

ARIZONA HOUSE OF REPRESENTATIVES
Forty-ninth Legislature – Second Regular Session

**COMMITTEE ON NATURAL RESOURCES
AND RURAL AFFAIRS**

Minutes of Special Meeting
Thursday, April 8, 2010
House Hearing Room 4 -- 8:00 a.m.

Chairman Konopnicki called the meeting to order at 8:03 a.m. and attendance was noted by the secretary.

Members Present

Ms. Fleming
Mr. McComish
Mrs. Pancrazi

Mr. Pratt
Mr. Weiers JP

Mr. Jones, Vice-Chairman
Mr. Konopnicki, Chairman

Members Absent

Mr. Deschene (excused)

Committee Action

SB1085 – DP (6-0-0-2)
SB1171 – DP (6-0-0-2)
SB1195 – DPA (7-0-0-1)
SB1224 – HELD BY CHAIRMAN

SB1241 – DPA S/E (7-0-0-1)
SB1410 – DP (7-0-0-1)
SB1411 – DP (6-1-0-1)
SCR1047 – DP (7-0-0-1)

CONSIDERATION OF BILLS

SB1171 - aggregate mining reclamation reports – DO PASS

Vice-Chairman Jones moved that SB1171 do pass.

Thomas Adkins, Majority Research Analyst, explained that SB1171 requires the owner or operator of an aggregate mining facility to submit an annual status report for each reclamation plan (Attachment 1).

Vice-Chairman Jones announced the names of those who signed up in favor of SB1171 but did not speak:

Laurie Swartzbaugh, Deputy Director, Arizona State Mine Inspector

Question was called on the motion that SB1171 do pass. The motion carried by a roll call vote of 6-0-0-2 (Attachment 2).

SB1195 - state land department; fees; funds – DO PASS AMENDED

Vice-Chairman Jones moved that SB1195 do pass.

Diane Lenkowsky, House Majority Intern, explained that SB1195 changes the statutorily mandated fee structure of the State Land Department (Attachment 3).

Vice-Chairman Jones moved that the Konopnicki ten-line amendment dated 04/06/10 (Attachment 4) be adopted.

Ms. Lenkowsky explained that the amendment (Attachment 4) stipulates that in FY2011 the first \$2,060,000 collected by the State Land Department from fees will be deposited into the General Fund.

Senator John Nelson, sponsor, thanked the Committee for hearing the bill.

Vanessa Hickman, Arizona State Land Department, stated her support for SB1195 and stressed its importance to the Department. She added that the amendment will take away any perceived impact on the General Fund.

Vice-Chairman Jones announced the names of those who signed up in favor of SB1195 but did not speak:

Maria Baier, State Land Commissioner, Arizona State Land Department

Patrick Bray, Arizona Cattlemen's Association

Question was called on the motion that the Konopnicki ten-line amendment dated 04/06/10 (Attachment 4) be adopted. The motion carried.

Vice-Chairman Jones moved that SB1195 as amended do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 5).

SB1085 - orders of protection; animals – DO PASS

Vice-Chairman Jones moved that SB1085 do pass.

Diane Lenkowsky, House Majority Intern, explained that SB1085 allows a court to grant custody of an animal to a petitioner of an order of protection (Attachment 6).

Senator Linda Gray, sponsor, explained that in a domestic violence situation oftentimes a pet is used as leverage by the abuser to control the family. She thanked the Committee for hearing this bill.

Pat Lukensmeyer, representing self, appeared in support of SB1085. She told her story as a survivor of domestic abuse, including the mistreatment of her dog by her abuser. She explained that shelters and laws do not protect pets when a woman attempts to leave an abusive situation.

Vice-Chairman Jones announced the names of those who signed up in favor of SB1085 but did not speak:

Kari Nienstedt, Arizona State Director, Humane Society of the United States

Kathleen Mayer, Pima County Attorney's Office

Kendra Leiby, Arizona Coalition Against Domestic Violence

Rick Hovden, Tucson Police Department

Paul Ahler, Arizona Prosecuting Attorneys' Council

Chris Fike, representing self

Eric Ehst, National Organization for Women

Ray Churay, Deputy Director, Maricopa County Sheriff's Office

Mary Marshall, Arizona Criminal Justice Commission

Karen Michael, Animal Defense League of Arizona

Question was called on the motion that SB1085 do pass. The motion carried by a roll call vote of 6-0-0-2 (Attachment 7).

SB1241 - water recharge; direct use. – DO PASS AMENDED S/E
S/E: expenditure limitation; town of Superior

Vice-Chairman Jones moved that SB1241 do pass.

Vice-Chairman Jones moved that the Pratt eleven-line strike-everything amendment dated 4/6/10 (Attachment 8) be adopted.

Diane Lenkowsky, House Majority Intern, explained that the strike-everything amendment (Attachment 8) to SB1241 modifies the penalties for exceeding expenditure limitations for the Town of Superior (Attachment 9).

Michael Hing, Mayor, Town of Superior, having testified before this Committee on HB2394, reiterated the need for this legislation which will allow Superior to avoid a large penalty for exceeding state expenditure limitations.

Question was called on the motion that the Pratt eleven-line strike-everything amendment dated 4/6/10 (Attachment 8) be adopted. The motion carried.

Vice-Chairman Jones moved that SB1241 as amended do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 10).

SB1410 - trust land exchanges; military preservation – DO PASS

Vice-Chairman Jones moved that SB1410 do pass.

Diane Lenkowsky, House Majority Intern, explained that SB1410 revises the process to review and evaluate proposed state trust land exchanges and contains a conditional enactment clause which requires an amendment to the Arizona Constitution for the bill to become effective (Attachment 11).

Senator John Nelson, sponsor, explained that this bill establishes the policies and procedures to be followed in order to preserve land for the military and to preserve the \$10 billion industry in Arizona.

Vice-Chairman Jones announced the names of those who signed up in favor of SB1410 but did not speak:

Vanessa Hickman, Arizona State Land Department
Maria Baier, State Land Commissioner, Arizona State Land Department
Sandy Bahr, Conservation Director, Sierra Club - Grand Canyon Chapter
Amy Duffy, Marine Corps Air Station, Yuma
Steve Yamamori, Executive Director/CEO, Fighter Country Partnership

Question was called on the motion that SB1410 do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 12).

SCR1047 - state lands; military installation preservation – DO PASS

Vice-Chairman Jones moved that SCR1047 do pass.

Diane Lenkowsky, House Majority Intern, explained that SCR1047 authorizes the disposition or exchange of state trust lands in order to protect military installations upon approval of the voters and if certain conditions are met (Attachment 13).

Senator John Nelson, sponsor, explained that this bill is the Constitutional piece that must be approved by the voters in order to do the military preservation described in SB1410.

Vice-Chairman Jones announced the names of those who signed up in favor of SCR1047 but did not speak:

Vanessa Hickman, Arizona State Land Department
Maria Baier, State Land Commissioner, Arizona State Land Department
Sandy Bahr, Conservation Director, Sierra Club - Grand Canyon Chapter
Amy Duffy, Member, Duffy Consulting, Marine Corps Air Station, Yuma
Steve Yamamori, Executive Director/CEO, Fighter Country Partnership

Question was called on the motion that SCR1047 do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 14).

SB1411 - animal identification systems; participation (now: dairy farms; zoning; agricultural purpose) – DO PASS

Vice-Chairman Jones moved that SB1411 do pass.

Thomas Adkins, Majority Research Analyst, explained that SB1411 specifies that a dairy operation is a general agricultural purpose and is not subject to certain planning and zoning regulations (Attachment 15).

Senator John Nelson, sponsor, thanked the Members for hearing this bill.

Vice-Chairman Jones announced the names of those who signed up in opposition to SCR1047 but did not speak:

Sandy Bahr, Conservation Director, Sierra Club - Grand Canyon Chapter

Karen Michael, Animal Defense League of Arizona

Question was called on the motion that SB1411 do pass. The motion carried by a roll call vote of 6-1-0-1 (Attachment 16).

SB1224 - notice of tax valuation; contents (now: consolidation; sanitary districts) – S/E
S/E: pest management; department of agriculture - DISCUSSED AND HELD BY
CHAIRMAN

Mr. Pratt noted that the strike-everything amendment to SB1224 was posted after the deadline and inquired about the proper procedure.

Chairman Konopnicki stated that, without objection, the strike-everything amendment to SB1224 which was posted a few minutes late will be heard. There were no objections.

Vice-Chairman Jones moved that SB1224 do pass.

Vice-Chairman Jones moved that the Jones fifty-one-page strike-everything amendment dated 4/6/10 (Attachment 17) be adopted.

Vice-Chairman Jones moved that the Jones nine-line amendment dated 4/7/10 (Attachment 18) to the Jones fifty-one-page strike-everything amendment be adopted.

Thomas Adkins, Majority Research Analyst, explained that the strike-everything amendment (Attachment 17) to SB1224 is essentially identical to HB2449 which passed last week. It transfers the Office of Pest Management to the Department of Agriculture, effective in 2012, makes numerous related statutory changes, and establishes the Structural Pest Management Advisory Council (Attachment 19).

He explained that the Jones nine-line amendment (Attachment 18) appropriates \$60,000 to the Department of Agriculture from the Dangerous Plants, Pests, and Diseases Fund for the eradication of pests of concern to the state.

Rick Lavis, Arizona Cotton Growers Association, stated his opposition to this legislation because there has been no involvement of his agency or other stakeholders.

Chairman Konopnicki asked if his objection was to his lack of involvement or to some structural piece that will be detrimental to agriculture. Mr. Lavis replied that he has not had an opportunity to evaluate this legislation.

Chairman Konopnicki stated that the Legislature is trying to save money and reduce government departments. This legislation will save \$300,000 and eliminate one department. Mr. Lavis

stated that there may be merit to the bill, but changes to the department should be discussed by everyone affected.

Bas Aja, Arizona Cattlemen's Association, testified against the bill, saying that the Office of Pest Management is not a proper partner for the Department of Agriculture at this time.

Kenneth Fredrick, Conquistador Pest & Termite, appeared in support of SB1224, stating that as a small business owner he is in favor of trying this out and reporting to the Department of Agriculture. He added that over 400 pest control agencies support this change, which will save the state money.

Chairman Konopnicki stated that Pest Management will have a Deputy Director and be one of the departments under the Department of Agriculture.

Vice-Chairman Jones stated that this has a delayed effective date so the changes will not take place for two years. He added that this change will allow Agriculture to have the benefits of economies of scale.

Mr. Fredrick stated that separating residential from commercial pest control will be a nightmare and will require more work in the future.

Jack McClure, Arizona Pest Management Association, testified in support of this legislation and stressed that he knows no one in his industry who is against this.

Robert Shuler, Arizona Crop Protection Association, Western Growers, stated that Western Growers is in opposition to this legislation while Arizona Crop Protection Association is neutral. In response to a question, Mr. Shuler stated that Western Growers is opposed because of questions and concerns about the language and definitions in the bill.

Mrs. Pancrazi asked if the Department of Agriculture can do what is required in this legislation.

Jack Peterson, Arizona Department of Agriculture, replied in the affirmative and stated his support for the strike-everything amendment to SB1224.

Vice-Chairman Jones discussed the practicability of merging the two departments and the issue of residential and commercial applications.

Vice-Chairman Jones announced the names of those who signed up in support of SB1224 but did not speak:

Joe Sigg, Lobbyist, Arizona Farm Bureau
Shelly Tunis, Attorney, Yuma Fresh Vegetable Association
Gavin Gallifant, representing self
Dave Burns, representing self
Scott Richardson, representing self

Chairman Konopnicki stressed that he is very supportive of agriculture but that he does not see how this bill can be advanced to the satisfaction of everyone.

Chairman Konopnicki announced that SB1224 will be held.

Vice-Chairman Jones withdrew the motion that the Jones nine-line amendment dated 4/7/10 (Attachment 18) to the Jones fifty-one-page strike-everything amendment be adopted.

Vice-Chairman Jones withdrew the motion that the Jones fifty-one-page strike-everything amendment dated 4/6/10 (Attachment 17) be adopted.

Vice-Chairman Jones withdrew the motion that SB1224 do pass.

Without objection, the meeting adjourned at 9:06 a.m.

Jane Dooley, Committee Secretary
April 20, 2010

(Original minutes, attachments and audio on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)