

ARIZONA STATE LEGISLATURE
Forty-sixth Legislature – Second Regular Session

AD HOC COMMITTEE ON STATE TRUST LAND REFORM

Minutes of Special Meeting
Friday, June 25, 2004
House Hearing Room 4 -- 10:00 a.m.

Chairman Flake called the meeting to order at 10:29 a.m. and attendance was noted by the secretary.

Members Present

Senator Allen
Senator Blendu
Senator Brown
Senator Cannell
Senator Bennett, Cochair

Representative Gray
Representative Landrum Taylor
Representative Nelson
Representative Flake, Cochair

Members Absent

Senator Bee

Representative Boone
Representative Lopez

Speakers Present

Edward Fox, Vice President for Communications, Environment, Health and Safety, Arizona Public Service Company (APS)
Don Jansen, Attorney, House Staff

Speaker Flake stated that because of issues that surfaced from prior meetings, he and President Bennett established a special Working Group consisting of three House Members and three Senate Members. Yesterday, the Working Group met all morning. The Working Group met with the coalition that developed the proposal yesterday afternoon until 7:00 p.m. and again at 8:00 a.m. today to go through unresolved issues; however, many more issues need to be resolved.

Edward Fox, Vice President for Communications, Environment, Health and Safety, Arizona Public Service Company, on behalf of the coalition, expressed deep appreciation for the Legislators' commitment and time spent working on the package over the last three weeks. Many issues were resolved, but three or four still need to be addressed. He announced that the Working Group decided those probably cannot be resolved today; therefore, a commitment was

made to continue working with a group the Legislature selects and consult with the Governor about holding a Special Session later this year and a special election next spring. Many people worked diligently on the issue, but it is important to do this right. The coalition is committed to working with the Legislature to create a package the Legislators will be honored to be part of because everyone wants to do something for education, the environment, and the quality of life in which their children are raised.

Senator Blendu commented that some issues have not been brought forward with respect to the trust. It is important to have an open process. Wording in the constitution, such as “ample” and “substantial,” needs to be worked on since the language will be interpreted by a judge. A group of attorneys indicated that the Arizona School Boards Association and teachers’ union do not represent the beneficiaries who are the children that have not been born yet. The challenge is to make sure the children of the future are the beneficiaries and the decisions made will stand the test of time. He is willing to commit the time to make sure the state is not sued.

Mr. Nelson indicated that the process should be inclusive enough to address the comments made by Senator Blendu.

Speaker Flake stated that the Working Group and Committee had some questions answered, but the majority of the House and Senate did not, nor did hardly any members of the public. The delay does not mean the issue is being aborted because it is important to do this, but it is more important to do it right. In the meantime, many have become apprised of how important it is to give the State Land Department (SLD) the money that is needed to sell the land. It is already beginning to cost money, and it will cost more of the children’s education money if a better way is not found to finance SLD so the agency can do a better job of conserving and selling the land when the market is good.

Senator Bennett expressed appreciation for the efforts of Mr. Fox and other members of the stakeholder group, not only during the last few days and weeks, but also, the last few years. Much progress has been made, but many questions still need to be addressed and policies established. He agreed that the process should be as open and inclusive as possible.

Don Jansen, Attorney, House Staff, advised that according to Article 21, the Arizona Constitution can be amended at a general or special election at virtually any time. In the past, when a proposal was adopted by the Legislature and referred to the ballot, a separate bill was introduced to call the election that included housekeeping items about having the election, but no limit on when the special election could be held. Calling for a special election is subject to the Voting Rights Act and would require pre-clearance from the Justice Department, which would lengthen the time between the Special Session and the actual special election.

He said according to the statutes, local governments are required to consolidate elections in March and May and September and November, but the Legislature is not bound by those statutes as to when a special election can be called, which can be done at virtually any time. Election personnel could probably determine if piggybacking a special election onto one of the regular consolidated election dates of the local governments would make sense and save money. A special election probably should not be scheduled on a state holiday, for example, when more people tend to have vacation plans. He does not believe there is any requirement that a special

election date must be selected in the same legislative session, so a special election could be conducted during the next legislative session.

Speaker Flake thanked Mr. Fox for doing a tremendous job of chairing the “Ed Fox Group,” as well as Peter Culp, Nature Conservancy, Janice Palmer, Arizona Schools Boards Association, Bas Aja and Doc Lane, Arizona Cattlemen’s Association, Spencer Kamps and Becky Burnham, Homebuilders Association, Mark Winkleman and Richard Hubbard, SLD, Maria Baier, Valley Partnership, and others in the audience who have been working on this issue. He thanked the Members for taking time away from their families, jobs and campaigns, noting that those who continue on will have to do more. Additionally, he expressed appreciation to Dave Thomas, Legislative Council, and Kathi Knox, House Research Staff, for providing advice and counsel.

Speaker Flake announced that Nancy Stump, Special Assistant to Majority, is leaving the House at the end of the month. She attended every meeting and kept him very well informed.

Senator Bennett thanked Kerri Morey, Senate Research Analyst, and Republican and Democratic Caucus staff for their assistance.

Without objection, the meeting adjourned at 10:57 a.m.

Linda Taylor, Committee Secretary
June 25, 2004

(Original minutes and tape are on file in the Office of the Chief Clerk.)