



2010 Environmental Report Card
Arizona Legislature and Governor

Issued May 17, 2010



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Legislature Scores an “F” in Environmental Protection
Protections for Water, Wildlife, and Air Weakened; Parks Devastated

<u>SUBJECT</u>	<u>GRADE</u>
<i>Protecting State Parks</i>	<i>F</i>
<i>Air Quality</i>	<i>F</i>
<i>Water Quality</i>	<i>F</i>
<i>Flowing Rivers and Streams</i>	<i>F</i>
<i>Science-based Wildlife Management</i>	<i>F</i>

It has often been stated relative to the Arizona Legislature, “It cannot possibly get any worse.” Well, it can, and it did. The 2010 Arizona Legislative Session will undoubtedly go down in history as one of the worst for Arizona’s natural resources. While a tough economy certainly meant there would be some hits and tough decisions, much of what was done this session was unnecessary and unwise and will harm our future.

This was also one of the most partisan sessions in recent memory, as is reflected in the grades. Because there was little collaboration, there was less agreement and more extreme measures, which resulted in some truly terrible bills moving forward.

Particularly troubling was the lack of support from the legislative leadership or the governor for protection of Arizona’s groundwater, rivers and streams, as well as the state parks system. The legislature passed and the governor signed a bill to weaken the state’s aquifer protection permit program, a program that institutes protective measures for groundwater rather than after-the-fact clean up. Weakening this program makes no sense, does not help the economy, and means that future generations will have more polluted groundwater to clean up.

Without a miracle or someone with deep pockets coming to the rescue – or both – our state park system will be a shadow of its former self by mid-year. More than half of our state parks could be closed by year’s end, and, without additional funding, nine more parks will likely close.

While the trend for Arizona’s state parks – natural areas, historic places, archaeological sites, cultural resources, and much more – has not been positive for the last eight years, this last year was devastating. The system has suffered its most severe cuts in recent years, down from \$26 million in January 2009 to only \$7.5 million or possibly even less today.

State Parks was prepared to limp along with a seasonal park system on \$19 million of revenue composed mainly of the enhancement fund (park entrance fees), state lake improvement fund (gas and usage tax), and lottery revenues (Heritage Fund). However, the Arizona Legislature diverted and swept away about half of that, leaving State Parks with almost no source of



operating funds. In this year's budget, the Legislature took the Heritage Fund and actually repealed the State Park's portion of it – dollars for this come from the state lottery.

As if that was not bad enough, they also repealed funding for mass transit by eliminating the Local Transportation Assistance Fund, also funded by the lottery. This and the State Parks Heritage Fund repeal were both included in budget bills that passed in special session.

There were more exemptions for industrial agriculture from both zoning and air quality protections and measures to give science a backseat when it comes to wildlife management.

Overall, there were very few bright spots. Legislators did advance a bill to continue incentives for solar and also a decent land exchange proposal with the needed transparency and accountability. Some very bad bills also died in the process, including a measure to put used tires in mines, which would risk our air and water, and a measure to undercut Clean Water Act protections for most of Arizona's rivers and streams.

A bill to include nuclear power in the definition of renewable energy and to create a renewable energy standard in conflict with the one established by the Arizona Corporation Commission, was withdrawn and therefore did not advance this session. Had it passed, HB2701 would have been a disaster for Arizona's growing renewable energy industry.

This year 37 House members and 18 senators received failing grades and did not break even with a zero. On a positive note, two senators earned an "A+," which means they voted 100 percent pro-environment and also did not miss a vote on the key bills we scored. Six senators and 17 House members received an "A." The governor earned an F.

You could almost hear the air, the land, the water, and the wildlife sigh with relief when the Arizona Legislature adjourned on April 29th.



2010 ENVIRONMENTAL REPORT CARD

F	Governor Brewer
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SENATE GRADES

HOUSE GRADES

A+	Burton-Cahill and Landrum-Taylor
A	Aboud, Chevront, J. Garcia, Lopez, R. Miranda, and McCune-Davis
B	Rios
C	Aguirre and Hale
D	C. Allen
F	S. Allen, Alvarez, Antenori, Braswell, Bunch, R. Burns, Gould, C. Gray, L. Gray, Harper, Huppenthal, Leff, Melvin, Nelson, Pearce, Pierce, Tibshraeny, and Verschoor

A+	
A	Ableser, Bradley, Cajero-Bedford, Chad Campbell, Chabin, Farley, Fleming, Heinz, Lopes, Lujan, Meyer, Patterson, Schapira, Sinema, Tovar, Waters, and Young-Wright
B	Cloves Campbell, Deschene, Garcia, and Meza
C	B. Miranda and Pancrazi
D	
F	Adams, Ash, Barnes, Barto, Biggs, Boone, Brown, Burges, Court, Crandall, Driggs, Goodale, Gowan, Hendrix, Jones, Kavanagh, Konopnicki, Lesko, Mason, McComish, McGuire, McLain, Montenegro, Murphy, Nichols, Pratt, Quelland, Reagan, Reeve, Seel, Stevens, Tobin, Vogt, Jerry Weiers, Jim Weiers, Williams, and Yarbrough



HOW THE REPORT CARD WORKS

Each year since 1991 (with the exception of 1993), the Sierra Club's Grand Canyon Chapter has graded Arizona legislators on their performance relative to environmental legislation. We have included the governor in the report card since 2000. The Sierra Club does not include every bill on which we have worked; instead, we attempt to include a representative sample, plus all the key bills. Legislators are graded only on bills on which the Sierra Club has communicated our position to legislators, most often through a written email memo and via committee testimony.

On the more important bills, we provide written/email communication, meet with legislators, testify in committee hearings, and telephone legislators. The bills are weighted according to their environmental impact or their impact on processes used to further environmental protection (e.g., the initiative and referendum process). All absences in which a legislator did not vote on a bill are counted as zero. This year, there were several members who were not in either the House or the Senate for all the votes. Those votes are left blank and are factored into the grades.

In order to provide a more level playing field for legislators, the Sierra Club does not count committee votes and very seldom includes procedural votes. This objective analysis makes it difficult to recognize some of the behind-the-scenes assistance and committee amendments that legislators offer. We attempt to recognize that work in the narrative accompanying the report card.

This year, we used 17 votes in the Senate and 19 votes in the House. Governor Jan Brewer was graded on 11 bills. Everyone was graded on a curve. The bills focused on state parks, water, and wildlife, among many other issues. Several of the bills included will have a detrimental impact on air quality. The report card also includes bills that, had they passed, would have undercut the Voter Protection Act or voter-protected measures. The budget bills passed in the special session were not included in the report card, but clearly negatively affected parks, mass transit, and air and water quality.



TOP OF THE CLASS



Senator Meg Burton-Cahill
(D-17)



Senator Leah Landrum-Taylor
(D-16)

Getting an “A+” this session, meaning that they voted pro-environment 100 percent of the time and did not miss any of the votes we scored, were **Senator Meg Burton-Cahill** and **Senator Leah Landrum-Taylor**. We appreciate their support of environmental protection and good public policy – and also for showing up. They opposed measures that undermine protection of air and water, plus supported a bill to extend solar energy incentives. They also worked to defeat measures that undermine science-based wildlife management.

We want to recognize the many years of service to the state by **Senator Burton-Cahill** and her steadfast support of environmental protection. She has consistently stood up for protection of the public’s health and welfare, including our air and water. We wish her well as she leaves to pursue other ventures.

THE HONOR ROLL



Sen. Paula Aboud
(D-28)



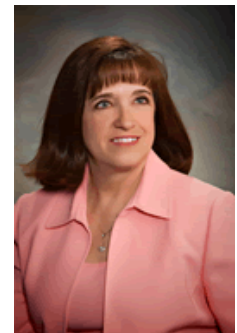
Sen. Ken Chevront
(D-15)



Sen. Jorge Luis Garcia
(D-27)



Sen. Linda Lopez
(D-29)



Sen. Debbie McCune-Davis
(D-29)



Sen. Richard Miranda
(D-13)



Rep. Ed Ableser
(D-17)



Rep. David Bradley
(D-28)



Rep. Olivia Cajero -
Bedford (D-27)



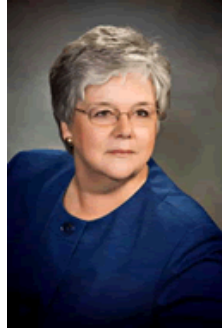
Rep. Chad Campbell
(D-14)



Rep. Tom Chabin
(D-2)



Rep. Steve Farley
(D-28)



Rep. Patricia Fleming
(D-25)



Rep. Matt Heinz
(D-29)



Rep. Phil Lopes
(D-27)



Rep. David Lujan
(D-15)



Rep. Eric Meyer
(D-11)



Rep. Daniel Patterson
(D-29)



Rep. David Schapira
(D-17)



Rep. Kyrsten Sinema
(D-15)



Rep. Anna Tovar
(D-13)



Rep. Rae Waters
(D-20)



Rep. Nancy Young-
Wright (D-26)

Included on this year's honor roll are all the senators and representatives who earned an "A" on the report card and who voted overwhelmingly in support of environmental protection. **Senators**



Paula Aboud, Ken Chevront, Jorge Luis Garcia, Linda Lopez, Richard Miranda, and Debbie McCune-Davis all received an “A” on the report card for opposition to efforts to weaken groundwater protection, to limit the state’s ability to reduce greenhouse gases, and to undermine the Voter Protection Act.

Representatives Ed Ableser, David Bradley, Olivia Cajero-Bedford, Chad Campbell, Tom Chabin, Steve Farley, Patricia Fleming, Matt Heinz, Phil Lopes, David Lujan, Eric Meyer, Daniel Patterson, Anna Tovar, David Schapira, Kyrsten Sinema, Rae Waters, and Nancy Young-Wright all received an “A” on the report card. They opposed the many efforts to undermine groundwater protection, opposed measures to weaken clean air protections, and supported extending some solar incentives.

MOST IMPROVED



Sen. Ken Chevront
(D-15)

Senator Ken Chevront (D-15) improved from a “D” on the 2009 report card to an “A” on the 2010 report card. Senator Chevront helped point out the silliness of the light bulb bill and stood up for parks and clean water. His grade improved considerably this session, because he missed very few votes. We appreciate his support for environmental protection over the years as leaves the legislature after 16 years of service.

FAILING THE PUBLIC

This list is the longest ever and included most of the Republican caucus in the Senate and all of the Republican caucus in the House. It is sad to see a party abandon its strong conservation roots. Environmental protection is not a partisan issue. We all need clean air and clean water and wild places with wildlife. We hope to see a commitment for more leadership for environmental protection in 2011.

The “Failing the Public” list includes everyone who failed on the report card — that means their total scores were less than zero. The low scores reflect several votes for anti-environmental measures, such as bills to weaken protection of groundwater, to move away from science-

based wildlife management, and to weaken air quality protections, as well as missing key votes. Failing in the Senate were **Senators Sylvia Allen (R-5), Manny Alvarez (D-25), Frank Antenori (R-30), David Braswell (R-6), Ed Bunch (R-7), Robert Burns (R-9), Ron Gould (R-3), Chuck Gray (R-19), Linda Gray (R-10), Jack Harper (R-4), John Huppenthal (R-20), Barbara Leff (R-11), Al Melvin (R-26), John Nelson (R-12), Russell Pearce (R-18), Steve Pierce (R-1), Jay Tibshraeny (R-21), and Thayer Verschoor (R-22).**

Representatives Kirk Adams (R-19), Cecil Ash (R-18), Ray Barnes (R-7), Nancy Barto (R-7), Andy Biggs (R-22), Tom Boone (R-4), Jack Brown (D-5), Judy Burges (R-4), Steve Court (R-18), Rich Crandall (R-19), Adam Driggs (R-11), Doris Goodale (R-3), David Gowan (R-30), Laurin Hendrix (R-22), Russell Jones (R-24), John Kavanagh (R-8), Bill Konopnicki (R-5), Debbie Lesko (R-9), Lucy Mason (R-1), John McComish (R-20), Barbara McGuire (D-23), Nancy McLain (R-3), Steve Montenegro (R-12), Rick Murphy (R-9), Warde Nichols (R-21), Frank Pratt (R-23), Doug Quelland (R-10), Michele Reagan (R-8), Amanda Reeve (R-6), Carl Seel (R-6), David Stevens (R-25), Andy Tobin (R-1), Ted Vogt (R-30), Jerry Weiers (R-12), Jim Weiers (R-10), Vic Williams (R-26), and Steven Yarbrough (R-21) also received failing grades. Nearly all of those receiving failing grades in the House voted for weakening protection of our groundwater and air quality, as well as to undermine the Voter Protection Act.

2010 Environmental Report Card

Bill Summaries

SB1193 agricultural best management practices; enforcement (S. Pierce) states that the Arizona Department of Environmental Quality has exclusive jurisdiction over the enforcement of dust control regulations for agricultural activities in current and future PM-10 nonattainment areas and totally pre-empts local government. This bill sprung out of an enforcement action by Maricopa County, something they should be doing to protect the public health.

The Sierra Club opposed this bill.

Points: Yes -2, No +2

It passed in the Senate on Final Read 23-5-2 and in the House on Third Read 36-21-3 and was signed by the governor.

SB1200 NOW: game and fish commission; recommendation board (Nelson) sets up the Arizona Game and Fish Commission appointment recommendation board, which is not really a recommendation board at all but instead is made up of five people – three people representing specified hunting groups, one rancher, and one member of the public – who get to limit the choices of the governor relative to the Game and Fish Commission. The recommendation board must send 2–5 recommendations to the governor from which the governor must pick a nominee. This significantly limits the pool of people from which the governor can choose.

This bill was promoted by *Arizona Sportsmen for Wildlife* in an attempt to totally control the Game and Fish Commission and to block any future appointments that do not meet its narrow requirements or pass its litmus test. We should all work together to support the best commissioners and the best commission possible. This bill makes it impossible to do that.

The Sierra Club opposed this bill.

Points: Yes -4, No +4

It passed in the Senate on Third Read 16-7-7 and in the House 36-19-5 and was signed by the Governor.

SB1408 agricultural best management; dust; districts (Melvin, S. Allen, Pierce, et al) expands the activities that are subject to the particulates Best Management Practices (BMP) general permit to include irrigation districts, but only irrigation districts in PM₁₀ nonattainment areas formed after 2009 (Pinal County). Irrigation districts cover quite a lot of land in Pinal County, so this could have a significant impact on air quality. These BMPs are weak and generally are not enforced, so having them apply to more entities will not get us cleaner air but only will serve to weaken the counties' ability to implement measures to protect public health.

The Sierra Club opposed this bill.

Points: Yes -2, No +2



This passed on Third Read in the Senate 19-9-2 and in the House 38-17-5 and was signed by the governor.

SB1411 NOW: dairy farms; zoning; agricultural purpose (Nelson) exempts feeding pens, feed lots, and feed areas – Concentrated Animal Feeding Operations (CAFOs), a.k.a. factory farms – from county zoning regulations. These are not your friendly neighborhood farms but are industrial operations with the attendant air, water, and land pollution. The environmental impacts of these operations are significant. Counties must have the authority to zone to ensure compatible uses and to protect public health and welfare. This bill will ensure more conflicts between residents and these types of operations and mean exposing more people to the harmful impacts, which is what zoning is intended to avoid.

The Sierra Club opposed this bill.

Points: Yes -2, No +2

This passed on Third Read in the Senate 22-7-1 and in the House 31-27-2 and was signed by the governor.

SB1445 groundwater transportation; Big Chino sub-basin (S. Pierce, Burns, Nelson) is intended to address a portion of the Salt River Project (SRP) and Prescott agreement in principle relative to the Big Chino Sub-Basin and the upper portion of the Verde River. The Big Chino Sub-Basin is crucial to the Verde River as it provides more than 80 percent of the base flows for the upper stretches. Back in 1991, a special provision was written into the Groundwater Code that allows Prescott to import water from outside the Active Management Area. The Sierra Club has consistently opposed this type of special legislation, the importation of water from outside the Active Management Areas, and the interbasin transfer of groundwater. These measures generally do not keep rivers and streams flowing and do not create a sustainable system.

SB1445 allow Prescott and Prescott Valley to pump groundwater in the Big Chino and to import that water from outside the Active Management Area. It codifies that they can import 8,068 acre-feet per year (this is the number established by the Department of Water Resources). The bill exempts this water from the “legally available” criterion that is part of the Assured Water Supply rules. It also allows additional water to be withdrawn if Prescott delivers more than 231 acre-feet to the Yavapai-Prescott tribe. The Sierra Club opposes the importation of water from the Big Chino and therefore opposed SB1445. We do hope that through the agreement in principle and other mechanisms, the upper Verde can be saved and that it will not become just another effluent-dependent water or worse. The devil is truly in the details of this agreement, however, including how, when, and where they monitor and how they mitigate any impacts.

The Sierra Club opposed this bill.

Points: Yes -2, No +2

This passed on Third Read in the Senate 20-9-1 and in the House 39-16-5 and was signed by the governor.



SCR1046 jurisdiction over intrastate waters (C. Gray, Gould: S. Allen, et al) would have referred to the ballot a proposed constitutional amendment to establish Arizona jurisdiction over all nonnavigable waters. The measure's definition of navigable called into question whether or not the Clean Water Act protections would apply to most of Arizona's waters.

Beginning in 1972, the Clean Water Act protected all the nation's waters, from small, unnamed streams to the Colorado River. In Arizona, it has protected ephemeral and intermittent streams and the headwater streams as well. According to the Environmental Protection Agency, 94 percent of Arizona's streams could lose protection under a measure such as SCR1046, merely because they do not flow year round. Similarly, 56 percent of the streams in Arizona could lose protection because they are headwater streams and no other streams flow into them. Our water supply is already limited in Arizona; we cannot afford to allow any of it to be polluted and should afford it the strongest protections possible.

The Sierra Club opposed this bill.

Points: Yes -5, No +5

It passed in the Senate 18-11-1 on Third Read but was not brought to the House Floor for a Third Read and therefore died for the session.

SCR1047 state lands; military installation; preservation (Nelson) refers to the ballot a constitutional amendment that, if passed by the voters, authorizes land exchanges between the State Land Department and the Federal Government. The land exchanges can be for two purposes, including for protection of military facilities and to provide for proper management, protection, or public use of state lands. An exchange will have to be referred to the ballot by the Legislature and approved by the voters in order to be consummated. All exchanges must have two appraisals, an analysis, and be vetted at two public meetings. Full and up-front disclosure of the parcels involved is also required. The Sierra Club has opposed most of the past land exchange measures – exchange proposals have been on the ballot six times and defeated by the voters six times since 1990 – but we are supporting this proposal because it includes the kind of transparency and accountability that is necessary to ensure that land exchanges are in the best interest of the trust and the larger public.

The Sierra Club supported this bill.

Points: Yes +3, No -3

It passed in Senate on Third Read 29-0-1 and in the House on Third Read 60-0 and was conveyed to the Secretary of State to be placed on the ballot for the 2010 General Election.

SCR1050 greenhouse emissions; legislative authority (S. Allen, Gould, C. Gray et al) would have referred to the ballot a proposed constitutional amendment that stated that the legislature has exclusive authority to regulate anthropogenic emissions of carbon dioxide and other greenhouse gases and substances produced by mechanical or chemical processes, including agricultural operations and waste operations. It stated that it could be cited as the "Freedom to Breathe Act," but we would cite it as the "Head in the Sand Act."



If passed, this referendum would have ensured that Arizona did nothing to address reductions in greenhouse gas emissions; plus, it could have limited the rights of the people to reduce emissions via an initiative. As is evidenced by the plethora of legislation to deny global climate change and to restrict any actions on it, Arizona will likely need an act of the people or of the Congress before it steps up to do its part to reduce emissions.

Arizona should be a leader in working for solutions to global climate change and shifting our energy economy to one that is clean and renewable – one that will help support jobs here in Arizona. Our state should be at the table and fully engaged in working with the full range of tools in the tool box to address global climate change, rather than saying no to all solutions. The Legislature should actually pass bills to reduce greenhouse emissions rather than continuing the chest thumping about its authority.

The Sierra Club opposed this bill.

Points: Yes -4, No +4

It passed in the Senate 18-11-1 but was never heard in committee in the House, so the measure died.

HB2060 public conservation monies; transfer (Nichols) would have diverted \$40 million from the Public Conservation Account in the Land Conservation Fund established by the voters in 1998 when they approved the Growing Smarter Act. The dollars were to be diverted to State Parks and to historical societies. In theory, the diversion would be temporary. While these are worthy causes, they are not the causes for which these dollars were approved by Arizona voters. This bill was unconstitutional, just as it was last year, as it in no way furthered the purpose of these dollars, plus there was no guarantee that any of these dollars would ever be restored. The promise to put the dollars back was equivalent to the “check’s in the mail.”

The Sierra Club opposed this bill.

Points: Yes -3, No +3

It failed on Third Read in the House 36-23-1 (it needed a three-fourths vote).

HB2133 air quality nonattainment areas; designation (McGuire, Barnes, Jones, et al) includes provisions for nonattainment area designation including timelines, but it was also amended in the Senate to address permits under the Clean Air Act including Class I permits, which are required for facilities with the potential to emit 100 tons per year of any criteria air pollutant, 10 tons per year of any single Hazardous Air Pollutant (HAPS), or 25 tons per year of any combination of HAPS. It redefines “begin actual construction” relative to these permits by excluding activities that you would normally associate with beginning actual construction. Those activities include clearing and grading, demolition, installation of roads, installation of pipes, installation of warehouses, office building, installation of concrete forms, footers, foundations, and the list goes on. None of it would be considered beginning actual construction, which triggers permitting. The Arizona Department of Environmental Quality (ADEQ) cannot consider any of these activities or how they are performed in addressing the company’s permit. A big problem with this is that companies can invest quite a lot of money in



these actions and, by doing so, would make it politically more difficult for ADEQ to deny a permit or even modify it.

The Sierra Club opposed this bill in the House.

Points: Yes -1, No +1

(Note: We did not grade on it in the Senate as we did not get information to members after it was amended on the Floor and before they voted on Third Read.)

It passed on Third Read in the Senate 28-0-2 and in the House 48-11-1 and was signed by Governor Brewer.

HB2146 trust lands; loss of lease (Konopnicki) is not in the best interest of the trust or trust beneficiaries – primarily the public schools – or of the land. HB2146 creates another significant obstacle to any competition relative to State Trust Land grazing leases. It requires that anyone, with the exception of the existing lessee, who wants to apply for a grazing lease obtain a list and an appraisal of all nonremovable “improvements” on the lands. This includes fences, water tanks, and such. Applicants must already pay for the improvements if they are awarded the lease, but this requires significant expenditure of dollars before even applying. HB2146 also requires the State Land Commissioner to sign an agreement to reimburse lessees for improvements on the lands when an existing lease is cancelled and there is no new lessee or buyer for the land within 90 days after the lease termination date. This is irrespective of how the improvements were paid for in the first place.

The Sierra Club opposed this bill.

Points: Yes -2, No +2

This passed on Third Read in the Senate 19-10-1 and on Final Read in the House 38-17-5 and was signed by the governor.

HB2290 waste tires in abandoned mines (Jones, Kavanagh, Mason, et al) would have included filling abandoned mines in the list of appropriate uses for used tires, specifically to be used at three sites through the end of 2015. This is a recycled bad idea from 2008 and 2009. After discussions in 2008, a compromise was reached to allow the filling of these abandoned mines with inert waste materials, which is a much better idea.

There are several environmental concerns with filling abandoned mines with tires. **Tires are flammable and create a fire hazard.** Tire fires produce a lot of smoke and toxic chemicals that are produced when rubber compounds break down via combustion. Pollutants from tire fires may include polycyclic aromatic hydrocarbons (PAHs), benzene, styrene, phenols, and butadiene, some of which are known carcinogens. Once ignited, tire fires are very difficult to extinguish and can burn for months or even years.

Tires present a threat to water quality. Many abandoned mines were abandoned because they filled with water. Tires leach hazardous substances into the soil and water, especially subsequent to burning. In the demonstration program, they propose only three years of



monitoring, which is hardly enough time to ensure that the tires are not breaking down and polluting our aquifers.

These mines need to be assessed before being filled with anything. Abandoned mines provide habitat for bats and other wildlife. Before filling them, we should require an assessment by a wildlife expert from Arizona Game and Fish. If bats are utilizing the mine, a bat-friendly gate should be installed rather than filling the mine with materials.

The bill also swiped up to \$100,000 annually from the Waste Tire Fund through December 31, 2015. These dollars are currently distributed throughout Arizona to assist with tire recycling.

There are more appropriate uses for waste tires than putting them in abandoned mines. According to the U.S. Environmental Protection Agency, we generated approximately 290 million waste tires in the U.S. in 2003. Of those, 233 million were being recycled in some fashion, including for rubberized asphalt.

We don't allow tires in our landfills. We should not allow them in these abandoned mines.

The Sierra Club opposed this bill.

Points: Yes -3, No +3

This was never heard in the Natural Resources, Infrastructure, and Public Debt Committee in the Senate, so it died. It had passed on Third Read in the House 34-26.

HB2337 Arizona manufactured incandescent light bulbs; regulation (Antenori, Biggs, Gowan, et al) states that incandescent light bulbs that are manufactured and sold in Arizona are not subject to federal law. This is an anti-energy efficiency bill that is probably unconstitutional and is reminiscent of the bill passed by the legislature that made it okay to manufacture chlorofluorocarbons despite federal law and international treaties. Federal law requires that more efficient light bulbs be manufactured over time. The best thing about this bill is the opportunity for light bulb jokes.

The Sierra Club opposed this bill.

Points: Yes -2, No +2

This passed on Third Read in the Senate 18-12 and in the House 33-27, but the governor saw the light on this bill and vetoed it.

HB2442 greenhouse gas emissions; regulations (Burgess, Antenori, Barnes, et al) prohibits state agencies from adopting or enforcing a state or regional program to regulate the emission of greenhouse gases without express legislative authorization. It includes legislative intent that attempts to limit the focus of this prohibition to only market-based mechanisms, but the actual language in the bill is quite broad. It will likely create enough confusion that our state will once again be left behind in seeking solutions to critical problems, whether or not those solutions are regulatory or market-based.



The Sierra Club opposed this bill.

Points: Yes -3, No +3

This passed on Third Read in the Senate 18-10-2 and in the House 35-23-1 and was signed by Governor Brewer.

HB2464 NOW: state parks; funding; management (McLain, Ash, et al) would have given special treatment to one park and one community to the detriment of all others. It would have forced State Parks to enter into a lease agreement with Lake Havasu City to lease Lake Havasu State Park. Communities throughout Arizona – from Tubac to Payson and Camp Verde to Yuma – have all worked with State Parks to keep parks open and maintained. In this case, Lake Havasu City skipped working with State Parks and instead went to the legislature for a sweetheart deal. HB2464 also would have politicized the State Parks Board by making it easier for the governor to remove the board members and making it so the director served at the pleasure of the governor rather than being accountable to the board.

The Sierra Club opposed this bill.

Points: Yes -3, No +3

This was amended with the Lake Havasu City strike-everything amendment in the Senate and failed on Third Read 12-18.

HB2574 renewable energy districts (Mason, Boone, Ch Campbell, et al) would have allowed cities and counties to establish voluntary, opt-in improvement districts to help property owners finance investments for energy efficiency, water conservation, and renewable energy investments. Upfront costs are often a barrier to greater investment in cost-effective energy and water saving technologies. HB 2574 allowed residents the option of amortizing investments in solar and energy efficiency through property tax liens. At least 14 states have passed similar legislation, and cities and counties across the country are working to establish financing programs. Unfortunately, once more, the Arizona Legislature is missing an opportunity to promote renewable energy and energy efficiency.

The Sierra Club supported this bill.

Points: Yes +3, No -3

The bill passed the House on Third Read 47-13 and was never brought to a vote in the Senate Finance Committee, apparently because the banking industry had issues with it.

HB2599 NOW: state parks fund; voluntary contributions (Kavanagh) would have established the Sustainable State Parks Fund, consisting of monies collected through voluntary contributions, which individuals could donate on motor vehicle registration and renewal applications. This was not the answer to the State Parks funding needs and would have generated little in the way of revenue – especially when people found out the dollars could just be swept by the Legislature. It also would have created confusion about parks funding.

The Sierra Club opposed this bill.

Points: Yes -1, No +1



This failed in the Senate on Third Read 14-14-2 and had passed previously in the House on Third Read 42-11-7.

HB2617 mining amendments; water; permits; rules (Jones, Gowan, Mason et al) weakens protections for Arizona's waters by providing exemptions for mining companies from aquifer protection permits, one of Arizona's stronger environmental programs. HB2617 is a classic fox guarding the henhouse bill that establishes the mining advisory council, an entity that will make sure the rules and regulations work for the industry, but not necessarily the larger public. The council will assist with rule making, review decisions by administrative law judges, and generally allow early and undue influence by the mines on the rulemaking process. HB2617 will result in less protection for Arizona's waters. It gives mining companies even more exemptions from specific provisions in the law relative to water quality and water quantity and sacrifices protection of our water for the short-term interests of these companies.

The Sierra Club opposed this bill.

Points: Yes -5, No +5

This passed on Third Read in the Senate 16-12-2 and in the House on Final Read 38-19-3 and was signed by Governor Brewer.

HB2700 solar energy tax incentives; extension (Boone) extends the transaction privilege tax (sales tax) exemption and the individual and corporate income tax credits for commercial or industrial solar installations from 2012 to 2018. This will help to continue to build Arizona's solar industry.

The Sierra Club supported this bill.

Points: Yes +2, No -2

It passed on Third Read in the Senate 16-14 and in the House 44-13-2 and was signed by the Governor.

HCR2008 NOW: hunting and fishing; constitutional rights (JP Weiers, Gowan, Crump, et al) is a proposed constitutional amendment that, if passed, will put hunting in the basic Declaration of Rights in the Constitution and will have a significant and negative impact on wildlife and wildlife management in Arizona by making it more difficult to regulate the take of wildlife. Wildlife belongs to all Arizona citizens – hunters and non-hunters, anglers and non-anglers, those who wildlife watch and those who don't, this as well as the next generation. Wildlife is held in trust by the State of Arizona for their benefit. Establishing a constitutional right to hunt and fish violates that basic trust responsibility and elevates hunting and angling from being a privilege to being a basic right – this proposed constitutional amendment would put hunting and fishing in Article 2 of the Arizona Constitution, which is the "Declaration of Rights" in our Constitution. If passed by the voters, the "right" to hunt and fish would join true rights: due process of law, right of petition and of assembly, freedom of speech and press, equal privileges and immunities, bearing arms, and liberty of conscience; appropriations for religious purposes prohibited; religious freedom, among many other important rights. The Arizona Constitution



should be for proclaiming rights that guarantee fundamental democratic principles, not for protecting privileges or recreation.

HCR2008 could undermine the rights of the people to initiate law and creates conflicting provisions regarding initiative rights within the Arizona Constitution. It states, "EXCLUSIVE AUTHORITY TO ENACT LAWS TO REGULATE THE MANNER, METHODS OR SEASONS FOR HUNTING, FISHING AND HARVESTING WILDLIFE IS VESTED IN THE LEGISLATURE..." The Sierra Club has been and continues to be supportive of the people's rights to initiate or to stop laws via the initiative and referendum process. The authors of the Arizona Constitution thought that the initiative and referendum process was important to provide a check on the legislative branch. They thought it was critical that the citizens have an equal opportunity to create laws directly via the initiative process. We agree with that.

The Sierra Club opposed this bill.

Points: Yes -3, No +3

It passed in Senate on Third Read 18-9-3 and in the House 37-18-5 and was transmitted to the Secretary of State to be placed on the ballot for the 2010 General Election.

HCR2039 temporary suspension; voter protected funding (Kavanagh: Antenori, Biggs, et al) would have referred to the ballot a measure that allowed the legislature to appropriate or divert not more than 50 percent of any fund revenue or fund balance created or allocated to a specific purpose by any measure. This was to nip away at the Voter Protection Act provisions in the Arizona Constitution. These provisions are what keep important programs funded, including the Land Conservation Fund.

The Sierra Club opposed this bill.

Points: Yes -3, No +3

It passed in the House 31-25-4 but was never brought to the Floor of the Senate, so it died for the session.

HCR2041 funding ballot measures; reauthorization (Stevens, Ash, Gowan, et al) would have referred to the ballot a measure that states that if an initiative or referendum authorizes or requires the expenditure of state monies, that authorization or requirement is valid only for eight fiscal years. At the end of this authorization period, a reauthorization measure has to be referred to the ballot. An automatic referral is unnecessary and unwise as it would mean we would spend all of our time just trying to maintain rather than improve. The legislature, through a majority vote, can refer any of these measures at any time.

The Sierra Club opposed this bill.

Points: Yes -3, No +3

It failed in the Senate 14-11-5, so will not appear on the ballot. It had previously passed in the House 33-22-5.



RESOURCES

For more information on the legislation contained in this report card or on other bills, please go to <http://www.azleg.gov/Bills.asp>.

The Arizona Legislature's main website is <http://www.azleg.gov>. For a complete list of Arizona legislators, go to <http://www.azleg.gov/MemberRoster.asp>. To find out who represents you in the Arizona Legislature, please go to <http://www.vote-smart.org/index.htm>.

If you do not have access to the Internet and would like more information, you can call the House and Senate information desks. Outside the Phoenix area, you can call toll free at 1-800-352-8404. In the Phoenix area, call (602) 542-3559 (Senate) or (602) 542-4221 (House). All correspondence goes to 1700 W. Washington Street, Phoenix, AZ 85007-2890.

The Governor's website is <http://azgovernor.gov>. You can call her office at (602) 542-4331 or toll free 1-800-253-0883. To email her, go to <http://azgovernor.gov/Contact.asp> and paste in your message.

For more information on the Sierra Club's Grand Canyon Chapter and our conservation and legislative programs, please visit our website at <http://arizona.sierraclub.org> or call our office at (602) 253-8633. You can check out more information on some of the bills we tracked this session at http://arizona.sierraclub.org/political_action/tracker.

For information on the Sierra Club Political Committee and how you can help elect environmentally friendly candidates, please contact Lynn DeMuth at lmdeMuth@cox.net or the Grand Canyon Chapter office at (602) 253-8633 or grand.canyon.chapter@sierraclub.org.





Sierra Club Mission

“To explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of earth’s ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.”

