

2-9-16

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES

Report of Regular Meeting
Monday, February 8, 2016
House Hearing Room 1 -- 2:00 p.m.

Convened 3:27 p.m.

Recessed

Reconvened

Adjourned 3:58 p.m.

Members Present

Mrs. Barton
Mrs. Carter
Mr. Clark
Mr. Finchem
Mr. Kopec
Mr. Bowers, Vice-Chairman
Mr. Pratt, Chairman

Members Absent

Mr. Leach
Mr. Saldate

Agenda

Original Agenda – Attachment 1

Request to Speak

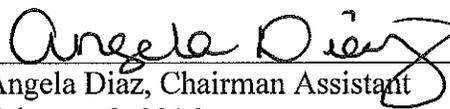
Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
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Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Attendance)</u>
HB2575	DP	7-0-0-2	3, 4
HB2391	DPA	7-0-0-2	5, 6, 7
	Committee Attendance		8



Angela Diaz, Chairman Assistant
February 9, 2016

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

Convened: 3:27pm
Adjourned: 3:53pm

REVISED - 02/04/16

REVISED - 02/04/16

REVISED - 02/04/16

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

REGULAR MEETING AGENDA

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES

DATE Monday, February 8, 2016

ROOM HHR 1

TIME 2:00 P.M.

Members:

Mrs. Barton
Mrs. Carter
Mr. Clark

Mr. Finchem
Mr. Kopec
Mr. Leach

Mr. Saldate
Mr. Bowers, Vice-Chairman
Mr. Pratt, Chairman

Bills

Short Title

Strike Everything Title

② HB2391 7-0-0-2 municipalities; water rates; requirements
(Bowers, Griffin)
DPA EENR, RULES

ADDENDUM #1 - 02/04/16

① HB2575 7-0-0-2 G&F; penalties; law enforcement; omnibus
(Cobb, Borrelli)
DP MAPS w/d, EENR, RULES

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

AD
2/4/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

*House Energy, Environment and Natural Resources
(2/8/2016)*

HB2391, municipalities; water rates; requirements

Testified in support:

Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ

Testified as opposed:

Barry Aarons, Arizona Municipal Water Users Assn, City Of Prescott; Patrice Kraus, LEAGUE OF ARIZONA CITIES & TOWNS

Support:

Courtney Gilstrap LeVinus, Arizona Multihousing Association; Tom Farley, VALLEY PARTNERSHIP; Jeff Sandquist, ROBSON COMMUNITIES; Steve Trussell, AZ ROCK PRODUCTS ASSN; Scot Mussi, Arizona Free Enterprise Club

Neutral:

Douglas Cole, Tucson Water

Oppose:

Peter Bengtson, representing self; Susan Waites, representing self; Sandy Bahr, Sierra Club - Grand Canyon Chapter; Alisa McMahon, representing self; Michael Fiflis, representing self; Patricia Cady, representing self; Rosalind Switzer, representing self; Rob Bohr, GOODYEAR, CITY OF; Paul Jepson, City Of Maricopa; Nicole Lance, SURPRISE, CITY OF; Amber Wakeman, City Of El Mirage; Alison Zelms, Deputy City Manager, PRESCOTT, CITY OF; Anna McCray, APACHE JUNCTION, CITY OF; Jessica Blazina, City Of Avondale; Ron Doba, NAMWUA; Brad Lundahl, SCOTTSDALE, CITY OF; Ryan Harper, MARANA, TOWN OF, MESA, CITY OF, SIERRA VISTA, CITY OF; Jeff Gray, PHOENIX, CITY OF; Sara Sparman, Town Of Queen Creek; Miranda DeWitt, MESA, CITY OF; Thomas Adkins, City Of Peoria

All Comments:

Peter Bengtson, Self: This bill is an attempt to shift costs of development to the general public and tie the hands of cities. The bill should not pass.; Barry Aarons, Arizona Municipal Water Users Assn, City Of Prescott: opposed on behalf of City of Prescott & Arizona Municipal Water Users Association; Susan Waites, Self: A gift to big developers which shifts costs of development they themselves should be covering to the taxpayers. Corporate welfare.; Anna McCray, APACHE JUNCTION, CITY OF: The change in setting a public hearing on proposed rates from 30 days to 90 days or longer significantly disrupts budget process and budget approval dates. Section E - the term "just and reasonable" is ambiguous.; Ron Doba, NAMWUA: HB2391 requires fees for capital improvements to go through a cumbersome development fee process when the improvement may be necessary for the health and safety of the customer.; Douglas Cole, Tucson Water: Participating in the stakeholder process that Rep. Bowers has convened. Awaiting needed amendments.; Ryan Harper, MARANA, TOWN OF, MESA, CITY OF, SIERRA VISTA, CITY OF: Opposed as drafted but looking forward to working on an amendment that addresses our concerns.; Jeff Gray,

PHOENIX, CITY OF: While we are opposed to the bill in its current form, we met with stakeholders this morning to discuss areas of concern and agree in principle with ways to address those concerns as we go forward.; Sara Sparman, Town Of Queen Creek: We have concerns with the legislation as introduced, however we look forward to continuing to work with the sponsor on a floor amendment to address any outstanding issues.; Miranda DeWitt, MESA, CITY OF: The City of Mesa is opposed to H2391 and the proposed amendment in its current form. However, we are working with the Sponsor to address our concerns with the current language.

HB2575, G&F; penalties; law enforcement; omnibus

Testified in support:

Gene Elms, representing self; Jorge Canaca, AZ GAME AND FISH DEPT

Support:

Thomas Parker, Arizona Fraternal Order Of Police, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); James Mann, FRATERNAL ORDER OF POLICE (AZ STATE LODGE); Alisa McMahon, representing self; Michael Fiflis, representing self; Patricia Cady, representing self; Don Isaacson, FRATERNAL ORDER OF POLICE (AZ STATE LODGE)

All Comments:

Gene Elms, Self: The Game and Fish Commission supports HB2575.; Jorge Canaca, AZ GAME AND FISH DEPT: The Game and Fish Commission supports 2575.



HOUSE OF REPRESENTATIVES

HB 2575

G&F; penalties; law enforcement; omnibus
Prime Sponsor: Representative Cobb, LD 5

W/D Committee on Military Affairs and Public Safety
X Committee on Energy, Environment and Natural Resources
Caucus and COW

House Engrossed

OVERVIEW

HB 2575 removes references of type codes for personal flotation devices, allows the Game and Fish Commission to impose civil penalties for unlawful feeding of wildlife resulting in lethal removal and expands the use of Wildlife Theft Prevention Fund monies.

PROVISIONS

1. Removes references to type I, II and III personal flotation devices (PFD) and classifies all PFDs as wearable.
2. Clarifies that children under 12 years of age must wear a properly fitting wearable U.S. Coast Guard approved PFD when onboard an operating watercraft.
3. Allows the Commission to impose a civil penalty against anyone convicted of intentionally, knowingly or recklessly feeding wildlife that results in lethal removal by the Game and Fish Department (Department) and pursue a civil action to enforce the penalty.
4. Expands the use of Wildlife Theft Prevention Fund monies for investigations of license, permit, tag or stamp fraud.
5. Specifies that a person may be denied the right to obtain a license to take wildlife until all civil penalties have been paid in full.
6. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 13-2927 states that unlawful feeding of wildlife is intentionally, knowingly or recklessly feeding, attracting or otherwise enticing wildlife into an area and is a petty offense (up to \$300 fine plus surcharges). In addition, statute applies the unlawful feeding of wildlife classification in counties with a population of more than 280,000 residents (Maricopa and Pima Counties).

A.R.S. § 17-314 establishes the minimum penalties for the unlawful taking, wounding or killing, or unlawful possession of wildlife, which will be applied to unlawful feeding of wildlife resulting in lethal removal by the Department. The penalties are: for each turkey or javelina: \$500; for each bear, mountain lion, antelope or deer, other than trophy: \$1,500; for each elk or eagle other than trophy or endangered species: \$2,500; for each predatory, fur-bearing or nongame animal: \$250; for each small game or aquatic wildlife animal: \$50; and for each trophy or endangered species animal: \$8,000.

HB 2575

ADDITIONAL INFORMATION

The U.S. Coast Guard issued a final rule, effective October 22, 2014, which removed references to type codes (type I, II and III) in regulations on the labeling and carriage of approved Coast Guard PFDs (78 FR 49413). As stated in the preamble of the rule, the purpose of the change is to facilitate future adoption of industry standards that will match safety standards in Canada and other countries as well as communicate important safety information to users and law enforcement more effectively.

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

ROLL CALL VOTE

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES BILL NO. HB 2575

DATE February 8, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Barton		✓			
Mrs. Carter		✓			
Mr. Clark		✓			
Mr. Finchem		✓			
Mr. Kopec		✓			
Mr. Leach					1
Mr. Saldate					1
Mr. Bowers, Vice-Chairman		✓			
Mr. Pratt, Chairman		✓			
		7	0	0	2

APPROVED:


 FRANKLIN M. PRATT, Chairman
 RUSSELL BOWERS, Vice-Chairman


 COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2391

municipalities; water rates; requirements
Prime Sponsor: Representative Bowers, LD 25

X Committee on Energy, Environment and Natural Resources

Caucus and COW

House Engrossed

OVERVIEW

HB 2391 prohibits a fee or charge from being assessed or collected for covering a municipality's cost of purchasing or acquiring a wastewater or drinking water corporation or business, requires development fees to be assessed in compliance with statute and requires a cash flow analysis to be included in a report supporting the rate or fee increase.

PROVISIONS

1. Requires a municipality that proposes to increase wastewater or drinking water rates, fees or charges to include a cash flow analysis in the written report or supporting data indicating anticipated revenues and expenses for providing these services.
 - Current law requires a municipality to prepare a written report or supply data to support the increase in rates, fees or charges (A.R.S. § 9-511.01).
2. Requires the report and cash flow analysis to be posted on the municipality's website or the website of an association of cities and towns if the municipality does not have a website.
 - Current law requires the report to be filed with the city or town clerk 30 days prior to the public hearing on the proposed increase.
3. Specifies that a public hearing is to be held at least 90 days, rather than 30 days, after the adoption of the notice of intent to increase wastewater or drinking water rates or fees.
4. Requires any wastewater or drinking water rate, rate component, fee or service charge assessed to fund new infrastructure or capital improvements to be in compliance with A.R.S. § 9-463.05 regarding assessment of development fees.
5. Stipulates that every fee or service charge must be attributable to and defray or cover the expense of service for which the fee or service charge is assessed.
6. Prohibits a fee or charge from being assessed or collected for defraying or covering the municipality's cost of purchasing or acquiring a wastewater or drinking water corporation or business.

CURRENT LAW

A.R.S. § 9-463.05 allows municipalities to assess development fees to offset costs associated with providing necessary public services to a development. Statute prohibits development fees from exceeding a proportionate share of the cost of necessary public services needed to provide service to the development. In addition, the development fees may not be used for construction, acquisition or expansion of facilities or assets other than necessary public services or facility expansions identified in an infrastructure improvement plan, among other prohibited uses.

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2391
(Reference to printed bill)

- 1 Page 1, line 11, strike "A"; strike "ANALYSIS" insert "PROJECTIONS"; strike
2 "INDICATES" insert "INDICATE"; after "REVENUES" insert "FROM RESIDENTIAL AND
3 NONRESIDENTIAL CUSTOMERS"
4 Line 12, after "AND" insert "THE OVERALL"; after "report" insert "OR CASH FLOW
5 PROJECTIONS"
6 Line 15, strike "ANALYSIS" insert "PROJECTIONS"
7 Line 22, strike "NINETY" insert "SIXTY"
8 Line 27, strike "RATE, RATE COMPONENT, "; strike "OR SERVICE CHARGE"
9 Line 28, after "TO" insert "NEW CUSTOMERS OR LANDOWNERS TO"; strike
10 "INFRASTRUCTURE OR CAPITAL IMPROVEMENTS" insert "WATER OR WASTEWATER
11 NECESSARY PUBLIC SERVICES, AS DEFINED IN SECTION 9-463.05,"
12 Line 42, strike "DEFRAY OR COVER THE EXPENSE" insert "RECOVER THE REASONABLE AND
13 NECESSARY COSTS"; after "OF" insert "PROVIDING THE"
14 Line 43, strike "FEE OR CHARGE" insert "MUNICIPALITY"; strike "BE ASSESSED OR
15 COLLECTED" insert "ASSESS OR COLLECT ANY FEE OR SERVICE CHARGE FROM A
16 CUSTOMER OR LANDOWNER"
17 Line 44, strike "DEFRAYING OR COVERING" insert "RECOVERING"; strike "COST"
18 insert "COSTS"; strike "PURCHASING OR"
19 Page 2, strike lines 1 and 2, insert "ACQUIRING, WHETHER BY PURCHASE OR BY RIGHT OF
20 EMINENT DOMAIN, THE UTILITY PLANT, FACILITIES, SYSTEM OR OTHER PROPERTY OF A
21 PUBLIC SERVICE CORPORATION OR ANOTHER MUNICIPALITY ENGAGED IN THE BUSINESS OF
22 PROVIDING WATER OR WASTEWATER SERVICE."
23 Amend title to conform

RUSSELL BOWERS

2391 rb1
02/05/2016
3:25 PM
C: ld

Printed By: rkescoli
Printed On: February 05, 2016 03:25 PM

Adopted # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials TS

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

ROLL CALL VOTE

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES BILL NO. HB 2391

DATE February 8, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mrs. Barton		✓			
Mrs. Carter		✓			
Mr. Clark		✓			
Mr. Finchem		✓			
Mr. Kopec		✓			
Mr. Leach					—
Mr. Saldate					—
Mr. Bowers, Vice-Chairman		✓			
Mr. Pratt, Chairman		✓			
		7	0	0	2

APPROVED:

Franklin M. Pratt
 FRANKLIN M. PRATT, Chairman
 RUSSELL BOWERS, Vice-Chairman

Angela Diaz
 COMMITTEE SECRETARY

ATTACHMENT _____

ARIZONA STATE LEGISLATURE
Fifty-second Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON ENERGY, ENVIRONMENT AND NATURAL RESOURCES

CHAIRMAN: Franklin M. Pratt VICE-CHAIRMAN: Russell Bowers

DATE	2/8 /16	/16	/16	/16	/16
CONVENED	3:27 pm	m	m	m	m
RECESSED	3:58 pm				
RECONVENED					
ADJOURNED					
MEMBERS					
Mrs. Barton	✓				
Mrs. Carter	✓				
Mr. Clark	✓				
Mr. Finchem	✓				
Mr. Kopec	✓				
Mr. Leach	exc.				
Mr. Saldate	exc.				
Mr. Bowers, Vice-Chairman	✓				
Mr. Pratt, Chairman	✓				

✓ Present --- Absent exc Excused