

1998 Legislation for Environmental Report Card

SB1061 real estate; omnibus (Conner, Freestone, E. Richardson) was amended on the Floor of the House to make it more difficult to impose use restrictions on residentially zoned property based on multiple ownership. This would have created one more loophole for people to get around subdivision regulations and would have further tied the hands of county government. This bill died in the Senate.

House Verkamp Floor motion to exclude amendment

Yes 2, No 0

SB1063 Constitutional Defense Council, membership (Patterson, Bowers, Burns) would have eliminated the legislative appointees on the Constitutional Defense Council in order to make this council constitutional (ironic, huh), and continue its existence. This entity was up to no good on several environmental issues -- looking for ways to get around the Clean Air Act, the Endangered Species Act, etc. It was also totally unnecessary and a waste of tax dollars. The bill failed on a third reading in the House and was never reconsidered.

House Third Reading

Yes 0, No 1

Senate Third Reading

Yes 0, No 1

SB1088 Arizona Preserve Initiative; qualifying counties (Day) makes the correction to include Pima County in the Arizona Preserve Initiative. This passed both houses and the governor signed it.

House Third Reading

Yes 1, No 0

Senate Third Reading

Yes 1, No 0

SB1106 jaguar protection (Conner, Arzberger, Gleason) is a bill which establishes a penalty of \$25,000 for killing jaguars. The penalty only goes into effect, however, if the U.S. Fish and Wildlife Department delists the jaguar as an endangered species. The jaguar is protected as a federally listed species currently and attempts by Game and Fish to keep it from being listed include a conservation agreement that does not include habitat loss as "take" and mandates that jaguars cannot be reintroduced in the U.S. This bill is unnecessary and just an attempt by Game and Fish to thumb their noses at the Endangered Species Act. This passed and was signed by Governor Hull.

House Third Reading

Yes 0, No 2

Senate Final Reading

Yes 0, No 2

SB1126 non-navigable streams; disclaimer of title (Bowers, Griffin, Groscost, etc.) ratifies recommendations from the Navigable Streambed Adjudication Commission that state the Agua Fria, Skunk Creek and New River were non-navigable at the time of Statehood, plus includes the Hassayampa from the Gila, the Salt from Granite Reef Dam to the Gila, and the Verde. This basically means the State can give away these streambeds to the sand and gravel operators or anyone else. The bill also continues the Navigable Streambed Adjudication Commission. This passed both houses and was signed by the governor.

House Third Reading
Senate Final Reading

Yes 0, No 2
Yes 0, No 2

SB1266 DEQ: backflow control (Conner, Bowers) would have eliminated the requirement that a public water system implement a program to control contamination from backflow. We opposed this effort to remove regulation of backflow prevention devices from the Arizona Department of Environmental Quality (ADEQ). We should not simply rely on the plumbing code to protect the drinking water, plus it makes a lot of sense to have uniform safety standards when it comes to our drinking water. The entity charged with oversight in this area should have some kind of public health mandate – industry representatives or a trade association should not control regulation of these devices. The safety of our drinking water is too important to trust to the industry's bottom line. There have been numerous instances where failure to install or a malfunction of these devices has caused problems in the drinking water and people have become ill. This was defeated in House Committee of the Whole.

House Committee of the Whole role call vote
Senate Third Reading

Yes 0, No 3
Yes 0, No 3

SB1299 ADEQ; section 401 permits (Conner, Bowers) severely limits the ADEQ's ability to certify Section 401 permits. The Clean Water Act (CWA) regulates excavation activities that could destroy or degrade water through discharge of material. These activities require a Section 404 permit from the Army Corp of Engineers. Under Section 401 of the CWA, the state (ADEQ) is required to certify that each applicant for a Section 404 permit complies with the state's surface water quality standards. SB1299 would make it virtually impossible for ADEQ to restrict activities that cause contamination of a river or destroy habitat outside riverbeds. It would also make it difficult to deny certification of sand and gravel operations in the beds of ephemeral streams, even if those activities could wipe out wildlife populations or violate water quality standards. This failed on a Third Reading in the House.

House Third Reading
Senate Third Reading

Yes 0, No 4
Yes 0, No 4

SB1300 buffer zones; excluding facilities (Conner, Arzberger) prohibits charter schools, schools, healthcare facilities and child care facilities from locating within _ mile of agricultural land. It was amended to allow the facilities in the buffer zones if the farmer agrees to deed restrictions. This passed both houses and was signed by the governor.

House Third Reading
Senate Final Reading

Yes 1, No 0
Yes 1, No 0

SB1427 air quality measures (Spitzer, Bowers, Conner, et al) expands Area A to include some of the faster growing areas of the Valley, but for political reasons excluded Buckeye. (Area A is subject to emissions testing requirements, the fireplace "no burn day" ordinance, the reformulated fuel program, and the trip reduction program.) The bill includes some additional diesel reporting requirements and establishes a pilot program for roadside testing of diesels. Unfortunately, nothing was done to mandate cleaner burning diesel fuel. The bill appropriates money to ADEQ for their catalytic converter replacement program and vehicle repair grant program, to enhance ozone modeling, to the voluntary vehicle repair program, and for the voluntary lawn mower emissions reduction program. It requires clean-burning fireplace ordinances for cities in Area A and establishes a commission to develop particulate Best Management Practices for agriculture. That commission is made up of agricultural interests -- surprise. It gives a \$75,000 handout to industry to help study an emissions credit trading program. This bill passed and was signed into law.

House Final Reading
Senate Final Reading

Yes 3, No 0
Yes 3, No 0

HB 2064 corporation commission; solar mandate; prohibition (McGrath, Gardner, Cooley, Brimhall, et al) would have prohibited the Arizona Corporation Commission ruling calling for solar energy portfolio standards and would have had an extremely negative impact on solar energy economic development in Arizona. The rule to establish a solar energy portfolio standard is an effective and efficient way to increase development of cleaner, renewable energy sources that do not create air pollution. Ending this rule would continue Arizona's dependence on non-renewable sources of energy that help to create air pollution around our state. This was never heard in the Senate Natural Resources, Agricultural, and Environment Committee (thank you Senator Conner) and therefore never made it to a floor vote.

House Third Reading

Yes 0, No 3

HB2158 now: state lottery commission continuation (Gleason), puts a 5-year lottery reauthorization on the November ballot. While the Legislature should have and could have reauthorized the lottery outright, Speaker Groskost was busy playing games and would not allow it. We support the lottery, because it provides \$10 million dollars per year to State Parks and \$10 million dollars per year to Game and Fish through the Heritage Fund. This passed both houses and was signed by the governor, so it will be on this November's ballot.

House Final Reading
Senate Final Reading

Yes 2, No 0
Yes 2, No 0

HB2231 DEQ; sunset (Allen, Conner) continues the Arizona Department of Environmental Quality (ADEQ) for another two years and severely limits their ability to certify Section 401 permits. It makes it nearly impossible to deny certification of sand and gravel operations in the beds of ephemeral streams, even if those activities could wipe out wildlife populations or violate water quality standards. In addition, they added provisions for a monitoring assistance program for small water systems that leaves in doubt the state's ability to implement provisions of the Safe Drinking Water Act and ensure that these small water systems provide safe drinking water to their customers. They could have voted this bill down and then proceeded to do a clean reauthorization in a special session. It passed and was signed by Governor Hull.

House Final Reading
Senate Final Reading

Yes 0, No 2
Yes 0, No 2

HB2361 NOW: growing smarter; urban planning (Shaw, Wong) does not require full cost impact fees from developers. Although it requires plans to address fees, the plans are not enforceable, exceptions are unlimited, and all current restrictions on impacts fees are retained. It does nothing to limit urban sprawl, and actually promotes new development on state lands and elsewhere. It allows plans to be changed at any time to permit massive new developments without voter approval. It limits the power of local governments to require environmental reviews of specific projects. It continues current limits on local government power to regulate wildcat subdivisions. It makes it harder for local governments to protect neighborhoods and open space by requiring a 2/3 vote to reduce intensity of development or delete planned road projects. It amends the bar on county downzonings (as passed in HB2621) in a way that still weakens local control over land use decisions. The revised version requires landowner consent for any rezoning of the land. Although HB2361 requires a 2/3 vote of the governing body to allow increased intensity of land use, this requirement will not kick in until the end of 2001 or later. Meanwhile, there can be a flood of plan amendments and rezonings that the bill does not limit in any way. This passed and was signed by Governor Hull.

House Final Reading
Senate Final Reading

Yes 0, No 4
Yes 0, No 4

HB2509 state land leases; technical amendment (now: state land leases; grazing) gives us more business as usual at the State Land Department by continuing the preference for the existing grazing lessee. This passed and was signed by the governor. It is likely that the litigation over competitive bidding will continue.

House Final Reading
Senate Third Reading

Yes 0, No 1
Yes 0, No 1

HB2510 Arizona State Parks Board; continuation (Griffin, Flake) continues the State Parks Board for another 5 years unless they fail to open Kartchner Caverns by June of 2000.

House Final Reading
Senate Final Reading

Yes 0, No 1
Yes 0, No 1

HB2621 County zoning; downzoning (Griffin, Flake, Brimhall, et al), says that a reduction in a zoning classification that restricts the use or reduces the value of land shall not be made without the express written consent of the property owner. This passed and was signed by the governor. The Pima County Board of Supervisors voted to file suit against the State of Arizona on this bill.

House Third Reading
Senate Third Reading

Yes 0, No 3
Yes 0, No 3

HCR2027 NOW: appropriation; growing smarter (Shaw, Allen) provides \$20 million/year over ten years to buy state lands for conservation, but revokes funding if the citizens' initiative passes. It prohibits the state from requiring: i) local growth management plans; ii) voter approval of plans; iii) mandatory impact fees; iv) any attempt to apply local growth management requirements to state lands.

House Final Reading
Senate Final Reading

Yes 0, No 5
Yes 0, No 5

SCM1006 states' environmental standards (Arzberger, Bee, Bowers, et al) asks Congress to intervene regarding the Southwest Center's request to the Council on Environmental Cooperation (under NAFTA) to assess impacts of groundwater pumping on the San Pedro River. It also asks the President not to designate any rivers in Arizona as American Heritage Rivers.

House Third Reading
Senate Third Reading

Yes 0, No 1
Yes 0, No 1

HM2001 UN Convention; climate change (McGrath, Griffin, et al) urges the U.S. Senate not to ratify the treaty from the UN Convention on Climate Change.

House Third Reading

Yes 0, No 1