

Long Agendas, Too Many Bills, and So Much Bad Policy



Rally for the Baaj Nwaavjo I'tah Kukveni - Ancestral Footprints of the Grand Canyon National Monument .

February 10, 2024

Hi all!

While the agendas this past week were long, they have gotten longer for next week. I wish I could say they included thoughtful bills to address the big challenges we face, including climate change, water, and environmental justice. They do not. Instead, we again see a long list of bad water bills, measures to undermine wind and solar, and bills to try to limit land

conservation. There is even a message bill to oppose and ask for the repeal of the Baaj Nwaavjo I'tah Kukveni-Ancestral Footprints of the Grand Canyon National Monument, a widely and strongly supported designation that protects lands around Grand Canyon from future uranium mining and development.

This week, the Governor and Legislature negotiated a deal on the elections time lines issues. While it is not everything that we wanted to see, at least it does minimal harm. It moves the Primary to July 30th, so mark your calendar! Also, it shortens the cure period for early ballots that have signatures missing or lacking. To compensate a little, they require counties to be available on the weekend before and the weekend after the election for curing. Thanks to all of the advocates, legislators, and the Governor's office that worked hard to make sure voters were protected in this process.

I have never seen this many bills moving in the House and Senate nor agendas this long. I say that as it is quite possible I missed a couple of bills, so may send out a supplemental update next week. We have heard that they may extend the deadline to hear bills in committee in the house of origin. Right now, it is February 16th. I sure hope not as there are already too many bad bills in play. I have not counted them all, but I think Rep. Gail Griffin will win the prize for the most bills and probably the most bills heard as she hears a lot of her own bills. They are not proposing to hear our climate, clean energy, water, or environmental justice bills.

If you have not created an account on the <u>Request to Speak system</u>, I encourage you to do so. You can now set it up without having to activate it at the Capitol. After that, you can sign in for and against bills each week and it does make a difference.

This week, please sign in to oppose SB1009, SB1221, SB1243, SB1282, SB1430, SB1472, SB1479, SB1637, SB1649, SB1653, SB1665, SCR1011, SCR1041, SCR1042, HB2014, HB2018, HB2028, HB2029, HB2061, HB2127, HB2130, HB2200, HB2201, HB2646, HB2647, HB2788, HB2860, HB2865, HCM2002, HCM2004, HCM2005, HCM2006, HCM2007, HCM2008, HCR2003, HCR2018, HCR2050, and HCR2052. Support HB2367 and SCR1038.

You can see more bills we are tracking here.

You can find contact information for all legislators here.



RSVP for Voting Rights News Conference Here

Mark your calendar for mid-session check-in news conference too. It will be in the Rose Garden of the Arizona State Capitol Complex from 12pm-1pm MST on Thursday, February 29, 2024. We will be demanding the protection and expansion of voting rights during the 2024 AZ State Legislative Session! Remember, we cannot have a healthy environment without a healthy democracy.

ASL interpretation will be provided.

For more information, reach out to Sandy Bahr at sandy.bahr@sierraclub.org.

Many thanks for using your voice to oppose and support the bills!

All the best,

Sandy Bahr Chapter Director

Sierra Club - Grand Canyon Chapter

Coming Up This Week at the AZ Legislature



Historic Capitol courtesy of Sandy Bahr

Monday, February 12th

Land, Agriculture, & Rural Affairs Committee at 2:00 PM in HHR3 Members of the public may access a livestream of the meeting here.

- HB2413 wildfire suppression; liability; increase (Cook: Carbone, Hernandez
 A) increase from \$3 million to \$8 million the amount that can be allocated for wildland fire suppression or other unplanned all-risk emergency liabilities. WATCH
- <u>HB2572 state land; oversight board</u> (Biasiucci) establishes a state land oversight board and a variety of requirements for the board to consider. **WATCH**
- <u>HB2751 interstate compact; fire management; aid</u> (Cook: Marshall, Payne, et al) authorizes compacts with other states regarding fighting forest fires. **WATCH**
- HB2865 natural resource conservation districts; board (Griffin: Diaz, Dunn) establishes
 the State Natural Resource Conservation Board and transfers oversight of natural
 resource conservation districts from the State Land Commissioner to the Board. It
 appropriates \$150,000 and 2 FTE positions from the state General Fund in FY 2025 to

the Board and \$1,000,000 in FY 2026 to the Natural Resource Conservation District Fund. These entities are unaccountable and some of them engage in actions to the detriment of the environment. This would create a bigger more well-funded entity. **OPPOSE**

- HCM2004 federal land acquisition; acreage return (Smith: Biasiucci, Carbone, et al) is a message to Congress and the President, asking them to enact legislation that requires the federal government to give to a state or county one acre of federal land for every acre the federal government reserves from the respective state or county. This is an anti-public lands protection message. OPPOSE
- HCM2005 federal lands; transfer to states (Smith: Biasiucci, Carbone, et al) asks the
 Congress and President to pass legislation to convey 30 percent of public lands to the
 states. Arizona has 9.2 million acres of state trust land that it cannot seem to manage
 properly -- it is not equipped to do so. Besides, it's pretty clear the intent with this is to
 have the land to exploit it to the maximum. OPPOSE
- HCM2006 federal lands; natural resources; permission (Griffin) asks Congress to enact legislation to prohibit the federal government from establishing, authorizing or declaring any new national monument, national park, wildlife refuge, conservation area, area of critical environmental concern, wild and scenic river, wilderness, wilderness characteristic area or any other federal reservation or special use designation in Arizona and from withdrawing or reserving any additional federal mineral, land, water or other national resource rights within Arizona's border. This is must more anticonservation propaganda. OPPOSE
- HCM2007 Grand Canyon Footprints monument; repeal(Biasiucci: Carter, Chaplik, et al) asks the President to rescind or revoke the designation of the Baaj Nwaavjo I'tah Kukveni Ancestral Footprints of the Grand Canyon National Monument and not to do any more monuments or special protections unless the legislature agrees to it.
 OPPOSE
- HCM2008 urging Congress; Antiquities Act; repeal (Gillette: Biasiucci, Cook, et al) asks
 the Congress and the President to repeal the Antiquities Act, which is the act that
 authorizes the President to establish national monuments. OPPOSE

Senate Elections Committee at 2:00PM in SHR1

Members of the public may access a livestream of the meeting here.

- SB1009 voting registrations; ballot requests; source (Hoffman) prohibits elections
 officials from using any signed and preprinted request to amend a voter's registration
 or request an early ballot on a form that is not on an official form printed by the MVD,
 county recorder or other officer in charge of elections. Candidates can no longer
 distribute early ballot or active early voting list requests. OPPOSE
- SB1653 images; voter lists; records; penalties (Bennett: Hernandez C) requires a county recorder to prepare a list of eligible voters, excluding personal identifying information, and transmit the information to the Secretary of State who must immediately post the information on a secure website at least 10 days before a primary and general election. It also requires the SOS to digitally publish a list of all persons who voted in an election, unaltered images of all ballots and a sortable cast vote record. OPPOSE
- <u>SB1666 local ballot measures; supplemental filing</u> (Gowan) allows supplemental signature filings for local ballot measures. This is probably okay. **WATCH**
- <u>SCR1011 voting</u>; <u>qualifications</u>; <u>methods</u> (Rogers: Farnsworth, Kavanagh, et al) says a
 person must be a citizen of the United States who is at least 18 years old and is a
 qualified registered voter to vote in an election in Arizona. A person cannot vote for
 more candidates than the number of offices to be filled. This would prohibit cities from
 allowing non-citizens to be able to vote in local elections. It would also restrict rankchoice voting. **OPPOSE**
- <u>SCR1023 general election day; all offices</u> (Mesnard) refers to the ballot a proposed constitutional amendment that says all local elections would be the same day as the general election. **WATCH**
- <u>SCR1041 ballot measures; challenges</u> (Mesnard) refers to the ballot a measure that
 allows a person to contest the constitutionality of an initiative measure or amendment
 in superior court before it goes to the ballot. This is one more way to preempt citizen
 ballot measures. **OPPOSE**

 <u>SCR1044 judicial retention elections</u> (Gowan: Shamp) refers to the ballot a measure to remove term limits for Supreme Court justices and use a retention system instead.
 WATCH

Transportation, Technology, & Missing Children Committee at 2:00 PM in SHR2 Members of the public may access a livestream of the meeting here.

- <u>SB1184 continuation; department of transportation</u> (Farnsworth) continues the Arizona Department of Transportation through July 1, 2028. The House version is better.
 WATCH
- SB1282 highways; bicycle paths; walkways; prohibition (Hoffman: Wadsack, Chaplik, et al) prohibits the Arizona Department of Transportation from accepting federal monies conditioned on, planning, designing or constructing bicycle paths or pedestrian walkways that are parallel to and separate from a highway or state route. OPPOSE
- <u>SB1567 off-highway vehicles; education requirement</u> (Kerr) establishes an Off-Highway Vehicle (OHV) Safety Education Course that is required for OHV operation beginning January 1, 2025. This is a good idea as there are a lot of people operating these vehicles in an unsafe manner. **WATCH**

Finance and Commerce Committee at 2:00 PM at SHR109

Members of the public may access a livestream of the meeting here.

- SB1506 municipalities; housing; commercial redevelopment; zoning (Shamp: Carroll, Gowan, et al.) says a municipality has to allow for adaptive reuse or multifamily dwellings on at least 75 percent of the commercial property. It allows cities to require certain things, including parks. WATCH
- SB1637 electric vehicle charging stations (Carroll: Bolick, Aguilar, et al) prohibits utilities from using ratepayer dollars for charging stations. We are continuing to discuss this bill, but for now are opposed as we are concerned about its constitutionality and also think there may be a simpler way to address it. Note the Arizona Corporation Commission currently prohibits utilities from using ratepayer dollars on charging, but this is within their authority. This bill is being advocated for by the fuel retailers, OPPOSE
- <u>SB1665 municipal development; permits; review</u> (Gowan) allows for private review of building permits if the city does not act in 15 days. **OPPOSE**

Tuesday, February 13th

House Natural Resources, Energy, and Water Committee at 2:00 PM in House Hearing Room (HHR) 1

Members of the public may access a livestream of the meeting here.

- HB2018 subsequent irrigation non-expansion area; removal (Griffin) requires the Arizona Department of Water Resources (ADWR) Director to review all subsequent irrigation non-expansion areas (INA) periodically to determine whether the areas continue to meet the criteria for INA designation and to remove the subsequent INA designation if the ADWR determines the area no longer meets specified criteria. INAs limit additional agricultural acreage from being irrigated. It raises the bar for establishing a new INA by petition, requiring it be signed by 10% of the voters in the area who also receive their drinking water from that basin. The problem with this is that it disenfranchises those who have already been harmed by overpumping of groundwater, whose wells may have dried up, and who are hauling water to meet their drinking water needs. It allows the big pumpers to petition for removal of an INA, requiring just 25 irrigation users to petition. There are other provisions as well. This bill is clearly intended to make it more difficult to establish additional INAs and to also make it easier to remove them. OPPOSE
- HB2025 residential lease community; water; requirements (Griffin) requires those who
 apply for a building permit for a residential dwelling located in a residential lease
 community within an active management area (AMA) to obtain a written commitment of
 water service or be located on land that qualifies as Central Arizona Groundwater
 Replenishment District member land. This appears to partially close the build to rent
 loophole. WATCH

- HB2026 residential lease community; water; certificate (Griffin) requires anyone
 applying for a building permit for six or more detached single-family residences within
 an active management area (AMA) in which any portion of the Central Arizona Project
 aqueduct is located to obtain a certificate of assured water supply or a written
 commitment of water service. WATCH
- <u>HB2028 groundwater model; unpledged storage credits</u> (Griffin) requires ADWR to assume that unpledged long-term storage credits are available for use in a groundwater model and relative to evaluating whether or not there is an assured water supply. This is another way to allow for unsustainable development in areas that really do not have an assured water supply. **OPPOSE**
- HB2029 groundwater model; unpledged effluent (Griffin) requires the ADWR Director to assume, for purposes of groundwater modeling, that unpledged effluent will be used to replace the groundwater demand in the basin. This is similar to the bill above.
 OPPOSE
- HB2030 cities; towns; water service; audit (Griffin) requires cities with more than 240,000 people that have an assured water supply designation in an initial AMA to hire an independent auditor to conduct a full rate audit and cost-of-service study of their water and sewer service. WATCH
- HB2061 subsequent active management area; removal (Griffin) a uthorizes ADWR to remove a subsequent AMA designations under certain conditions. If the limits on groundwater pumping are removed, the AMA will just revert to significant groundwater mining. There really are no conditions under which we should be doing this unless we are replacing an AMA with a stronger mechanism for limiting groundwater pumping.
 OPPOSE
- HB2127 assured water supply certificate; effluent (Griffin) allows a subdivision in an AMA to use effluent from the subdivision to meet its assured water supply designation.
 OPPOSE
- <u>HB2130 counties; maximum acreage; energy production</u> (Griffin) allows counties to
 establish a maximum acreage for energy production. This is aimed curtailing solar and
 wind projects. **OPPOSE**
- HB2131 residential utility consumer office; businesses (Griffin) directs the Residential
 Utility Consumer Office (RUCO) to add small commercial businesses to its
 responsibilities. Currently, it represents only residential consumers. This could create a
 conflict for this office. WATCH
- HB2133 solar panel disposal fund (Griffin) has a strike-everything amendment on it
 <u>S/E: study committee; solar panels</u>. The study committee is ill-defined and does not
 require anyone from the solar industry to be on it. The focus of the committee is on
 disposal and recycling of solar panels. They really don't need a bill to do this. WATCH
- <u>HB2186 remedial groundwater incentive; brackish groundwater</u> (Kolodin: Gillette, Jones, et al) d esignates the use of remediated groundwater for use in securing a certificate or designation of assured water supply as consistent with the management goal of the AMA. This is a bit concerning as it deems it as consistent with the goal without requiring a finding. **WATCH**
- HB2195 on-site wastewater treatment facilities; permitting (Hendrix) allows on-site
 wastewater treatment facilities to discharge using a general permit rather than an
 individual aquifer protection permit. There is a size limit, but this is still worth watching
 closely. We cannot afford more contamination of our groundwater. WATCH
- <u>HB2200 groundwater transportation; Harquahala nonexpansion area</u> (Dunn: Griffin) allows private entities to import water from the Harquahala Irrigation Nonexpansion Area into the Phoenix and Pinal AMAs. **OPPOSE**
- <u>HB2201 Harquahala non-expansion area; groundwater transportation</u> (Dunn: Griffin) allows groundwater to be transported from the Harquahala Irrigation Non-expansion Area to any location in La Paz County and adds private entities to the list of those who can do so. **OPPOSE**
- <u>HB2367 solid waste; fees; rules</u> (Griffin) authorizes the Arizona Department of Environmental Quality to establish various solid waste fees via rulemaking. The current fees in statute are far too low. **SUPPORT**
- <u>HB2646 power plants; public service corporations</u> (Bliss) Includes unworkable requirements for closing fossil fuel power plants and requires the attorney general to be engaged in opposing any federal rules that expedite the closure of fossil fuels plants. **OPPOSE**

- <u>HB2647 physical availability credits; water supply</u> (Smith: Griffin) allows a landowner who has an irrigation grandfathered right in an active management area to retire the land from irrigation, but retain a physical availability credit to non-irrigation use of the land. This specifically gets around assured water supply requirements for subdivisions in AMAs and allows continued groundwater mining without any replenishment. There must be replenishment when the irrigation grandfathered right is converted to a new credit as merely slowing the rate of groundwater depletion is not enough. **OPPOSE**
- HB2860 water conservation infrastructure; reimbursement (Livingston) allows the state
 treasurer to distribute up to \$200 million in prime contracting transaction sales tax
 revenues to a municipality or county for water conservation infrastructure
 improvements for the benefit of an economic development. I'm not sure why they are
 setting up yet another fund and are not just using existing programs for this. WATCH
- HCR2003 groundwater management; technical correction (Griffin) <u>S/E: sale housing</u> is a resolution saying that people ought not have to have an assured water supply to develop. **OPPOSE**
- HCR2050 energy source; restriction; prohibition (Griffin: Biasiucci, Bliss, et al) refers to
 the ballot a proposed constitutional amendment to prohibit a city, town, county or any
 other political subdivision of the state from restricting the manufacture, use or sale of a
 device based on the energy source that is either used to power the device or
 consumed by the device. Device is not defined, but this is clearly intended to preclude
 any limits on fossil fuels, including gas. OPPOSE
- <u>HCR2051 rural communities; groundwater; tools</u> (Griffin) resolves that the legislature will continue to provide rural Arizona with an "abundance of tools" to manage groundwater. Except they aren't. This is pure propaganda and misinformation. We will probably oppose this.

House Commerce Committee at 2:00 PM in HHR3

Members of the public may access a livestream of the meeting here.

<u>HB2884 zero-emission vehicle program; rebate</u> (Wilmeth: Biasiucci, Hernandez A)
 establishes an electric vehicle rebate program. This may be okay. I am still reviewing it.
 WATCH

Senate Appropriations Committee at 2:00 PM in SHR109

Members of the public may access a livestream of the meeting here.

• SB1221 basin management areas; appropriation (Kerr: Griffin) establishes a process for creating basin management areas via a petition with signatures from 15 percent of the registered voters in the basin who also get their drinking water in the basin. That excludes people who have already been harmed and who are hauling water. These basin management areas can only be established if land subsidence is endangering property or affecting water storage, and there is an accelerated decline in groundwater levels. The process for actually creating a basin management area is so convoluted and there are so many ways to stop or hinder it, we think it would be truly surprising if one was ever established if this bill became law. **OPPOSE**

Wednesday, February 14th - Happy Statehood Day!

Senate Committee on Government at 9:00 AM in SHR1

Members of the public may access a livestream of the meeting here.

- <u>SB1341 procurement; electric vehicles; forced labor</u> (Carroll: Bennett, Borrelli, et al.) prohibits state entities from buying or leasing any electric vehicles unless they have been certified not to use forced or child labor. We are good with having the state not support child labor. Why not apply this to all products? **WATCH**
- <u>SB1472 prohibited uses; public monies</u> (Kern) prohibits using any public money on diversity, equity, and inclusion. **OPPOSE**

House Government Committee at 9:00 AM in HHR3

Members of the public may access a livestream of the meeting here.

- HB2788 United Nations; sustainable development: prohibition (Jones: Biasiucci, Bliss et al.) prohibits cities, towns, and counties or the state or any political subdivision of the state from spending funding on adopting or implementing any of the sustainability goals included in the United Nations 2030 Goals for Sustainable Development.
 OPPOSE
- <u>HCM2002 national guard; mobilization; border</u> (Montenegro) asks the governor to deploy national guard to the border, promoting militarization of the border. **OPPOSE**

House Transportation & Infrastructure Committee at 1:30 PM in HHR3 Members of the public may access a livestream of the meeting here.

- Presentation on Arizona's Fuel Supply, Gordon Schremp, Senior Energy Advisor with Nemequ Analytics, LLC
- <u>HB2866 electric vehicles; registration fee</u> (Cook) imposes a \$135 registration fee on electric vehicles. We're still looking at this one. **WATCH**
- HCR2018 tax prohibition; vehicle mileage; monitoring (Grantham: Carbone, Carter, et al.) refers to the ballot a constitutional amendment that would prohibit any fees related to vehicle miles traveled. This is being considered as an alternative to gas taxes to fund roads. OPPOSE

House Appropriations Committee at 2:00 PM in HHR1

Members of the public may access a livestream of the meeting here.

HB2014 wells; intention to drill; appropriation (Griffin) requires the Arizona Department
of Water Resources (ADWR) to conduct an audit of all notices of intention to drill, and
appropriates an unspecified amount from the state General Fund for the audit. This will
distract ADWR from focusing on actually limiting groundwater pumping. OPPOSE

House Regulatory Affairs Committee at 2:00 PM in HHR5

Members of the public may access a livestream of the meeting here.

• <u>HCR2052 rulemaking; legislative approval</u> (McGarr: Gillette, Griffin, et al.) refers to the ballot a measure that would require the legislature to approve any rulemaking. This is an attempt to impede efforts by the governor and also has some separation of powers issue. **OPPOSE**

Senate Military Affairs, Public Safety, & Border Security at 2:00 PM in SHR2 Members of the public may access a livestream of the meeting here.

- SB1479 fireworks; aerials; licensure; penalties (Fernandez: Alston, Bennett, et al.) will have a strike everything amendment, but appears to be intended to allow aerial fireworks. OPPOSE
- SCR1042 support; Texas; southern border (Bolick: Bennett, Borrelli, et al.) supports
 Texas actions on the border. These actions are resulting in people dying. OPPOSE

Thursday, February 15th

Senate Natural Resources. Energy, Water Committee at 9:00 AM in SHR2. Members of the public may access a livestream of the meeting here.

- SB1041 groundwater savings certificate; assured water (Hoffman: Kern, Wadsack, et al) appears to be another way around the assured water supply requirements. It requires the Arizona Department of Water Resources to issue a groundwater savings certificate for development with a gray water system. WATCH
- SB1064 gasoline formulations; air quality (Wadsack: Bolick, Borrelli, et al) allows forother fuel formulations to be sold in areas with poor air quality and allows the Senate President and Speaker of the House to petition the Arizona Department of Environmental Quality to seek permission for selling these alternative formulations from the Environmental Protection Agency (EPA). The bill includes a conditional enactment, meaning that none of it can take effect unless EPA approves these formulations. While I wish they would worry more about air quality and the health of people in these areas, EPA cannot approve these if they allow backsliding on air quality. The Clean Air Act is clear on that. WATCH

- SB1079 state land auctions; electronic means (Kerr: Carroll, Diaz, et al) allows the Arizona State Land Department to accept bids for state trust lands via electronic means. I don't see any issues with this. WATCH
- <u>SB1146 disclosure</u>; <u>agricultural vaccinations</u>; <u>prohibition</u> (Kern: Rogers, Wadsack, et al) requires messenger RNA vaccine labeling for livestock and poultry and prohibits it from being labeled organic. **WATCH**
- <u>SB1241 tax credit; gray water systems</u> (Shope: Kerr) establishes a tax credit of up to \$5,000 for installation of a gray water system. It caps total tax credits for this program at \$25 million per year. **WATCH**
- <u>SB1243 groundwater sales; online exchange</u> (Wadsack: Bolick, Hoffman, et al) allows those in the Phoenix, Pinal, and Tucson active management areas who have grandfathered water rights to sell, lease, or convey the water or the rights to others in any of these active management areas. It requires a cut to the aquifer of 35 percent. There are several issues with this bill. It could exacerbate overpumping in certain areas and could result in increased pumping as it creates an incentive for those who hold grandfathered rights to use them in this way. **OPPOSE**
- <u>SB1264 Colorado River; pumping; notice; objection</u> (Borrelli: Biasiucci, Gillette) relates to well-drilling permits in communities adjacent to the Colorado River. **WATCH**
- <u>SB1430 wind farms; location limits</u> (Rogers) prohibits wind farms from being located within six miles of property that is not owned by the entity that owns the land on which the wind farm is being erected unless the property owner gives their permission. This is just a measure to stop wind power generation. There is no such requirement for polluting gas and coal plants. **OPPOSE**
- SB1520 appropriation; Page water infrastructure project (Hatathlie: Miranda) appropriates \$6 million for tunnel boring for the construction of an intake pump station near Glen Canyon Dam. WATCH
- SB1648 agricultural vaccinations; disclosure (Bennett) allows for labeling poultry, beef, etc. as being messenger RNA free if the animals did not get a MRNA vaccine. WATCH
- <u>SB1649 misbranding; misrepresenting; food products</u> (Bennett) limits labeling products as "meat" if they don't come from animals. **OPPOSE**
- <u>SCR1038 Arizona state parks heritage fund</u> (Kerr: Shope, Carbone, et al) refers to the ballot a measure to fund the Arizona State Parks Heritage Fund from the state lottery for \$10 million per year. This basically is reinstating the original funding for this program. **SUPPORT**

Senate Elections Committee at 2:00 PM in SHR1

Members of the public may access a livestream of the meeting here.

See agenda for Monday. It appears that they will do whatever they do not get to on Monday.

Friday, February 16th

Senate Committee on Government at 10:00 AM in SHR1

Members of the public may access a livestream of the meeting here.

See Senate Government agenda above.

Good News!

And now for bit of good news that can help us all brief easier. This week, the Environmental Protection Agency (EPA) released updated National Ambient Air Quality Standards for particulate matter (PM2.5), commonly referred to as "soot" as it comes primarily from burning. These rules will curb the deadly air pollutant that significantly harms public health, causing premature death and decreased lung function, and that is responsible for more than 100,000 deaths in the United States every year.

Read more here.

Thank you to everyone who commented on this and to the Biden Administration. This will make a difference!







