

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – First Regular Session

COMMITTEE ON FEDERALISM AND STATES' RIGHTS

Report of Regular Meeting
Wednesday, March 4, 2015
House Hearing Room 5 -- 9:00 a.m.

Convened 9:05 a.m.

Recessed

Reconvened

Adjourned 9:53 a.m.

Members Present

Mr. Finchem
Mr. Mitchell
Ms. Rios
Mr. Thorpe
Ms. Velasquez
Mr. Wheeler
Mr. Campbell, Vice-Chairman
Ms. Townsend, Chairman

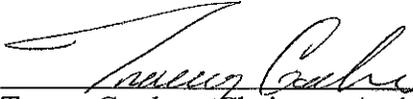
Members Absent

Request to Speak

Report – Attachment 1

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Roll Call)</u>
SCM1006	DP	5-3-0-0	2, 3
SCM1009	DP	5-3-0-0	4, 5
SCM1012	DP	5-3-0-0	6, 7
SCM1013	DP	6-1-0-1	8, 9



Tracey Gardner, Chairman Assistant
March 4, 2015

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

Information Registered on the Request to Speak System

House Federalism and States' Rights (3/4/2015)

SCM1012, endangered species transparency act

Support:

Susan Hicks, representing self; Ann Heins, representing self; Tom Holding, representing self; Jose Borrajero, representing self; Richard Hofelich, representing self; Patrick OMalley, representing self; Joyce Hill, representing self; Sandi Bartlett, representing self; Kelly Norton, AZ MINING ASSN; Dennis Genge, representing self; Christine Maceri Genge, representing self; April Pinger, representing self; Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Patrick Bray, Arizona Cattlemen's Association; Steve Trussell, Arizona Rock Products Association

Oppose:

Sandy Bahr, Sierra Club - Grand Canyon Chapter

SCM1006, urging Congress; Keystone pipeline; support

Support:

James Candland, representing self

Oppose:

Michele Manos, representing self; Miriam Lindmeier, representing self; Stephanie Seigla, representing self; Elisha Dorfsmith, representing self; Sandy Bahr, Sierra Club - Grand Canyon Chapter

All Comments:

Michele Manos, Self: As a taxpayer, I do not support the use of legislators' time for activities such as this. With all our problems in AZ, particularly our huge deficit - and this is what you are doing?! Simply Inexcusable.; Miriam Lindmeier, Self: Really? The Keystone Pipeline - it has no relevance to the state of AZ and the President has already vetoed it. Why are you wasting time on this when you have not resolved the incredible financial issues facing this state...especially education.; Stephanie Seigla, Self: This is downright embarrassing. Please stop. Thank you.; Elisha Dorfsmith, Self: This resolution is a waste of time. Additionally, until we can ensure that private property rights are protected, the Keystone pipeline should be put on hold.

SCM1009, military bases; endangered species act

Testified as opposed:

Sandy Bahr, Sierra Club - Grand Canyon Chapter

Support:

James Candland, representing self

SCM1013, rulemaking; electric generating units; opposition

Testified in support:

Philip Bashaw, GRAND CANYON STATE ELECTRIC COOP ASSN

Testified as opposed:

Sandy Bahr, Sierra Club - Grand Canyon Chapter

Support:

Jason Baran, SR. Govt Relations Rep, SALT RIVER PROJECT (SRP); Amanda Rusing, American Coalition For Clean Coal Electricity; Chad Guzman, AZ PUBLIC SERVICE COMPANY (APS); James Candland, Eastern Arizona Counties Association



HOUSE OF REPRESENTATIVES

SCM 1006

urging Congress; Keystone pipeline; support
Sponsors: Senator Griffin

X Committee on Federalism & States' Rights

Caucus and COW

House Engrossed

OVERVIEW

SCM 1006 urges the United States Congress vote to approve the Keystone XL oil pipeline.

HISTORY

The Keystone XL project is a proposed 1,179 mile pipeline beginning in Hardisty, Alberta, extending south to Steele City, Nebraska. The proposed pipeline will have the capacity to transport up to 830,000 barrels of crude oil per day from Canada and the Bakken Shale region between Montana and North Dakota to Gulf Coast and Midwest refineries.

For more than 60 years, TransCanada has been a leader in the operation of North American energy infrastructure, including natural gas and oil pipelines, along with natural gas storage facilities and nuclear, wind, hydro and solar power-generation facilities. The 2,639-mile Keystone Pipeline System transports almost one-quarter of Canada's crude oil exports to the United States (U.S.).

The federal government does not regulate the siting of oil pipelines within the U.S. The authority to issue permits for certain energy-related facilities and land transportation crossings on the U.S. international border has been delegated to the Secretary of State to determine whether issuance of the permit would serve the national interest.

PROVISIONS

1. Urges that the U.S. Congress vote to approve the Keystone XL oil pipeline.
2. Requires that the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the U.S., the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and each Member of Congress from the State of Arizona.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. SCM 1006

DATE March 4, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios			✓		
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler			✓		
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	3	0	0

APPROVED:



 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 3



HOUSE OF REPRESENTATIVES

SCM 1009

military bases; endangered species act

Sponsors: Senators Griffin, Allen, Burges, et al.

X Committee on Federalism & States' Rights

Caucus and COW

House Engrossed

OVERVIEW

SCM 1009 urges the United States Congress to enact legislation exempting U.S. military bases and training facilities from the regulations and restrictions of the Endangered Species Act (ESA).

HISTORY

The ESA of 1973 was passed into law by President Richard Nixon on December 28, 1973. It was designed to protect critically imperiled species from extinction as a consequence of economic growth and development untempered by adequate concern and conservation. The ESA defines taking as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing or collecting listed animals. The Act is administered by two federal agencies, the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. It also defined what constitutes an endangered species, threatened species, and candidate species. At the time it was enacted, 109 species were listed for protection. Today, over 1,500 species in the United States are designated as threatened or endangered under the ESA.

The mission of the U.S. Department of Defense (DOD) is "to provide the military forces needed to deter war and to protect the security of our country." The DOD has obtained exemptions from three environmental laws since 2003. The Government Accountability Office reports have found no instances where the DOD's uses of exemptions from the Endangered Species Act (ESA) or the Migratory Bird Treaty Act have adversely affected the environment.

PROVISIONS

1. Urges the United States Congress to enact legislation exempting U.S. military bases and training facilities from the regulations and restrictions of the ESA.
2. Requires the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

**ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session**

ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. SCM 1009

DATE March 4, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios			✓		
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler			✓		
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	3	0	0

APPROVED:



 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 5



HOUSE OF REPRESENTATIVES

SCM 1012

endangered species transparency act

Sponsors: Senators Griffin, Allen, McGuire, et al.

X Committee on Federalism & States' Rights

Caucus and COW

House Engrossed

OVERVIEW

SCM 1012 urges Congress to enact the 21st Century Endangered Species Transparency Act.

HISTORY

The Endangered Species Act (ESA) of 1973 was passed into law by President Richard Nixon on December 28, 1973. It was designed to protect critically imperiled species from extinction as a consequence of economic growth and untempered development by adequate concern and conservation. The ESA defines taking as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing or collecting listed animals. The Act is administered by two federal agencies, the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. It also defined what constitutes an endangered species, threatened species, and candidate species. At the time it was enacted, 109 species were listed for protection. Today, over 1,500 species in the United States are designated as threatened or endangered under the ESA. The ESA was last amended in 1988.

The 21st Century Endangered Species Transparency Act amends the ESA of 1973. It would require the United States Fish and Wildlife Service to track, report to Congress and make available online the federal taxpayer funds used to respond to ESA lawsuits, the number of employees dedicated to ESA litigation and the amount of attorney fees awarded in the course of ESA litigation and settlement agreements.

PROVISIONS

1. Urges Congress to enact the 21st Century Endangered Species Transparency Act.
2. Requires the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

**ARIZONA HOUSE OF REPRESENTATIVES
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ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. SCM 1012

DATE March 4, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios			✓		
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler			✓		
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		5	3	0	0

APPROVED:



 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 7



HOUSE OF REPRESENTATIVES

SCM 1013

rulemaking; electric generating units; opposition
Sponsors: Senators Griffin, Allen, Burges, et al.

X Committee on Federalism & States' Rights

Caucus and COW

House Engrossed

OVERVIEW

SCM 1013 urges Congress to oppose the implementation of rules for existing and new electric generating units that exceed the Environmental Protection Agency's (EPA) legal authority under the Clean Air Act (CAA) and urges that the Governor and the Attorney General of the State of Arizona take appropriate actions to uphold this state's responsibilities with respect to the CAA.

HISTORY

The EPA was proposed by President Richard Nixon and began operation on December 2, 1970, after Nixon signed an executive order. The EPA is an agency of the U.S. federal government which was created for the purpose of protecting human health and the environment by writing and enforcing regulations based on laws passed by Congress. The EPA has thirteen divisions and has 10 regions with each having a regional office that works with cases in those regions.

The CAA is a United States federal law designed to control air pollution on a national level. It requires the EPA to develop and enforce regulations to protect the public from airborne contaminants known to be hazardous to human health. There are several parts to the CAA, including air quality and emissions limitations, ozone protection, prevention of significant deterioration of air quality, and plan requirements for non-attainment areas.

Section 111 of the Clean Air Act requires the EPA to develop regulations for categories of sources which cause or significantly contribute to air pollution which may endanger public health or welfare. Such regulations apply to each new source within a category without regard to source location or existing air quality.

PROVISIONS

1. Urges that the U.S. Congress:
 - a. Oppose the implementation of rules for existing electric generating units that exceed the EPA's legal authority under Section 111 of the CAA and interfere with the prerogative of Arizona to regulate electricity and ensure an affordable and reliable supply of electricity for its citizens;
 - b. Oppose the implementation of rules for new or existing electric generating units that do not recognize the primary role of states in establishing and implementing plans to achieve emissions reductions for existing units under Section 111 of the CAA; and
 - c. Exercise oversight over the EPA to ensure that the primary role of states in establishing and implementing rules under Section 111 of the CAA is respected.

SCM 1013

2. Urges that the Governor and the Attorney General of the State of Arizona take appropriate actions to uphold this state's responsibilities with respect to the CAA and defend the state against overreaching regulations.
3. Requires that the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the U.S., the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, each Member of Congress from the State of Arizona, the Administrator of the U.S. EPA, the Governor of the State of Arizona and the Attorney General of the State of Arizona.

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - First Regular Session

ROLL CALL VOTE

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. SCM 1013

DATE March 4, 2015 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem		✓			
Mr. Mitchell		✓			
Ms. Rios		✓			
Mr. Thorpe					✓
Ms. Velasquez			✓		
Mr. Wheeler		✓			
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		6	1	0	1

APPROVED:



 KELLY TOWNSEND, Chairman
 NOEL W. CAMPBELL, Vice-Chairman



 COMMITTEE SECRETARY

ATTACHMENT 9