



2013 Environmental Report Card *Arizona Legislature and Governor*

Issued July 2, 2013



"But love of wilderness is more than a hunger for what is always beyond reach; it is also an expression of loyalty to the earth, the earth which bore us and sustains us, the only home we shall ever know, the only paradise we ever need – if only we had the eyes to see." –Edward Abbey, Desert Solitaire



2013 Environmental Report Card

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Photos on front cover by Scott Jones, Jerry Nelson, and J. Brew

51st Legislature Ensures More Environmental Damage Puts at Risk Health and Safety, Wildlife Habitat, and Constitutional Rights

The 51st Arizona Legislature adjourned *sine die* at 12:59 a.m. on the 151st day of the Legislative session, but not before it had passed legislation to put at risk health and safety; public lands, wildlife habitat, and cultural resources; and constitutional rights to initiative and referendum.

In the waning hours of the legislative session, the majority pushed through a very bad elections bill. [HB2305 initiatives; filings: circulators](#) (Farnsworth) passed out of the House and Senate and was signed by the Governor. It is currently the subject of a citizen referendum, but, if enacted into law, the bill would suppress voting by making it more difficult to stay on the Permanent Early Voting List. It also erects significant roadblocks to citizen initiatives and referenda. Apparently, as part of the budget deal, the Governor and some members of the majority had indicated they would do what they could to kill HB2305. That deal did not hold, however, and, ultimately, Senator Steve Pierce switched his vote from “nay” to “aye” to allow HB2305 to pass in the Senate. Governor Brewer signed it.

The good news at the end of the legislative session was they did not bring the terrible energy efficiency bill to the floor – [HB2404 NOW: building codes; energy efficiency](#) (Carter). Due to solid opposition from the Democratic Caucus and a core group of Republicans, the votes were not there to get it passed. HB2404 would have prohibited local government from adopting more energy-efficient building codes, which are one of the most cost-effective ways to reduce energy use and to save ratepayers money. The bill was being pushed by the Homebuilders of Central Arizona and supported by Arizona Public Service (APS).

The budget was passed in an unprecedented special session in which the Speaker and Senate President were not involved in the bills that reached the floor. The budget went directly to the Floor of the House – where it passed by nine Republicans and all of the Democrats – and the Floor of the Senate – where all the Democrats plus five or six Republicans voted in favor, depending on the bill. There was nothing spectacular in the budget for environmental protection, but mostly no harm was done there. The budget did include some additional funding for the arts and parks, as well as a provision to keep State Parks around for another 10 years, so that was a plus.

Building upon last year’s passage of the “Polluter Protection Act,” also known as Environmental Audit Privilege, the Arizona Legislature passed and Governor Brewer signed into law [HB2485 health and safety audit privilege](#) (Carter, Stevens: Barton, et al.). It grants a “privilege,” which is basically secrecy, for violations of health and safety laws and harm that might not be a violation. This provides protections for bad actors as they will not have to bear public scrutiny for repeat violations and also will not be subject to any kind of civil action that relates to the information in audits. In addition to all the other problems with this type of secrecy, it also encourages cozy relationships between businesses and regulators.

This year, 33 House members and 16 senators received failing grades, meaning they voted correctly on two or fewer bills. On a positive note, 11 representatives and seven senators

earned an “A+,” which means they voted 100 percent pro-environment and also did not miss a vote on the key bills we scored. Three senators and 10 House members also received an “A.” Governor Brewer earned an “F,” just as she has throughout her administration. She did not veto any of the anti-environmental legislation; none of the positive bills reached her desk.

Senators were graded using 12 votes, and House members were graded using 11 votes. Governor Jan Brewer was graded on six bills. Everyone was graded on a curve. The bills focused on a number of issues, including energy efficiency, elections, public lands, water quality, and secrecy for health and safety violations.

2013 ENVIRONMENTAL REPORT CARD

F	Governor Brewer
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SENATE GRADES

HOUSE GRADES

A+	Bradley, Farley, Gallardo, Hobbs, Landrum Taylor, Lopez, and Tovar
A	Ableser, Cajero Bedford, and Jackson
B	Meza
C	McGuire
D	Crandall and Pancrazi
F	Barto, Biggs, Burges, Crandell, Driggs, Griffin, McComish, Melvin, Murphy, S. Pierce, Reagan, Shooter, Ward, Worsley, Yarbrough, and Yee

A+	Alston, Campbell, Dalessandro, Gallego, Larkin, Mach, McCune Davis, Peshlakai, Quezada, Saldate, and Steele
A	Contreras, Gabaldón, Gonzales, Hernández, Meyer, Mendez, Miranda, Otondo, Sherwood, and Wheeler
B	Cardenas, Escamilla, and Hale
C	
D	Brophy McGee, Carter, and Ugenti
F	Allen, Barton, Borrelli, Boyer, Coleman, Dial, Fann, Farnsworth, Forese, Goodale, Gowan, Gray, Kavanagh, Kwasman, Lesko, Livingston, Lovas, Mesnard, Mitchell, Montenegro, Olson, Orr, Peterson, J. Pierce, Pratt, Robson, Seel, Shope, Smith, Stevens, Thorpe, Tobin, and Townsend

CONSERVATION CHAMPIONS



Sen. David Bradley
(D-10)



Sen. Steve Farley
(D-9)



Sen. Steve Gallardo
(D-29)



Sen. Katie Hobbs
(D-24)



Sen. Leah Landrum Taylor
(D-27)



Sen. Linda Lopez
(D-2)



Sen. Anna Tovar
(D-19)



Rep. Lela Alston
(D-24)



Rep. Chad Campbell
(D-24)



Rep. Andrea Dalessandro
(D-2)



Rep. Ruben Gallego
(D-27)



Rep. Jonathan Larkin
(D-30)



Rep. Stefanie Mach
(D-10)



Rep. Debbie McCune Davis
(D-30)



Rep. Jamescita Peshlakai
(D-7)



Rep. Martin Quezada
(D-29)



Rep. Macario Saldate, IV
(D-3)



Rep. Victoria Steele
(D-9)

A fairly large group of Democratic senators and representatives earned an “A+” on the Environmental Report Card this session. In the Senate, this group included Senators David Bradley (D-10), Steve Farley (D-9), Steve Gallardo (D-29), Katie Hobbs (D-24), Leah Landrum Taylor (D-27), Linda Lopez (D-2), and Anna Tovar (D-19). In the House, it included Representatives Lela Alston (D-24), Chad Campbell (D-24), Andrea Dalessandro (D-2), Ruben Gallego (D-27), Jonathan Larkin (D-30), Stefanie Mach (D-10), Debbie McCune Davis (D-30), Jamescita Peshlakai (D-7), Martin Quezada (D-29), Macario Saldate, IV (D-3), and Victoria Steele (D-9). Everyone on the “A+” list voted pro-environment 100 percent of the time and did not miss any of the votes on bills we scored. They voted against secrecy for bad actors and abandoning protection of resources and public lands. They supported funding for State Parks in the budget and strongly opposed bills to undermine constitutional rights to initiative and referendum. They even opposed the terrible messages to Congress on endangered species and the Clean Air Act.

ENVIRONMENTAL GUARDIANS



Sen. Ed Ableser (D-26)



Sen. Olivia Cajero Bedford (D-3)



Sen. Jack Jackson, Jr. (D-7)



Rep. Lupe Contreras (D-19)



Rep. Rosanna Galbadón (D-2)



Rep. Sally Gonzales (D-3)



Rep. Lydia Hernández (D-29)



Rep. Juan Mendez (D-26)



Rep. Eric Meyer (D-28)



Rep. Catherine Miranda (D-27)



Rep. Lisa Otondo (D-4)



Rep. Andrew Sherwood (D-26)



Rep. Bruce Wheeler (D-10)

Senators and representatives who earned an “A” on the report card were environmental guardians during another difficult legislative session for environmental protection. They opposed anti-clean-energy bills, exemptions for the mining industry, and a bill to weaken protections for public lands from irresponsible off-road vehicles. **Senators Ed Ableser (D-26), Olivia Cajero Bedford (D-3) and Jack Jackson, Jr. (D-7) and Representatives Lupe Chavira Contreras (D-19), Rosanna Galbadón (D-2), Sally Gonzales (D-3), Lydia Hernández (D-29), Eric Meyer (D-28), Juan Mendez (D-26), Catherine Miranda (D-27), Lisa Otondo (D-4), Andrew Sherwood (D-26), and**

Bruce Wheeler (D-10) all received an “A” for opposing all but one of the bad environmental bills, as well as the terrible elections bills. (Note: In some cases, members merely missed one vote.)

ENVIRONMENTAL WRECKING CREW

There continues to be a significant partisan divide on environmental protection at the Arizona Legislature. Similar to the last several sessions, most of the Republican caucus in the Senate and House earned failing grades on this year’s report card.

The “Environmental Wrecking Crew” list includes everyone who earned an “F” on the report card – that means their total scores were seven or less in the Senate and six or less in the House. Many of the legislators who received an “F” voted pro-environment only once. The low scores reflect votes in support for secrecy regarding health and safety violations, reckless off-highway vehicle activity, and efforts to weaken citizen initiative rights. Failing in the Senate were **Senators Nancy Barto** (R-15), **Andy Biggs** (R-12), **Judy Burges** (R-22), **Chester Crandell** (R-6), **Adam Driggs** (R-28), **Gail Griffin** (R-14), **John McComish** (R-18), **Al Melvin** (R-11), **Rick Murphy** (R-21), **Steve Pierce** (R-1), **Michele Reagan** (R-23), **Don Shooter** (R-13), **Kelli Ward** (R-5), **Bob Worsley** (R-25), **Steven Yarbrough** (R-17), and **Kimberly Yee** (R-20).

Representatives John Allen (R-15), **Brenda Barton** (R-6), **Sonny Borrelli** (R-5), **Paul Boyer** (R-20), **Doug Coleman** (R-16), **Jeff Dial** (R-18), **Karen Fann** (R-1), **Eddie Farnsworth** (R-12), **Tom Forese** (R-17), **Doris Goodale** (R-5), **David Gowan, Sr.** (R-14), **Rick Gray** (R-21), **John Kavanagh** (R-23), **Adam Kwasman** (R-11), **Debbie Lesko** (R-21), **David Livingston** (R-22), **Phil Lovas** (R-22), **J.D. Mesnard** (R-17), **Darin Mitchell** (R-13), **Steve Montenegro** (R-13), **Justin Olson** (R-25), **Ethan Orr** (R-9), **Warren Petersen** (R-12), **Justin Pierce** (R-25), **Frank Pratt** (R-8), **Bob Robson** (R-18), **Carl Seel** (R-20), **T.J. Shope** (R-8), **Steve Smith** (R-11), **David Stevens** (R-14), **Bob Thorpe** (R-6), **Andy Tobin** (R-1), and **Kelly Townsend** (R-16) also received failing grades, supporting many of the same terrible bills. They also supported the bad messages to Congress on clean air.

2013 Environmental Report Card

Bill Summaries

[HB2305 initiatives; filings: circulators](#) (Farnsworth) makes several changes to the election laws. It requires that petitions filed for an initiative or referendum be organized by county, circulator, and notary. While asking that petitions be organized is not a problem, using that as a reason to disqualify signatures is. Because the bill also requires “strict compliance,” it means these signatures could be disqualified merely because they are out of order. Signatures could also be tossed out for other technical reasons. This could disenfranchise those who sign a petition lawfully merely because their names are on a petition that is out of order.

The bill also makes it more difficult for people to stay on the Permanent Early Voting List and, in effect, makes that a temporary list. HB2305 seeks to discourage people from delivering early ballots, as well, and makes it a misdemeanor for someone to deliver a ballot for someone else, such as if that individual happens to be working for a campaign. Why would we want to discourage people from helping someone vote? It is truly unconscionable that the Arizona Legislature is trying to suppress voter turnout in this way.

The Sierra Club opposed this bill.

Points: Yes 0, No 5

This bill passed out of the House [33-26-1](#) and the Senate [16-13-1](#) and was signed by the Governor. It is currently the subject of a citizen referendum, which the Sierra Club is supporting.

[HB2404 NOW: building codes; energy efficiency](#) (Carter) would have prohibited local government from adopting more energy-efficient building codes. Implementing energy-efficient building codes is one of the most cost-effective ways to reduce energy use and save consumers money.

The bill stated that “[a]ffordable housing and the regulation of residential energy consumption and energy efficiency pursuant to this section is not subject to further regulation by a county, city, town or other political subdivision of this state.”

Efficient homes are more affordable, reduce default and foreclosure risk, drive down the short-term and long-term cost of energy, improve air quality, reduce stress on our electrical grid, defer the need to construct costly new energy infrastructure, and decrease greenhouse gas emissions. Energy efficient homes are 32 percent less likely to go into default.¹ On average, Arizona homeowners with a home built under the 2012 energy code will save \$6,550 over 30 years, and, each year, the reduction to energy bills will significantly exceed any increased mortgage costs.²

¹ Institute for Market Transformation, *Home Energy Efficiency and Mortgage Risks*, http://www.imt.org/uploads/resources/files/IMT_UNC_HomeEEMortgageRisksfinal.pdf (2013).

² Department of Energy, *Arizona Energy and Cost Savings for New Single- and Multifamily Homes: 2009 and 2012 IECC as Compared to the 2006 IECC*, <http://www.energycodes.gov/sites/default/files/documents/ArizonaResidentialCostEffectiveness.pdf>.

This bill was pushed by the Homebuilders of Central Arizona and supported by Arizona Public Service (APS) and Tucson Electric Power (TEP). Apparently, these utilities want their ratepayers to continue to use more electricity than they need. The Homebuilders have consistently opposed any standards or codes to protect consumers.

The Sierra Club opposed this bill.

Points: Yes 0, No 5

This bill was resurrected as a strike-everything amendment after the original bill (SB1321) died in the House Energy, Environment, and Natural Resources Committee. It passed out of the Senate on Third Read [16-12-2](#) but was never brought to the Floor of the House for a Final Read, so it died – again.

[HB2485 health and safety audit privilege](#) (Carter, Stevens: Barton, et al.) expands the provisions of last year’s “Polluter Protection Act,” which now provides a shield of secrecy for bad actors relative to violations of environmental laws and protections. HB2485 applies that same bad idea to health and safety protections.

The bill was amended in the Senate in several ways, but none of them take care of the basic problems of allowing for more secrecy/“privilege” relative to violations of law and prohibitions on using any of the information in the audit for enforcement actions relative to legal, civil, or administrative actions. That means the information could not be used to fine a company that had a major violation of a health and safety law. It does exempt health professionals and health care institutions from this privilege opportunity as legislators were concerned that abortion clinics could keep information from them. Why is the secrecy okay at a daycare facility, a power plant, or even a restaurant? Shouldn’t workers in these facilities and the public affected by them have the same protections?

Arizona Public Service (APS) pushed this bill through the Legislature with some help from mining interests and other industries that apparently have a lot to hide.

The Sierra Club opposed this bill.

Points: Yes 0, No 5

This bill passed out of the Senate on Third Read [18-11-1](#) and in the House on Final Read [40-19-1](#). It was signed by Governor Brewer.

[HB2551 NOW: off-highway vehicles; use; authority; enforcement](#) (Gowan) states that law enforcement, including Arizona Game and Fish Department wildlife managers and the county sheriffs, can ignore damage to wildlife habitat from off-highway vehicles (OHVs) and can do **no** enforcement of violations of OHV laws on federal public lands that have been closed to OHVs – these are the lands that need the most protection and have been closed primarily to protect resources. Unmanaged OHV use significantly harms wildlife, wildlife habitat, native vegetation, and cultural sites, plus it impairs air quality and spreads non-native invasive plants. This bill is just plain irresponsible.

It was pushed through the Legislature by the Arizona Game and Fish Commission, an entity plagued by scandals and one that is out of touch and unaccountable to the larger public.

The Sierra Club opposed this bill.

Points: Yes 0, No 4

This bill passed out of the Senate on Final Read [19-10-1](#) and in the House on Final Read [34-25-1](#). It was signed by Governor Brewer.

[HB2573 prohibited governmental compliance; 2012 NDAA](#) (Seel, Burges, Barton, et al.) included provisions that would prohibit any entity from recognizing the United Nations or any of its declarations. The state and all of its political subdivisions would have been “prohibited from directly and knowingly, for the express purpose of adopting or implementing the United Nations Rio Declaration on Environment and Development and the Statement of Principles for Sustainable Development” expending any dollars. A worse version of the bill was originally introduced in the Senate but was amended to be similar to this version. (See SB1403.)

The language in this bill was better suited to a memorial or letter or, better yet, not at all. The [Rio Declaration](#)³ that the legislators are so concerned about contains 27 principles of sustainable development, including intergeneration and intragenerational equity, the precautionary principle, the polluter-pays principle, participation and access to information and judicial and administrative proceedings, environmental impact assessment, and prior notification. What is wrong with that?

This bill was pushed by Senator Burges, members of the John Birch Society, and some people engaged with the Tea Party.

The Sierra Club opposed this bill.

Points: Yes 0, No 4

This bill passed out of the House on Third Read [34-24-2](#) but was held in the Senate, so it died.

[HB2621 fund; state parks; roads; fee](#) (Escamilla, Cardenas, Contreras, et al.) would have established an optional fee when Arizonans register their vehicles, which would have helped fund the state parks system, although it would not provide a sustainable fund for parks. Parks still need a dedicated funding source to keep the park system intact, for repairs, and to protect their cultural and natural resources. This bill would have been a good start.

Arizona State Parks’ system consists of 27 parks and three natural areas and includes places such as Homolovi Ruins, Tubac Presidio, Lost Dutchman State Park, and Kartchner Caverns, among many others. Unfortunately, over the years, the Arizona Legislature has regularly swept dollars from park entrance fees and the state lake improvement fund (gas and usage tax) and, several years ago, totally eliminated lottery revenues (Heritage Fund). When this happened, State Parks was left with almost no source of operating funds. This year, the Legislature did

³ United Nations. *Report of the United Nations Conference on Environment and Development*. <http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm> (1992).

allocate a little extra money for parks in the budget and also decided to keep them around for another 10 years.

HB2621 was supported by park advocates – Arizona State Parks Foundation, Arizona Heritage Alliance, Sierra Club, and others. It was opposed primarily by the Arizona Department of Transportation as it does not want any fees, even optional fees, offered with vehicle registrations.

The Sierra Club supported this bill.

Points: Yes 2, No 0

This bill passed out of the House on Third Read [50-8-2](#) but was never brought to the floor of the Senate, so it died.

[SB1288 Arizona water protection fund; projects](#) (Griffin, Burges, Gowan, et al.) prohibits federal agencies from receiving funding through the Arizona Water Protection Fund, which will limit projects on federal public lands and tribal lands. It also modified the board that allocates these dollars by eliminating the one science professional and, instead, gives control to agricultural interests.

The Arizona Water Protection Fund has supported some good projects to help protect rivers, streams, and riparian habitat. Unfortunately, this bill will move it away from that core mission.

The Sierra Club opposed this bill.

Points: Yes 0, No 2

This bill passed out of the Senate on Third Read [17-11-2](#) and the House on Third Read [35-24-1](#) and was signed by Governor Brewer.

[SB1403 United National Rio Declaration; prohibition](#) (Burges, Crandell, Griffin, et al.) initially said that no government entity in Arizona could adopt or implement any of the tenets or principles relating to the United Nations Rio Declaration on Environment and Development and the Statement of Principles for Sustainable Development. It was amended to contain similar language to HB2573 (see above). Again, it is language that is not suited for legislation.

This bill was pushed by the same individuals and groups as HB2573.

The Sierra Club opposed this bill.

Points: Yes 0, No 4

This bill passed out of the Senate on Third Read [16-13-1](#) and was held in the House, so the bill died.

[SB1465 solid waste facilities: general permit](#) (Griffin, Burges, Gowan, et al.) is another exemption bill for the mines. It exempts facilities that obtain and maintain coverage under an Arizona Department of Environmental Quality (ADEQ) general permit from the rules associated with individual permits, requirements to submit a solid waste plan, and compliance with certain federal regulations. This means there will be no public notice or comment opportunity, no financial assurance associated with it, and no closure and post-closure requirements. The irony

of this bill is that the general permit rules have not even been completed, so it is impossible to discern whether or not they will be protective of the environment. Considering that the mining industry is helping ADEQ write them, we would say probably not.

The Sierra Club opposed this bill.

Points: Yes 0, No 3

This bill passed out of the Senate on Third Read [20-8-2](#) and the House on Third Read [36-24](#) and was signed by Governor Brewer.

[SB1469 applying aquatic poisons](#) (Griffin) erects a barrier for native fish recovery, making it difficult to eliminate non-native fishes with the use of rotenone and antimycin A. This bill is not intended to protect public health. If it was, it would apply to pesticides and herbicides that have known public health impacts.

Instead, it focused on the piscicides used to eliminate non-native fishes in order to restore native fishes to streams and rivers in Arizona. The bill requires a full impact analysis by Arizona Game and Fish, which is redundant with the analysis done by the Environmental Protection Agency and via the National Environmental Policy Act, and requires approval by the Arizona Game and Fish Commission. While we encourage the careful and limited use of any chemical, including piscicides such as Rotenone and Antimycin A, this bill merely erects an additional barrier and an unnecessary and redundant review that could further hinder recovery of native fishes without any public health benefits.

An interim study committee looked at the impacts of Rotenone and Antimycin A and found that there were limited risks and that the protocols in place were being used appropriately. There *are* pesticides that contaminate our drinking and surface waters, but those are not even mentioned in the bill as they relate to agriculture. Instead, the bill only focuses on piscicides that are used for native fish recovery and that are not found in drinking water.

Had the Legislature really been concerned about public health relative to contamination of ground and surface water, it might have considered additional restrictions on Atrazine, one of the most widely used agricultural pesticides in the U.S. and one that is actually found in drinking water. Atrazine is banned in the European Union due to its harm to wildlife and potential harm to humans, including hormone disruption. Atrazine contaminates drinking and surface water alike, according to a [U.S. Geological Survey Study](#),⁴ which found that 75 percent of stream waters and 40 percent of groundwater samples in agricultural areas contained Atrazine. This chemical was found in 80 percent of drinking water samples taken from 153 public water systems with several above the harmful level for plants and animals.

The bill was pushed primarily by agricultural interests. The Arizona Game and Fish Commission, which had opposed this bill in two previous sessions, also supported the bill.

The Sierra Club opposed this bill.

Points: Yes 0, No 3

⁴ Gilliom, R. J., and P. A. Hamilton. *Pesticides in the Nation's Streams and Ground Water, 1992–2001 – A Summary*. U.S. Geological Survey factsheet. <http://pubs.usgs.gov/fs/2006/3028/pdf/fs2006-3028.pdf>.

This bill passed out of the Senate on Third Read [17-11-2](#) and the House on Third Read [41-17-2](#) and was signed by Governor Brewer.

[SCR1012 EPA Actions; haze](#) (Griffin, Burges, Murphy, et al.) is a resolution that supports the Arizona Department of Environmental Quality's (ADEQ's) weak regional haze plan and litigation and opposes the stronger Environmental Protection Agency (EPA) plan.

Utilities act like it is a huge surprise that the EPA announced air quality protection standards for Arizona's dirtiest coal-fired power plants this past year. However, these standards have been more than 35 years in the making, resulting from 1977 revisions of the Clean Air Act, which aimed at reducing pollution over America's most pristine public lands including Grand Canyon, Petrified Forest, Saguaro, and Mesa Verde national parks, among others. In recent years, the federal government had missed numerous court-ordered deadlines to implement the 1977 directive to protect our national parks, which contribute hundreds of millions of dollars in economic activity for local communities across Arizona and the country.

ADEQ was also more than three years late in submitting a state plan for clean up. ADEQ's plan was remarkably weak and did not meet the Clean Air Act's protective standards. In an ironic twist, ADEQ, the lead state agency for environmental protection, has joined the utilities in suing the EPA to stop our air from being cleaner.

This resolution was pushed primarily by the utilities and coal industry. Because these are messages and do not affect the laws, we score these resolutions with minimal points.

The Sierra Club opposed this resolution.

Points: Yes 0, No 1

This resolution passed out of the Senate on Third Read [17-11-2](#) and the House on Third Read [38-22](#) and was transmitted to the Secretary of State.

[SCR1013 endangered species act](#) (Griffin, Burges, Shooter, et al.) says the Legislature supports efforts in Congress to "update" the Endangered Species Act to relieve "Arizona from burdensome regulatory measures that have been harmful to this State . . ." This is a not-so-thinly-veiled attack on the Endangered Species Act.

Arizona has 58 federally-listed endangered or threatened species, including 40 animals and 18 plants, as well as 19 candidate species.⁵ We have more species on the path to extinction than 41 other states in the United States. One of the primary threats to these species is habitat loss. As habitat is degraded or destroyed, many species are negatively affected and their populations decline.

Congress passed the Endangered Species Act (ESA) in 1973 to give these species a lifeline and to provide for their recovery. The intent of the act is to "provide a means whereby the

⁵ U.S. Fish and Wildlife Service, Ecological Services. Species list for Arizona. Available online at http://www.fws.gov/southwest/es/ES_ListSpecies.cfm.

ecosystems upon which endangered and threatened species depend may be conserved, and to provide a program for the conservation of these species.” **Many species, including bald eagles, Florida manatees, American alligators, grizzly bears, Apache trout, and California condors were brought back from the brink of extinction with the help of the ESA.**

While the ESA provides a lifeline to species, without a concerted effort to protect habitat and to eliminate the factors that promote species endangerment, these plants and animals are destined to have a precarious future, and many will face extinction.

Because these are messages and do not affect the laws, we score these resolutions with minimal points.

The Sierra Club opposed this resolution.

Points: Yes 0, No 1

This resolution passed out of the Senate on Third Read [17-13](#) and the House on Third Read [38-20-2](#) and was transmitted to the Secretary of State.

[SCR1016 rejection of unconstitutional federal actions](#) (Crandell, Burges: Melvin, et al.) refers to the ballot a proposed constitutional amendment that allows the Arizona Legislature or voters to determine if a federal action or law violates the U.S Constitution. If Arizona decides the law or action is “unconstitutional,” then the state cannot spend any dollars or use any state resources implementing it. This means if the Arizona Legislature decides the Clean Air Act is unconstitutional, it could vote not to implement it in Arizona.

SCR1016 is another in the long list of wacky states’ rights proposals. A similar measure on the ballot in 2012, Proposition 120, was rejected overwhelmingly by the voters – 68 percent voted no and 32 percent voted yes – and failed in every county in Arizona!

The Sierra Club opposed this referendum.

Points: Yes 0, No 4

This referendum passed out of the Senate on Third Read [16-12-2](#) and the House on Third Read [36-23-1](#) and will appear on the General Election ballot in 2014.

[SCR1019 initiative; referendum; signature allocation](#) (Reagan) would have required signatures for a ballot measure to be collected from at least five counties and for a minimum of 25 percent to be collected from other than Maricopa and Pima counties. This would make it nearly impossible to put measures on the ballot.

The Sierra Club opposed this bill.

Points: Yes 0, No 3

This bill passed out of the Senate on Third Read [16-12-2](#) and was held in the House, so it died for the session. Watch for this one to come back next session.

RESOURCES

For more information on the legislation contained in this report card or on other bills, please go to <http://www.azleg.gov/Bills.asp>.

The Arizona Legislature's main website is <http://www.azleg.gov>. For a complete list of Arizona legislators, go to <http://www.azleg.gov/MemberRoster.asp>.

If you do not have access to the Internet and would like more information, you can call the House and Senate information desks. Outside the Phoenix area, you can call toll free at 1-800-352-8404. In the Phoenix area, call (602) 542-3559 (Senate) or (602) 542-4221 (House). All correspondence goes to 1700 W. Washington Street, Phoenix, AZ 85007-2890.

The governor's website is <http://azgovernor.gov>. You can call her office at (602) 542-4331 or toll free at 1-800-253-0883. To email her, go to <http://azgovernor.gov/Contact.asp> and paste in your message.

For more information on the Sierra Club's Grand Canyon Chapter and our conservation and legislative programs, please visit our website at <http://arizona.sierraclub.org> or call our office at (602) 253-8633. You can check out more information on some of the bills we tracked this session at http://arizona.sierraclub.org/political_action/tracker.

For information on how to get involved in the Sierra Club's legislative work, please contact Sandy Bahr at (602) 253-8633 or sandy.bahr@sierraclub.org.

Appendix A - 2013 Environmental Report Card Governor Spreadsheet

		<i>HB2305 initiatives; filings; circulators</i>	<i>HB2485 health and safety audit privilege</i>	<i>HB2551 NOW: off-highway vehicles; use; authority; enforcement</i>	<i>SB1288 Arizona water protection fund; projects</i>	<i>SB1465 solid waste facilities; general permit</i>	<i>SB1469 applying aquatic poisons</i>	
							<i>Total</i>	<i>Grade</i>
Governor Jan Brewer	0	0	0	0	0	0	0	F

- A+ 22
- A 19 - 21
- B 14 - 18
- C 9 - 13
- D 4 - 8
- F 0 - 3

Appendix B - 2013 Environmental Report Card Senate Spreadsheet

Member	HB2305 Initiatives; filings; circulators	HB2404 NOW: building codes; energy efficiency	HB2485 health and safety audit privilege	HB2551 NOW: off-highway vehicles; use; authority; enforcement	SB1288 Arizona water protection fund; projects	SB1403 United Nations Rio declaration; prohibition	SB1465 solid waste facilities; permit	SB1469 applying aquatic poisons	SCR1012 EPA actions; haze	SCR1013 endangered species act federal actions	SCR1016 rejection of unconstitutional signature allocation	Total	Grade	
Bradley, David (LD 10)	5	5	5	4	2	4	3	3	1	1	4	3	40	A+
Farley, Steve (LD 9)	5	5	5	4	2	4	3	3	1	1	4	3	40	A+
Gallardo, Steve (LD 29)	5	5	5	4	2	4	3	3	1	1	4	3	40	A+
Hobbs, Katie (LD 24)	5	5	5	4	2	4	3	3	1	1	4	3	40	A+
Landrum Taylor, Leah (LD 27)	5	5	5	4	2	4	3	3	1	1	4	3	40	A+
Lopez, Linda (LD 2)	5	5	5	4	2	4	3	3	1	1	4	3	40	A+
Tovar, Anna (LD 19)	5	5	5	4	2	4	3	3	1	1	4	3	40	A+
Jackson, Jr., Jack (LD 7)	5	5	5	4	2	4	0	3	1	1	4	3	37	A
Cajero Bedford, Olivia (LD 3)	5	5	5	0	2	4	3	3	1	1	4	3	36	A
Ableser, Ed (LD 26)	5	0	5	4	2	4	0	3	1	1	4	3	32	A
Meza, Robert (LD 30)	5	0	0	4	2	4	0	3	1	1	4	3	27	B
McGuire, Barbara (LD 8)	5	0	5	0	0	4	0	0	0	0	4	3	21	C
Pancrazi, Lynne (LD 4)	5	5	0	0	0	0	0	0	0	1	0	0	11	D
Crandall, Rich (LD 16)	0	5	0	0	0	4	0	0	0	1	0	0	10	D
Reagan, Michele (LD 23)	0	5	0	0	0	0	0	0	0	0	0	0	5	F
Barto, Nancy (LD 15)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Biggs, Andy (LD 12)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Burges, Judy (LD 22)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Crandell, Chester (LD 6)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Driggs, Adam (LD 28)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Griffin, Gail (LD 14)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
McComish, John (LD 18)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Melvin, Al (LD 11)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Murphy, Rick (LD 21)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Pierce, Steve (LD 1)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Shooter, Don (LD 13)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Ward, Kelli (LD 5)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Worsley, Bob (LD 25)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Yarbrough, Steve (LD 17)	0	0	0	0	0	0	0	0	0	0	0	0	0	F
Yee, Kimberly (LD 20)	0	0	0	0	0	0	0	0	0	0	0	0	0	F

- A+ 40
- A 32 - 39
- B 24 - 31
- C 16 - 23
- D 8 - 15
- F 0 - 7

All missed votes equal 0 and are highlighted in yellow.

Appendix C - 2013 Environmental Report Card House Spreadsheet

Member	HB2305 initiatives; filings; circulators	HB2485 health and safety audit privilege	HB2551 NOW: off-highway vehicles; use; authority; enforcement	HB2573 prohibited governmental compliance; 2012 NDAA	HB2621 fund; state parks	SB1288 Arizona water protection fund; projects	SB1465 solid waste protection fund; permit	SB1469 applying aquatic poisons	SCR1012 EPA actions; haze	SCR1013 endangered species act	SCR1016 rejection of unconstitutional federal actions	Total	Grade
Alston, Lela (LD 24)	5	5	4	4	2	2	3	3	1	1	4	34	A+
Campbell, Chad (LD 24)	5	5	4	4	2	2	3	3	1	1	4	34	A+
Dalessandro, Andrea (LD 2)	5	5	4	4	2	2	3	3	1	1	4	34	A+
Gallego, Ruben (LD 27)	5	5	4	4	2	2	3	3	1	1	4	34	A+
Larkin, Jonathan (LD 30)	5	5	4	4	2	2	3	3	1	1	4	34	A+
Mach, Stefanie (LD 10)	5	5	4	4	2	2	3	3	1	1	4	34	A+
McCune Davis, Debbie (LD 30)	5	5	4	4	2	2	3	3	1	1	4	34	A+
Peshlakai, Jamescita (LD 7)	5	5	4	4	2	2	3	3	1	1	4	34	A+
Quezada, Martin (LD 29)	5	5	4	4	2	2	3	3	1	1	4	34	A+
Saldate IV, Macario (LD 3)	5	5	4	4	2	2	3	3	1	1	4	34	A+
Steele, Victoria (LD 9)	5	5	4	4	2	2	3	3	1	1	4	34	A+
Meyer, Eric (LD 28)	5	5	4	4	0	2	3	3	1	1	4	32	A
Gonzales, Sally Ann (LD 3)	5	5	4	4	2	2	3	0	1	1	4	31	A
Mendez, Juan (LD 26)	5	5	4	4	2	2	3	0	1	1	4	31	A
Sherwood, Andrew (LD 26)	5	5	4	4	2	2	3	0	1	1	4	31	A
Wheeler, Bruce (LD 10)	5	5	4	4	2	2	0	3	1	1	4	31	A
Gabaldón, Rosanna (LD 2)	5	5	4	4	2	2	3	0	1	0	4	30	A
Otondo, Lisa (LD 4)	5	5	4	4	2	2	3	0	1	0	4	30	A
Contreras, Lupe Chavira (LD 19)	5	0	4	4	2	2	3	3	1	1	4	29	A
Hernández, Lydia (LD 29)	5	0	4	4	2	2	3	3	1	1	4	29	A
Miranda, Catherine (LD 27)	5	0	4	4	2	2	3	3	1	1	4	29	A
Escamilla, Juan Carlos (LD 4)	5	0	4	4	2	2	3	0	0	0	4	24	B
Hale, Albert (LD 7)	5	5	4	0	2	2	3	3	0	0	0	24	B
Cardenas, Mark (LD 19)	5	0	4	4	2	2	0	0	1	1	4	23	B
Brophy McGee, Kate (LD 28)	0	0	4	0	2	0	3	0	0	0	0	9	D
Carter, Heather (LD 15)	5	0	0	0	2	0	0	0	0	0	0	7	D
Ugenti, Michelle (LD 23)	5	0	0	0	2	0	0	0	0	0	0	7	D
Orr, Ethan (LD 9)	0	0	0	4	2	0	0	0	0	0	0	6	F
Robson, Bob (LD 18)	0	0	0	0	2	0	3	0	0	0	0	5	F
Allen, John (LD 15)	0	0	0	0	2	0	0	0	0	0	0	2	F

- A+ 34
- A 28 - 33
- B 21 - 27
- C 14 - 20
- D 7 - 13
- F 0 - 6

All missed votes equal 0 and are highlighted with yellow.

Appendix C - 2013 Environmental Report Card House Spreadsheet

Member	HB2305 initiatives; filings; circulators	HB2485 health and safety audit privilege	HB2551 NOW: off-highway vehicles; use; authority; enforcement	HB2573 prohibited government vehicles; compliance; 2012 NDAA	HB2621 fund; state parks	SB1288 Arizona water protection fund; projects	SB1465 solid waste protection fund; permit	SB1469 applying aquatic poisons	SCR1012 EPA actions; general	SCR1013 EPA actions; haze	SCR1016 endangered species act federal actions	Total	Grade
Barton, Brenda (LD 6)	0	0	0	0	2	0	0	0	0	0	0	2	F
Borrelli, Sonny (LD 5)	0	0	0	0	2	0	0	0	0	0	0	2	F
Coleman, Doug (LD 16)	0	0	0	0	2	0	0	0	0	0	0	2	F
Dial, Jeff (LD 18)	0	0	0	0	2	0	0	0	0	0	0	2	F
Fann, Karen (LD 1)	0	0	0	0	2	0	0	0	0	0	0	2	F
Forese, Tom (LD 17)	0	0	0	0	2	0	0	0	0	0	0	2	F
Goodale, Doris (LD 5)	0	0	0	0	2	0	0	0	0	0	0	2	F
Gowan, Sr., David (LD 14)	0	0	0	0	2	0	0	0	0	0	0	2	F
Gray, Rick (LD 21)	0	0	0	0	2	0	0	0	0	0	0	2	F
Kavanagh, John (LD 23)	0	0	0	0	2	0	0	0	0	0	0	2	F
Lesko, Debbie (LD 21)	0	0	0	0	2	0	0	0	0	0	0	2	F
Lovas, Phil (LD 22)	0	0	0	0	2	0	0	0	0	0	0	2	F
Mesnard, Javan "J.D." (LD 17)	0	0	0	0	2	0	0	0	0	0	0	2	F
Mitchell, Darin (LD 13)	0	0	0	0	2	0	0	0	0	0	0	2	F
Montenegro, Steve (LD 13)	0	0	0	0	2	0	0	0	0	0	0	2	F
Olson, Justin (LD 25)	0	0	0	0	2	0	0	0	0	0	0	2	F
Petersen, Warren (LD 12)	0	0	0	0	2	0	0	0	0	0	0	2	F
Pratt, Frank (LD 8)	0	0	0	0	2	0	0	0	0	0	0	2	F
Shope, T.J. (LD 8)	0	0	0	0	2	0	0	0	0	0	0	2	F
Thorpe, Bob (LD 6)	0	0	0	0	2	0	0	0	0	0	0	2	F
Tobin, Andy (LD 1)	0	0	0	0	2	0	0	0	0	0	0	2	F
Boyer, Paul (LD 20)	0	0	0	0	0	0	0	0	0	0	0	0	F
Farnsworth, Eddie (LD 12)	0	0	0	0	0	0	0	0	0	0	0	0	F
Kwasman, Adam (LD 11)	0	0	0	0	0	0	0	0	0	0	0	0	F
Livingston, David (LD 22)	0	0	0	0	0	0	0	0	0	0	0	0	F
Pierce, Justin (LD 25)	0	0	0	0	0	0	0	0	0	0	0	0	F
Seel, Carl (LD 20)	0	0	0	0	0	0	0	0	0	0	0	0	F
Smith, Steve (LD 11)	0	0	0	0	0	0	0	0	0	0	0	0	F
Stevens, David (LD 14)	0	0	0	0	0	0	0	0	0	0	0	0	F
Townsend, Kelly (LD 16)	0	0	0	0	0	0	0	0	0	0	0	0	F

- A+ 34
- A 28 - 33
- B 21 - 27
- C 14 - 20
- D 7 - 13
- F 0 - 6

All missed votes equal 0 and are highlighted with yellow.



Sierra Club Mission

“To explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of earth’s ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.”

