



## AZ Corporation Commission Kills Clean Energy Rules



Arizona Corporation Commission

May 7, 2021

Hi everyone!

Before I get to the Legislature this week, I wanted to share the outcome of an important issue at the Arizona Corporation Commission (ACC). On Wednesday, following nearly three years of workshops, public meetings, and thousands of supportive comments, the ACC rejected an energy rules package after it was gutted by an amendment from Commissioner Justin Olson (R) and supported by Commissioner Lea Márquez-Peterson (R), the chair of the ACC. The amendment eliminated the carbon-free, energy efficiency, and storage requirements and made them optional. [Read more here.](#)

We are not giving up, but we really need commissioners who truly support clean energy. **Please call and email Commissioner Márquez-Peterson, and express your disappointment with her support for eliminating carbon and energy efficiency standards in the energy rules, leading to their defeat. She was the deciding vote and did a total about face on her support for the rules. She can be reached at (602) 542-3977 and [lmarquezpeterson-web@azcc.gov](mailto:lm Marquezpeterson-web@azcc.gov) and on social media at @LeaPeterson.**

**Please also thank Commissioners Sandra Kennedy and Anna Tovar for being strong advocates for the original rules, clean energy, and acting on climate. You can reach them at [sd Kennedy-web@azcc.gov](mailto:sd Kennedy-web@azcc.gov) and [to var-web@azcc.gov](mailto:to var-web@azcc.gov).**

Meanwhile at the Arizona Legislature, they were busy passing requirements for teachers to teach

both sides of "controversial" issues, thus requiring teaching that involves holocaust deniers, climate change deniers, and, well, just a lot of ridiculous misinformation. Nearly every day legislators come up with a new and outrageous way to undermine equity and justice efforts.

On the environmental front this week, the Governor signed [HB2691 \(now: ADEQ: water quality program; WOTUS\)](#) to enact the weak water program so the Arizona Mining Association got their bill. Sadly, it provides little protection for Arizona waters, leaving out nearly all of our ephemeral waters and ignoring critical water quality needs. It also does not address dredge and fill activities. Arizona has demonstrated once again why we need a strong Clean Water Act to protect all of our waters.

[SB1459 \(agency decisions; administrative reviews\)](#) was also signed by the Governor. It subjects the Arizona Corporation Commission (ACC) to the same type of court review as for state agencies -- the court does not have to rely on the ACC's findings and conclusions in an action before the court. It is clear that the intent of this bill is to undermine the work of the ACC and treat it like an agency rather than a separate branch of government.

[SB1003 \(early voting; signature required; notice\)](#) limits the amount of time available for county elections officials to allow someone to address a missing signature on an early ballot. It requires it to be done by 7pm on Election Day, so those ballots dropped off without signatures would automatically be disqualified. This will have a disparate impact on Tribal voters, especially in the more remote remote areas of the state. **Please ask Governor Ducey to veto it. You can reach him at 602-542-4331.**

[SB1485 \(permanent early voting list; eligibility\)](#) is still dead, for now, as the Republicans in the Senate continue to have disagreements about how and when to advance election bills. This bill removes voters from the PEVL if they do not vote an early ballot in two consecutive primary and general elections -- even if they actually vote in person during that time.

[HB2309 \(violent; disorderly assembly; public order\)](#) again did not come to the floor of the Senate this week, but we know it likely will. This bill targets protesters by increasing the penalties of lower level offenses to a felony if they are part of a gathering that the police have deemed a "violent or disorderly assembly." This will chill actions by protesters and have a disproportionate impact on people of color who are already targeted by law enforcement and will infringe on our First Amendment rights.

**[Please call and email your state senator and ask them to vote no on HB2309.](#)**

These other anti-democracy bills are still alive in the Legislature and have not moved in either House of the Legislature since last week:

- [HB2792 \(early ballots; request required\)](#) elections officials from providing an early ballot to someone who did not request it and makes it a class 6 felony to do so. This is ridiculous on so many levels, including that we do not currently allow mailing of ballots to people unless they have requested it. **This awaits Third Read in the Senate and will not likely move until Senator Townsend decides to start voting for election bills.**
- [SB1106 \(S/E registration; permanent early voting list\)](#) removes the requirement that a county recorder try to contact a voter at the voter's new residence address if an election notice is returned undeliverable. It makes it a felony to try and assist any other person that resides in another state in voting, including forwarding an early ballot addressed to the other person. **This bill awaits action in House Committee of the Whole.**
- [SB1531 \(petition signatures; description; invalidity\)](#) voids the signature of any initiative or referendum petition signer that signs the petition without either hearing or reading the description printed on the petition. This is another ridiculous requirement. We do not require people to read anything about candidates before signing their petitions or voting on anything, why to sign an initiative petition? It also says the circulator has to cross out a

signature if they think the person did not read or listen to the description. It is just a means of disqualifying more signatures. **It awaits action in the House Committee of the Whole.**

- [SB1713 \(S/E early ballots: identification: mailing\)](#) requires additional ID for early voting and creates a new reason to toss out early ballots if there's an error in writing the date of birth, driver's license number, or voter registration number. There are also issues with access to the appropriate numbers as there are more 66,000 registered voters without a driver's license -- communities of color, Native voters, seniors, young people, and low-income voters are most likely to be affected by this new requirement. **It awaits action in the House Committee of the Whole.**
- [HCR2001 \(initiatives: single subject: title\)](#) refers to the ballot a measure that narrows what can be included in a ballot measure and requires every subject to be in the title. This would make it impossible to place something on the ballot that is comprehensive, and again, would provide another reason to toss out a ballot measure on a technicality. **This awaits action in the Senate Rules Committee.**
- [HCR2016 \(initiatives: supermajority vote requirement\)](#) refers to the ballot a measure that would require a super-majority or 55% approval rather than a simple majority approval for all ballot measures. This is a difficult threshold and will limit opportunities to address important environmental, animal, and social justice issues. **It awaits action in the Senate Rules Committee.**
- [SCR1024 \(initiatives: tax increases: vote requirement\)](#) refers to the ballot a requirement that initiatives and referenda that include taxes have a two-thirds vote from voters. This is an extremely high bar for these ballot measures. **It awaits action in the House Committee of the Whole.**
- [SCR1034 \(voter protection act: court determinations\)](#) refers to the ballot a measure to allow the Legislature to amend, supersede or appropriate or divert funds created by an initiative or referendum measure approved by the voters if the measure is found to contain any illegal or unconstitutional language by the Arizona or US Supreme Court. This would allow the legislature to throw out an entire measure, even if a small part was successfully challenged and would blow a big hole in the Voter Protection Act. **It awaits action in the House Caucuses.**

[HB2248 \(corporation commission: electric generation resources\)](#) is staying on our watch list until the session ends. This bill infringes on the powers of the Arizona Corporation Commission (ACC) and seeks to derail clean energy rules that have already been derailed by the ACC itself, so perhaps the Legislature will lose its interest.

Stop the attack on right to protest!

[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.

Thank you for taking action on clean energy and more!



Sandy Bahr  
Chapter Director  
Sierra Club - Grand Canyon Chapter





## Coming Up This Week at the Arizona Legislature

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The House and Senate will primarily be engaged in Floor actions. You can watch the Floor action in the Arizona House and Senate by using this [link](#).



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Sierra Club Grand Canyon Chapter