

ARIZONA HOUSE OF REPRESENTATIVES
Fiftieth Legislature – Second Regular Session

COMMITTEE ON AGRICULTURE AND WATER

Minutes of Meeting
Thursday, February 2, 2012
House Hearing Room 5 -- 9:00 a.m.

Chairman Jones called the meeting to order at 9:03 a.m. and attendance was noted by the secretary.

Members Present

Mrs. Barton	Mrs. Judd	Mr. Urie
Mrs. Brophy McGee	Ms. Miranda C	Mr. Crandell, Vice-Chairman
Mr. Gallego	Mrs. Pancrazi	Mr. Jones, Chairman

Members Absent

None

Committee Action

HB2336 – DP (7-1-1-0)	HB2372 – DP (9-0-0-0)
HB2360 – DPA (9-0-0-0)	HB2493 – DPA (8-0-0-1)
HB2362 – DP (9-0-0-0)	HB2520 – DPA (9-0-0-0)

CONSIDERATION OF BILLS

HB2360 - flood control districts; immunity – DO PASS AMENDED

Vice-Chairman Crandell moved that HB2360 do pass.

Vice-Chairman Crandell moved that the Jones three-line amendment dated 2/1/12 (Attachment 1) be adopted.

Gina Kash, House Majority Research Analyst, explained that HB2360 provides flood control districts and their employees immunity from damages that arise out of a plan for construction, maintenance or improvement of certain structures if a reasonably adequate warning is given (Attachment 2). She explained that the Jones amendment (Attachment 1) contains information regarding a national flood insurance program.

Representative Karen Fann, sponsor, informed the Members that HB2360 will address in particular the flood issues that arise from forest fires when local jurisdictions try to fix problems.

Elizabeth Archuleta, Supervisor, Coconino County, testified in favor of HB2360. She described the impact of the Schultz Fire, which burned 15,000 acres in the San Francisco Peaks area in 2010 (Attachment 3). She stressed that this legislation is similar to other states' legislation. She explained that, currently, "take no action" is the only protection for local workers, and this bill will enable them to respond to the flood events.

Vice-Chairman Crandell announced the names of those who signed up in support of HB2360 but did not speak:

Rory Hays, Lobbyist, Flood Control District of Maricopa County
Jen Sweeney, Government Affairs Director, Arizona Association of Counties
Jessica Leiser, Legislative Analyst, Coconino County
Michelle D'Andrea, Deputy County Attorney, Coconino County
Todd Madeksza, Director of Legislative Affairs, County Supervisors Association
Andy Bertelsen, Assistant County Manager, Coconino County

Vice-Chairman Crandell announced the names of those who signed up in opposition to HB2360 but did not speak:

Seth Apfel, representing self

Question was called on the motion that the Jones three-line amendment dated 2/1/12 (Attachment 1) be adopted. The motion carried.

Vice-Chairman Crandell moved that HB2360 as amended do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 4).

HB2362 - state parks revenue fund – DO PASS

Vice-Chairman Crandell moved that HB2362 do pass.

Gina Kash, House Majority Research Analyst, explained that HB2362 establishes the State Parks Revenue Fund consisting of retail sales, appropriations, gifts, donations, user fees, concession fees and other revenue generating activities to be used for the operation and maintenance of the State Parks system (Attachment 5).

Representative Karen Fann, sponsor, informed the Members that during budget activities the State Parks enhancement funds, consisting mostly of gate fees, were swept by the Legislature. These funds keep the parks open and are monies earned, not appropriated from the state General Fund.

Vice-Chairman Crandell announced the names of those who signed up in support of HB2362 but did not speak:

Paul Jepson, Assistant to the City Manager, City of Maricopa
Peter Bengtson, representing self
Kevin Burke, Assistant to the Town Manager, Town of Oro Valley
Michael Celaya, Intergovernmental Relations Director, City of Surprise
Liz Hourican, representing self
Janice Miano, Arizona Heritage Alliance
Simone Westbrook-Hall, State Government Affairs, The Nature Conservancy

Dale Wiebusch, Legislative Associate, League of Arizona Cities and Towns
Cristie Statler, Executive Director, Arizona State Parks Foundation

Jay Ziemann, Assistant Director, Arizona State Parks Board, stated his support for HB2362.

Vice-Chairman Crandell expressed concern that the 84 percent of State Park land that belongs to the federal government will revert if care and maintenance cannot be performed by Arizona State Parks; Mr. Ziemann concurred.

In response to Mrs. Brophy McGee's question, Mr. Ziemann stated that \$110 million in funds have been swept from State Park funds to date.

Bill Feldmeier, Interim Executive Director, Arizona State Parks Board, stated his support for HB2362.

Sandy Bahr, Conservation Director, Sierra Club - Grand Canyon Chapter, expressed support for the legislation.

Question was called on the motion that HB2362 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 6).

HB2372 - agricultural improvement districts; voting – DO PASS

Vice-Chairman Crandell moved that HB2372 do pass.

Christopher Adams, House Majority Intern, explained that HB2372 makes clarifying changes to the requirements for land held by estate trusts to vote in agricultural improvement district elections (Attachment 7).

Russell Smoldon, Salt River Project (SRP), testified in favor of HB2372, explaining that SRP is both a power district and a users' association. HB2372 will make clarifying changes to statute to protect family trusts established in estate planning in the SRP service territory. He explained that SRP elections are property-based and these trusts vote in the elections. He assured Members that no public funds are used to conduct the elections.

Vice-Chairman Crandell announced the names of those who signed up in support of HB2372 but did not speak:

Michael Curtis, Arizona Municipal Power Users' Association
Chris Udall, Executive Director, Agri-Business Council of Arizona

Question was called on the motion that HB2372 do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 8).

HB2520 - pesticide buffer zones; health care – DO PASS AMENDED

Vice-Chairman Crandell moved that HB2520 do pass.

Vice-Chairman Crandell moved that the Jones eight-line amendment dated 1/31/12 (Attachment 9) be adopted.

Christopher Adams, House Majority Intern, explained that HB2520 requires health care institutions to be licensed in order to be subject to current buffer zone law, and expands notification of nearby pesticide application to child care group homes (Attachment 10). He explained that the Jones amendment clarifies language in the bill.

Philip Bashaw, Arizona Farm Bureau, stated his support for HB2520, informing the Members that it will clarify definitions of buffer zones as applied in agriculture (Title 3) and health (Title 36) statutes.

Vice-Chairman Crandell announced the names of those who signed up in support of HB2520 but did not speak:

Robert Shuler, Western Growers Association and Arizona Crop Protection Association
Shelly Tunis, Attorney, Yuma Fresh Vegetable Association
Joe Sigg, Arizona Farm Bureau

Vice-Chairman Crandell announced the names of those who signed up as neutral on HB2520 but did not speak:

Colby Bower, American Cancer Society and Arizona Department of Health Services

Question was called on the motion that the Jones eight-line amendment dated 1/31/12 (Attachment 9) be adopted. The motion carried.

Vice-Chairman Crandell moved that HB2520 as amended do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 11).

HB2336 - land conservation fund; forest restoration – DO PASS

Vice-Chairman Crandell moved that HB2336 do pass.

Gina Kash, House Majority Research Analyst, explained that HB2336 establishes the Forest Restoration and Treatment Trust Fund and appropriates all monies remaining unexpended and unencumbered in the Land Conservation Fund to the Forest Restoration and Treatment Trust Fund (Attachment 12).

Mr. Gallego asked if, since the Land Conservation Fund is voter-protected, this must go to a public ballot. Ms. Kash replied that the only portion that is voter-protected is the \$20 million appropriation that ran out last year.

Mrs. Brophy McGee expressed concern about the legality of this bill; she inquired what legal opinions support it. Chairman Jones replied that Legislative Council studied the statutes in preparing this bill. In response to her concern, Chairman Jones indicated that he will seek an additional opinion from the Attorney General's office.

Mrs. Pancrazi stated that State Land revenue is generated by the land being sold, and this could devastate that income source. Discussion ensued. Chairman Jones stressed that, due to the fire

and flood devastation in the last decade, Arizona must set aside sufficient funds and incentives to protect the forests and watershed.

Sandy Bahr, Conservation Director, Sierra Club - Grand Canyon Chapter, testified in opposition to HB2336, stating that it violates the Voter Protection Act, a 1998 contract that protects this fund and was reaffirmed in 2010. Discussion ensued.

Ms. Bahr stressed that voters have expressed their desire to fund the conservation of State Trust Lands. She noted that, as long as lands are State Trust Lands, they may be sold for a variety of reasons, including development, mining, and logging. Discussion ensued regarding the influence of money and lobbyists in voter referenda.

Vice-Chairman Crandell announced the names of those who signed up in support of HB2336 but did not speak:

Liz Hourican, representing self

Seth Apfel, representing self

Vice-Chairman Crandell announced the names of those who signed up in opposition to HB2336 but did not speak

Peter Bengtson, representing self

Jay Ziemann, Arizona State Parks Board

Simone Westbrook-Hall, State Government Affairs, The Nature Conservancy

Michael Racy, Lobbyist, Pima County

Vice-Chairman Crandell announced the names of those who signed up as neutral on HB2336 but did not speak

Vanessa Hickman, State Land Department

Scott Hunt, Arizona State Forester

Chairman Jones commented that included in this approach are specifications about which diameter of trees are to be cut to address the overly-dense forests that will cost hundreds of millions of dollars to remediate. He stressed that HB2336 is following advice received by the State Forester and Legislative Council.

Question was called on the motion that HB2336 do pass. The motion carried by a roll call vote of 7-1-1-0 (Attachment 13).

HB2493 - department of water resources; funding – DO PASS AMENDED

Vice-Chairman Crandell moved that HB2493 do pass.

Christopher Adams, House Majority Intern, explained that HB2493 creates a joint legislative study committee to determine alternative funding mechanisms for the Arizona Department of Water Resources (ADWR) (Attachment 14). He explained that the Jones six-line amendment (Attachment 15) adds an emergency clause to HB2493.

Vice-Chairman Crandell moved that the Jones six-line amendment dated 1/30/12 (Attachment 15) be adopted.

Chairman Jones, sponsor, explained that this bill will appropriate funding for ADWR in this time of sustained drought. He commented that the budget of ADWR has been cut from \$20 million to \$7 million, that the agency was asked to be self-funding, and that it has reduced staffing by almost 70 percent in order to meet this mandate. Chairman Jones asked the stakeholders who are paying for ADWR to bear with this a little longer until this study committee determines how to fund ADWR in the future: what is the state's portion from the General Fund and what the users will pay for the services that they receive in order to operate.

Question was called on the motion that the Jones six-line amendment dated 1/30/12 (Attachment 15) be adopted. The motion carried.

Vice-Chairman Crandell moved that HB2493 as amended do pass.

Vice-Chairman Crandell announced the names of those who signed up in support of HB2493 but did not speak:

Stuart Goodman, Lobbyist, Southern Arizona Water Users Association

Vice-Chairman Crandell announced the names of those who signed up as neutral on HB2493 but did not speak:

Jim Ogsbury, League of Arizona Cities and Towns

Jeffrey Kros, Legislative Director, Arizona Municipal Water Users Association, stated his support for HB2493 and its goal to determine equitable funding, most appropriately from the General Fund.

Doug Cole, Lobbyist, Tucson Water (City of Tucson), expressed neutrality on HB2493. He explained that the repeal date for ADWR collecting fees from municipalities is 2014; he said he would rather see it expire right now. He also stressed that ADWR negotiates with Mexico and other Colorado River users and that it is a statewide agency that should be funded by the state's General Fund because many users are rural users.

Question was called on the motion that HB2493 as amended do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 16).

Without objection, the meeting adjourned at 10:45 a.m.

Jane Dooley, Committee Secretary
February 20, 2012

(Original minutes, attachments and audio on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)