



SIERRA CLUB

FOUNDED 1892

Grand Canyon Chapter

2009 Environmental Report Card *Arizona Legislature and Governor*

Issued July 21, 2009

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."

2009 Environmental Report Card

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Forty-Ninth Legislature – First Regular Session

It could have been worse . . . and nearly was.

In the beginning, a very long list of bad legislation was introduced. In the end, a lot of it did not make it into the statutes. Perhaps legislators thought better of it. Perhaps it was the odd structure of the legislative session – President of the Senate Bob Burns did not allow any bills to be heard until June. Maybe it was because a number of bad environmental policies were loaded into the budget bills that the Governor vetoed. Whatever the reasons, environmental protections were relatively unscathed by the actions of the 49th Legislature.

It was an ugly session nonetheless, as well as lengthy, and overall did not serve the larger public's interest. This was one of the longest sessions on record, officially ending after 170 days, but as those who were there know, it was really 171 days, ending at 7:31 a.m. on July 1. Few people were able to really follow the bills in a meaningful way with all of the last minute shenanigans, strike-everything amendments, rule suspensions, procedures such as pulling people out of the hallway to serve on committees when a quorum was needed, and the defeat and then passage of budget bills in the Senate Rules Committee when only one member voted "aye." The one thing the Legislature must do each year was not accomplished – a budget supported by a majority in both houses that the Governor would sign. That is why there is now a special session on the budget.

While it could hardly have been worse from a process perspective, it could have been much worse from a policy perspective. There were a few positive actions, including the three renewable energy and energy efficiency bills the Governor signed into law.

The grades this session were certainly lackluster and, again, demonstrate the lack of strong leadership on environmental protection that is sorely needed in our state. Thirty-four House members and 17 Senators received failing grades and did not break even with a zero – this is one of the worst performances in recent history on this report card. This session was also more partisan than it has been in some time with few Republicans breaking ranks to oppose bad environmental legislation, even legislation that negatively affects air and water quality. The only signs of bipartisan support on environmental issues related to the renewable energy and energy efficiency measures.

On a positive note, one senator and two representatives earned an "A+," which means they voted 100 percent pro-environment and also did not miss a vote on the key bills we scored. Four Senators and ten House members received an "A." The Governor earned a "C" – vetoing the budget bills earned her significant points.

Several legislators also stepped up to advocate strongly for environmental protection and to alert other lawmakers about the downside to many of these bills. **Representative Daniel Patterson** was a voice for environmental protection on the Water and Energy Committee. He, **Representative Nancy Young-Wright**, and **Representative Christopher Deschene** worked very hard to defeat a bill that would have undercut groundwater protections. That bill died in the Senate. Also of note was the strong work of **Senator Leah Landrum-Taylor** who consistently raised concerns and focused on strengthening rather than weakening environmental protections.



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 memo and via committee testimony. On the more important bills, we provide written 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.

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 16 votes in the House and 15 votes in the Senate. The Governor was graded on 10 bills. Everyone was graded on a curve. The bills focused on protecting groundwater, promoting clean renewable energy, and continuing the Arizona Department of Environmental Quality. Several of the bills included will have a detrimental impact on air quality and exempt sand and gravel companies from reclamation requirements. The report card also includes bills that, had they passed, would have undercut the Voter Protection Act or voter-protected measures.

TOP OF THE CLASS



Senator Meg Burton-Cahill (D-17)



Rep. Tom Chabin (D-2)



Rep. David Lujan (D-15)

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 **Representatives Tom Chabin** and **David Lujan**. We appreciate their support of environmental protection and promoting good public policy – and also for showing up.

They supported three good clean renewable energy bills and opposed efforts to undercut the Voter Protection Act and weaken groundwater and air quality protections.

THE HONOR ROLL



Sen. Paula Aboud (D-28)



Sen. Albert Hale (D-2)



Sen. Leah Landrum-Taylor (D-16)



Sen. Rebecca Rios (D-23)



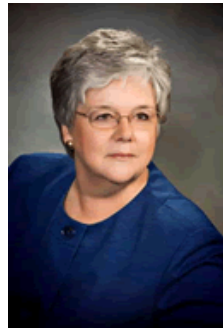
Rep. Ed Ableser (D-17)



Rep. David Bradley (D-28)



Rep. Chad Campbell (D-14)



Rep. Pat Fleming (D-25)



Rep. Phil Lopes (D-27)



Rep. Daniel Patterson (D-29)



Rep. David Schapira (D-17)



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, Albert Hale, Leah Landrum-Taylor, and Rebecca Rios received an “A” on the report card for support of renewable energy measures, opposition to efforts to undermine greenhouse gas reductions, and for voting against efforts to give even more exemptions to sand and gravel companies.

Representatives Ed Ableser, David Bradley, Chad Campbell, Pat Fleming, Phil Lopes, Daniel Patterson, Anna Tovar, David Schapira, Rae Waters, and Nancy Young Wright all received an “A” on the report card. They voted to keep protections in place for Arizona’s groundwater, opposed measures to undercut clean air protections, and also supported the renewable energy and energy efficiency measures that came to the floor.

MOST IMPROVED



Senator Albert Hale (D-2) improved from a “D” on the 2008’s report card to an “A.” He helped raise important issues in the Natural Resources, Infrastructure, and Public Debt Committee and voted to oppose measures that weakened clean air protections, undermined reclamation requirements for sand and gravel companies, and the bad messages to Congress on the Clean Water Restoration Act and uranium mining withdrawals for the Grand Canyon area. Senator Hale also supported the positive renewable energy bills.

NEEDS TO IMPROVE



Senator Ken Chevront
(D-15)



Senator Jay Tibshraeny
(R-21)



Representative Jack
Brown (D-5)



Rep. Barbara McGuire
(D-23)



Rep. Doug Quelland
(R-10)

The “Needs to Improve” category includes legislators whose overall voting record was not supportive of environmental protection and/or who missed a large number of votes. In this category are **Senators Ken Chevront** and **Jay Tibshraeny**, as well as **Representatives Jack Brown, Barbara McGuire, and Doug Quelland**.

FAILING THE PUBLIC

This list is again a long one. It 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 as well as missing key votes. Failing in the Senate were **Senators Carolyn Allen (R-8), Sylvia Allen (R-5), Robert Burns (R-9), Pamela Gorman (R-6), 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), Jonathan Paton (R-30), Russell Pearce (R-18), Steve Pierce (R-1), Thayer Verschoor (R-22), and Jim Waring (R-7)**. These legislators voted to restrict the state’s ability to limit greenhouse gas emissions, supported measures that weaken clean air protections, provided more exemptions for sand and gravel operations, and supported undercutting the Voter Protection Act.

Representatives Kirk Adams (R-19), Frank Antenori (R-30), Cecil Ash (R-18), Ray Barnes (R-7), Nancy Barto (R-7), Andy Biggs (R-22), Tom Boone (R-4), Judy Burges (R-4), Steve Court (R-18), Rich Crandall (R-19), Sam Crump (R-6), 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), Nancy McLain (R-3), Steve Montenegro (R-12), Rick Murphy (R-9), Warde Nichols (R-21), Frank Pratt (R-23), Michele Reagan (R-8), Carl Seel (R-6), David Stevens (R-25), Andy Tobin (R-1), 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 budget bills that included a moratorium on development impact fees and building codes. They also supported swiping Heritage Fund dollars, diverting money from the voter-protected land conservation fund, and weakening protection of our groundwater.

2009 ENVIRONMENTAL REPORT CARD

C	Governor Brewer
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SENATE GRADES

HOUSE GRADES

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

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



2009 Environmental Report Card

Bill Summaries

HB2088 NOW: public conservation monies; transfer; parks (Nichols) proposed to divert \$20 million from the Public Conservation Account in the Land Conservation Fund established by the voters in 1998. It diverted the dollars to a variety of purposes – everything from water banking to parks to workshops – several of which had little, if anything, to do with conservation. This bill was clearly unconstitutional as it in no way furthered the purposes of the measure that went before the voters in 1998, as the Voter Protection Act requires. Some referred to this bill as “borrowing,” but when the Legislature “borrows” or diverts dollars from a fund, there is no guarantee those dollars will ever be repaid, so it amounts to an unsecured loan. In addition to that, if the Legislature successfully took this voter-protected money, what other voter-protected funds would be in their sights next? Saying no helps to discourage further action in this area.

The Sierra Club opposed this bill.

Points: Yes -4, No +4

It was defeated on a Third Read in the House 36-22-2 (it needed a three-fourths vote to pass).

HB2278 NOW: tires; abandoned mines (Jones) would have allowed waste tires to be used to fill abandoned mines. This was a recycled bad idea from last year that was rejected. The bill that did eventually pass last session allows the filling of these abandoned mines with inert waste materials, however, which is fine. There are several environmental concerns with filling abandoned mines with tires. First of all, tires are flammable and create a fire hazard. Tire fires produce a lot of smoke and toxic chemicals that are created when rubber compounds break down via combustion. 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 as well, especially subsequent to burning. Abandoned mines also provide habitat for bats and other wildlife. Before filling them, an assessment should be done. If bats are utilizing the mine, then a bat-friendly gate should be installed rather than filling with materials. This also was not addressed in the bill.

The Sierra Club opposed this bill.

Points: Yes -2, No +2

This passed on Third Read in the House 35-21-4 but was never heard in committee in the Senate, so it died for the session.

HB2332 schools; energy contracts (Boone) allows school districts to enter into energy performance and renewable energy power purchase contracts and utilize the savings realized from these contracts to purchase energy saving and renewable energy measures. It allows schools to establish an energy savings account that consists of a designated pool of capital investment monies to fund energy saving projects in school facilities. The bill states that they can use these dollars on projects or measures that save energy in a school facility, including technical



assistance by a qualified provider or a utility, energy or water service company, as well as repayment of capital investment monies to the qualified provider, plus reasonable carrying charges. This bill will help schools save energy, water, and money. HB2332 was amended on the Senate Floor to include the provisions for energy saving appliance standards for pool pumps and portable electric spas.

The Sierra Club supported this bill.

Points: Yes +3, No -3

The bill passed on Final Read in the House 41-0-19 and on Third Read in the Senate 22-5-3 and was signed by the Governor.

HB2336 NOW: county renewable energy incentive districts (Mason) authorizes county boards of supervisors to designate renewable energy incentive districts in any unincorporated area of the counties, provided the areas consist of vacant or underused parcels, or other property the board deems suitable for renewable energy equipment and are the appropriate size for the construction and operation of renewable energy equipment. It requires that renewable energy developments be buffered from incompatible uses in the surrounding uses.

The Sierra Club supported this bill.

Points: Yes +2, No -2

The bill passed the House on Third Read 49-10-1 and in the Senate on Third Read 19-8-3 and was signed by the Governor.

HB2352 aquifer protection permits; natural gas (Mason) would have exempted Class I and Class II injection wells for natural gas storage from getting aquifer protection permits. If enacted, the bill would have allowed millions of gallons of briny water to be pumped into a deep aquifer, thus writing off that aquifer for drinking water in the future. Arizona's Aquifer Protection Permit (APP) program was a landmark program when passed in 1986 as part of the Environmental Quality Act. Rather than focus on remediation – trying to clean up a mess after the fact – and enforcement, the APP program focuses on prevention and aims to keep pollutants out of our precious aquifers. This is both more environmentally responsible and cheaper in the long run. It is especially important as it is often the public (the taxpayers) that has to pick up the tab for clean up. Arizona also decided at that time that all of its aquifers are important and should be designated as drinking water aquifers. This bill would have allowed an aquifer to be written off for drinking water, but did so in a less than forthright manner. If Arizona does want to change the designation of an aquifer, there is a process for doing so. It is a very public process, involves studying the aquifer, allows for public comments, and requires a public hearing. The proposed exemption to the APP program in HB2352 also would have handed over groundwater regulation for these facilities to the Environmental Protection Agency (EPA), where the requirements are not as stringent. Arizona's water and future are too important to write off so cavalierly. The company promoting this self-serving exemption, Multifuels out of Houston, Texas, indicated that it needed this exemption to secure its financing. It is not worth risking Arizona's aquifers and possible future drinking water supplies to allow a single corporation to get financing for such a potentially harmful project.



The Sierra Club opposed this bill.

Points: Yes -5, No +5

The bill passed on Third Read in the House 36-21-3 but was never brought to the Floor of the Senate, so it died for the session.

HB2401 administrative rules oversight committee (Williams, Barnes, Burns, et al) reestablishes the Administrative Rules Oversight Committee (AROC), a committee that has oversight on rules and consists of ten legislators and a representative from the governor's office. This committee was an ineffective mechanism for addressing concerns about rules when it existed previously and merely adds more bureaucracy to an already cumbersome process. There were good reasons that Governor Hull vetoed a bill to keep the AROC around – no one has really missed it since. Governor Napolitano vetoed an identical bill last session. The entity is duplicative as there are many mechanisms for resolving issues with the rules currently. Rules are reviewed by assistant attorneys general for compliance with the laws and must go through the Governor's Regulatory Review Council.

The Sierra Club opposed this bill.

Points: Yes -1, No +1

It passed the House on Third Read 39-16-5 and the Senate on Third Read 17-11-2 and was signed by the Governor.

HB2424 illegal dumping; penalties (McGuire, Barnes, M. Garcia, et al) would have increased the penalty for illegal dumping of trash to a Class 1 misdemeanor and a \$1,800 fine, among other things. There are significant issues with illegal dumping throughout Arizona's desert lands.

The Sierra Club supported this bill

Points: Yes +2, No -2

It passed the House on Third Read 36-13-11 and was heard in the Senate Retirement and Rural Development Committee, but was never heard on the Floor, so the bill died.

HCM2006 state land; natural resources (Jones, Konopnicki, Barto, et al) is a memorial that asks Congress to "...refrain from passing any new legislation to withdraw any lands in Arizona from mining, and refrain from enacting any wilderness designations in Arizona without the unanimous support of Arizona's congressional delegation." It asks "that the Bureau of Land Management and the United States Forest Service not limit the public's access to public lands under their jurisdiction for mining, grazing, recreation or other uses." We do not need more trashed public lands, polluted ground and surface water, or big messes for the public to clean up. Concerns about surface- and ground-water contamination of Grand Canyon National Park and the Colorado River have been expressed by former Arizona Governor Janet Napolitano; the Los Angeles Water District; the Southern Nevada Water Authority; the Arizona Game and Fish Department; the Navajo Nation, Hopi, Havasupai, Hualapai and Kaibab Paiute tribes; and Coconino County. While we recognize it is only a "postcard" to Congress and does not affect the law, it is a truly bad message to send – to Congress or anyone. The memorial is disrespectful of the many local and tribal entities that have been working to protect the Grand Canyon area from uranium mining.



The Sierra Club opposed this memorial.

Points: Yes -1, No +1

This passed the House on Third Read 36-17-7 and the Senate on Third Read 19-7-4 and was transmitted to the Secretary of State to be distributed to the President of the U.S. Senate, Speaker of the U.S. House, Secretary of the Department of Interior, Director of the Bureau of Land Management, Chief of the U.S. Forest Service, and the Arizona congressional delegation.

HCR2030 NOW: Arizona's water protection (Stevens, Gowan, Antenori, et al) is ironically titled as it advocates no protection for most of our rivers and streams and specifically objects to Clean Water Act protections for ephemeral and intermittent streams. HCR2030 encourages members of Congress to oppose the “expansion of the federal Point Source Discharge Program” as current legislation proposes and “oppose any legislation that would result in the expansion of federal jurisdiction and emasculation of the states’ jurisdiction.” The legislation they mention is called the Clean Water Restoration Act and hardly “emasculates” state jurisdiction, but it does ensure that waters have the minimal protections afforded by the Clean Water Act, rather than weak, if any, protections at the state level. The Clean Water Restoration Act restores the traditional scope of protection intended by Congress. Americans need these safeguards to achieve the goal of restoring and maintaining the chemical, physical, and biological integrity of the nation’s waters. HCR2030 is merely a “postcard” to Congress, but it again sends a bad message.

The Sierra Club opposed this resolution.

Points: Yes -1, No +1

This passed the House on Third Read 37-22-1 and the Senate on Third Read 20-8-2 and was transmitted to the Secretary of State.

SB1035 NOW: budget reconciliation; general government (R. Pearce) is one of many budget reconciliation bills that contained significant policy changes that had little or nothing to do with the actual budget. SB1035 was particularly bad as it included a moratorium on development impact fees that prohibited imposition of any impact fees from July 1, 2009, through June 30, 2012. It also contained language that would have made it more difficult for cities and towns to implement development impact fees and would have severely restricted the purposes for which they can be assessed. For example, cities and towns could only assess impact fees (once the moratorium expired of course) for smaller parks of 15 acres or less. It prohibited assessing them for large parks, riparian, historical, and cultural facilities, among many other things. Without impact fees the taxpayers subsidize sprawl development even more – already impact fees do not cover the cost of development. This was a hidden tax as well as a massive subsidy for the development interests that helped bring us this expensive, sprawling mess in the first place. The bill also limited the applicability of new building codes to residential development approved prior to May of 2009. New energy efficiency codes are absolutely necessary and should be applied to any construction that gets a future building permit. SB1035 included a rule-making moratorium for fiscal year 2009-2010. This was unnecessary, and the language in SB1035 may have interfered with the Arizona Corporation Commission’s efforts to implement an Energy



Efficiency Standard or other important rules. There were several other negative provisions in the bill as well.

The Sierra Club opposed this bill.

Points: Yes -4, No +4

This passed the Senate on Third Read 16-1-13 and the House on Third Read 32-24-4. It was vetoed by the Governor.

SB1118 NOW: definition; begin actual construction (S. Allen) dealt with 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 redefined “begin actual construction” relative to these permits by excluding activities that are normally associated with beginning actual construction – this triggers the need for a permit. This bill was contrary to the Clean Air Act and to improving air quality.

The Sierra Club opposed SB1118.

Points: Yes -2, No +2

This passed on Third Read in the Senate 17-12-1 and was transmitted to the House, but because it was never assigned to a committee in the House, it died for the session.

SB1147 greenhouse emissions; regulations; fuel economy (S. Allen, Gould, R. Pearce, et al) required express legislative authorization in order for any state agency to adopt or enforce a state or regional program to regulate greenhouse gas emissions or motor vehicle fuel economy. It would have limited actions on some key issues including the Clean Car Standards and would have had a negative impact on air quality. Without its passage the Arizona Department of Environmental Quality can begin to move forward with implementation of the Clean Car Rule as in June 2009 the Environmental Protection Agency finally granted California its waiver, so California and other states, including Arizona, can move forward with implementing their Clean Car Standards.

The Sierra Club opposed this bill.

Points: Yes -4, No +4

This passed the Senate 19-10-1 and was assigned to the House Environment Committee and never heard, so the bill died.

SB1157 department of environmental quality; continuation (Nelson, C. Allen, Huppenthal, et al) continues the Arizona Department of Environmental Quality for five years. It is relatively amazing that they got a clean sunset bill out of this Legislature. Perhaps it is because they have plans to neuter the agency in other ways.

The Sierra Club supported this bill.

Points: Yes +2, No -2

This passed the Senate 23-6-1 and the House 50-2-8 and was signed by the Governor.



SB1225 NOW: dust control; best management practices (S. Pierce) does several things that will contribute to poor air quality. Members of the best management practices committee are appointed by the Governor and are responsible for adopting an agricultural general permit that outlines best management practices for regulated agricultural activities in order to reduce particulate (PM-10) emissions. This bill adds five people to the agricultural best management practices committee – someone representing a cattle feedlot, a dairy, a poultry operation, and a swine operation, plus one county person; **this just means more foxes guarding the henhouse** (see poultry provisions). The bill also shifts the regulation of particulates, such as it is, of poultry and swine operations as well as feedlots and dairies from the county to this state best management practices committee and to limited, if any, real oversight. As drafted, the bill will mean backsliding on our state implementation plan for particulates and violates the Clean Air Act as there is no guarantee the best management practices will be as strong as or stronger than those required at the county level. These facilities are not your family farms but represent industrial agriculture and all of its associated environmental problems. They should be regulated as such. **Overall the bill is intended to undercut county authority to regulate these facilities and is specifically targeted at undercutting efforts by Pinal County to regulate these polluting facilities.**

The Sierra Club opposed this bill.

Points: Yes -3, No +3

This passed the Senate on Third Read 22-7-1 and the House on Third Read 36-19-5. It was signed by the Governor.

SB1258 NOW: budget reconciliation; environment (S. Allen) would have done several things, including diverting \$3 million in State Parks Heritage Fund dollars for fire suppression. It also would have eliminated the requirement that monies in the Land Conservation Fund Administration Account unobligated at the end of the fiscal year be credited to the Public Conservation Account.

The Sierra Club opposed this bill

Points: Yes -2, No +2

This passed the Senate 16-1-13 and the House 32-23-5. It was vetoed by the Governor.

SB1259 aggregate mine reclamation; initiation; extension (Allen S) includes one more factor for allowing reclamation of sand and gravel operations to be delayed. The state mine inspector could already extend the period in which to initiate reclamation with up to three subsequent five-year extensions based on several factors. This bill adds an additional factor for delaying reclamation – if the owner or operator of an exploration operation or aggregate mining unit demonstrates a reasonable likelihood that the project or operation will resume, based on a consideration of changing market conditions and demand for the commodity being mined. Why do we need to weaken our already weak reclamation provisions?

The Sierra Club opposed this bill.

Points: Yes -1, No +1



This passed the Senate 17-11-2 and the House 36-14-10. It was signed by the Governor.

SB1260 aggregate mine reclamation law; exemption (S. Allen) exempts sand and gravel pits that are intermittently used for specific governmental projects from aggregate mine regulatory and reclamation mandates. It is difficult to see why the bill is necessary or why someone doing government projects should get special consideration. There is already a provision in the law that allows the mine inspector to grant three subsequent five-year extensions before any reclamation has to begin, so someone can delay fixing a problem for 15 years. This additional exemption is unnecessary and provides another loophole for sand and gravel companies to avoid reclamation and cleaning up their messes. There are plenty of opportunities for delays and exemptions in our mining laws; we should not be adding another.

The Sierra Club opposed this bill

Points: Yes -1, No +1

It passed the Senate 17-11-2 and the House 34-15-11 and was signed by the Governor.

SB1403 renewable, high-wage industries incentives (Leff, Mason, Reagan, et al) provides income and property tax incentives for new or expanded renewable energy businesses in Arizona when certain job creation, wage, and capital investment requirements are met. It terminates on December 31, 2015. The idea is to promote manufacturing of renewable components while also providing good jobs. This is another important step in moving us away from our fossil fuel-based economy.

The Sierra Club supported this bill.

Points: Yes +3, No -3

This passed the Senate on Third Read 16-12-2 and on Third Read in the House 39-12-9. It was signed by the Governor.

SCR1009 voter-protection; temporary budgetary suspension (R. Pearce, Harper, Burges, et al) would have referred to the ballot a measure that authorizes the Legislature to appropriate or divert funds created by initiative or referendum in any fiscal year in which the respective budget offices of the Governor and the Legislature issue a written finding, confirmed by the State Treasurer, that the state budget for the preceding two calendar quarters had a deficit of at least one percent of the total state General Fund expenditures. This would significantly undermine the Voter Protection Act as we cannot think of a time when the Legislature would not make this finding. Some governors might be slightly more circumspect, but that does not change the fact that this is just a big hole in the constitutional protections for measures that the voters enact.

The Sierra Club opposed this bill.

Points: Yes -4, No +4

It passed the Senate on Third Read 17-12-1 but was never brought to the Floor of the House, so it died for the session.



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](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.

