a guarantee, and a determination by the Director that the applicant or permittee is technically and financially capable of closing the facility at its own cost and conducting postclosure monitoring and maintenance. Exempts a state or federal agency or a county, city, town or other local government from the cost estimate updating and periodic reporting requirements.	Energy, Environment & Natural Resources; Rules	Government & Environment; Rules	passed Senate, 21-9, 2/27 House committee assignment, 3/4

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
SB 1292	Arizona resource advisory council	Griffin (R)	As passed by the Senate, establishes the Arizona Resource Advisory Council and outlines its membership and duties. Sunsets the Council on July 1, 2024 and repeals related language on January 1, 2025.	Energy, Environment & Natural Resources; Rules	Government and Environment; Rules	passed Senate 29-0, 2/20 House committee assignment, 2/26
SB 1356	government land purchases; recording notification	Griffin (R)	As introduced, requires a county recorder to notify the State Land Department of the purchase of private real property by the state, county, city or town or other political subdivision.		Government & Environment; Rules	held, House GE, 2/17
SB 1402	renewable energy; definition	Melvin (R)	As passed by the Senate, adds a definition of "renewable energy" into the general definitions that apply to all state statutes. "Renewable energy" includes solar, wind, hydroelectric, pumped storage, flywheel storage, hydrogen, geothermal, biomass and biomass baseload energy and nuclear energy from sources that are fueled by uranium fuel rods that include 80% or more of recycled nuclear fuel and natural thorium reactor resources under development. Defines "renewable energy" for public service corporations to include the use of hydroelectric, pumped storage, flywheel storage, hydrogen, geothermal, biomass and biomass baseload energy and nuclear energy from sources that are fueled by uranium fuel rods that include 80% or more of recycled nuclear fuel and natural thorium reactor resources under development in the production of electricity.	Energy, Environment & Natural Resources; Rules	Commerce, Energy & Military; Rules	passed Senate, 17-13, 2/27 House committee assignment, 3/4

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
SB 1458	conservation land; purpose; ownership	Griffin (R)	As introduced, requires the county assessor to identify land used for conservation purposes as specified. Stipulates that land identified must be used for conservation purposes and be: owned by a governmental body; charitable corporation or trustee of a charitable trust; and, a private property that has a conservation easement or other conservation overlay use or purpose.		Natural Resources & Rural Affairs; Rules	held, Senate NRRA, 2/19
SB 1478	water protection fund; mesquite; tamarisk	Griffin (R)	As passed by the Senate, prohibits monies in the Arizona Water Protection Fund from being spent for any project that includes the planting of mesquite, tamarisk or other high water usage trees that consume water to a degree that is detrimental to water conservation efforts, but allows monies to be used to remove those trees. Establishes the Watershed Improvement Program to increase the amount of available surface and groundwater through selective control, reduction or removal of vegetation that is detrimental to water conservation.	Agriculture & Water; Rules	Government & Environment; Rules	passed Senate, 20-10, 2/27 House committee assignment, 3/4

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
SB 1483	county supervisors; population threshold; membership	Griffin (R)	<p>As introduced, allows specified counties (population of 125,000 but no more than 175,000 persons) to have a county Board of Supervisors (BOS) with five members instead of three, if approved by the majority of electors. Requires members to be elected at a general election.</p> <p>AMENDMENT: Requires the question to be submitted at the 2016 general election rather than at a special election. Specifies that if the question is affirmed, the election to elect all five BOS must be held at the 2020 general election.</p>		Government & Environment; Rules	passed, Senate Rules, 3/3
SCM 1001	Yuma desalting plant	Griffin (R) (15)	As passed by the Senate, urges the U.S. Department of the Interior to operate the Yuma Desalting Plant.	Agriculture & Water; Rules	Government & Environment; Rules	<p>passed Senate 29-0, 2/10</p> <p>House committee assignment, 2/20</p>
SCR 1022	rulemaking; electric generating units; opposition	Griffin (R) (4)	As passed by the Senate, expresses the Legislature's opposition to the implementation of rules for new electric generating units that require technology that is not commercially available or technologically feasible. States their support for the EPA in issuing guidelines for practical state-established performance standards, as specified, and in giving Arizona the maximum amount of flexibility that is allowed under the Clean Air Act.		Government & Environment; Rules	passed Senate 18-9, 3/6

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
SR 1003	EPA; nullification of rules	Burges (R) (36)	As transmitted to the Secretary of State, declares the Members of the Senate support the following: a) nullification of all rules imposed by the EPA; and b) consultation between the EPA and tribal governments prior to the implementation of rules that impact tribal governments.		Government & Environment; Rules	transmitted to the Secretary of State, 2/21