

ARIZONA STATE SENATE

45TH LEGISLATURE
SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON NATURAL RESOURCES, AGRICULTURE AND ENVIRONMENT

DATE: March 28, 2002 **TIME:** 8:30 a.m. **ROOM:** SHR 1

CHAIRMAN: Senator Herb Guenther **VICE CHAIRMAN:** Senator Darden Hamilton

ANALYST: Kerri Morey **COMMITTEE SECRETARY:** Debbie Kennedy

INTERNS: Jocelyn Winz
Adam Van Buskirk

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Arzberger	X			HB 2004	DP
Senator Brown	X			HB 2046	DP
Senator Bundgaard	X			HB 2101	DP
Senator Jarrett		X		HB 2102	DP
Senator Richardson	X			HB 2107	DP
Senator Smith	X			HB 2160	DP
Senator Hamilton, Vice-Chairman		X		HB 2261	DP
Senator Guenther, Chairman	X			HB 2363	DPA
				HB 2442	DP

GOVERNOR'S APPOINTMENTS

<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
William Carroll Porter	Arizona State Parks Board	CONFIRMATION

Tape 1, Side A

Chairman Guenther called the meeting to order at 8:40 a.m., and attendance was noted. For additional attendees, please see attached sign-in sheet (Attachment A).

APPROVAL OF MINUTES

Senator Smith moved the Natural Resources, Agriculture and Environment minutes from March 14, 2002 be approved as distributed. The motion CARRIED by a voice vote.

EXECUTIVE NOMINATIONS

William Carroll Porter, Arizona State Parks Board – CONFIRMATION

William Carroll Porter stated that he is an attorney and was President of the Arizona Historical Society for 15 years. He stated that he will be able to contribute to the State Parks Board and he is looking forward to it.

Senator Smith moved that the Natural Resources, Agriculture and Environment Committee recommend to the full Senate the CONFIRMATION of William Carroll Porter to serve on the Arizona State Parks Board. The motion CARRIED by a roll call vote of 5-0-3 (Attachment 1).

CONSIDERATION OF BILLS

HB 2107 - native plant salvage in counties – DO PASS

Jocelyn Winz, Senate Intern, explained that native plants whose existence is threatened by intended destruction by a change in land use can currently be salvaged by homeowners' associations (HOA's) and other community based non-profit organizations within cities and towns. This bill expands the salvage of native plants by HOA's and other non-profit organizations to unincorporated areas of the county.

Michael Racy, Lobbyist, Pima County, stated that he was available to answer any questions. He also introduced the Chairman of the Pima County Board of Supervisors, Sharon Branson; former State Senator and member of the Pima County Board of Supervisors, Ann Day; and the Pima County Administrator, Chuck Huckleberry.

Senator Guenther announced the following individual was present in support of the bill: **Sandy Bahr, Conservation Director, Sierra Club.**

Senator Smith moved H.B. 2107 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 5-0-3 (Attachment 2).

HB 2004 - importing livestock diseases; penalty (now: animal and poultry diseases; crimes)
- DO PASS

Lisa Hird, Senate Research Intern, explained that this bill creates three new felony classes for knowingly introducing into Arizona an animal disease or parasite that threatens livestock, poultry or humans.

Representative Gleason, sponsor of the bill, stated that foot and mouth disease would be devastating to the Arizona agriculture industry.

Senator Richardson asked why there was some opposition in the House. Representative Gleason did not know.

Senator Guenther announced the following individuals were present in support of the bill: **Jerry Landau, Lobbyist, Maricopa County Attorney's Office; Joe Sigg, Lobbyist, Arizona Farm Bureau; John Hunt, Associate Director, Arizona Department of Agriculture (ADOA); Barbara Dolan, Legislative Liaison, ADOA; and Bas Aja, Director of Government Relations, Arizona Cattlemen's Association.**

Senator Arzberger moved H.B. 2004 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 5-0-3 (Attachment 3).

HB 2363 - livestock inspections- DO PASS AMENDED

Ms. Winz explained that the bill changes the self-inspection program to a mandatory program if the Director adopts rules to implement the program. It also allows the self-inspection program to include livestock movement outside of the State and private treaty sales. She further explained the Guenther 23-line amendment dated 3/27/02 at 9:18 a.m.

Representative Gleason, sponsor of the bill, stated that this bill will keep the Department's budget within the constraints of the budget. There will be a paper trail to follow the self-inspection program.

Senator Guenther announced the following individuals were present in support of the bill: **Sheldon Jones, Director, ADOA; John Hunt, Associate Director, ADOA; Bas Aja, Director of Government Relations, Arizona Cattlemen's Association; and Barbara Dolan, Legislative Liaison, ADOA.**

Senator Arzberger stated that Arizona has a history of using a brand as proof of ownership of animals. The State is disease free. This bill will change the program and many animals will not be inspected. She stated that this is a pilot program and may not work. However, she will support the bill to see how it works.

Senator Arzberger moved H.B. 2363 be returned with a DO PASS RECOMMENDATION.

Senator Arzberger moved the Guenther 23-line amendment dated 3/27/02 at 9:18 a.m.be ADOPTED (Attachment B). The motion CARRIED by a voice vote.

Senator Brown stated that the Governor has made a mistake in reducing the amount of funding for the livestock inspection programs. He stated that he will be watching this bill and will vote "aye" for now.

Senator Richardson echoed Senator Arzberger and Senator Brown and will vote "aye."

Senator Arzberger moved H.B. 2363 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by a roll call vote of 5-0-3 (Attachment 4).

HB 2046 - Arizona geological survey; sunset continuation – DO PASS

Adam Van Buskirk, Senate Intern, explained that the Arizona geological survey provides information about the State's mineral resources and geologic character to the industry and to the public. The Joint Legislative Committee of Reference carried out a sunset review of the survey in 2001 and they recommended that the survey be continued for ten years. This bill continues the Arizona Geological Survey until July 1, 2012 and modifies the duties and powers of the survey.

In response to Senator Bundgaard, Mr. Van Buskirk stated that the survey does receive some federal money and they also do contract work for which they receive payment.

Herbert Schumann, representing himself, spoke in support of the bill. He strongly favors continuation of the agency that provides unique services to the natural resources managers and technical data users in Arizona.

Senator Guenther announced the following individuals were present in support of the bill: **Larry Fellows, State Geologist, Arizona Geological Survey; and Jon Spencer, Senior Geologist, Arizona Geological Survey.**

Senator Arzberger moved H.B. 2046 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 5-0-3 (Attachment 5).

HB 2101 - water quality appeals board; continuation – DO PASS

Ms. Winz explained that the Water Quality Appeals Board (WQAB) hears appeals on decisions made by the Arizona Department of Environmental Quality (ADEQ) to grant, deny or modify individual water quality permits, as well as decisions on pesticide regulation and standards. The

Committee of Reference voted to continue the WQAB for ten additional years. This bill continues the WQAB until July 1, 2012.

Senator Guenther announced the following individual was present in support of the bill: **Jim Buster, Legislative Liaison, ADEQ.**

Senator Arzberger moved H.B. 2101 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 5-0-3 (Attachment 6).

HB 2102 - waste tire program; delay repeal – DO PASS

Mr. Van Buskirk explained that the waste tire program regulates the storage and disposal of waste tires in Arizona. The tire fee is a surcharge of two percent up to a maximum of \$2.00 on new tires that raises funds for the county's tire disposal efforts. This bill continues the waste tire program and the tire fee until December 31, 2007.

Senator Guenther announced the following individuals were present in support of the bill: **Sally Bender, Assistant Director, County Supervisors Association; Angela Sinner, Lobbyist, County Supervisors Association; Page Gonzales, Maricopa County Government Relations, Maricopa County Board of Supervisors; Sandy Bahr, Conservation Director, Sierra Club; Jim Buster, Legislative Liaison, ADEQ; and Arthur Chapa, Legislative Counsel, Pima County Arizona.**

Senator Arzberger moved H.B. 2102 be returned with a DO PASS recommendation.

Senator Richardson explained that the program is going well and it is a very important issue and she will vote "aye."

The motion CARRIED by a roll call vote of 5-0-3 (Attachment 7).

HB 2160 - state forester; excess liability funding – DO PASS

Mr. Van Buskirk explained that the State Land Commissioner is also the State Forester. The State Forester is required to suppress wildfires on State trust lands and unincorporated private lands in Arizona. Currently the Governor can provide \$3 million of general fund monies to the State Forester to deal with wildfires and other unplanned emergencies. This bill allows the Governor to provide an additional \$5 million annually in general fund monies for wildfires and other unplanned emergencies after the depletion of other statutorily authorized funding.

Senator Guenther announced the following individual was present in support of the bill: **Kenneth Rozen, Legislative Liaison, Arizona State Land Department.**

Senator Arzberger moved H.B. 2160 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 5-0-3 (Attachment 8).

HB 2261 - natural gas refueling fee; repeal – DO PASS

Kerri Morey, Senate Research Analyst, explained that the bill repeals the prohibition on a public power entity from charging a monthly service fee for natural gas provided for the refueling of vehicles through home refueling systems. Other private utilities that provide natural gas for fueling vehicles are not prohibited from charging monthly service fees. The City of Mesa gas utility is the only public power entity in the State that provides natural gas and will be affected by this bill.

Senator Bundgaard asked what the fee will be. Ms. Morey stated that the cost for the fee is rolled into the overall charges.

Tom Remes, Assistant to the City Council, City of Mesa, stated that the City of Mesa has changed the structure of the gas rate to provide the service while accommodating the State mandate. The consumer cost is actually the same.

In response to Senator Bundgaard, Mr. Remes stated that by reinstating the service fee, it would allow the City of Mesa to have a uniform fee structure with other providers and make it easier for competitors to compare. The fees would not be raised, they would just be reallocated.

Senator Guenther announced the following individual was present in support of the bill: **Penny Allee Taylor, Specialist/Government Affairs, Southwest Gas Corporation.**

Senator Arzberger moved H.B. 2261 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 5-0-3 (Attachment 9).

HB 2442 - voluntary vehicle repair and retrofit – DO PASS

Ms. Morey explained that the voluntary vehicle repair and retrofit program or V2R2 provides grants to owners whose vehicles have failed the vehicle emission inspection test in either Area A or Area B. The diesel portion of the program applies to vehicles with a gross vehicle rating of more than 8,500 pounds that have failed the random roadside vehicle test. The owner of the diesel vehicle can receive up to \$1,000 in matching funds for qualified repairs. This bill limits to \$10,000 the total amount of V2R2 fund that a diesel fleet owner can receive.

Senator Guenther announced the following individuals were present in support of the bill: **Diane Sikokis, Government Relations Director, Maricopa County, Maricopa County Board of Supervisors; William Kicksey, Environmental Program Manager, Maricopa County; Sandy Bahr, Conservation Director, Sierra Club; Jim Buster, Legislative Liaison, ADEQ; and Sally Bender, Assistant Director, County Supervisors Association.**

Senator Arzberger moved H.B. 2442 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 5-0-3 (Attachment 10).

There being no further business, the meeting adjourned at 9:15 a.m.

Respectfully submitted,

Debbie Kennedy
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room, 115.)