Chairman Pratt called the meeting to order at 2:14 p.m. and attendance was noted by the secretary.

**Members Present**

Mr. Hale  
Mr. Shope  
Mr. Orr  
Mr. Thorpe  
Ms. Fann, Vice-Chairman  
Ms. Peshlakai  
Mr. Pratt, Chairman

**Members Absent**

Mr. Saldate

**Committee Action**

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB2092 – DP</td>
<td>(7-0-0-1)</td>
</tr>
<tr>
<td>HB2128 – DP</td>
<td>(7-0-0-1)</td>
</tr>
<tr>
<td>HB2226 – DPA</td>
<td>(7-0-0-1)</td>
</tr>
<tr>
<td>HB2442 – DPA</td>
<td>(7-0-0-1)</td>
</tr>
</tbody>
</table>

**CONSIDERATION OF BILLS**

**HB2092 – department of environmental quality: continuation – DO PASS**

Vice-Chairman Fann moved that HB2092 do pass.

Amanda Orozco, Majority Research Intern, advised that HB2092 continues the Arizona Department of Environmental Quality (ADEQ) for 10 years as recommended by the Senate Government and Environment and the House Energy, Environment and Natural Resources Committee of Reference (COR) on November 19, 2013 (Attachment 1).

Mr. Shope, sponsor, stated that ADEQ has done an excellent job over the years and deserves a continuance.

Henry Darwin, Director, Arizona Department of Environmental Quality (ADEQ), testified in support of HB2092 and reviewed a handout detailing the Agency’s vision, accomplishments and goals (Attachment 2). He related that for the first time since the 1970s, Maricopa County is in
attainment of the particulate matter (PM10) standard. Even as the population has grown, there has been a decrease in pollution due to the various programs and partnerships in place.

Mr. Darwin advised Members on the progress of the MyDEQ web portal, stating that the completion of the program will greatly improve efficiency, enhance customer service and lower costs for customers while increasing transparency. He briefly updated the Committee on the federal lawsuits against the U.S. International Boundary and Water Commission (IBWC) for Clean Water Act violations and the U.S. Environmental Protection Agency (EPA) regional haze standards and encouraged Members to continue ADEQ.

Chairman Pratt congratulated the Agency on the PM10 achievement.

Mr. Hale questioned how the Agency is working with Indian Nations. Mr. Darwin responded that the EPA has jurisdiction over Native American lands; however, upon invitation by tribal leaders, ADEQ will work with the Indian Nations. Mr. Hale encouraged the Agency to continue working with the Indian Nations through intergovernmental agreements.

Vice-Chairman Fann announced the names of those who signed up in support of HB2092 but did not speak:
- Pat VanMaanen, representing self
- Rebecca Hudson, Analyst, Corporate Public Affairs, Southwest Gas Corporation
- Chad Guzman, Lobbyist, Arizona Public Service Company
- Genevra Richardson, Lobbyist, ASARCO, LLC
- Jason Baran, Senior Government Relations Representative, Salt River Project
- Barbara Burkholder, representing self
- Helen Heiden, Arizona Chamber Of Commerce and Industry
- Brett Jones, Vice President of Operation, Arizona Construction Association
- Kelly Norton, Lobbyist, Arizona Mining Association
- Amanda Reeve, Lobbyist, representing self
- Amanda Rusing, Lobbyist, Arizona Planning Association
- Lyn White, Freeport-McMoRan Copper & Gold, Inc.
- Richard A. Bark, Director, Government Relations and Environmental Counsel, Freeport-McMoRan Copper & Gold
- Kathryn Senseman, Lobbyist, Resolution Copper Company, Inc.
- Eric Emmert, Lobbyist, East Valley Chamber of Commerce Alliance
- Philip Bashaw, Lobbyist, Grand Canyon State Electric Cooperative Association
- Steve Trussell, Lobbyist, Arizona Rock Products Association
- Spencer Kamps, Lobbyist, Home Builders Association of Central Arizona
- Robert Shuler, Lobbyist, Arizona Crop Protection Association; Crop Life America; Western Plant Health Association

Question was called on the motion that HB2092 do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 3).
HB2442 – air quality; begin actual construction – DO PASS AMENDED

Vice-Chairman Fann moved that HB2442 do pass.

Vice-Chairman Fann moved that the Pratt four-line amendment to HB2442 dated 1/31/14 (Attachment 4) be adopted.

Amanda Orozco, Majority Research Intern, explained that HB2442 modifies the definition of begin actual construction to include the initiation of a change in the method of operation of an emissions unit and removes the conditional enactment of the modification to the definition of begin actual construction in Arizona Revised Statutes § 49-401.01 (Attachment 5). The Pratt four-line amendment to HB2442 dated 1/31/14 (Attachment 4) repeals the conditional enactment and Laws 2010, Chapter 315, Section 4, that states revisions are contingent upon Environmental Protection Agency (EPA) approval and that the director of Arizona Department of Environmental Quality must report EPA approval or failure to receive approval to Arizona Legislative Council.

Representative David Gowan, sponsor, related that HB2442 provides Arizona businesses in need of air quality permits a clear statutory direction on the activities they can perform before receiving the permit in order to expedite the creation or expansion of business operations. He also stated that he is in support of the amendment.

Richard A. Bark, Director, Government Relations and Environmental Counsel, Arizona Mining Association, testified in favor of HB2442 and the amendment. He provided background on current regulations and rule making, stating that this legislation will ensure the Legislature has a voice in any changes made by the EPA.

Vice-Chairman Fann announced the names of those who signed up in support of HB2442 but did not speak:
Steve Trussell, Lobbyist, Arizona Rock Products Association
Genevra Richardson, Lobbyist, ASARCO, LLC
Amanda Reeve, Lobbyist, Polsinelli Shughart
Lyn White, Freeport-McMoRan Copper & Gold, Inc.
Kathryn Senseman, Lobbyist, Resolution Copper Company, Inc.

Vice-Chairman Fann announced the names of those who signed up in opposition to HB2442 but did not speak:
Pat VanMaanen, representing self
Sandy Bahr, Lobbyist, Sierra Club - Grand Canyon Chapter

Vice-Chairman Fann announced the names of those who signed up as neutral on HB2442 but did not speak:
Trevor Baggiore, representing self
Spencer Kamps, Lobbyist, Home Builders Association of Central Arizona

Question was called on the motion that the Pratt four-line amendment to HB2442 dated 1/31/14 (Attachment 4) be adopted. The motion carried.
Vice-Chairman Fann moved that HB2442 as amended do pass. The motion carried by a roll vote of 7-0-0-1 (Attachment 6).

**HB2128 – weights; measures; vapor recovery systems – DO PASS**

Vice-Chairman Fann moved that HB2128 do pass.

Tom Savage, Majority Research Analyst, explained that HB2128 is an emergency measure that requires the Arizona Department of Weights and Measures (DWM) in consultation with the Arizona Department of Environmental Quality, the Environmental Protection Agency (EPA) and the Arizona State Fire Marshal to establish rules and standards for decommissioning stage II vapor recovery systems at gasoline dispensing facilities on or after October 1, 2016 but no later than September 30, 2018 (Attachment 7).

Chairman Pratt, sponsor, related that this is an Agency bill brought forth by the DWM.

Kevin Tyne, Director, Arizona Department of Weights and Measures, testified in support of HB2128, stating that the legislation updates antiquated laws that were put into place in the early 1990s as part of the ozone emission requirements and the Federal Clean Air Act. In 2011, the EPA overturned the requirements for the vapor recovery equipment and is now encouraging decommission of the recovery systems because it is found to adversely compete with similar vapor control systems that are installed in newer vehicles. In fact, if the legislation does not pass, the EPA has determined that there will be added pollution due to the competing technologies. Mr. Tyne advised that the emergency measure makes certain that new gasoline dispensing facilities will not have to add the outdated equipment, saving $55,000 per station.

Shawn Marquez, Arizona Department of Weights and Measures, appeared in support of HB2128 and offered to answer any questions.

Vice-Chairman Fann announced the names of those who signed up in support of HB2128 but did not speak:
Michelle Wilson, Arizona Department of Weights and Measures
John Mangum, Arizona Food Marketing Alliance
Trevor Baggiore, representing self
Michelle Hindman, Lobbyist, Maricopa County
Amanda Reeve, representing self
Amanda Gray, Lobbyist, Arizona Petroleum Marketers Association
Susie Stevens, Western States Petroleum Association

Question was called on the motion that HB2128 do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 8).

**HB2226 – vehicle emissions inspection program – DO PASS AMENDED**

Vice-Chairman Fann moved that HB2226 do pass.
Vice-Chairman Fann moved that the Fann 18-page amendment to HB2226 dated 01/30/2014 (Attachment 9) be adopted.

Tom Savage, Majority Research Analyst, explained that HB2226 makes various changes to the Arizona Department of Environmental Quality Vehicle Emissions Inspection Program (VEIP) (Attachment 10). The Fann 18-page amendment to HB2226 dated 1/30/2014 includes a conditional enactment stating that the proposed modifications to the testing protocols of the VEIP are not effective unless on or before July 1, 2017 the Environmental Protection Agency (EPA) approves the modifications as part of the state implementation plan (Attachment 9).

Vice-Chairman Fann, sponsor, provided background on the VEIP, stating that the intent of the bill is to update terminology and technology. It will not add any new requirements or burdens on the Arizona taxpayer or citizen.

Ryan Harper, Lobbyist, Gordon-Darby Arizona Testing, Inc., testified in support of HB2226 and offered to answer any questions.

Vice-Chairman Fann announced the names of those who signed up in support of HB2226 but did not speak:
Janice Palmer, Arizona School Boards Association
Geoff Esposito, Arizona School Boards Association
Michelle Hindman, Lobbyist, Maricopa County
Barbara Burkholder, representing self
Amanda Reeve, Lobbyist, Polsinelli Shughart
Joe Campanella, Lobbyist, Gordon-Darby Arizona Testing, Inc.

Vice-Chairman Fann announced the names of those who signed up as neutral on HB2226 but did not speak:
Trevor Baggiore, representing self

Question was called on the motion that the Fann 18-page amendment to HB2226 dated 01/30/2014 (Attachment 9) be adopted. The motion carried.

Vice-Chairman Fann moved that HB2226 as amended do pass. The motion carried by a roll vote of 7-0-0-1 (Attachment 11).

Without objection, the meeting adjourned at 2:53 p.m.

Abby Selvey, Committee Secretary
February 21, 2014

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