

Natural Resources, Energy and Water Committee

Senator Gail Griffin, Chairman



Brandi Lease, Research Analyst

Ian Wilson, Intern

NATURAL RESOURCES, ENERGY & WATER COMMITTEE

LEGISLATION ENACTED

certified qualified applicators; fingerprinting requirement (S.B. 1121) – Chapter 173

Requires an applicant for certification as a new qualified applicator to submit a full set of fingerprints and the associated fees to the Division of Pest Management for the purpose of obtaining a state and federal criminal records check.

G&F omnibus (S.B. 1154) – Chapter 13

Makes various changes to statute with regard to the Arizona Game and Fish Department.

Civil Penalty – Allows the Arizona Game and Fish Commission to: 1) impose a civil penalty against any person unlawfully taking, wounding, killing, or possessing certain wildlife; and 2) deny a license to take wildlife for a person with this civil penalty imposed against him or her until the person has paid the civil penalty in full.

Wildlife Theft Prevention Fund – Expands permitted uses of Wildlife Theft Prevention Fund monies to include investigations of the unlawful taking or possession of wildlife and fraud related to licenses, permits, tags or stamps.

Parent/Guardian Big Game Tag Transfer – Removes the requirement that a parent, grandparent or guardian must accompany a minor child in the field in order for the child or grandchild to use the parent's, grandparent's or guardian's big game permit or tag.

Personal Flotation Devices (PFD) – Requires a person being towed behind a watercraft to use a wearable PFD, rather than a buoyant belt, and requires a child 12 years old or younger to wear a properly fitting PFD while on board a watercraft.

archaeology advisory commission; continuation (S.B. 1167) – Chapter 68

Continues the Governor's Archaeology Advisory Commission for three years, until July 1, 2020, retroactive to July 1, 2017.

Arizona outdoor recreation commission; continuation (S.B. 1168) – Chapter 131

Continues the Arizona Outdoor Recreation Coordinating Commission for three years, until July 1, 2020, retroactive to July 1, 2017.

department of environmental quality; omnibus (S.B. 1183) – Chapter 112

Replaces Arizona Department of Environmental Quality (ADEQ) rule requirements regarding minimum standards and inspections of septage haulers and the establishment of a fee for licensure with permissive authority. Removes the requirement that ADEQ: 1) establish an official

recycling emblem; 2) adopt rules regarding travel routes for transportation of hazardous wastes to state-owned hazardous waste disposal facilities; and 3) license dry well drillers. Dry well construction and modifications must be performed under direct and personal supervision of a well driller who holds an appropriate contractor's license.

appropriation; Arizona geological survey (S.B. 1184) – Chapter 285

Appropriates \$941,000 to the Arizona Geological Survey from the state General Fund for FY 2018.

forestry and fire management; conformity (S.B. 1202) – Chapter 258

Makes numerous conforming changes to statute regarding the consolidation of the Office of the State Fire Marshal into the Department of Forestry and Fire Management. Directs the State Forester to appoint an Assistant Director of the Office of the State Fire Marshal, a State Fire Training Officer and State Fire Resource Coordinator. Repeals the Community Protection Initiative Fund and Program and changes the date the Fire Fighters' Relief and Pension Fund annual report must be received by the State Fire Marshal. Within a wildfire management area, the State Forester or the designated wildfire incident commander is not responsible for the safety or actions of any person or private entity contracted to provide wildfire protection services for private property.

state lands; perpetual rights of way. (NOW: Wesley Bolin memorial; Rick Lavis) (S.B. 1245) – Chapter 259

Authorizes the Arizona Department of Administration to provide for the placement of a memorial dedicated to Rick Lavis in Wesley Bolin Plaza. Stipulates all fundraising and contracts for design and construction are the sole responsibility of the proponents, and prohibits the use of public monies for the memorial.

Arizona power authority; report (S.B. 1256) – Chapter 261

Expands the list of recipients of the Arizona Power Authority annual report to include the: 1) President of the Senate; 2) Speaker of the House of Representatives; 3) Chairman of the Senate Natural Resources, Energy and Water Committee or its successor committee; and 4) Chairman of the House Energy, Environment and Natural Resources Committee or its successor committee.

technical correction; game; fish; facilities (NOW: G&F; in-lieu fee; trust fund) (S.B. 1285) – Chapter 186

Establishes the Game and Fish In-Lieu Fee Program Restoration Endowment Trust Fund (Fund) to fulfill obligations of the Arizona Game and Fish Department (AGFD) to act as an in-lieu fee sponsor for permittees in Arizona to replace functions of degraded or destroyed aquatic resources under the Clean Water Act. Designates the Game and Fish Commission (Commission) to administer the Fund as a trustee. The Fund is a permanent endowment consisting of compensatory mitigation credit monies received from federal in-lieu fee permittees and resolutions

of enforcement actions that do not involve AGFD personnel. Fund monies may only be used for: 1) purposes authorized under any enabling instrument between the Commission, the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency; and 2) site selection, design, implementation, monitoring, management and administrative costs related to the AGFD's responsibilities as an in-lieu fee sponsor.

flood control districts; easements, leases (S.B. 1308) – Chapter 179

Allows a county flood control district to authorize the grant of an easement or a lease on district property without a public auction under certain conditions. The flood control district must: 1) post notice on the affected property, on the district's website and in the local newspaper for at least 15 days before the execution of the easement or lease; and 2) establish a process that allows a person to request the proposed easement or lease be submitted to public auction. For leases, the appraised value for the rental of the property must be less than \$5,000 per month. Requires the flood control district to follow public auction procedure if during the 15-day posting period a person requests that the proposed easement or lease be submitted to public auction.

Arizona power authority; conflicts; meetings (S.B. 1399/H.B. 2376) – Chapter 3

Removes language prohibiting Arizona Power Authority (APA) Commissioners from having an interest in any business that may be adversely affected by the operation of the APA and instead specifies that conflict of interest statutes in Title 38 apply. Removes language allowing the APA Commission to publish meeting minutes considered to be of public interest and benefit. Specifies the APA Commission may hold executive sessions.

surface water; adjudication sequence (S.B. 1412) – Chapter 189

Requires the water rights determination of small water use claims to be deferred until all other claims in any specific subwatershed are determined by the superior court. Requires a small water use claim asserted by a claimant who also asserted other water use claims in the same subwatershed to be determined in conjunction with the determination of that claimant's other claims. The superior court or the master is not precluded from approving settlements of small water use claims at any time during the course of the adjudication.

environment; budget reconciliation; 2017-2018 (S.B. 1526/H.B. 2541) – Chapter 308

SEE THE APPROPRIATIONS COMMITTEE.

waste tire disposal; continuation (H.B. 2065) – Chapter 192

Continues the Waste Tire Program, Waste Tire Fund and waste tire fee for eight years, until January 1, 2026.

wulfenite; state mineral (H.B. 2092) – Chapter 45

Declares wulfenite the official state mineral of Arizona.

community protection initiative; report; continuation (NOW: small water systems fund; uses) (H.B. 2094) – Chapter 213

Modifies uses of the Small Water Systems Fund, which is renamed the Small Drinking Water Systems Fund (Fund). Expands the use of Fund monies to provide grants, instead of only emergency grants, and expands eligible grant recipients to include owners of small drinking water systems. Allows monies to be used to upgrade water infrastructure. Removes the requirement that interim operators or managers be appointed by the Arizona Corporation Commission in order to receive grants. Moves the Fund from the Arizona Department of Environmental Quality (ADEQ) to the Water Infrastructure Finance Authority of Arizona (WIFA). WIFA may approve a grant on recommendation of ADEQ and must enter into a written agreement with a recipient before disbursing monies. Modifies the definition of *small drinking water system* to mean a public water system that serves 10,000 or fewer persons, rather than 500 or fewer connections.

natural resources projects; court actions (H.B. 2096) – Chapter 247

Stipulates that if a person files an action in an Arizona court to enjoin a natural resources project and does not prevail, then that person may be assessed court costs and damages incurred as a result of the injunction, as determined by the court. Monetary damages awarded by the court must be deposited in an account established and managed by the State Land Department.

multi-county water district; directors; elections (H.B. 2112) – Chapter 289

Prohibits a Central Arizona Water Conservation District employee or an employee's spouse from serving as a member of the Board of Directors.

air quality compliance (H.B. 2131) – Chapter 29

Adds the following testing options, as approved by the Director of the Arizona Department of Environmental Quality, for determining compliance with minimum emissions standards: 1) a steady state loaded test and curb idle test for motor vehicles equipped with an on-board diagnostic (OBD) system in Area B; 2) a transient loaded test for motor vehicles equipped with an OBD system in Area A; and 3) an opacity test for diesel powered motor vehicles equipped with an OBD system in Areas A or B. Conditions the enactment of this legislation, retroactive to July 1, 2017, on the U.S. Environmental Protection Agency approving the proposed modifications to the vehicle emissions testing program protocols by July 1, 2020. Removes the repeal date of July 1, 2017, for the Compliance Advisory Panel.

Arizona emissions bank; credits; amendments (NOW: emissions credits; voluntary emissions bank) (H.B. 2152) – Chapter 225

Makes changes to the Arizona Emissions Bank (Bank). Specifies that participation in the Bank is voluntary, and allows the state, a political subdivision of the state and any person that reduces qualifying emissions to apply to the Arizona Department of Environmental Quality (ADEQ) to certify emissions reduction credits to be deposited in the Bank. Qualifying emissions must be surplus and real to be eligible for certification and deposit. Emissions reduction credits in

the Bank: 1) do not expire; 2) must be identified and accounted for in the state implementation plan control strategy for the area in which the reduction in emissions occurred; and 3) may not be reduced without the owner's permission. Requires ADEQ and a county to make reasonable attempts to mitigate any adverse impact on the commercial trucking industry. The state or any political subdivision is not authorized to establish new or more stringent emissions regulations than provided in existing law for stationary or mobile sources.

private property access; rights-of-way (H.B. 2157) – Chapter 214

Allows a private property owner to request, and requires the state or a political subdivision of the state to grant, a nonexclusive right-of-way for a term of at least 30 years to provide legal access to an owner's private property if land owned by the state or a political subdivision of the state surrounds the private property.

forestry waste; permits (NOW: vegetative natural products; removal; program) (H.B. 2225) – Chapter 166

Requires, by January 1, 2018, the State Land Commissioner (Commissioner) and the State Forester to collaborate to establish a program to remove vegetative natural products from State Trust Land for the purposes of fire suppression, forest and watershed management and facilitating development of wood products industries in Arizona. Allows the Commissioner and the State Forester to: 1) coordinate and contract with public and private entities; 2) use programs designed to reduce parolee recidivism; and 3) enter into intergovernmental agreements to share the cost of implementing the program.

state veterinarian; animal identification; appropriation (H.B. 2253) – Chapter 280

Prohibits the Director of the Arizona Department of Agriculture (ADA) from submitting certain animal identification data to the federal government, unless required by state law or authorized by a voluntary participant in the National Animal Identification System. Appropriates the following from the state General Fund to the ADA for FY 2018: 1) \$217,976 and 4 FTE positions for the State Veterinarian; and 2) \$150,000 and 3 FTE positions for the Plant Services Division.

oxygenated fuel standards; formula. (H.B. 2368) – Chapter 295

SEE THE TRANSPORTATION & TECHNOLOGY COMMITTEE.

waste tires; definitions (H.B. 2399) – Chapter 201

Defines terms related to waste tires and expands the definition of *waste tire* to include motor vehicle tires that are no longer suitable for the intended purpose because of improper repair or manufacturer's recall.

~~workers' compensation; employee definition; notice. (NOW: land subdividers; notice; certificate; exemption) (H.B. 2482) – Chapter 298~~

SEE THE COMMERCE & PUBLIC SAFETY COMMITTEE.

LEGISLATION VETOED

conservation easement; in lieu payments (S.B. 1247) – VETOED

Retroactive to January 1, 2017, allows a conservation easement holder to make an annual payment of monies in lieu of taxes on the reduction of value of the original parcel caused by the placement of the conservation easement.

The Governor indicates in his veto letter that S.B. 1247 creates uncertainty for taxation in Arizona and is problematic for the future of the military installations in Arizona.

emergency generator systems; exemption (H.B. 2250) – VETOED

Exempts a generator and its related pumps, equipment and systems certified for compliance with U.S. Department of Defense specifications in effect on January 1, 2017, from state and county air quality emissions standards.

The Governor indicates in his veto letter that H.B. 2250 appears to be unnecessary at this time and that emergency preparedness is being handled appropriately at the agency level.