

ARIZONA STATE SENATE

48TH LEGISLATURE
FIRST REGULAR SESSION

MINUTES OF COMMITTEE ON NATURAL RESOURCES AND RURAL AFFAIRS

DATE: February 7, 2007 **TIME:** 1:30 p.m. **ROOM:** SHR 109

CHAIRMAN: Senator Flake **VICE CHAIRMAN:** Senator C. Gray

ANALYST: Megan Gnagy **INTERN:** Jennifer O'Connor

**COMMITTEE
SECRETARY:** Jeff Turner

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Aguirre	x			SB 1198	DPA
Senator Arzberger	x			SB 1311	DPA
Senator Blendu	x			SB 1312	DPA
Senator Johnson	x			SB 1313	DP
Senator Landrum Taylor	x			SB 1352	DPA
Senator C. Gray, Vice Chairman	x			SB 1428	HELD
Senator Flake, Chairman	x			SB 1435	DPA
				SB 1441	DPA
				SB 1531	DP
				SB 1552	DPA
				SB 1603	HELD

Chairman Flake called the meeting to order at 1:35 p.m. and attendance was taken.

APPROVAL OF MINUTES

Senator Flake moved the minutes of January 24 and January 31, 2007 be approved. Without objection, the minutes were approved as distributed.

CONSIDERATION OF BILLS

Senator Flake announced that SB 1428 and SB 1603 would be HELD.

SB 1531 – vehicle emissions inspection; sunset extension – DO PASS

Jennifer O'Connor, Natural Resources and Rural Affairs Research Intern, explained SB 1531.

Senator Allen, bill sponsor, testified in support of SB 1531.

Senator Flake announced the individuals who registered their position on the bill (Attachment A).

Senator Chuck Gray moved SB 1531 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 1).

SB 1552 – air quality program – DO PASS AMENDED

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained SB 1552 and the 2 page Flake amendment dated 2/6/07 at 5:30 p.m. (Attachment B)

Senator Allen, bill sponsor, testified in support of SB 1552.

Dan Thelander, self, testified in support of SB 1552.

Shirley McDonald, Joint Environmental Task Force, Co-chair, testified in support of SB 1552 and in opposition to the Flake amendment.

Rick Lavis, Arizona Cotton Growers Association, Executive Vice President, testified in support of SB 1552.

Bas Aja, Arizona Cattlemen's Association, Director of Governmental Relations, testified in support of SB 1552 and the Flake amendment.

Matthew Fuller, Valley Commercial Landscape, Supervisor, testified in opposition to SB 1552 and answered questions posed by the Committee.

Linda Remick, A to Z Equipment Rentals and Sales, testified in opposition to SB 1552 and answered questions posed by the Committee.

Senator Huppenthal, bill co-sponsor, testified in support of SB 1552 and answered questions posed by the Committee.

Senator Flake announced the individuals who registered their position on the bill (Attachment A).

Jim Buster, Arizona Department of Environmental Quality, Legislative Liaison, answered questions posed by the Committee.

Patrick Cunningham, Arizona Department of Environmental Quality, answered questions posed by the Committee.

Russell Bowers, Arizona Rock Products Association, Executive Director, testified in support of SB 1552 and answered questions posed by the Committee.

Senator Chuck Gray moved SB 1552 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 2 page Flake amendment dated 2/6/07 at 5:30 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1552 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-0 (Attachment 2).

In explanation of her vote, Senator Aguirre stated, "I think this was a very good discussion. Senator Allen, thank you for bringing this forward. This is a critical issue for the State of Arizona and a very divided issue as far as who is on what side. I think it was well said today that we all have to come together and I know that Senator Allen can do that. I have great respect for her and great admiration as well for the work that she has done on behalf of public health and also in the interest of the State. It is my hope that all of the stakeholders will come together next week and work in the best interest of the State of Arizona and with that I will vote aye."

In explanation of her vote, Senator Johnson said, "I am voting no but it is only my normal protest against the feds mandating the states and what they have to do, so I vote no."

In explanation of her vote, Senator Landrum Taylor remarked, "I am glad that the discussion is really going to take a serious turn regarding this. It is unfortunate that we had to wait, to a point that we are seriously under the threat of losing highway funds, possibly losing future economic development measures as we have heard. I was glad to hear all of the discussion that took place here today but I guess it does not matter if we are driving, plowing, blowing, sweeping, burning, hauling or constructing. The bottom line is it is truly a collective blame here and a collective responsibility as far as which direction we are going to go and making sure our air quality is up to good standards. We have something that we should all be mindful of which is public health and safety of those who live within this state. In hearing the different conversations as far as.....will this truly make an impact overall? We look at things such as setting out certain predictors, we do know that there is one predictor we can never put our finger on and that is amount of rain within this state. That is not a big secret out here. There are certain predictors that we can work with. I really feel that if we look at this and work with this issue in a serious fashion, we can decrease the amount of concern that we have here within our State. I think about....at the age of three....as a young child, having to be hospitalized as a native here in Arizona, with 'Valley Fever.' We have to keep mindful of the public health risks that are here. We have an exorbitant amount of seniors and children that we really should be concerned

about. I know this is something I have stated regularly but it is a fact, we are one of the highest ranked states in the nation of children with asthma. That is a respiratory problem. I just had an opportunity recently to visit our Phoenix Children's Hospital and to take a tour around to see what was going on. I looked at the all of the children lying in beds and having issues regarding their breathing. Some of the families I spoke with did not have that before they moved here. We need to really consider these types of things. I know it is going to be very difficult and it is going to be a sacrifice but nothing worth having comes easy. As we move forward with this I would like to make sure that my sleeves are rolled up and in the meantime, once we do come up with a solution for this, hopefully we can move in the direction of not having to continue revisiting this issue. Look at things across the globe, across the entire world, societies are looking at what they can do to help improve things on an environmental level. We are just talking about little old Arizona. I think we can do something to help contribute as well to ensure that what we have, as responsible Stuarts....we are not talking about a couple of generations from now but more than that. We owe it to them and that is our responsibility. I would not want to be a part of a body that did not come up with a viable solution that not only took care of the eminent need, but something that will continue to move forward. Sorry for the long explanation but this is a very important issue to me. I am very concerned about air quality. I am very concerned about what has happened with the bill as it relates to the amendment. I am not comfortable with the amendment. With that I vote no."

SB 1311 – channelization districts; formation – DO PASS AMENDED

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained SB 1311 and the 14-line Flake amendment dated 2/6/07 at 4:13 p.m. (Attachment C)

Russell Bowers, Arizona Rock Products Association, Executive Director, testified in support of SB 1311.

Senator Flake announced the individuals who registered their position on the bill (Attachment A).

Senator Chuck Gray moved SB 1311 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 14-line Flake amendment dated 2/6/07 at 4:13 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1311 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-0 (Attachment 3).

SB 1312 - water storage permits; notice requirements – DO PASS AMENDED

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained SB 1312 and the 11-line Flake amendment dated 2/6/07 at 3:21 p.m. (Attachment D)

Senator Flake announced the individuals who registered their position on the bill (Attachment A).

Fred Breedlove, Arizona Department of Water Resources, Legislative Liaison, testified in opposition to SB 1312 and as neutral to the Flake amendment.

Senator Flake, bill sponsor, further explained SB 1312.

Senator Chuck Gray moved SB 1312 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 11-line Flake amendment dated 2/6/07 at 3:21 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1312 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 4).

SB 1313 - state trust lands; planning – DO PASS

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained SB 1313.

Senator Flake announced the individuals who registered their position on the bill (Attachment A).

Senator Chuck Gray moved SB 1313 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 5).

SB 1352 - well drillers; continuing education – DO PASS AMENDED

Jennifer O'Connor, Natural Resources and Rural Affairs Research Intern, explained SB 1352 and the 5-line Flake amendment dated 2/6/07 at 11:51 a.m. (Attachment E)

Jim Hartdegen, Arizona Water Well Association, testified in support of SB 1352 and answered questions posed by the Committee.

Nathan White, self, testified in support of SB 1352.

Senator Flake announced the individuals who registered their position on the bill (Attachment A).

Senator Chuck Gray moved SB 1352 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 5-line Flake amendment dated 2/6/07 at 11:51 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1352 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 6).

In explanation of his vote, Senator Chuck Gray stated, "I recognize that some of the things that I said were accurate on heir face but I also recognize that drilling through the aquifer through contaminated waters into good waters, and if you do not do that correctly, you are contaminating everyone else's well and with that I think there should be a little bit of education and I would hope to see Senator Blendu's floor amendment adopted and with that I vote yes."

SB 1198 - county powers; open fires – DO PASS AMENDED

Jennifer O'Connor, Natural Resources and Rural Affairs Research Intern, explained SB 1198 and the 2-line Flake amendment dated 2/6/07 at 10:10 a.m. (Attachment F)

Senator O'Halleran, bill sponsor, testified in support of SB 1198 and answered questions posed by the Committee.

Senator Flake announced the individuals who registered their position on the bill (Attachment A).

Senator Chuck Gray moved SB 1198 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 2-line Flake amendment dated 2/6/07 at 10:10 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1198 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 7).

SB 1435 - state lands; mineral leases – DO PASS AMENDED

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained SB 1435 and the 5-line Flake amendment dated 2/6/07 at 4:21 p.m. (Attachment G)

Craig Starkey, Arizona Cement, Senior Vice President, testified in support of SB 1435 and answered questions posed by the Committee.

Russell Bowers, Arizona Rock Products Association, Executive Director, testified in support of SB 1435.

Jamie Hogue, Arizona State Land Department, Deputy Land Commissioner, testified in opposition to SB 1435 and answered questions posed by the Committee.

Senator Flake announced the individuals who registered their position on the bill (Attachment A).

Senator Chuck Gray moved SB 1435 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 5-line Flake amendment dated 2/6/07 at 4:21 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1435 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-0 (Attachment 8).

In explanation of her vote, Senator Aguirre stated, "It seems as if there are a lot of complications on the bill. I feel very uncomfortable moving forward. I would like to see more discussion with the State Land Department. I think that Jamie did a very good job responding to some of the questions. I am going to vote no at this time and reconsider my vote later."

In explanation of her vote, Senator Johnson said, "I am appalled at what we heard here today. I am assuming that this is a work in progress and that we are going to find a solution to this problem and get this done this year. This is just not acceptable and I vote aye."

In explanation of her vote, Senator Landrum Taylor remarked, "I agree whole heartedly with what Senator Johnson just stated and that is the fact that it does seem like this bill is a work in progress. It sounds like we need to come up with some type of compromise because all parties involved need to have a solution to this. Being that I have a sympathetic heart for good pieces of legislation that move forward year after year that need to get passed through, I will vote aye."

In explanation of his vote, Senator Chuck Gray stated, "I want to express to Jamie, thank you for coming down here and enduring this which wasn't very pleasant, I know. Please do not think that we were directing it at you personally, we were frustrated by the situation and sometimes we get carried away with our voice inflection or our questioning or our exaggerated expressions and so, please do not take it personal. We appreciate your work down there, we appreciate all you do and I think you showed great courage and with that, I vote aye."

In explanation of his vote, Senator Flake said, "I do want to say that it is much more pleasant discussing this even to the point of maybe arguing a little with Jamie rather than Mr. Hubbard and I vote aye."

SB 1441 - water quality assurance revolving fund – DO PASS AMENDED

Jennifer O'Connor, Natural Resources and Rural Affairs Research Intern, explained SB 1441 and the 16-line Flake amendment dated 2/6/07 at 2:10 p.m. (Attachment H) She told the Committee a verbal amendment would be necessary to make a technical correction to the Flake amendment (Attachment I).

Rick Lavis, Water Quality Assurance Revolving Fund Advisory Board, Executive Vice President, testified in support of SB 1441 and answered questions posed by the Committee.

Senator Chuck Gray moved SB 1441 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 16-line Flake amendment dated 2/6/07 at 2:10 p.m. be ADOPTED.

**Senator Chuck Gray moved the following verbal amendment to the amendment:
Page 1, line 2, strike "2", insert "31"**

The motion CARRIED by voice vote.

Senator Chuck Gray moved the 16-line Flake amendment, AS AMENDED, be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1441 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-0-1 (Attachment 9).

There being no further business, the meeting was adjourned at 4:15 p.m.

Respectfully submitted,

Jeff Turner
Committee Secretary

(Audio recordings and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.
Audio archives are available at <http://www.azsenate.gov>)