



Stop the Arizona Legislature's Attack on Clean Energy and Our Democracy!



January 30, 2021

Hi everyone!

I'm sorry this week's update is a day late. There are a lot of bills on the agendas and a lot of information to review. It seems like the majority at the Arizona Legislature is intent on pushing through as much legislation as they can as early as possible, so we have to stay vigilant to make sure something egregious does

not slip through the cracks. This week there are a lot of bills relating to voting, energy, and water, some we are just monitoring, but others have significant problems. We also have a few bills we are supporting!

Sadly, but not unexpectedly, the House and Senate Natural Resource, Energy, and Water Committees advanced [HB2248 corporation commission; electric generation resources](#) (Griffin) and [SB1175 corporation commission; electric generation resources](#) (Kerr: Gowan, Gray, et al.) along party lines. The bills target the clean energy rules being considered by the Arizona Corporation Commission (ACC). **Please contact your own legislators, even if you have previously done so, and ask them to oppose both bills.** [Use this link to send a message to your senator and two representatives](#) or use the button below. Thank you!

Please sign in on the [Request to Speak \(RTS\)](#) system to oppose HB2372, HB2441, HB2714, HB2737, HCM2003, HCM2004, SB1003, SB1020, SB1108, SB1116, SB1309, SB1358, and SB1364.

Please sign in to support HB2127, HB2333, HB2445, and SB1371.

If you had an account with [RTS](#) previously, it is still active. You can request a new password if you forgot it. If you do not have an account, go ahead and set one up, but we will have to help you activate it as it requires going to the Capitol. Contact me directly about that or reach out to [Civic Engagement Beyond Voting](#).

For people who would like to speak remotely in committee hearings, please contact me and I will help you submit your specific request.

Act on Clean Energy

[You can see bills we are tracking here.](#)

If you don't know who your legislators are, just use this [Find My Legislator link](#) and enter your address to find your district, then go to [Members](#) to see who represents your district. You will find their phone numbers and email addresses there as well.

This is your last chance to sign up for Environmental Day! See below for details.

Thank you for taking action. Be well and take care.



Sandy Bahr
Chapter Director
Sierra Club - Grand Canyon Chapter

Virtual Environmental Day at the Capitol

Wednesday, Feb 3, 8:30 AM - 4 PM

RSVP: bit.ly/envday21

For more information and to get involved, contact Sandy Bahr at (602) 999-5790 or sandy.bahr@sierraclub.org



Coming Up This Week at the Arizona Legislature

Monday, February 1st

[Land, Agriculture, and Rural Affairs Committee at 2:00 PM - View by going here.](#)

- [HB2127 appropriation; state parks; heritage fund](#) (Osborne: Blackman, Bowers, et al.) appropriates \$10 million from the general fund for the State Parks Heritage Fund to fund support for parks, trails, and cultural resource protection. **SUPPORT.**
- [HB2372 agricultural operations; nuisance; liability](#) (Dunn) significantly increases the requirements for bringing a nuisance action against an agricultural operation -- must bring the action within one year of the facility beginning operation and the person must be the property owner -- and it preempts local ordinances relative to regulation of these facilities as a nuisance. This is likely in response to complaints and actions against large concentrated animal feeding operations (CAFOs) that have significant smell, noise, and excessive lighting. **OPPOSE.**

[Senate Committee on Government at 2:00 PM](#)

- [SB1003 early voting; signature required; notice](#) (Ugenti-Rita) limits the amount of time counties have to allow someone to fix their early ballot by adding their signature if they forgot to sign it before mailing it in to 7:00 P.M. on Election Day. This bill is intended to toss out more votes and is really another voter suppression effort. **OPPOSE.**
- [SB1020 voting locations; electioneering](#) (Ugenti-Rita) removes the ability of a county recorder or other officer in charge of elections to designate emergency non-electioneering polling places. **OPPOSE.**
- [SB1068 elections manual; legislative council; GRRC](#) (Ugenti-Rita) requires the Secretary of State's election manual to be submitted for review by the Governor's Regulatory Review Council and Legislative Council. This appears to be intended to give the governor and legislature more influences on the conduct of elections, so we may oppose it. **MONITOR.**
- [SB1105 ballot measures; 200-word description](#) (Menard) increases to 200 words the short description that goes on ballot measure petitions. This seems like it is probably okay. **MONITOR.**
- [SB1116 state permitting dashboard](#) (Gowan: Wilmeth) requires a director of permitting, a permitting dashboard, requirements for concurrent permitting,

and more. The governor appoints the permitting director, so it would mean even more governor and political influence on day to day permitting. The Governor's Regulatory Review Council adopts rules for this, so even more Governor influence. **OPPOSE.**

- [SB1240 hand counts; precincts; procedures manual](#) (Townsend) requires ballots in counties using voting centers to be separated and grouped by precinct for hand counting. **MONITOR.**
- [SB1329 procedures manual; JLAC approval](#) (Gowan: Barto, Borrelli, et al.) requires the Secretary of State's official instructions and procedures manual to be submitted to the Joint Legislative Audit Committee for review and approval prior to issuance. This is similar to SB1068. **MONITOR.**
- [SB1358 recorders; voter registrations; public buildings](#) (Ugenti-Rita) prohibits a county recorder from conducting a voter registration drive or other similar voter registration event at any location that is not government owned. Why? **OPPOSE.**

[Senate Committee on Transportation and Technology at 2:00 PM](#)

- [SB1345 neighborhood electric shuttles](#) (Shope) establishes standards and requirements for these vehicles. It seems okay. **MONITOR**

Tuesday, February 2nd

[House Committee on Natural Resources, Energy, & Water at 2:00 PM](#)

- [HB2333 energy; water; savings accounts](#) (Pratt) limits to 25 years the term of a financial agreement for energy and water savings measures with cities, towns, and counties. It also includes a definition for energy cost savings. This will make it easier for schools and government to take advantage of energy and water efficiency programs. **SUPPORT..**
- [HB2388 water supply development fund; appropriation](#) (Griffin) expands who is eligible for the Water Supply Development Revolving Fund grants to include Natural Resource Conservation Districts, smaller counties, and private water companies. It appropriates \$50 million from the general fund for this program. **MONITOR.**
- [HB2440 hazardous vegetation removal; state forester](#) (Griffin) establishes a program for the State Forester to enter into intergovernmental agreements or memoranda of understanding with agencies to remove "hazardous vegetation" for the purposes of fire prevention and forest restoration. We are concerned about how this would actually be implemented and that the focus would not be on restoration. Fire prevention should not be the goal, but instead restoration of appropriate fire regime in fire-adapted ecosystems. **MONITOR.**
- [HB2441 water; substitute acreage](#) (Griffin) creates an end-around to the severance and transfer process by allowing a person who owns land that may be irrigated to retire that land and irrigate other land, if land currently being irrigated was damaged by floods or if the land has impediments to efficient irrigation. If the severance and transfer process is broken, it should be fixed for everyone, not for a few narrow interests. **OPPOSE.**
- [HB2445 lawn equipment emissions reduction program](#) (Dunn: Andrade, Barton, et al.) allows a county's voluntary law and garden equipment emissions reduction program to increase the voucher amount for commercial lawn mowers and expands the residential lawn mower vouchers to include manual reel lawn mowers. Currently, electric mowers qualify. **SUPPORT.**

- [HB2577 appropriation; water supply study](#) (Griffin: Bowers) is a bill to appropriate dollars for the study of water supplies. It currently has a blank amount. **MONITOR.**
- [HB2580 environmental quality omnibus](#) (Griffin) repeals several programs that are no longer active, including the express authorization related to the Clean Power Plan that was repealed by the Trump administration. It is a large bill with a lot in it, so I am going to review it for any hidden negative impacts. **MONITOR.**
- [HB2714 environmental technology; biomass; forestry](#) (Nutt) allows a company to qualify for the Arizona Commerce Authority's (ACA) Environmental Technology Assistance Program if it locates or makes additional capital investment in a facility that processes biomass and forestry industry products. This is a subsidy for biomass, which is not carbon neutral, pollutes, and does not focus on forest health. **OPPOSE.**
- [HB2737 corporation commission actions; investigation](#) (Parker: Barton, Biasiucci, et al.) allows any legislator to petition the attorney general to review any Arizona Corporation Commission (ACC) decision that the legislator believes is beyond its constitutional mandate and allow the AG to force a review by the Supreme Court. If the Court disagrees with the ACC, the budget of the ACC would automatically be reduced by 10% for a year. This is clearly intended to chill actions by the ACC due to the threat of lost budget. **OPPOSE.**
- [HCM2003 Colorado River; urging augmentation](#) (Griffin) indirectly encourages the feds to operate the Yuma Desalination Plant, a plant that is old and inefficient. They have no effective means of dealing with the brine and operation of this would redirect water from the Cienega de Santa Clara. **OPPOSE.**
- [HCM2004 floodwater harvesting; study; urging Congress](#) (Dunn: Barton, Biasiucci, et al.) asks the feds to fund a study to redirect water from the Mississippi to Arizona. This is ridiculous. **OPPOSE.**

[Senate Committee on Appropriations at 2:00 PM](#)

- [SB1177 forest products; processing; tax credit](#) (Kerr: Gowan, Gray, et al.) provides tax credits for industry that use "qualifying forest products," which is intended to focus on forest thinning, but also can include standing dead or down trees, which provide important habitat for wildlife and can help keep soil intact postfire. We would like to see it amended to focus more on thinning. **MONITOR.**
- [SB1335 off-highway vehicle recreation fund](#) (Gowan) requires posting the Off-Highway Vehicle Annual Report on a website. **MONITOR.**

[Wednesday January 27th](#)

Virtual Environmental Day at the Capitol!

[House Committee on Ways and Means at 9:00 AM](#)

- [HB2153 renewable energy storage equipment; valuation](#) (Dunn: Cobb, Cook) provides an exemption from state and municipal taxes for machinery and equipment used for energy storage for later electrical use. It would be helpful if this was limited to equipment that stores renewable energy generated electricity. **MONITOR.**

[Senate Committee on Finance at 9:00 AM](#)

- [SB1108 tax omnibus](#) (Mesnard) includes a tax on electric and hybrid vehicles but does not include an energy-equivalent increase in what gasoline and diesel vehicles pay. We are concerned that unnecessarily penalizes electric vehicles. **OPPOSE.**
- [SB1309 property classification; gasoline manufacturing equipment](#) (Shope: Borrelli, Contreras) gives a big property tax break to a facility that is manufacturing zero sulfur gasoline from natural gas. This is a bad investment and not clean. The fuel contributes to climate change. **OPPOSE.**

[House Committee on Government & Elections at 9:00 AM](#)

- [HB2265 rulemaking; expedited process; rule expiration](#) (Kavanagh) allows an agency to expedite expiration of a rule. **MONITOR.**
- [HB2342 recalls; city elections; signatures required](#) (Salman: Butler, Cano, et al.) clarifies that the signature calculation for a recall for city officials is based on the last general election where the officials were on the ballot. **MONITOR.**
- [HB2373 voter registration groups; forms; identifiers](#) (Dunn) requires unique identifiers on voter registration forms for groups that request 10 or more forms. **MONITOR.**
- [HB2430 publicity pamphlet; submittal dates](#) (Bolick: Kavanagh) allows these ballot arguments to be submitted at a later date than currently. **MONITOR.**
- [HB2526 incorporation; urbanized areas](#) (Pratt) makes numerous changes to incorporation. **MONITOR.**

[Senate Committee on Natural Resources, Energy, and Water at 2:00 PM](#)

- Healthy Forest Update - David Tenney, Director of the Department of Forestry and Fire Management
- [SB1364 aquifer protection permits; injection wells](#) (Kerr) includes yet another exemption from the aquifer protection permit (APP) program among many that primarily benefit mining and other large polluting interests. The APP program includes important protections for aquifers not included in other programs, including requiring that the proposed action seeking a permit meets aquifer water quality standards at the point of compliance. Aquifer water quality standards are drinking water standards. This was established as the Legislature and Governor understood at the time how important our aquifers were to the state's future, that water is precious and essential for life, and that protecting water and preventing pollution is cheaper and easier than cleaning it up. **OPPOSE.**
- [SB1365 underground storage tanks; performance standards](#) (Kerr) makes changes to the performance standards for underground storage tanks (UST). The UST program has become a big subsidy for the petroleum industry. It was meant to be a stop gap and a program to address orphan tanks, not supplant the need for private insurance to pay from leaky tanks. As long as it continues to bail them out when they have a leak, they will not have to utilize their private insurance. That being said, we do not necessarily object to this particular bill, but we do have a question about it. Why are they proposing to change the requirement that all new connected piping be installed when 50% requires replacement rather than the current 25%? Does the Arizona Department of Environmental Quality (ADEQ) have any research to indicate that this will have no impact on future leaks? Is there evidence to suggest that this will not result in more leaks? **MONITOR.**
- [SB1366 remediated water; groundwater; use](#) (Kerr) requires groundwater that is pumped as part of a clean up to be put to beneficial use in the same

- active management area by a city or town or by an irrigator. This is likely okay, but I want to look at it a little more closely. **MONITOR.**
- [SB1367 state mine inspector; qualifications](#) (Kerr) establishes additional qualifications for the mine inspector. This seems like a good thing, but the concern is always it is the fox guarding the henhouse. **MONITOR.**
 - [SB1368 water conservation notice; no forfeiture](#) (Kerr) allows entities that are entitled to use water to file a conservation plan describing conservation measures that they will implement and allows them to file and refile this notice for up to ten years -- they will not forfeit or abandon the water they do not use. It does not limit someone else from diverting the water, if they have a lower priority right. This will likely provide some benefit on the Middle Verde, but it is unclear how it would be applied or utilized in other river systems. **MONITOR.**
 - [SB1370 environmental quality; program terminations; repeal](#) (Kerr) repeals the termination dates for several Arizona Department of Environmental Quality (ADEQ) programs and places the Oil and Gas Conservation Commission within ADEQ. **MONITOR**
 - [SB1371 air quality; omnibus](#) (Kerr) includes changes to what kind of emissions testing is required and establishes the voluntary vehicle repair and retrofit program at the Arizona Department of Environmental Quality. The repair program does help to reduce emissions by helping those who cannot afford it to get their vehicle repaired to comply with emissions requirements. **SUPPORT.**
 - [SB1442 hazardous vegetation removal; state forester](#) (Kerr: Engel, Fann, et al.) is the same as HB2440. See above. **MONITOR.**
 - [SB1446 groundwater replenishment reserves](#) (Kerr) changes the “projected one-hundred-year replenishment obligation” to the district’s total projected annual groundwater replenishment obligation for each of the one-hundred years following submission of the district plan of operation rather than the 100-year supply. I am still evaluating this. **MONITOR.**

[House Committee on Appropriations upon adjournment of Floor](#)

- [HB2127 appropriation; state parks; heritage fund](#) (Osborne: Blackman, Bowers, et al.) is the same as on the LARA agenda. **SUPPORT.**

2021 Virtual Environmental Day at the Capitol

Environmental Day
February 3, 2021
8:30 A.M. - 4:00 P.M.
Participate for all or part of it.

[RSVP for Environmental Day](#)

On Environmental Day, join more than 300 hundred advocates from throughout Arizona in virtual meetings with state legislators to promote environmental protection and justice, climate action, lands and wildlife conservation, flowing rivers, democracy, and more, as well as to lobby on specific bills. Our keynote speaker on Environmental Day is Tucson Mayor, Regina Romero. Don't miss it!

Environmental Day at the Capitol is a coalition event involving more than 20 organizations and schools. [RSVP here.](#)

For more information and to get involved, contact Sandy Bahr at (602) 999-5790 or sandy.bahr@sierraclub.org.



Fossil Creek photo by Jennifer Martin

