

ARIZONA STATE SENATE

48TH LEGISLATURE
FIRST REGULAR SESSION

MINUTES OF COMMITTEE ON NATURAL RESOURCES AND RURAL AFFAIRS

DATE: February 14, 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 1428	DPA
Senator Arzberger	x			SB 1455	DPA
Senator Blendu	x			SB 1508	HELD
Senator Johnson	x			SB 1556	DPA/SE
Senator Landrum Taylor	x			SB 1557	DPA
Senator C. Gray, Vice Chairman	x			SB 1570	DPA/SE
Senator Flake, Chairman	x			SB 1575	DPA
				SB 1603	DPA
				SB 1607	DPA
				SB 1608	DPA/SE
				SB 1609	DPA/SE
				SB 1638	DP
				SJR 1001	DP

Chairman Flake called the meeting to order at 2:00 p.m. and attendance was taken.

CONSIDERATION OF BILLS

SB 1603 - air quality measures; tax credit – DO PASS AMENDED

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained SB 1603 and the 2 page Flake amendment dated 2/13/07 at 4:22 p.m. (Attachment A)

Russell Bowers, Executive Director, Arizona Rock Products Association, testified in support of SB 1603.

Jo Crumbaker, Maricopa County Air Quality Department, Manager Air Quality Planning, testified as neutral on SB 1603.

Senator Chuck Gray moved SB 1603 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 2 page Flake amendment dated 2/13/07 at 4:22 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1603 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 1).

SB 1508 - water resources; regional planning - HELD

Senator Flake announced that SB 1508 would be HELD.

SB 1556 - fire districts; noncontiguous county areas – DO PASS AMENDED

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained the 45 page Flake strike everything amendment dated 2/12/07 at 10:41 a.m. (Attachment B)

Senator Tibshraeny, bill sponsor, testified in support of SB 1556.

Ken Strobeck, League of Arizona Cities and Towns, Executive Director, testified in support of SB 1556 and answered questions posed by the Committee.

Glen Taylor, self, testified in opposition to SB 1556 and answered questions posed by the Committee.

Lee Miller, Arizona Fire District Association, Lobbyist, testified in support of SB 1556 and answered questions posed by the Committee.

Senator Allen, District 8, testified in support of SB 1556.

Sam West, Rio Verde Fire District Steering Committee, testified as neutral on SB 1556 and answered questions posed by the Committee.

Nena Henry, Rio Verde Fire District Steering Committee, testified in support of SB 1556.

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

Senator Chuck Gray moved SB 1556 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 45 page Flake strike everything amendment dated 2/12/07 at 10:41 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1556 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 2).

SB 1455 - low sulfur diesel fuel standards – DO PASS AMENDED

Jennifer O'Connor, Natural Resources and Rural Affairs Research Intern, explained SB 1455 and the 8-line Flake amendment dated 2/13/07 at 11:48 a.m. (Attachment D)

Senator Allen, bill sponsor, testified in support of SB 1455.

Andrea Martincic, Arizona Petroleum Marketers Association, Executive Director, testified in support of SB 1455 and answered questions posed by the Committee.

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

Senator Chuck Gray moved SB 1455 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 8-line Flake amendment dated 2/13/07 at 11:48 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1455 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 3).

SB 1428 - national animal identification system; nonparticipation – DO PASS AMENDED

Jennifer O'Connor, Natural Resources and Rural Affairs Research Intern, explained SB 1428 and the 11-line Johnson amendment dated 2/13/07 at 8:30 a.m. (Attachment E)

Bas Aja, Arizona Cattlemen's Association, Director of Governmental Relations, testified as neutral on SB 1428.

Senator Johnson, bill sponsor, further explained SB 1428 and answered questions posed by the Committee.

Niki Dezeeuw, self, testified in support of SB1428.

Sam Anderer, self, testified in support of SB 1428.

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

Ed Hermes, Arizona Department of Agriculture, testified in opposition to SB 1428.

Dr. Richard Willer, State Veterinarian, testified in opposition to SB 1428.

Senator Chuck Gray moved SB 1428 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 11-line Johnson amendment dated 2/13/07 at 8:30 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1428 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-0 (Attachment 4).

In explanation of her vote, Senator Aguirre stated, "I think a lot of issues were discussed today and in addition to animal tagging and certainly this is a bill that I will support but I am concerned about some of the things that been to be worked out that were addressed by Mr. Aja. I am going to vote aye but I look forward to changes being made to this bill."

In explanation of her vote, Senator Arzberger said, "With respect to the sponsor, I disagree with some of the fears that were brought forward. I do not think the program has anything to do with that. I do believe it is a good business tool and the way I understand it, the bill says the department participates in the federal program. That does not mean they run a program of their own, it just means that they co-operate and so for those reasons, I vote no."

In explanation of his vote, Senator Blendu remarked, "I really think there is enough room between what Senator Arzberger said and what Senator Johnson had to say. I vote aye to move this bill forward because I also see nothing preventing what Senator Johnson had to say, so I vote aye."

In explanation of her vote, Senator Landrum Taylor stated, "For the sake of time I will echo the comments of Senator Aguirre, I will vote aye."

In explanation of his vote, Senator Chuck Gray said, "I also recognize that this is somewhat of a work in progress but I would say this, in the interest of allowing this to maintain our freedoms and if at some point in the future, we decide that we need to have something mandated to us, or even restricted upon us by the Arizona Department of Agriculture, then we can address that at that time but for now, I would like to make sure that it is in law that it is voluntary and with that I vote aye."

SB 1607 - state forester – DO PASS AMENDED

Jennifer O'Connor, Natural Resources and Rural Affairs Research Intern, explained SB 1607 and the 7-line Flake amendment dated 2/13/07 at 9:22 a.m. (Attachment F)

Senator Flake, bill sponsor, further explained SB 1607.

Elaine Arena, Rural/Metro, testified in support of SB 1607.

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

Senator Chuck Gray moved SB 1607 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 7-line Flake amendment dated 2/13/07 at 9:22 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1607 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 5).

SB 1557 - water; municipal conservation requirements – DO PASS AMENDED

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained SB 1557 and the 10 page Flake amendment dated 2/13/07 at 12:42 p.m. (Attachment G)

Herb Guenther, Arizona Department of Water Resources, Director, testified in support of SB 1557.

Nancy Freeman, Groundwater Awareness League, Executive Director, testified in opposition to SB 1557.

Fred Breedlove, Legislative Liaison, Arizona Department of Water Resources, testified in support of SB 1557.

Sandy Fabritz-Whitney, Arizona Department of Water Resources, Assistant Director for Water Management, testified in support of SB 1557 and answered questions posed by the Committee.

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

Senator Chuck Gray moved SB 1557 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 10 page Flake amendment dated 2/13/07 at 12:42 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1557 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-0 (Attachment 6).

SB 1570 - critical water area pilot districts – DO PASS AMENDED/STRIKE EVERYTHING

Jennifer O'Connor, Natural Resources and Rural Affairs Research Intern, explained the 3 page Arzberger strike everything amendment dated 2/12/07 at 2:15 p.m. (Attachment H)

Senator Arzberger, bill sponsor, further explained SB 1570.

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

Senator Chuck Gray moved SB 1570 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 3 page Arzberger strike everything amendment dated 2/12/07 at 2:15 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1570 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 7).

In explanation of his vote, Senator Chuck Gray stated, "I would like to echo the comments of Senator Blendu, seriously narrowing this down to that one area and with that I vote aye."

SB 1575 - water adequacy amendments – DO PASS AMENDED

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained SB 1575 and the 4-line Arzberger amendment dated 2/13/07 at 3:42 p.m. (Attachment I)

Senator Arzberger, bill sponsor, further explained SB 1575.

Herb Guenther, Arizona Department of Water Resources, Director, answered questions posed by the Committee.

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained the 11-line Flake amendment dated 2/14/07 at 11:22 a.m. (Attachment J)

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

Elizabeth Archuleta, Coconino County, Supervisor, testified in support of SB 1575.

Tom Farley, Arizona Association of Realtors and Northern Arizona Builders Association, testified as neutral on SB 1575 and answered questions posed by the Committee.

Nancy Freeman, Groundwater Awareness League, Executive Director, testified in support of SB 1575.

Steve Wene, Rio Rico Properties, testified as neutral on SB 1575.

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

Senator Chuck Gray moved SB 1575 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 4-line Arzberger amendment dated 2/13/07 at 3:42 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved the 11-line Flake amendment dated 2/14/07 at 11:22 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1575 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 8).

SB 1608 - water supply development; urban; rural fund – DO PASS AMENDED/STRIKE EVERYTHING

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained the 16 page Arzberger strike everything amendment dated 2/12/07 at 11:50 a.m. (Attachment K)

Herb Guenther, Arizona Department of Water Resources, Director, answered questions posed by the Committee.

Elizabeth Archuleta, Coconino County, Supervisor, testified in support of SB 1608.

John Munderloh, Town of Prescott Valley, Water Resource Manager, testified in support of SB 1608.

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

Representative Lucy Mason, District 1, testified in support of SB 1608.

Senator Chuck Gray moved SB 1608 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 16 page Arzberger strike everything amendment dated 2/12/07 at 11:50 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1608 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 9).

In explanation of her vote, Senator Aguirre stated, "I appreciate very much Representative Mason coming from the House to testify. I could not agree more with her. This is not only about local control this is also about rural Arizona having the infrastructure to deliver water and do the projects they need as we grow out there as well. So, this is not just for a project that is going to benefit rural Arizona, it is going to benefit the State as a whole. With that I vote aye."

In explanation of his vote, Senator Blendu said, "During the time we built the CAP, that is constantly the example we are given. As far as I am concerned, as I can recall, federal government forgave nothing. We were a donor state all that time, meaning we sent the federal government much more money than they sent us back and we have yet to catch up. I just think this can be done at a local level and I see no reason why it should not be if the need is there and I vote no."

SB 1609 - water; adequacy program provisions – DO PASS AMENDED/STRIKE EVERYTHING

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained the 6 page Flake strike everything amendment dated 2/12/07 at 3:54 p.m. (Attachment L)

Suzanne Ticknor, Central Arizona Project, testified in support of the Flake strike everything amendment.

Senator Chuck Gray moved SB 1609 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 6 page Flake strike everything amendment dated 2/12/07 at 3:54 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1609 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-0 (Attachment 10).

SB 1638 - well impacts; groundwater contamination – DO PASS

Jennifer O'Connor, Natural Resources and Rural Affairs Research Intern, explained SB 1638.

Herb Guenther, Arizona Department of Water Resources, Director, testified in support of SB 1638.

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

Senator Chuck Gray moved SB 1638 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 11).

SJR 1001 - Lower Colorado basin; forbearance authority – DO PASS

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained SJR 1001.

Herb Guenther, Arizona Department of Water Resources, Director, testified in support of SJR 1001.

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

Senator Chuck Gray moved SJR 1001 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 12).

There being no further business, the meeting was adjourned at 5:29 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>)