

ARIZONA STATE SENATE

48TH LEGISLATURE
SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON NATURAL RESOURCES AND RURAL AFFAIRS

DATE: February 27, 2008 **TIME:** 1:30 p.m. **ROOM:** SHR 109

CHAIRMAN: Senator Flake **VICE CHAIRMAN:** Senator Chuck Gray

ANALYST: Megan Gnagy **INTERN:** Jennifer Thomsen

**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 1044	DPA/SE
Senator Arzberger	x			SB 1189	DPA
Senator Blendu	x			SB 1264	DPA/SE
Senator Johnson	x			SB 1328	HELD
Senator Landrum Taylor	x			SB 1330	DISC/HELD
Senator C. Gray, Vice Chairman	x			SB 1384	DPA
Senator Flake, Chairman	x			SB 1438	DPA/SE
				SB 1439	HELD
				SCR 1034	DP

Chairman Flake called the meeting to order at 1:47 p.m. and attendance was taken.

APPROVAL OF MINUTES

Senator Flake moved the minutes of February 20, 2008 be approved. Without objection, the minutes were approved as distributed.

CONSIDERATION OF BILLS

SB 1328 - oil and gas; shut-in royalty - HELD

SB 1439 - water; general industrial use permits – HELD

Senator Flake announced that SB 1328 and SB 1439 would be HELD.

SB 1189 - private historic cemeteries; historic preservation – DO PASS AMENDED

Jennifer Thomsen, Natural Resources and Rural Affairs Research Intern, explained SB 1189 and the 2 page Chuck Gray amendment dated 2/27/08 at 12:28 p.m. (Attachment A)

Margaret Baker, representing herself, testified in support of SB 1189 and the amendment.

Reba Grandrud, Pioneers' Cemetery Association, Inventory of Historic Cemeteries, testified in support of SB 1189.

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

Senator Chuck Gray moved SB 1189 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 2 page Chuck Gray amendment dated 2/27/08 at 12:28 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1189 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 1).

SB 1384 - Arizona emissions bank – DO PASS AMENDED

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained SB 1384 and the 8-line Blendu amendment dated 2/26/08 at 12:21 p.m. (Attachment C)

Jim Buster, Legislative Liaison, Arizona Department of Environmental Quality, testified in support of SB 1384.

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

Senator Blendu moved SB 1384 be returned with a DO PASS recommendation.

Senator Blendu moved the 8-line Blendu amendment dated 2/26/08 at 12:21 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Blendu moved SB 1384 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 2).

In explanation of his vote, Senator Blendu stated, "I would like to thank you for taking our time last week through the presentation that was made and giving us all a little better understanding of what a bill like this will ultimately end up doing in Arizona. We have made some mistakes in the past, with our environmental issues and I pointed them out, the fuel that poisoned our groundwater, we do not want to do things like that anymore so I want to thank you for taking our time to hear that presentation and I want to thank the industry and DEQ for coming together and figuring out what we could do instead of arguing about what could not be done and I vote aye."

SB 1264 - mineral inventory; technical correction – DO PASS AMENDED / STRIKE EVERYTHING

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained the 3 page Johnson strike everything amendment dated 2/25/08 at 12:28 p.m. (Attachment D)

Senator Johnson, bill sponsor, further explained SB 1264.

David Tenney, representing himself, testified in support of SB 1264 and answered questions posed by the Committee.

John Shamley, representing himself, testified in support of SB 1264.

James Finch Jr, CMLUA, testified in support of SB 1264.

Sylvia Allen, representing herself, testified in support of SB 1264 and answered questions posed by the Committee.

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

Bruce Olsen, AZ-SAFE, testified in support of SB 1264.

John Bennett, CMLUA, testified in support of SB 1264.

Robert Quackenbush, White Mountain Association of Realtors, testified in support of SB 1264.

Doyle Shamley, representing himself, answered questions posed by the Committee.

Sandy Bahr, Conservation Director, Sierra Club - Grand Canyon Chapter, testified in opposition to SB 1264 and answered questions posed by the Committee.

Senator Johnson moved SB 1264 be returned with a DO PASS recommendation.

Senator Johnson moved the 3 page Johnson strike everything amendment dated 2/25/08 at 12:28 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Johnson moved SB 1264 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 6-1-0 (Attachment 3).

In explanation of her vote, Senator Landrum Taylor stated, "I have appreciated all of the testimony here today but I still have a few concerns and I would like to talk to a few more entities before it hits the floor so I am going to vote no."

SCR 1034 - trust land permanent funds; distribution – DO PASS

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained SCR 1034.

Dean Martin, Arizona State Treasurer, testified in support of SCR 1034 and submitted a handout entitled *Presentation on SCR 1034* (Attachment E) and *Article 10* (Attachment F). He answered questions posed by the Committee.

Senator Chuck Gray moved SCR 1034 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-1-1 (Attachment 4).

In explanation of her vote, Senator Landrum Taylor stated, "The presentation was really nice, to have an opportunity to take a look at that. I still have a lot of concern about this particular piece of legislation we are trying to move forward. First of all it is a major change in our constitution and I am still not clear on how it will be carried out in the most effective way for this. It is not as simple as it looks. It is pretty complicated and I think something like this, being that it, you know, hearing about it this year, probably would have warranted a study committee and getting the public more engaged in what is going on instead of just putting it directly on a ballot measure. I think a little more time for this would have been more invaluable to all of us so that we can make sure that we are doing something correctly because we are changing our Constitution so with that, I vote no."

SB 1438 - mine inspector; surplus property - FAILED

Jennifer Thomsen, Natural Resources and Rural Affairs Research Intern, explained the 6 page Flake strike everything amendment dated 2/18/08 at 9:45 a.m. (Attachment G)

Joe Hart, mine inspector, testified in support of SB 1438.

Jim Buster, Legislative Liaison, Arizona Department of Environmental Quality, testified as neutral on SB 1438.

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

Senator Chuck Gray moved SB 1438 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 6 page Flake strike everything amendment dated 2/18/08 at 9:45 a.m. be ADOPTED. The motion FAILED by voice vote.

Senator Chuck Gray moved SB 1438 be returned with an AS AMENDED, DO PASS recommendation. The motion FAILED with a roll call vote of 3-3-1 (Attachment 5).

In explanation of his vote, Senator Gray stated, "I am not getting this bill. I do not understand the purpose of it. I understand the intent to fill the mines but number one, the tires, it has not been clearly shown that we are not creating a future environmental hazard and number two, I am not very comfortable with the gifting and donation part of that. It seems like we are opening up a Pandora's Box for government officials. I do not think that is the intent but again, I am not understanding what this bill does and maybe that is my problem but until I can get a grasp on exactly how this works, I can not support the bill, so I vote no."

In explanation of his vote, Senator Flake said, "I have talked with Joe about this a number of times and I do think that he is grasping at any way possible to take care of problems that have gone unattended way too long by a prior mine inspector that just has not.....he talked a lot about it but never really did anything about it. Every avenue is not going to work and in my mind, this is a great place to put tires. It takes three things to make a fire, fuel, heat and oxygen, without those things it impossible to make fire. I think it is an impossibility for these tires to burn if they do not have the oxygen. I share Senator Gray's concern and yet, I think we need to grasp at some ways to do this or we are just going to go on for another four years and another two or three people will die, without anything ever being done. I am ready to give him a little rope, a person can't hang themselves with a little rope, but they can use that rope to catch a calf. I vote yes."

SB 1330 - abandoned mines; safety; funding – DISCUSSION / HELD

Jennifer Thomsen, Natural Resources and Rural Affairs Research Intern, explained SB 1330 and the 8 page Flake amendment dated 2/26/08 at 5:22 p.m. (Attachment H)

Senator Burns, bill sponsor, testified in support of SB 1330.

Senator Flake further explained SB 1330.

Senator Burns answered questions posed by the Committee.

Leslie Johnson, Metropolitan Youth Symphony, testified in opposition to SB 1330.

Robert Booker, Executive Director, Arizona Commission on the Arts, testified in opposition to SB 1330.

Chris Rhodes, Managing Director, Southwest Shakespeare Company, testified in opposition to SB 1330.

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

Linda Murphy, Music Educator/Executive Director, Sonoran Desert Chorale, testified in opposition to SB 1330.

Senator Flake announced that SB 1330 would be HELD.

SB 1438 - mine inspector; surplus property - DO PASS AMENDED / STRIKE EVERYTHING (Upon Reconsideration)

Senator Chuck Gray moved that the Committee reconsider SB 1438. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1438 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 6 page Flake strike everything amendment dated 2/18/08 at 9:45 a.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1438 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-2-1 (Attachment 6).

In explanation of his vote, Senator Chuck Gray stated, "I still have the same concerns that I had before but I recognize that it is important to make sure that these mines, in some way, are safeguarded from things we have done in the past and if we are going to hold one bill and this other one is not going to move forward, we have to do something. I know inspector Hart very well and I know he will work out the kinks I may have had with this particular bill and with that I vote aye."

SB 1044 - haulage roadways; technical correction – DO PASS AMENDED / STRIKE EVERYTHING

Megan Gnagy, Natural Resources and Rural Affairs Research Analyst, explained the 2 page Blendu strike everything amendment dated 2/25/08 at 2:33 p.m. (Attachment I) and the 3 page Blendu amendment to the strike everything amendment dated 2/26/08 at 4:07 p.m. (Attachment J)

Senator Blendu, bill sponsor, explained SB 1044.

Russell Bowers, Executive Director, Arizona Rock Products Association, testified in support of SB 1044.

Herb Guenther, Director, Arizona Department of Water Resources, testified in opposition to SB 1044.

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

Melissa Taylor, City of Phoenix, testified in opposition to SB 1044.

Senator Blendu moved SB 1044 be returned with a DO PASS recommendation.

Senator Blendu moved the 2 page Blendu strike everything amendment dated 2/25/08 at 2:33 p.m. be ADOPTED.

Senator Blendu moved the 3 page Blendu amendment to the strike everything amendment dated 2/26/08 at 4:07 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Blendu moved the 2 page Blendu strike everything amendment dated 2/25/08 at 2:33 p.m. AS AMENDED, be ADOPTED. The motion CARRIED by voice vote.

Senator Blendu moved SB 1044 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-2-1 (Attachment 7).

In explanation of her vote, Senator Aguirre stated, "I have confidence that Senator Blendu will resolve some of the discussion and opposition we heard today. Unfortunately I will vote no but I look forward to voting yes on the floor."

There being no further business, the meeting was adjourned at 5:10 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>)