

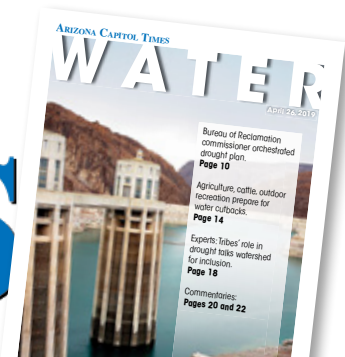
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Your Inside Source for
Arizona Government
Politics and Business

Focus on Water, Pages 9-24



LOST CAUSE

State GOP chairwoman Kelli Ward rallied her party behind a proposed tax hike that lacks legislative votes and the governor's support. **PAGE 4**



PHOTO BY GAGE SKIDMORE/FICKR

QUOTABLE:

“SUGAR IS AS HARMFUL AS TOBACCO, AND YET IT’S FLAGRANT IN OUR SOCIETY, FLAGRANT IN LEMONADE.”

— Sen. Rick Gray, R-Sun City, on why he helped to kill a bill to designate lemonade as Arizona’s official drink.

CAPITOL QUOTES ON PAGE 2

SHAREABLE:

■ Fann blocks bill for special tuition rate for ‘dreamers’. **PAGE 5**

■ Governor calls for shift in immigration discussion. **PAGE 8**

■ Senator: Swamp creatures in ties, suits roam Capitol. **PAGE 26**

PERSONABLE:

STEVE SENSMEIER:

GOP Millennials try to find their way, avoid strife. **PAGE 3**



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CAPITOL QUOTES

"People that are young, suburban, women, have drifted to the socialist side, the Democrat side, and proposals such as this bring them back to the table for the great ideas of the Republican Party."

-AZGOP Chairwoman Kelli Ward, on a sales tax hike for education



"It's all politics in the end."

-Sen. Sylvia Allen, on Democrats opposing a Prop. 301 expansion



"Let the voters decide how best to do this."

-Senate President Karen Fann, on a Prop. 301 expansion



"We send our people into these really dangerous situations and expose them to this toxic soup of chemicals, and then say, 'Sorry, your insurance claim was denied.'"

-Bryan Jeffries, president of Professional Fire Fighters of Arizona, on cities denying workers' compensation insurance claims to firefighters



"It's definitely confrontational and definitely something that would probably keep us there until June 30."

-Rep. T.J. Shope, R-Coolidge, on the idea of overriding Gov. Doug Ducey if he vetoes a full or partial repeal of the VLT fee legislators approved last year



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VOTING ENDS MAY 10TH

Voting is open to Arizona Capitol Times subscribers only.

For subscription questions, please email Shaun Witt at switt@azcapitoltimes.com.

WEEKLY TWEETS



Thomas Galvin
@ThomasGalvin

I gotta tell you, I didn't have "Socialist Lite" on my Kelli Ward Bingo card.

Lily Altavena @lilyalta

Ward: young, suburban women are drifting to "the socialist side" and proposals like penny sales tax for education will "bring them back"

12:15 PM - 24 Apr 2019



Rep. Kelly Townsend
@KellyTownsend11

I have been saying since day one, I will be your greatest cheerleader when the social engineering, the intimidation, the bullying, the pushing socialism and marxism stop. We're getting close to having that in statute. Then I will be your greatest ally.

7:21 AM - 25 Apr 2019



Stephanie Parra
@StephParra08

I have been watching this om repeat for at least 3 minutes now. 🤔🤔🤔

@TheYellowSheet @ldelpuerto@hankdeanlight

THEY REALLY NEED A WIN TONIGHT



4:52 PM - 24 Apr 2019



Doug Ducey
@dougducey

Gracias Gob. @ClaudiaPavlovic por tu liderazgo. El Corredor Seguro es sin duda un logro importante para ambos estados digno de promover, especialmente al celebrar el año 60 de la @AzMxCom y Comisión Sonora-Arizona.

8:29 AM - 24 Apr 2019



Samuel Richard
@samuelisaac

100th Day Mood



10:30 AM - 23 Apr 2019

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GOP Millennials try to find their way, avoid strife

By KATIE CAMPBELL

kcampbell@azcapitoltimes.com

Steven Sensmeier has been a lifelong Republican – literally.

At 3 years old, he could tell you Newt Gingrich was the speaker of the U.S. House of Representatives.

He might have also told you that Hillary Clinton was a witch – it was the '90s, and “good times,” he said.

It's no wonder the toddler leaned right. His grandparents met at a rally for then-presidential candidate Richard Nixon and his father was president of the Purdue University College Republicans and has been party chairman in Yavapai County.

Sensmeier is 27 now, yet he has a decade of experience working to promote the ideals of the GOP. He got his first taste at 17, volunteering for Sen. John McCain's presidential campaign in 2008. Ten years later, he received one of three nominations from the Yavapai County Republican Committee to replace Rep. David Stringer after he resigned.

Sensmeier didn't get the appointment – he was up against former Senate President Steve Pierce – but he said he's considering a run for a Legislative District 1 House seat in 2020.

His arrival on the political scene as a candidate was a long-time coming.

He became an officer of the Embry Riddle College Republicans at his very first meeting with the group because there were too few attendees and too many officer positions.

He didn't know it then, but that moment would in some ways define the message he has for his party now: If the Republican Party is going to thrive in the future, it has to do more to connect with young people.

Coincidentally, he was made director of membership that day at Embry Riddle. Not having enough people attend meetings became his problem.

“A lot of it is apathy. Our generation hasn't had, until very recently, a significant interest in politics,” he said. “But a lot of it is also the stodgy old white guy image of the Republican Party.”

Consider the Yavapai County Republican Committee meeting in March: Except for a handful of state GOP staffers and media reporters, Sensmeier was the youngest person in the room by a long-shot.

To be fair, he said that can probably be chalked up to Prescott and Yavapai County in general. It's largely white, largely retired and – probably because it is so white and so retired – largely Republican.

But they don't all fall into that crotchety old dude image, Sensmeier said.

Senate President Karen Fann, R-Prescott – who Sensmeier aptly noted is not a stodgy old white man – has spoken the language of younger people, he said. When she talks about things like economic development, people like Sensmeier listen.

Fann was at the committee meeting and cheered Sensmeier's nomination, though she ultimately wanted to see Pierce return



Steven Sensmeier

to the Capitol, as he has.

She has known the Sensmeier family for years, worked alongside his parents and brother, and she sees a future for the party in people like Steven Sensmeier.

“One thing the Republican Party needs to do better is bringing in the Millennials, bringing in the new young faces, the new young thoughts that will move our country forward,” Fann said.

The party can do that better by embracing people like Fann and shunning people like Stringer, Sensmeier said.

“We're more of an opportunity-for-all generation, and we need to embrace that. That's really what the Republican message is,” he said.

And the party needs more people like him out there who – “for lack of a less Millennial term” – are able to be brand ambassadors.

Rep. T.J. Shope is the youngest Republican currently serving in the Legislature at 33 years old – he's been the youngest

since he was first elected in 2012 – and he has tried to be that ambassador in his own way.

It's not necessarily a conscious effort to exude this image of the GOP equivalent to an Instagram influencer, but it is a part of his effort to not contribute to the nastiness he so detests.

Young people want something different than the confrontational brand of politics they've seen growing over the past few years. They want a system that is more inclusive and leaders who can work as easily with Democratic Rep. Daniel Hernandez as they can with Republican Rep. Anthony Kern, he said.

Sensmeier is optimistic about the party's future. He sees faults in leaders like former Speaker Paul Ryan and Senate Majority Leader Mitch McConnell. But he also sees a new generation of leaders rising, people like 35-year-old, U.S. Rep.

Dan Crenshaw, a Texas Republican.

And while he doesn't think President Donald Trump's Twitter habits resonate with Millennials – he said the president's “covfefe” debacle was the strangest thing he's ever seen in politics – he's grateful to the president for building more digital literacy among older voters and candidates.

What they still need, though, is the party's next “great communicator” – and that's not exactly Trump.

“He's not Reagan,” Sensmeier said. “Nobody is.”

The party can do better about communicating its values for one thing, he said – low taxes, pro-business, pro-jobs. And the party can remind people that whatever side of the political spectrum you're on, we're all Americans.

“The key is changing the perception of not just the Republican Party but of the Democratic Party as people that are there with legitimate disagreements that we need to work through, but are still all pro-America. We're all on the same side,” he said.

That's difficult when schisms exist within the party, too.

“The fighting within the Republican youth movement doesn't make me optimistic that we're going to be any better,” he said, citing recent news reports about turmoil among the Arizona State University College Republicans United.

The group was described in *The State Press* as “a Trump-flavored splinter organization that broke off from the existing College Republicans club in January.” Its leaders had to make public apologies after the student newspaper and *Phoenix New Times* reported they had made racist and homophobic comments, among other things.

Now, one of the group's former members, Kevin Decuypher, has created his own off-brand movement: Nationalists United. Decuypher's message was apparently too much even for other figures who lean far to the right – his group was ejected from the recent “Patriotism Over Socialism” rally, as reported by *The State Press*.

That's the problem, Sensmeier said. The alt-right exists. It may be a minority in the party, but it's a vocal one.

Shope said that's true of both sides. The extremes of both parties have been given a platform, and the resulting political climate, one where the bomb-throwing never seems to end, is exhausting.

“Things don't get solved this way,” Shope said.

Whether young Republicans will pave a new path forward is yet to be seen.

Shope said they're still trying to figure out how they want to make their mark in politics and in life. Millennials might not be out knocking on doors *en masse*, but they're building careers and families.

Politics don't come first.

“They are engaged, but they do it differently,” Shope said. “In a lot of ways, we're still trying to find our way.”



PHOTO BY KATIE CAMPBELL/ARIZONA CAPITOL TIMES

Ward's support of tax hike baffles Republicans

By BEN GILES

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AZGOP Chairwoman Kelli Ward's decision to stake the Republican Party in favor of a tax hike has baffled the state's political community.

Since her April 22 announcement, Ward has faced questions about her motivation for dragging Republicans forward on a pro-tax agenda, and whether taking such a policy position is even within the scope of her duties as the leader of the party.

There's also the matter of supporting a measure that, with 100 days of session already come and gone, is by all accounts dead.

Republican Sens. Sylvia Allen and Kate Brophy McGee, and Rep. Michelle Udall, have been unable to drum up enough support for their plan to increase a voter-approved 0.6-cent sales tax for education to a full penny.

The tax currently raises more than \$700 million a year for education. Raising the levy to a full penny would increase that amount to roughly \$1.1 billion annually, dollars that would flow to K-12 public schools, community colleges and state universities.

If approved by the Legislature, voters would still have to approve the tax hike on the 2020 ballot for it to go into effect.

Ward pitched her support for higher taxes as an opportunity for the Republican Party to seize the narrative over funding for education, a topic that reached a fever pitch in 2018, when tens of thousands of Arizona teachers walked out of their classrooms and spent days protesting at the Capitol over poor funding and low pay.

Ward highlighted accomplishments in Republican leaders, including a plan crafted amid last year's protests to give Arizona teachers a 20 percent raise by 2020, as a sign that "Republicans have consistently funded education in Arizona," and drew a contrast to Democratic votes against budgets crafted and controlled by Republican lawmakers.

"You can't make headway simply by saying 'no,'" Ward said in a separate announcement April 23. "As we approach the end of the 2019 legislative session, Senator Allen's penny proposal stands tall as the best proposal for new, dedicated funding for our schools."

But in this case, it's not just Democrats who are opposed.

Allen, R-Snowflake, said she's "just a few votes away" from garnering enough support for her measure in the Senate, but said she'll have to convince more Republicans to get on board. While Democrats are opposed to expanding the state sales tax, which they argue is regressive, Republicans like Rep. Kelly Townsend of Mesa – who was billed as one of several GOP lawmakers who'd join Ward at a press conference on April 24 – say they won't vote for it.

That's enough to kill the measure in the house, where Udall, R-Mesa, needs



From left, Arizona Republican Party Chairwoman Kelli Ward, Sen. Sylvia Allen, R-Snowflake, and Rep. Michelle Udall, R-Mesa, try to drum up support for a measure that would put a tax hike earmarked for education on the ballot.

all 31 Republican votes to get her bill approved in the chamber.

And Republicans like Senate President Karen Fann may support the tax proposal, but they're wary of Ward. Fann was one of the first to announce her support for expanding the Proposition 301 sales tax in January. But when asked if she backed Ward's decision to support a tax hike, the Prescott Republican chose her words carefully.

"I stand on my own. I support my senators," Fann said.

When asked if she has a message for those who blasted Ward for throwing the state Republican Party's support behind a tax hike, Fann replied, "No comment."

It's another sign of GOP astonishment at one of Ward's first high-profile decisions as party chair.

It's been a decade since the state Republican Party supported raising taxes, and even then, it was only a temporary plan. In 2009, AZGOP Chairman Randy Pullen stuck his neck out for then-Gov. Jan Brewer and supported her push for a short-term, 1-cent sales tax to help fill budget gaps during the Great Recession. Brewer succeeded only after tremendous pushback from Republican lawmakers, and it took roughly a year for her to drag a proposal through the Legislature to refer the tax to the ballot.

Ward acknowledged she received blowback from lawmakers and the public alike less than 24 hours after her announcement.

"A lot of legislators and just people in general have contacted me and they're concerned that I'm supporting a tax increase. Well, I'm supporting sending

a possible tax increase to the ballot to let the voters decide how they want to spend their money," Ward said. "And if they want to invest more in education, this is an opportunity for them to do so."

It's a technicality that Ward urged Republican lawmakers to embrace.

Doing so would allow Republicans to take the lead on boosting funding for education, but still claim that they've never voted to raise taxes – instead, they simply voted to let the voters raise taxes on themselves.

"This is not the Legislature raising taxes," said Allen, one of the architects of the sales tax hike proposal. "This is putting on the ballot to give our citizens the opportunity to determine if they want to be able to put more into education."

But lawmakers like Townsend don't share that view. Townsend told the *Arizona Capitol Times* she can't support a plan to raise taxes on Arizonans, or even ask the question.

Townsend cited the outcry over a new fee, charged when Arizonans renew their vehicle registration, that lawmakers approved in 2018. Townsend, like many Republicans, viewed the fee as nothing more than a tax that circumvented laws for raising state revenues, which require a two-thirds majority vote of the Legislature.

"I don't know if my district is ready for another increase, even if it's just to refer it to the ballot for a vote," Townsend said.

Others questioned Ward's motives. Republican strategist Chris Baker told *The Arizona Republic* that Ward's favor of a tax hike is nothing but "a ham-fisted plan to curry favor with the busi-

ness community" after reports of the AZGOP's historically low fundraising totals in the first quarter of 2019.

"I think she believes, mistakenly, that if she makes moves like this, if she appears to moderate then it'll help her raise money, it will help her be taken more seriously," Baker said. "Serious Republicans are not going to take Kelli Ward seriously as state party chairman, no matter what."

There's also the matter of Gov. Doug Ducey, who spent two campaigns for governor running on his opposition to any new taxes or tax hikes.

That hasn't changed, but sending the tax proposal directly to voters would bypass Ducey.

"The governor has been clear. He does not support raising taxes," Ducey spokesman Patrick Ptak said.

Ward insisted that the tax hike, or at least letting voters vote on a tax hike, is good policy. On April 24, Ward said that supporting policies and helping get Republicans elected are complementary tasks.

"Showcasing great Republican policy showcases great Republican legislators, and that helps us get elected," Ward said, adding that good ideas can help lure voters to the Republican Party and away from "socialists" – that is, Democrats.

"There are many in the demographic that have drifted away that are with Republicans in terms of our ideas; people that are young, suburban, women, have drifted to the socialist side, the Democrat side, and proposals such as this bring them back to the table for the great ideas of the Republican Party," she said. ■

PHOTO BY GARY GRADO/ARIZONA CAPITOL TIMES

Fann blocks bill for special tuition rate for 'dreamers'

By BEN GILES

bgiles@azcapitoltimes.com

After voting for a bill that would ensure immigrants covered by the Deferred Action for Childhood Arrivals program can affordably attend Arizona community colleges and universities, Senate President Karen Fann is blocking the measure.



FANN

At least one university official says the Board of Regents can do it anyway.

Regent Jay Heiler said the board "absolutely" has the autonomy to set tuition and fees at Arizona's three state universities, and doesn't need lawmakers to tell them to, as Sen. Heather Carter, R-Cave Creek, proposes.



CARTER

That includes "a differentiated tuition rate" that could apply to Arizona high school graduates who don't qualify for in-state tuition, he said.

"And the board would be happy to work with Heather and others in the Legislature around that subject," Heiler said.

Heiler cited the Board of Regents' decision in 2015 to create such a rate – a non-resident rate for Arizona high school graduates that costs roughly 150 percent of in-state tuition.

The Board of Regents came to that figure after determining the average cost of attendance at state universities, with the goal of creating a non-subsidized tuition rate, according to John Arnold, executive director of the board. DACA recipients are technically eligible for the rate, which is a better alternative than paying the higher out-of-state tuition rates.

Carter said that's not good enough.

Figures provided to her by the universities show that fewer than 400 students take advantage of the non-resident tuition rate, a far cry from the more than 2,000 DACA recipients who attended Arizona colleges and state universities when a court order rescinded their access to in-state tuition.

Carter said she has heard from plenty of Arizona high school graduates who've moved out of state, only to come back to attend school and were charged the out-of-state tuition rate.

Clearly the 150 percent tuition rate isn't working, Carter said.

"Think of every kid that moved away from Arizona, thought they would like life in Texas, ends up not liking life there and wants to come back," Carter said. "There are way more students than 400."

The non-resident tuition rate created by the Board of Regents also only applies to students who are "lawfully present in Arizona," according to the board's policy manual. That leaves undocumented Arizona children without access to the dis-



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count, including the roughly 7,000 students who would've been eligible for the Deferred Action of Childhood Arrivals program had it not been rescinded by the Trump administration in late 2017, according to Reyna Montoya, the founder of Aliento, a community organization that helps undocumented kids.

It's not just state universities that are stake. Carter's SB1217 would change all that by directing the Board of Regents,

affordable access to higher education for anyone who ever graduated from high school in Arizona, an idea that could welcome former Arizonans to state universities and community colleges decades after they graduate from high school.

But now she's concerned about the bill's application to DACA and undocumented students and whether it violates Proposition 300, a voter-approved law denying DACA students or anyone in the

violate the law.

"All (Prop. 300) said was, we cannot subsidize," Fann said on April 8.

Carter said she blamed "misinformation" for Fann's decision to kill the plan.

"Nothing has changed about the original bill and the original concept," Carter said. "It's the same bill as it was when we introduced it and passed it the first time."

And if the Board of Regents believes a bill isn't necessary to implement her vision, Carter challenged them to do so – and questioned why they haven't yet.

"Go do it. If they can do it on their own, go do it," she said. "I still think we need the legislation because they're not doing it... It's not out of the norm to prescribe in statute for a board or agency to take a specific action."

Arnold said the board supports Carter's legislative effort, though he, like Heiler, thinks the regents would be well within their statutory authority to broaden the availability of the non-resident tuition rate without her help.

"Heather Carter's bill would clarify the board's authority to set that non-resident tuition rate for Arizona high school graduates," Arnold said. "We believe we have the authority, but it's always helpful to have that clarified."

In the meantime, Arnold acknowledged universities could do a better job of marketing the non-resident rate they've already created. And while he remained hopeful that Carter's bill will pass, Arnold said the Board of Regents is open to discussing how it might act on its own.

"We'll see how things play out (at the Legislature)," he said. "And then I think that is a potential future conversation." 📖

“Nothing has changed about the original bill and the original concept. It's the same bill as it was when we introduced it and passed it the first time.”

— Sen. Heather Carter, R-Cave Creek

and community college governing boards, to create a new tuition rate available to anyone who has ever graduated from an Arizona high school, regardless of their residency, and their immigration status, and what year they graduated.

That bill was already approved by the state Senate, which is when Fann, a Prescott Republican, voted for it.

It was then blocked from advancing in the House by Speaker Rusty Bowers, R-Mesa.

Carter has since revived the idea with an amendment to HB2186. But the measure will never make it out of the Senate again as long as Fann has her doubts.

The Senate president said she supports in principle Carter's desire to grant more

country illegally from access to in-state tuition.

"I can tell you there's a part of that bill that I believe does not violate Prop. 300," Fann said. "But there is another piece of it that potentially could."

It was an about-face for Fann, who two weeks ago defended the bill against that specific concern in the Senate Rules Committee. Sen. Eddie Farnsworth, R-Gilbert, argued that allowing DACA students to attend community colleges and state universities for anything less than the out-of-state tuition rate violated the spirit of Prop. 300.

Fann told him that as long as the rate isn't a discount on the actual cost of attendance, it's not subsidized and wouldn't

Media twists Yuma mayor's call for state of emergency

BY KATIE COMPTON

On April 16, 2019, Mayor Douglas Nicholls of Yuma declared a state of emergency due to the increased number of illegal immigrants seeking asylum in Yuma. His statements have been turned into sensationalized headlines for almost every major news outlet in Arizona and the U.S.

These headlines have manipulated what he said into a support for President Trump's racist rhetoric toward illegal immigrants in America. Many people have probably seen the headlines "Yuma Mayor Declares State of Emergency Due to 'Imminent Threat of Illegals.'" That is not at all what Mayor Nicholls said nor does it highlight the main point of his statements.

Yuma has seen an increase in asylum seekers, not because there has been an increase of immigrants from south of the border, but because there has been an increase in Border Patrol presence across the national border. Meaning that there has been an increase of *arrests* on the border, which leads the asylum seekers through the system and either detains them or releases them to nonprofits such as the Salvation Army.

These nonprofits are the only resources currently being used to help the asylum seekers, which Mayor Nicholls stated in his interview on Fox News. These nonprofits will soon require help from the city government, due to the fact that they are experiencing overcrowding and dwindling resources.

The real reason behind declaring a state of emergency is not due to the fact that Yuma faces "imminent danger" from illegal immigrants but because eventually the community will need resources to support all the people that the Border Patrol is processing and not taking care of. Mayor Nicholls told KYMA, the local news station in Yuma, that he does not expect any kind of danger from these immigrants but wants attention to be brought to his community so that the federal government responds with effective help.

Yuma is not the only community facing this humanitarian crisis, which is exactly what this is. People are being



“The real reason behind declaring a state of emergency is not due to the fact that Yuma faces “imminent danger” from illegal immigrants but because eventually the community will need resources to support all the people that the Border Patrol is processing and not taking care of.”

crowded into shelters that can barely provide enough food, water, and hygiene. We have a crisis happening on our border that needs to be met with resources and solutions that are not imprisonment or actions that could further endanger these people.

News stations across America have, instead of increasing attention to this crisis so that the federal government is held accountable, decided to sensationalize and feed more into the anger and fear that President Trump had created by painting a dangerous and false scene of what is happening on our borders.

Instead of facing this humanitarian crisis with polarizing and hateful ideas, our government should be looking for a solution. Our government would rather argue about who deserves what funding instead of finding long-term solutions, such as a complete overhaul and change in our immigration and naturalization processes. The media, whether they lean right or left, should also be calling for real changes instead of championing specific agendas that benefit no one.

I grew up in Yuma and have grown tired of seeing my hometown be turned into a battleground of policy and power. I currently am attending Arizona State University and am frustrated with how many people ask me, "What's it like down there at the border?" as if I come from a crime-ridden, poverty-stricken town that is being overrun by

dangerous "illegal aliens." My hometown is actually a close-knit, strong community that is oriented around family, faith, and community.

Our mayor is not asking to be saved from immigrants, but rather asking for resources to help these people until Congress decides to actually be effective and solve this decades-long crisis. I think it is also important to point out that Yuma is the winter vegetable growing capital of the world. This means that places all over the world heavily rely upon my hometown for food. Agriculture in America heavily relies upon migrant workers for cheap labor to harvest and maintain fields. These workers are often immigrants themselves working for a living to support their families. Without this labor, our country and several others would be in fear of food shortages or price increases making certain food less accessible.

So, before anyone starts chanting for closed borders and ridding this country of immigrants, maybe we should take a step back to realize what contributions immigrants have made to our country and what actions are really best for our nation as a world leader and moral role model. Mayor Nicholls is asking for assistance and, unless people understand the true message of his statements, will go unnoticed by our nation.

— Katie Compton is a sophomore at Arizona State University.

Results-based funding would help Maryvale students

BY YESENIA FITZHUGH

When I think about Maryvale, I think about family and celebration. I think of home, and the generations of families who have lived here, grown up here, and returned to serve our community. I am one of those. Now I'm living out my passion to see our next generation reach their full potential through access to high quality education.

A West Side girl at heart, I returned home five years ago to open EAGLE College Prep Maryvale, and continue the work of instilling a love of learning in the youngest of our community. I am proud to do this work and believe that every child is unique and deserves a full and lasting education. Our school provides a rigorous curriculum and focuses on character development in a safe and supportive environment. When you walk down our halls, you'll see the smiling faces of young students committed to their work and teachers dedicated to helping them achieve their goals.

For our students and families, I see education as a tool of empowerment in an environment that has its share of complex issues. Despite Maryvale's strong family values and close-knit connection, a history of poverty, crime, and lack of educational attainment has created a negative cycle passed on through generations. When I opened EAGLE Maryvale, I wanted to empower students with knowledge, starting them off on a path to make choices to live full and meaningful lives. Following the footsteps of teachers who inspired me, I want to enable students in our community to reach their potential and to give back.



When students come to EAGLE, they are performing at all levels – at, above, and below grade level. It's our commitment to move them forward, helping them excel in learning and in character development. This work is hard and there is no quick fix or magic wand to make it happen outside of grit and determination. Fortunately, we are seeing results. Our students are growing – last year's internal assessment showed over 60 percent of our students met their expected growth goal in math and students improved on their reading goals by over 10 percentage points in the second semester.

We want to continue the good work we are doing, and we want to become even better. The state is considering a new funding proposal that would reward schools like ours that have worked extremely hard, especially in challenging environments, to provide a high-quality education for students, and who are on the verge of reaching an 'A' school grade.

If we were given access to this additional funding, called "results-based funding," we would be able to further invest in a personalized learning experience for our students by creating more robust intervention groups. These could include more staffing for smaller student group sizes, more curriculum options for specific gaps, and more variety in reading materials and resources. Every student is unique and those at our school would benefit from the additional support.

Maryvale is a vibrant community and I am just one example of many who have grown up here and returned to invest in the next generation of learners and leaders in our community.

— Yesenia Fitzhugh is the principal of EAGLE College Prep, Maryvale.

Thinking of the 2020 ballot?

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Governor calls for shift in immigration discussion

By HOWARD FISCHER
Capitol Media Services

Gov. Doug Ducey said April 23 that the problems of migrants from Central America reaching our borders and flooding into Arizona communities won't be solved until Mexico deals with its own southern border.

Speaking to the Phoenix Committee on Foreign Relations, the governor repeatedly praised the relationship that Arizona has with Mexico. And Ducey said that despite border issues he believes the state can increase trade with its southern neighbor.

The governor said, though, much of the talk about stopping illegal immigration is focused on the border with Mexico.

"I'd like to shift the discussion so we're talking more about Mexico's southern border," he said.

"So much of this crisis is because of what's happening in Central and South America," Ducey explained. "These are things we need to engage in or we're never going to really solve or mitigate this solution at the border."

The governor said part of the issue of a secure border deals with the flow of drugs across the border. But he acknowledged in a question-and-answer session



Gov. Doug Ducey, right, answers questions from former U.S. Sen. Jon Kyl on April 23 about his views on foreign relations.

with former U.S. Sen. Jon Kyl that's only a piece of the problem.

"The crisis, humanitarian and otherwise, that's happening in South America and Central America is bringing a flood of migrants to the border," Ducey said. "This is another place we need commu-

nication and cooperation, not only from our federal government but to leaders in Mexico."

One thing the governor said is getting in the way is politics.

"These are not easy issues," he said. "And they have been routinely politicized in what to me seems to be a never-ending campaign cycle."

The governor did not explain who he thinks is guilty.

On one hand, Ducey has generally sided with the Trump administration on things the president wants to do related to border security. But the governor also has said in the past that members of Congress from both parties share the blame.

That still leaves the question of why Mexico would want to do more to help Arizona and the United States to seal its own border with Guatemala and Belize, particularly knowing that the migrants ultimate destination is not within its own country. The answer, the governor suggested, is financial.

"We've been able to have not only additional border security from the United States side of the equation but increased trade between our two countries," he said. "That's the true incentive to increase not only peace but prosperity."

The governor also made a pitch for Congress to approve the United States-Mexico-Canada trade agreement that the Trump administration negotiated last year. It is designed to replace the North American Free Trade Agreement that the president repeatedly derided, dating back to 1994, as unfair to this country.

But while Ducey supports what's been dubbed informally as NAFTA 2.0, he doesn't share the president's assessment of what it replaces.

"I believe that NAFTA is something that has been very good for the state of Arizona," he said.

"Being a border state in this changing national economy has been a positive," Ducey said. "Look at the growth numbers

for Arizona."

The governor called approval of the USMCA "critical" to the state's economy.

Only thing is, some members of Congress are balking. And that has led to a new threat from Trump to build pressure.

"I take the president at his word that he may unilaterally opt out of the existing trade agreement," Ducey said.

In December, Trump said he planned to give notice "within a relatively short period of time" of the intent to withdraw. That would set a six-month deadline for Congress to approve its replacement.

So far, though, the president has not acted, at least in part because of concern by lawmakers from his own Republican Party that kind of tactic would only make it harder to get final approval of the USMCA.

Ducey, for his part, suggested that the stalemate – and the risk – are not within the GOP.


"If there is a threat on the horizon, it would be that Congress chooses to politicize the USMCA and make it about the presidential election cycle rather than what is best for the United States at this point in time," the governor said.

Complicating matters for Trump is the fact that the U.S. House is now under Democrat control. And some party members have openly worried that the proposal will mean the loss of jobs in this country.

Ducey said he has no problem with Congress having a "proper conversation and debate" on the new trade pact, "and then vote to ratify it."

And there's something else.

The governor said if the United States cannot get a ratified trade deal with Mexico and Canada, it might as well forget about being able to negotiate new pacts with China and Japan.

"If you can't get it done with your friends and neighbors, you're not going to go over where there's been all kinds of issues around intellectual property among other issues," Ducey said. 



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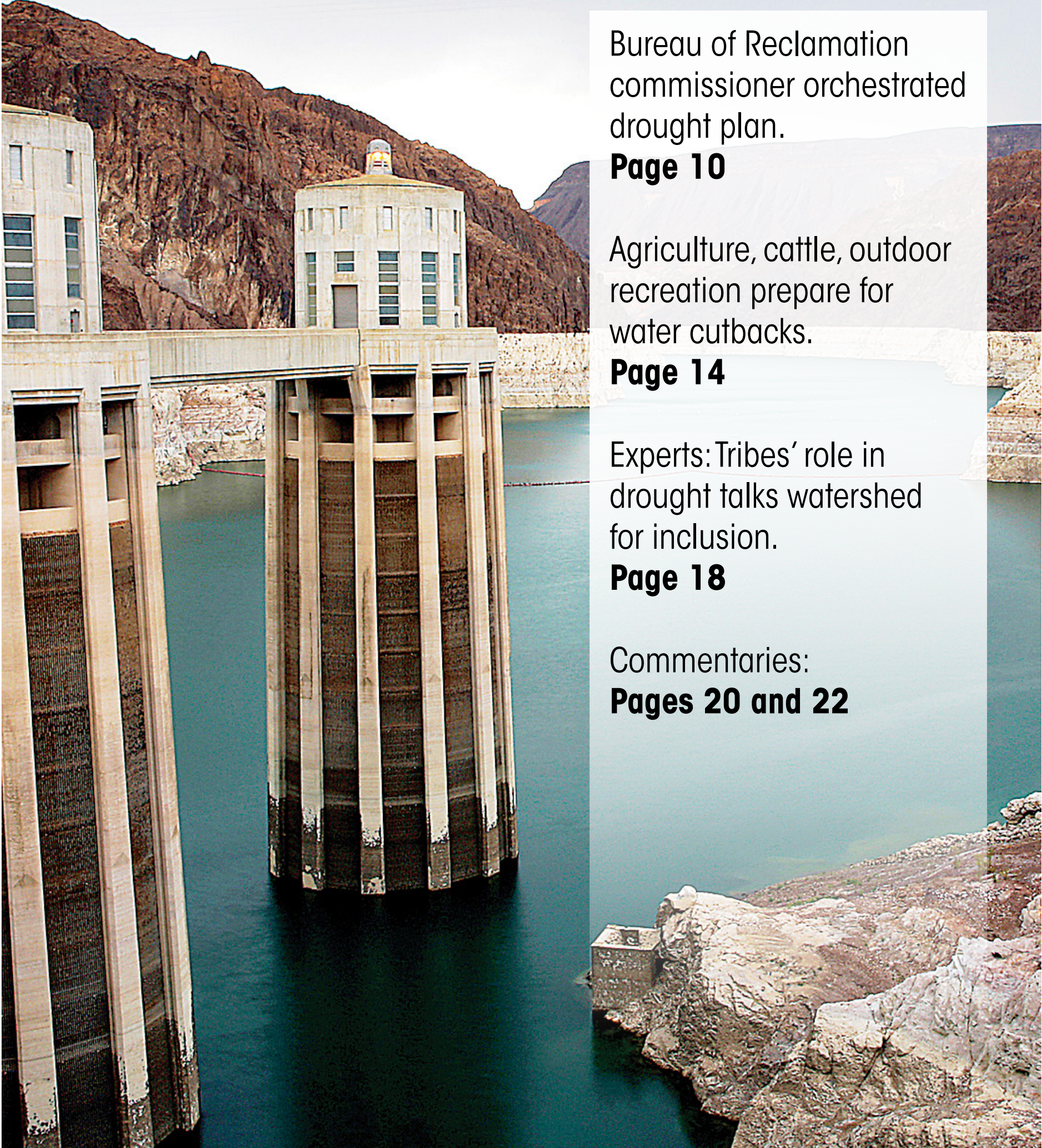
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WATER

April 26, 2019



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WATER

Bureau of Reclamation commissioner orchestrated water plan



The Colorado River.

PHOTO COURTESY CENTRAL ARIZONA PROJECT

By **HOLLY BERNSTEIN**
hbernstein@azcapitoltimes.com

Bringing all of the parties together to agree on a seven-state plan to reduce the demand for water from the Colorado River can't compare to building Hoover Dam, but it did take some pushing, prodding and figurative heavy lifting.

And it was U.S. Bureau of Reclamation Commissioner Brenda Burman who pushed the Drought Contingency Plan, or DCP, to completion.

The plan, an effort to help mitigate the effects of a 20-year drought, was negotiated by Nevada, California, Colorado, New Mexico, Utah, Wyoming and Arizona, though officials who worked with Burman stated that she focused on Arizona in particular.

Arizona was considered "the long pole in the tent," as it was the only state of the seven that needed legislative approval at the state level in order to participate in the plan, officials said.

The plan aims to keep water levels in reservoirs above critical lows, and should reservoirs dip below certain levels, states, including Arizona will have to cut back on the amount each takes from the Colorado River system.

Central Arizona Project General Manager Ted Cooke said Burman visited

Arizona at least twice a month. Both Cooke and Tom Buschatzke, director of the Arizona Department of Water Resources, also had weekly conference calls with Burman and members of her staff from November 2018 to March 2019.

“A reality of Arizona politics is that the agricultural business has lots of political clout in the Legislature, and guess who is going to be the biggest impacted party from the implementation of the Drought Contingency Plan – central Arizona agriculture.”

— Ted Cooke, Central Arizona Project General Manager

In addition to weekly conference calls, Cooke also worked with Burman at basin state meetings.

Cooke said working on the Drought Contingency Plan was a round-the-clock operation.

“That’s because putting the Drought Contingency Plan together was really an organic type of thing,” he said. “It wasn’t a linear process where there’s a finite number of parties that are having

a discussion, and you go as long as you go today, maybe even into the night, and then you pick it back up with those same people. There’s simultaneous things going on all at once.”

Draft documents, meetings and agreements were just part of the day-

Reclamation.

“She also worked directly with [us] and helped us whenever we needed help on any kind of difficult issues,” said Buschatzke.

Cooke said Burman tried to set deadlines behind the scenes, as well.

“[She was] setting expectations and having a discussion about what needs to get done in the next week and how she could help,” Cooke said.

Cooke said for Arizona, the legislative requirement meant having a significant amount of consensus at the stakeholder level to convince the majority of the Legislature that the Drought Contingency Plan would be effective. Cooke added that the plan results in Arizona having less water than it does right now.

“Somebody’s going to have to give that up,” Cooke said. “A reality of Arizona politics is that the agricultural business has lots of political clout in the Legislature, and guess who is going to be the biggest impacted party from the implementation of the Drought Contingency Plan – central Arizona agriculture.”

Cooke said working on a compromise between various classes of water users was part of what took nine months to accomplish.

The *Arizona Capitol Times* was unable to reach Burman for this story.

to-day work those involved in the Drought Contingency Plan took on.

Buschatzke said Burman was able to accomplish getting all seven participating states to work together by pushing the team to meet tight deadlines.

“First, she made it clear to us and followed through on her commitment to us,” Buschatzke said.

Buschatzke said Burman provided support of her staff from the Bureau of

75 DAYS

This is the length of time it took from when the Arizona Legislature introduced, and ultimately passed, the Drought Contingency Plan legislative package and the United States Congress passed the Colorado River Drought Contingency Plan Authorization Act.

A COLLABORATIVE EFFORT BROUGHT US TO THIS DAY.

CAP would like to express its appreciation to: Governor Doug Ducey and the Arizona Department of Water Resources; members of the Arizona Legislature including House Speaker Rusty Bowers, Senate President Karen Fann, committee chairs Representative Gail Griffin and Senator Sine Kerr, and ranking members Senator Lisa Otondo and Representative Rosanna Gabaldon; Congressman Raul Grijalva and Senator Martha McSally for introducing federal legislation and the entire Arizona delegation for their co-sponsorship and active support; and the U.S. Bureau of Reclamation and the other Colorado River Basin States.

This is also a testament to the hard work of the AZDCP Steering Committee that helped develop the proposals and solutions that became part of the DCP Implementation Plan in Arizona – tribes, cities, agriculture, NGOs, and the business community.

The CAP Board and staff are proud to have worked with all of you as we completed this important chapter in Arizona's long history of collaborative water management.



WATER

More work ahead as Colorado River plan advances

By JORDAN WILLIAM
Arizona Sonora News

States with vital stakes in the allocation of Colorado River water continue to struggle with planning for a long-term solution to deal with the realities of drought in the Southwest, where seven states depend on the river.

The states will also need to contend with internal opposition. Notably, California's Imperial Irrigation District has sued to block the drought plan's implementation, asking for an environmental impact analysis.

In Arizona, the plea by Pinal County farmers for the state to provide \$20 million in up-front funding for drilling new wells and constructing delivery canals remains unresolved. The farmers hope to eventually get that cash in a federal grant, but say they cannot wait until that goes through. Legislation to provide up-front cash from state coffers has so far failed to win approval.

Tom Buschatzke, director of the Arizona Department of Water Resources, joined by Ted Cooke, general manager of the Central Arizona Project, updated the Senate Water and Agriculture Committee on the Colorado River Drought Contingency plan a day

after President Donald Trump signed it.

They discussed outlooks for Lake Mead, the giant reservoir of Colorado River water that forms behind Hoover Dam.

The seven-state plan, which Arizona ratified on January 31, outlines how the basin states will divide up the limited water that's now available.

The plan buys Arizona time to deal with the fact that the state is headed into a hotter and drier future – and mostly less water. The deal recognizes that existing allocations among basin states were drawn up during periods of what turned out to be unusually heavy flows on the river.

What's next – after all the formal paperwork is signed later this year – is starting work on what happens after 2026.

"This isn't the end," said gubernatorial press aide Patrick Ptak. "There's a lot more work to do to ensure that Arizona's prepared for a drier future."

Arizona, along with California and Nevada, entered into the Lower Basin plan, aimed at keeping Lake Mead from dropping below critical levels.

In years where Lake Mead is projected to be between 1,045 feet and 1,090 feet, Arizona has to contribute 192,000 acre-feet of water annually.

If elevation is projected to be at or below 1,045 feet, then the contribution increases to 240,000 acre-feet.

These contributions are in addition to what Arizona currently makes under the 2007 Interim Guidelines, which stipulate that Arizona contributes 400,000 acre-feet if Lake Mead is projected to fall below 1,050 feet, and 320,000 acre-feet if Lake Mead is between 1,050 feet and 1,075 feet.

After Arizona ratified the Drought Contingency Plan, Sen. Martha McSally, R-Ariz., and Rep. Raúl Grijalva, D-Ariz., both introduced separate legislation to allow Congress to authorize it.

Buschatzke told the state Senate committee that senators from Arizona, California, Nevada, Utah, Colorado, New Mexico and Wyoming co-sponsored the resolution.

Trump ultimately signed Grijalva's legislation, HR2030.

Under the legislation, which was co-sponsored by 36 members including the rest of Arizona's delegation, the U.S. Secretary of the Interior can sign onto the Drought Contingency Plan and has to operate pursuant to it.

Buschatzke also told the committee that the Imperial Irrigation District in California

has gone to court over the Metropolitan Water District of Southern California's approval of the drought plan.


The suit, filed April 15, asserts that the Metropolitan District approved the plan in violation of the California Environmental Quality Act because it hasn't fully evaluated its environmental consequences.

IID contends that in the plan, the Metropolitan District would forgo diverting water from the Colorado River without fully assessing how to make up for the shortfall, and said the Salton Sea was affected by similar plans.

"The logic in going forward without IID was that the DCP couldn't wait for the Salton Sea," said Henry Martinez, IID general manager, in a news release. "This legal challenge is going to put that logic to the test and the focus will now be where it should have been all along – at the Salton Sea."

The IID says that the plan is inadequate in that it leaves out the Salton Sea – the giant, shallow, heavily saline lake that's predominantly in California's Imperial Valley.

Buschatzke told the committee that Arizona intends to keep the plan going regardless of IID's intent to sue.

Capitol Media Services contributed to this story. 

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WATER

Agriculture, cattle, outdoor recreation prepare for water cutbacks

By HOLLY BERNSTEIN

hbernstein@azcapitoltimes.com

Some industries depend on water and with a drought going on 20 years in Arizona, they have to adjust. Here is a sampling of what a few water-dependent industries are doing.

AGRICULTURE/ MEAT INDUSTRY

The agriculture industry, specifically along the central Arizona territory and in Pinal County, is impacted the most by the drought and will see more direct effects if water levels in Lake Mead and Lake Powell sink to a point in which a shortage is declared.

“Arguably I think that’s the only industry that... there’s a likelihood that they will feel an impact,” said Sarah Porter, the director for the Kyl Center for Water Policy.

While a shortage has not yet been declared, Porter said if one is declared, the impact will be mostly felt by county farmers.

Arizona has large cattle feeding operations in Pinal County. These operations rely on the fiber for the animals’ diets, which comes from alfalfa. That alfalfa is grown in central Arizona. According to Arizona Cattle Feeders’ Association Executive Vice President Bas Aja, drought in the Colorado River can impact fiber production.

Aja said the Arizona meat industry can directly use anywhere from 10-20 gallons of water per cow daily.

Aja said when you feed animals, you have to have two sources of water. He said in some cases, the primary source is from the river. The primary source might also be groundwater, in which case the river water would be the secondary source.

“What would directly impact it is good old economics, which is, you lower the supply, and costs go up,” Aja said.

Tolleson has the seventh largest meat-packing plant in the United States. Aja



Fiber for cattle feed comes from alfalfa, which is grown in central Arizona and relies on Colorado River water.



Water-based outdoor recreation contributes \$7.1 billion to the Arizona economy.

said around 3,000-3,500 people work at that plant, meaning the workers would be impacted as well.

“There’d be some loss of jobs there if they lost some supply. There would be some loss of sales there,” Aja said. “If the cost got too high, they would feed less animals.”

Aja said the meat industry has an efficient system, meaning it can move product from areas of abundance to areas of need.

“You wouldn’t see any shortage of that, but you could see some price impact,” Aja said.

Aja said right now under the recently enacted Drought Contingency Plan, which is designed to reduce demand for water, the supply of Colorado River water to central Arizona farms is only a partial supply for three years.

“At the end of the third year, there’s no Colorado River water scheduled for those folks,” Aja said.

Aja said groundwater will replace Colorado River water as a primary source.

OUTDOOR RECREATION

According to a report released by Audubon Arizona, water-based outdoor recreation contributes \$7.1 billion to Arizona’s GDP.

Audubon Arizona is the state chapter of the National Audubon Society that

aims to protect birds. Audubon Arizona has focused on water policy for the past 10 years. The study was conducted by economics research firm Southwick Associates.

The report says that outdoor recreation along Arizona’s waterways is a \$13.5 billion industry. Moreover, the report says that 114,000 jobs are supported by recreation.

In Maricopa County, 743,000 Arizona residents participate in water-based outdoor recreation. In Pinal County, 186,000 participate.

Audubon Arizona policy manager Haley Paul said if a shortage were declared, recreational activity along water would most likely decrease.

“Now that we can say recreation along water is a \$13.5 billion industry in the state, and that that is worth protecting, we think that even with the drought and long-term climate issues, we can hopefully enact things to protect these special places and get communities to say these are worth protecting because they drive our local economy,” Paul said.

Paul said jobs could potentially be lost with a drought. Food, admission fees, guides, lodging, equipment purchases, supplies and permits are among the activities that generate revenue for the industry, according to the report.

Paul said outdoor recreation is a booming industry.

“To lose, because we didn’t manage our water properly, to lose that economic opportunity for a sustainable economy would really be a loss,” she said.

BUSINESSES ALONG THE CAP SERVICE TERRITORY


Companies that conduct business along the Central Arizona Project service territory get their water from a municipality and industrial (M&I) pool, Porter of the Kyl Center for Water Policy said. She said that pool is especially protected from the impacts of the drought.

“All the big manufacturers that have operations in the Phoenix area that are using water are, so far as I know, for the most part, M&I users. They’re relying on supplies for the municipality in which they’re located,” Porter said.

Porter said large companies, for example, might have cooling towers and use water for cooling. She said this is especially true for data centers, which are water-intensive.

For example, Porter said Intel is a more water-intensive manufacturing operation.

“They have to use a good deal of water in making semiconductor chips, and they need it to be very, very pure, so they have to use a lot of water to get the purified water,” Porter said. ☐



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With summer soon upon us, we are all reminded of one simple truth – Arizona is hot and dry!

And it is becoming hotter and drier.

And while many of Arizona's policy makers and legislators have recently been focused on the Colorado River and Arizona's need to authorize the Drought Contingency Plan, there has been little discussion about the rest of Arizona's rivers and streams. This needs to change. All of our rivers, springs, streams, wetlands, and groundwater are equally as important as the Colorado River.

We know that the vast majority of Arizona rivers and streams (and the springs that support them), have gone dry over the past century, and our remaining flowing rivers are at significant risk. The drying of springs and rivers threatens our economy, quality of life and wildlife.

So, what does the future look like for Arizona waters? It can be more promising – but that will take change. To protect our water future, we need to change Arizona's water laws to help restore flows and protect our rivers and streams from over-allocation, groundwater pumping, and climate change. All of our state's precious water resources must be afforded robust legal protections.

We need a more holistic way of managing our rivers that includes water for rivers!

Ecological water flows is defined as “water sufficient to sustain freshwater ecosystems and the wildlife habitat and human livelihoods and well-being that depend on these ecosystems.”

Recognizing ecological water as a beneficial use is one way to allow more water for rivers. Allowing conserved surface water to remain in our rivers and streams will provide flexibility for irrigators, ranchers, and other water users so they are not forced into the binary choice of “use it or lose it.”

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It is time to modernize Arizona Water Law!

all levels, farmers and others private interests and NGO's. They understand that creating laws that protect environmental flows in a time of rapid climate change is the cornerstone of sustainable development.

IT IS TIME FOR ARIZONA POLICY MAKERS TO ACT!

- Define ecological water as a beneficial use via an ecological water bill
- Require the state to assess the ecological water needs of Arizona's rivers and streams
- Consider and approve water policies based on the science and best practices surrounding ecological flows
- Secure the sustainability of water sources that support the base flows of rivers and stream

The Sustainable Water Workgroup believes we have a moral responsibility to be better stewards of our desert rivers. It is time for AZ water laws and policies to stop allowing our rivers to run dry.

www.azwaterfuture.org



AZ Water Future

WATER

Experts: Tribes' role in drought talks watershed for inclusion

By LILLIAN DONAHUE
Cronkite News Service

Sprouting through the cracked floor of the Sonoran Desert, the tepary bean thrives in the dry heat and carries with it centuries of resilience from the indigenous Pima people of southern Arizona.

"We have our water. It's our life. It's our livelihood, and it's our culture," said Ramona Button, owner of Ramona Farms.

Ramona Button and her husband, Terry, have been farming traditional native foods on the Gila River Indian Community for more than 40 years, including tepary beans, a staple of native dishes for centuries.

"And we're experts in dealing with drought," Terry Button said.

With more than 4,000 acres under cultivation, the Buttons have had to draw their nearly 20,000 acre feet of water needed every year from a variety of sources. They get water from the San Carlos Irrigation Project, wells and the Colorado River hundreds of miles away.

"Commingle all these water resources to ensure us to have enough water to keep this agricultural industry thriving here," Terry Button said.

But after nearly two decades of drought in Arizona and waning water levels in the Colorado River Basin, the seven states that make up the basin, including Arizona, California and Nevada, have had to negotiate potential cuts to the water to make sure there's enough in Lake Powell, which straddles the Utah-Arizona line, and in Lake Mead, to supply water throughout the Southwest.

The Drought Contingency Plan, also known as the DCP, is a multistate agreement that includes Arizona. The plan aims to keep water levels in those reservoirs above critical lows, and should reservoirs dip below certain levels, states including Arizona will have to cut back on the amount each takes from the Colorado River system.

President Trump signed legislation to put the plan into effect April 16.

However, before even getting to Capitol Hill, Arizona's tribes played a critical role in the negotiation of the DCP.

"Without the community's participation, we don't see how the DCP can be done," Stephen Roe Lewis, Gila River Indian Community governor, said in March before Arizona had agreed to the plan.

"We call ourselves the people of the river, O'dham. We have that generational knowledge that goes back centuries, if not a millennium," Lewis said.

If cuts are made due to drought, the Gila River Indian Community would keep a portion of their water in Lake Mead for compensation. But other tribes are contributing to the drought plan.

Chairman Dennis Patch of the Colorado River Indian Tribes said the community plans to provide 50,000 acre-feet of water every year from 2020 through 2022.

"The benefit for us is that we would be getting some income off it," Patch said. "The benefit for Arizona and its users is that it would get more water."

Water is power, and in the Colorado River Basin, tribes hold a significant amount of water claims.

Ten tribes, including the Colorado River Indian Tribes, have rights to more than 2.8 million acre-feet of water yearly from the Colorado River, according to the Tribal Water Study by the U.S. Bureau of Reclamation and Native American communities in the basin.

But only half of that water is currently being used, the study said.

Daryl Vigil, water administrator at

Jicarilla Apache Nation, who worked on the study, said it's relatively new for local and federal lawmakers to include tribes in national water policy conversations.


"That conversation and that opportunity wasn't available before," Vigil said. "But now with the conclusion of this DCP and the inclusion of tribes in that dialogue, I think that sets the stage for that to happen."

Despite facing drought, the Buttons at Ramona Farms said they are more optimistic now than decades before when water was diverted away from the Gila River Indian Community as the population grew outside the reservation.

"The hardest part was when the water was diverted to other areas up east of us. That was a part of what we called our drought also," Ramona Button said.

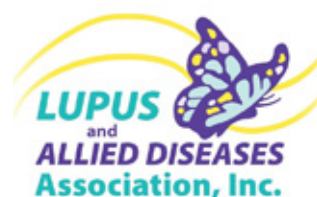
The Gila River Indian Community regained its water claims in a 2004 settlement.

As the Buttons walk through their barley fields, they know none of it could be possible without the work of those who came before them, and the water that gives the desert around them life.

"Right now, we're enjoying the opportunity and the responsibility to maintain this tradition," Terry Button said. 

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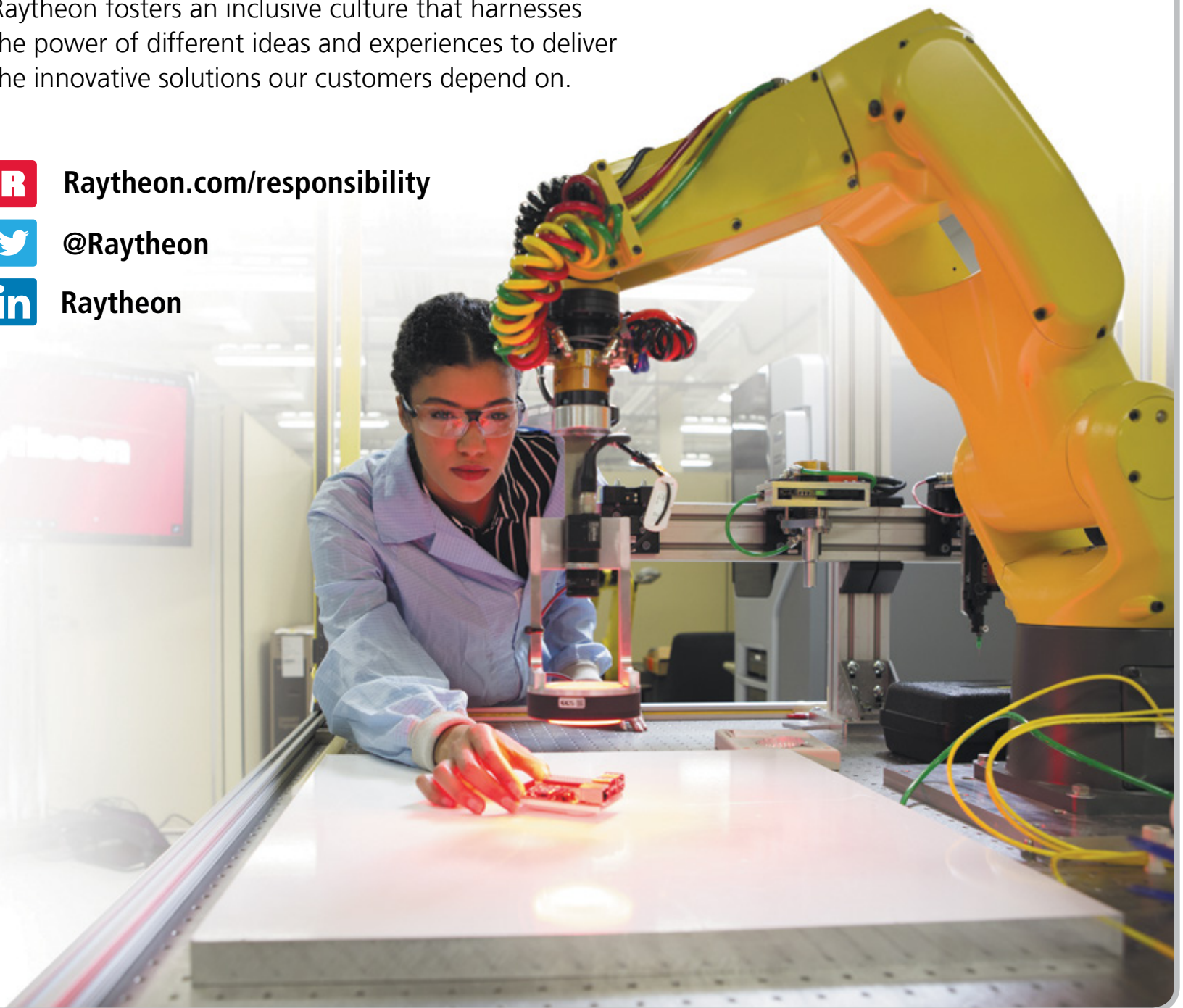
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WATER

Is it really drought contingency or a missed opportunity?

GUEST COMMENTARY

By SANDY BAHR

Who could have anticipated that there would be reduced flows in the Colorado River and that the water levels in Lake Mead would drop? Who knew that those who got cheaper, lower priority water from the river might actually have to take the shortages to which they had agreed? Who knew that the river was stretched beyond what it can deliver? Anyone who was paying attention. Anyone who can do basic math. Anyone who has been looking at the Colorado River system and the impacts from climate change.

Despite the recent precipitation, Arizona is in a prolonged dry period that is projected to get hotter and drier, according to the most recent National Climate Assessment. We should no longer refer to it as drought because that makes it seem like it is temporary and abnormal. What we are seeing now is what we can expect more of in the future.

Unfortunately, far too many of the usual water interests seemed to be in denial about that until the last few years and some still

are, including a number of legislators, and to some degree the governor – he cannot even manage to say the words climate change and spent a good part of 2017 and 2018 talking about what a great job Arizona has done on water planning. Those that got the cheap water and have to take the first shortages were also ignoring reality, but perhaps they knew they could go to the government (taxpayers) to get a bailout.



Bahr

The Lower Basin Drought Contingency Plan (DCP) is a multi-state agreement on how the states will take less water from a river that has a “structural deficit,” even without accounting for the impacts of climate change. Reducing the amount of water we take from the Colorado River is necessary and we should look at how we can do more, but the implementation of the DCP for our state represents Arizona doing more of the same old water policies and politics and really missing an opportunity to shift the construct. In the DCP, there was no consideration of deeper conservation, no consideration of mechanisms to shift our state to less thirsty crops, and no consideration of what kind of development is sustainable. There was no consideration of our other rivers and the need for ecological flows.

There were also some key questions that were not asked and answered.

What does it mean for the future when we allow an increase in groundwater pumping to facilitate this short-term fix, as was approved in the Arizona bill? In 1980, the Groundwater Management Act was passed, in part, to begin to limit groundwater pumping and move the state in a more sustainable direction when it comes to water. There was a lot that was left out, however, including any mention of protecting rivers and streams from excessive groundwater pumping and, of course, huge swaths of the state that were left with unregulated and unmitigated pumping. They still are.

Now comes one of the bigger tests for that water planning and we seem to be failing miserably. The DCP is really a plan for the status quo, continuing the thirsty agriculture and unsustainable growth and development that makes a lot of money for big developers, but leaves our state with even more problems. Arizona’s plan actually takes our state backward on groundwater management. Not only does the DCP plan not limit groundwater pumping, it actually facilitates pumping and we pay for it.

The DCP is not a plan for the long term and it does not lay the groundwork for a sustainable future. It only takes us out to 2026.

What happens after that? Seven years is a short time horizon when you are talking about something as important as water, something that is essential to life.

So what do we need? For the Colorado River, the rest of Arizona’s rivers, and our groundwater, we need a comprehensive sustainability plan. The over-allocated river, climate change and the hotter and drier conditions for our state, are not going away any time soon. We need to learn to live within our means and look at deeper conservation – less water intensive industries, agriculture, and development; more reuse; and recognition of the benefits of flowing rivers. The excessive groundwater pumping that is drying up wells in rural areas and also robbing rivers of their life-sustaining base-flows must be addressed. It is time to limit groundwater pumping outside of the active management areas.

Maricopa County is the fastest growing county in the United States. Aren’t we overdue in questioning whether that is a good thing and seriously considering what kinds of limits there are on sprawling development and industrial agriculture in a desert that is increasingly arid due to climate change?

— Sandy Bahr is the president of the Grand Canyon Chapter of the Sierra Club.



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- **June 25 – Best of the Capitol**
Phoenix Art Museum, 5:30pm registration, 6pm–8pm event
- **July 16– Morning Scoop – Women in S.T.E.M. & Public Policy**
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Arizona just passed the interstate drought contingency plan. Now what?

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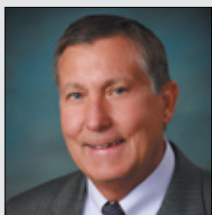
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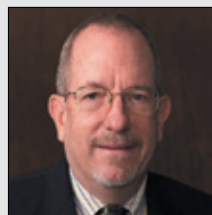
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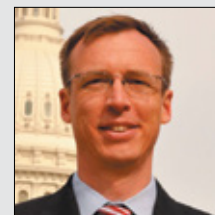
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WATER

Drought contingency plan evokes astonishment, buys time

GUEST COMMENTARY

By TOM BUSCHATZKE AND TED COOKE

When Congress passed legislation on April 8 authorizing the secretary of the Interior to sign the Drought Contingency Plan crafted by the Colorado River Basin states, the immediate reaction from nearly everyone could fairly be described as “astonishment.”

Astonishment at the speed with which the federal legislation flew through Congress. At the rare bipartisan comity that enveloped the proceedings in both the House and Senate. At the waves of support for the DCP that flowed from nearly every group of stakeholders – from cities, agriculture and tribes to environmental advocates and business and political leaders.

Yes, the DCP experience in Washington, D.C., was indeed a whirlwind. Introduced in congressional hearings on March 27. Delivered to the president for

his signature on April 8. And signed into law on April 16. By any standard of law-making, that is at the speed of political light.



Buschatzke



Cooke

But, by our minds, the truly important phenomenon – the one that put the DCP effort into overdrive on Capitol Hill – was the universal sense of *urgency* that every stakeholder came to feel about getting to the DCP finish line.

We had to get this done. And we had to do it now. The integrity of the Colorado River system, upon which 40 million people in two nations rely, depended on us getting it done.

It was that unified sense of urgency that brought representatives of the governors of the seven Colorado River Basin states together on March 19 to sign a letter asking Congress to take the federal action needed to implement the DCP. As noted, on April 8, Congress did just that. The Colorado River Drought Contingency Plan Authorization Act was ably ushered along by Sen. Martha McSally,

“The governors’ representatives of the seven basin states now are prepared to sign the system-wide DCP with the secretary of the Interior. We can safely declare that our years-long work on the plan to help stabilize our vital river system really is effectively done.”

Rep. Raul Grijalva and, in fact, the entire Arizona congressional delegation.

The governors’ representatives of the seven basin states now are prepared to sign the system-wide DCP with the secretary of the Interior. We can safely declare that our years-long work on the plan to help stabilize our vital river system really is effectively done – and just in time, as 2020 is now beginning to come into focus.

February and March brought the Colorado River Basin an interesting twist of fate with a very wet winter that produced a deep snowpack in the western slopes of the Rocky Mountains. Based on the recently released 24-Month Study

of Colorado River conditions by the Bureau of Reclamation, it looks like this almost certainly will be enough to stave off a Tier 1 shortage declaration in the Lower Basin of the system in 2020. Surface levels at Lake Mead now are projected to finish 2019 at least nine or 10 feet above the critical Tier 1 1,075-foot level.

However, that doesn’t mean we won’t be in shortage. DCP puts in place a new Tier Zero shortage level that begins at Lake Mead elevation 1,090 feet. This Tier Zero shortage will likely be our new reality starting in 2020.

Continued on page 24

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WATER

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Continued from page 22

What does that mean? While we probably won't be taking the dramatic Tier 1 cuts to the delivery of Colorado River through the Central Arizona Project Canal, Arizona will still be taking a Tier Zero reduction of 192,000 acre feet to its CAP deliveries. That water will stay in Lake Mead, in much the same way we have been voluntarily leaving water in the lake for the past several years. The difference is that this reduction will now be mandatory.

This is all part of what we agreed to do – water users in Arizona, as well as our basin states partners, took the long view that working collectively to protect our shared resources benefits us all. It is difficult to overstate the significance of the willingness of the seven basin states to work together. We collaborated not just with parochial interests in mind, but with the best interests of the 40 million people relying on the Colorado River in mind.

Nor can we overstate the astonishing enthusiasm that greeted the seven governors' representatives when they turned to Congress for the legislation necessary to authorize the Interior secretary to finalize the DCP with the states.



The Davis Dam on the Colorado River.

But in terms of taking long-term steps to protect the most important source of water in the Southwest, the job is never really done.

We certainly are not done taking action to protect both Lake Mead and Lake Powell from the effects of ongoing, historic drought. One winter of above-average snowpack does not change the fact that the Southwest remains one or two dry winters away from once again teetering toward a

shortage declaration.

As recently as 2011, remember, Lake Mead elevation rose from about 1,080 feet to above 1,130 feet in a single year, thanks largely to a 2010 winter snowpack that was well above average. Just a few years later, by 2014, Lake Mead levels were again sinking toward a shortage declaration.

Vital as it is, the DCP is not a “solution” to anything. It is simply a tool for reducing the risk of Lake Mead falling to

dangerously low levels.

The DCP creates a safe haven for the re-negotiation of the 2007 guidelines, which expire, along with the DCP, in 2026. In short, it buys us time. We finish the DCP and almost immediately turn around to begin working on the new set of guidelines, which will become the basin's reality in 2027. We're water managers and that's what we do – and what we will continue to do to ensure reliable water supplies into the future.

Those are the realities that put the work we've done into perspective, but they certainly don't diminish the enormity of what we've accomplished.

Without a DCP in place, the odds of Lake Mead crashing in the coming 2020 Water Year had risen to better than 50-50 before the winter's improved hydrology pushed us back from the precipice.

With the DCP, on the other hand, the risk of shortage begins to decline toward more manageable single digits.

Accomplishing that goal is, in itself, something the basin states should consider a job not just “done,” but done well.

— Tom Buschatzke is director of the Department of Water Resources and is the representative of Gov. Doug Ducey's Drought Contingency Plan.

— Ted Cooke is general manager of the Central Arizona Project.



Kayaking the Verde River. Photo: Gayle Mabery

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Senator: Swamp creatures in ties, suits roam Capitol

By **HOWARD FISCHER**
Capitol Media Services

It's not exactly life imitating art.

But a real life state senator from Mesa decided to air the fictional "Mr. Smith Goes to Washington" on April 23 for colleagues and staff, saying the movie will educate them about the nature of politics, corruption in government and "swamp creatures" that wear suits and ties at the state Capitol.

Republican Sen. David Farnsworth called the movie a lesson in caution.

And he's convinced there's not just corruption in state government in Arizona but also a swamp to be drained here, just like in Washington, both in 1939 and now.

"The message is, there's a lot of influences that we deal with," Farnsworth told Capitol Media Services of the classic Jimmy Stewart movie.

"Some of them are positive and some of them are negative," he said. "And I think as legislators we need to be aware of those influences and have our eyes open and not be naive."

Farnsworth said he does not fancy himself as a latter-day Jefferson Smith, the Stewart character in the Frank Capra movie about a naive innocent who finds himself in the U.S. Senate doing battle with corrupt lawmakers.

"The character in the movie was a very pure-minded individual," the senator quipped. "And I wouldn't claim to be as good as he was."

But he said there are parallels between his own decision to get involved in politics and what's going on in Washington right now.

It started, Farnsworth said, with the impeachment and conviction of Evan Mecham in 1988 by the Arizona Legislature. Among the charges was that Mecham was guilty of obstruction of justice for telling the director of the Department of Public Safety not to cooperate in an investigation of death threats involving two aides.

Farnsworth said what happened to Mecham is "similar to what they're doing to Trump in Washington right now," with some members of Congress saying that the Mueller report left open the question of whether the president engaged in obstruction.

So how does Farnsworth believe that a movie about a do-gooder sent to Washington where he confronts political corruption helps explain to Arizonans the politics here?

"I think that, as has been stated, there's a swamp in D.C. and I believe there's a swamp in Arizona," Farnsworth said. "It's difficult to drain the swamp because you don't know who the swamp creatures are because they all wear suits and ties and big smiles."

So does he believe there's corruption in Arizona?



Jimmy Stewart and Claude Rains in the 1939 classic "Mr. Smith Goes to Washington," shown to state senators and staff April 23 by a lawmaker who says it helps inform people about the corruption that can occur in government.



Sen. David Farnsworth explains to colleagues and staff April 23 why he wants them to see "Mr. Smith Goes to Washington" to educate them about the powers that can corrupt in government.

"Absolutely," Farnsworth said.

"If I knew where it was, I would clean it up – thus, the film to remind us," the senator explained.

And Farnsworth said his analysis of the situation

here should be no surprise.

"Any time there's big power and big money it's common sense that there's a certain amount of corruption," he said.

"We don't know who the players are," Farnsworth continued. "But we need to be continually vigilant to see if we can root that corruption out."

One of the pivotal scenes in the movie is when Stewart's character, having been framed for corruption himself, stages a one-man filibuster on the Senate floor to delay a vote on an appropriations bill. Stewart goes nearly 24 hours before collapsing.

There has not been a true filibuster in the Arizona Senate for decades. But Senate President Karen Fann, R-Prescott, one of a handful of lawmakers who attended the screening, said she's not concerned that one thing the movie will teach current lawmakers is how just one of them can bring the legislative process to a halt to make a point or get a specific concession.

"You have missed the entire point of the movie," she said.

And that is?

"Understanding how we can all have good, debatable conversations about the topics that are important to all of our people," Fann explained. "It's not about the filibuster." ■

Senate sours on lemonade as official state drink

By **BEN GILES**
bgiles@azcapitoltimes.com

Senate President Karen Fann was dumbfounded.

A bill to dub lemonade the official state drink of Arizona, the brainchild of a Gilbert teenager in GOP Rep. Warren Petersen's legislative district, was about to fail in the state Senate.

"Members, does anyone want to change

their vote before I close the board? I can't tell if you're being serious or not," the Prescott Republican asked her colleagues.

They were very serious.

The bill failed April 24 on a 12-18 vote to lighthearted applause and laughter among senators. As for why, the explanations varied.

"A lot of, I guess, the opposition was in support of margaritas," said Senate Minority Leader Rick Gray, R-Sun City, an apparent

reference to attempts by some Democratic lawmakers to amend Petersen's HB2692 in honor of an alcoholic beverage.

Not exactly, said Minority Leader David Bradley, D-Tucson.

"I heard that rumor as well, but actually Senator Gray brought up a good point about sugary drinks and its effects on people," Bradley said. "If you take it seriously, and you should, water should be the choice."

Gray did acknowledge that's why he

voted against the bill – he was one of five Republicans to do so.

"Sugar is as harmful as tobacco, and yet it's flagrant in our society, flagrant in lemonade," Gray said. "For me, it was just a health issue."

The Senate agreed late on April 25 on a voice vote to reconsider the proposal. The action does not commit lawmakers to now voting for lemonade but simply sets the stage for a new vote ■

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TIMES PAST



Lake Mary, March 1905

Flagstaff's Lake Mary

Lake Mary, a man-made body of water, was created less than a year after a dam was built in a shallow valley south of Flagstaff. Remnants of a temporary sawmill and living quarters can be seen in this March 1905 photograph of the lake, which measured half a mile wide, six miles long and 28 feet deep.

The town of Flagstaff had been on the hunt for a water supply that would satisfy domestic and industrial needs nearly since the community was formed in the 1880s. The steam engines on the railroad needed water and so did the engines used in the sawmills.

Flagstaff needed to find something more reliable than the few springs around the town, which dried to a mere trickle by early summer.

Initially water for domestic use had to be hauled and kept in barrels at each home or business. In 1901, the town built an elaborate piping system that brought water down from the inner basin of the San Francisco Peaks. Water rates were \$2 for the first 1,000 gallons, 15 cents for each additional 100 gallons up to 2,000 gallons, and 5 cents for each 100 gallons thereafter. There was enough water for homes and businesses, but not nearly enough for the sawmills.

The Riordan brothers, Michael and Timothy, owners of Arizona Lumber and Timber Company, had developed an electric light plant, which served their business and also the community, and was operating by 1903. The next obstacle to operating their logging operation was water, and they tackled it with their usual energy.

In 1904, the Riordans explored Little Valley, south of Flagstaff. Homesteaded by early settler John Clark, a sheep rancher, Little Valley, also known as Clark's Valley, was the site of temporary sawmills, which processed logs brought in on a narrow gauge railroad from the south. Its flat basin formed a grass meadow fed by many tributaries during the spring melt.

The Riordans proposed to build a rock dam across a narrow cut of malpais rock at the north end of the valley to catch the runoff, which normally flowed into Walnut Canyon. The dam would serve both industrial and municipal uses.

When the dam was completed in 1904, it was 1,014 feet long and 751 feet deep. The lake that formed behind it held slightly more than 4 million gallons of water. The Riordans named it

Lake Mary after Timothy Riordan's eldest daughter Mary.

The lake immediately became a popular place for boating and fishing. The local newspaper reported on its virtue for duck hunting, ice skating and fishing. Three small boats were bought for pleasure use, with orders placed for "a couple of auto boats" as well. That spring, when the lake was filled to capacity, sailboat races were held. And the next summer, the lake was stocked with 15,000 blue bass.

But from the beginning, the lake couldn't hold water. The basin sat on top of porous limestone formations, which created numerous sinkholes in the basin, draining off the water slowly during hot summers and dry winters.

In 1941, the city of Flagstaff finally addressed the problem and built a second dam south of Lake Mary, creating Upper Lake Mary. Built away from the malpais and limestone formations, the lake held water and with the help of several wells dug in the area before the second lake filled, provided an assured water supply for the city.

Today, the upper lake provides year around recreational opportunities to water skiers, boaters, and in the winter, ice fishermen.

The lower lake is seasonal – dry most of the time except in wet years when the shallow basin again fills with water. Both lakes are favorite hunting areas for humans and animals.

Joan Brundige-Baker. Photo courtesy Cline Library, Northern Arizona University.

The Times Past article was originally published on February 8, 2002. ©Arizona Capitol Times.

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HEADLINES

From the Past

This week five years ago (April 25, 2014)

Supreme Court rules in favor of drivers who use pot

Arizonans who smoke marijuana can't be charged with driving while impaired absent actual evidence that they are affected by the drug, the Arizona Supreme Court ruled.

The justices rejected arguments by the Maricopa County Attorney's Office that a motorist whose blood contains the slightest amount of metabolite of marijuana can be presumed to be driving while impaired and therefore driving illegally. The justices said medical evidence shows that not to be true. The ruling affects more than 40,000 Arizonans who are legal medical marijuana users.

This week 10 years ago (April 24, 2009)

Bills pass to ensure AZ gets federal stimulus money

The Arizona Legislature sent its strongest signal yet to Washington D.C. that the state would not risk losing out on federal funds available under the American Recovery and Reinvestment Act.

The Legislature passed two bills to make sure it complies with requirements of the federal stimulus law, putting an end to speculation that Arizona might not qualify for \$1.7 billion for Medicaid programs and additional money to extend unemployment benefits for an additional 13-20 weeks.

This week 20 years ago (April 23, 1999)

Hull vetoes firearms, secrecy bills

Gov. Jane Hull wasted little time in vetoing a bill that would have prohibited cities and counties from adopting ordinances regulating firearms.

Hull said taking away a city's ability to regulate firearms without replacing it with a specific state policy "does not make any sense to me at all." The governor also vetoed a bill that would have prohibited the public disclosure of performance evaluations for school administrators and certified school psychologists. Hull explained that she vetoed the school measure "because I believe parents have a right to know."

— Compiled by Don Harris

FROM OTHER STATES



News of interest from across the nation

Source: Associated Press

Arkansas

State faces new court fight over sedative for executions

LITTLE ROCK — A federal lawsuit filed by death row inmates has renewed a court fight over whether the sedative Arkansas uses for lethal injections causes torturous executions, two years after the state raced to put eight convicted killers to death in 11 days before a previous batch of the drug expired.

Arkansas recently expanded the secrecy surrounding its lethal injection drug sources, and the case heading to trial could impact its efforts to restart executions that have been on hold due to a lack of the drugs. It will also be the latest in a series of legal battles over midazolam, a sedative that other states have moved away from using amid claims it doesn't render inmates fully unconscious during lethal injections.

States that want to avoid unnecessarily inhumane executions will be watching closely, said Robert Dunham, executive director of the Death Penalty Information Center, which has criticized the way states carry out the death penalty.

California

Proposal to tax soda pushed to next year

SACRAMENTO — Lawmakers won't vote on a soda tax or limit how much can be sold in a single cup this year, marking the latest California victory for the beverage industry.

Assemblyman Richard Bloom delayed his soda tax bill until next year, saying it didn't have enough support to pass.

New taxes need support from two-thirds of lawmakers. Earlier, Assemblyman David Chiu pulled his bill to limit soda sales to cups of 16 ounces in restaurants and convenience stores. Both were efforts to crack down on the soda industry and promote public health. The delay "gives us the time to build the support we need to get to a floor vote," Bloom said.

Colorado

Lawmakers OK bill to develop state insurance option

DENVER — Colorado's House has sent to the governor a bill to develop a state-run health insurance option.



NEW MEXICO

University revamps film program amid demand

ALBUQUERQUE — The University of New Mexico has revamped its film and digital arts program amid the demand of film and television productions in the state.

The school announced this month it will offer new degree plans in the Department of Film and Digital Arts that will allow students to focus on film production, gaming and animation, or criticism. The department is also offering new minors in each of these areas.

Department chair James Stone said the changes were needed after Netflix announced it would be purchasing Albuquerque Studios and the state saw another increase in film production.



The bill directs state agencies to recommend a plan to compete with private insurance plans and those offered on Colorado's health care exchange.

The House approved the legislation by a 45-19 vote. The public option legislation directs the Department of Health Care Policy and Financing and the Department of Regulatory Agencies to deliver a proposal in November. The plan would assess costs, funding sources, necessary federal permissions and funding, consumer eligibility and who in government would run the program.

Idaho

Governor has unfettered chance to cut state rules

BOISE — Idaho's governor now has sweeping authority to eliminate thousands of state-approved rules without public participation or lawmaker oversight.

That's because the state Legislature, which is controlled by Gov. Brad Little's fellow Republicans, failed to pass a bill approving 8,200 pages containing 736 chapters of rules and regulations that touch on just about every aspect of daily life in Idaho.

The rules Little is now reviewing include such things as protecting consumers, homeowners, the environment and school children. They range from hunting and fishing licenses to licensing for health care professionals and construction contractors.

Kansas

Governor vetoes mandate on abortion 'reversal'

TOPEKA — Kansas' new Democratic governor vetoed a measure that would require clinics and doctors to tell their patients about a disputed treatment to stop a medication abortion after a woman has taken the first of two pills.

The action by Gov. Laura Kelly, an abortion-rights supporter, sets up a confrontation with a Republican-controlled Legislature that has had solid anti-abortion majorities for more than two decades. Supporters of the abortion "reversal" bill appeared to have the two-thirds majorities needed in both chambers to override the veto once lawmakers return on May 1 from a weeks-long break.

Abortion opponents contend the bill ensures that women who harbor doubts about ending their pregnancies will learn that they can stop a medication abortion by taking the hormone progesterone. Abortion-rights supporters say the proposal would force doctors to provide dubious information to their patients.

Missouri

Some black lawmakers concerned about redistricting

JEFFERSON CITY — Republicans pushing to repeal a constitutional amendment that revamped Missouri's redistricting process are finding unusual allies in some black Democrats in the Legislature, who are concerned the new districts might disenfranchise black voters.

A part of the amendment, called Clean Missouri, would change how state legislative districts are redrawn after the 2020 census. An Associated Press analysis last year found the new plan will likely improve Democrats' chances of winning more seats in the Legislature.

Most Democrats in the Statehouse support the amendment approved by voters in November. But some members of the Legislative Black Caucus say they worry the change could dilute the black vote by creating new districts that spread out black voters into majority white districts.

Montana

States ask judge to rule on dark-money lawsuit

HELENA — Attorneys for Montana and New Jersey are asking a federal judge to rule on their dark-money lawsuit against the Internal Revenue Service and the Treasury Department without a trial.

Montana Gov. Steve Bullock and New Jersey Attorney General Gurbir Grewal filed a motion for summary judgment as they seek to block a rule change ending the requirement of some tax-exempt groups to disclose the identities of their major donors.

Bullock said the IRS decision to change

Continued on page 30

FROM OTHER STATES



News of interest from across the nation

Source: Associated Press

Continued from page 29

the Nixon-era rules designed to prevent fraud and abuse by groups with nonprofit status was made with no notice or public comment.

Nebraska

Lawmakers soon will take on budget, tax changes

LINCOLN — With the legislative session more than two-thirds over, Nebraska lawmakers are getting ready to confront some of the biggest issues they'll face this year, including the state budget, a contentious property tax plan and a long-shot attempt to repeal the death penalty.

Many state lawmakers campaigned on promises to lower property taxes, but they have yet to agree on how to do it. The latest plan from the tax-focused Revenue Committee seeks to ease the burden on property owners by raising the state sales tax from 5.5 percent to 6.25 percent, eliminating sales tax exemptions and boosting state funding to K-12 schools. Nebraska's cigarette tax would jump from 64 cents to \$1 per pack.

The extra revenue would then be used to lower school property taxes by an average of 20 percent — a major savings for farmers, ranchers and homeowners. It's already proven controversial, with Gov. Pete Ricketts strongly opposed and "alarmed that senators are even considering this."

Nevada

Judge sets hearing on bid to stop new pot licenses

LAS VEGAS — A Nevada judge said she'll hear arguments next month on a bid by dozens of companies to freeze a second wave of licenses for the state's lucrative marijuana sales market.

Judge Elizabeth Gonzalez told more than a dozen lawyers in Las Vegas she can't officially consolidate seven lawsuits filed in Clark County District Court, and she has no jurisdiction over two lawsuits filed in Washoe and Lyon counties.

Companies are accusing state tax officials of failing to disclose how they chose winners and losers last December from 462 applicants for 61 new cannabis dispensary and production licenses.

North Dakota

Supreme Court may weigh in on Marsy's Law

BISMARCK — The North Dakota Supreme Court could soon clarify who is considered a victim under Marsy's Law, which embedded victim's rights into the state Constitution.

The high court is expected to rule in the upcoming months in a case that uses the 2016 constitutional amendment to dispute restitution to an insurance company, the *Bismarck Tribune* reported.

The law guarantees crime victims and their families the right to participate in judicial proceedings. It also expands their privacy rights, among other provisions. Police and prosecutors have long argued that the meaning and boundaries of the law are vague.

Oklahoma

Governor signs bill hiking turnpike, highway speeds

OKLAHOMA CITY — Legislation that increases speed limits on Oklahoma turnpikes and some state highways has been signed into law by Gov. Kevin Stitt.

The bill signed by Stitt increases turnpike speed limits from 75 to 80 mph and from 70 to 75 mph on certain state highways.

Rep. Daniel Pae of Lawton authored the bill and says he worked with the Oklahoma Department of Transportation, the Oklahoma Turnpike Authority and the Oklahoma Highway Patrol. He says the new speed limits will be implemented gradually and safely.

Oregon

Legislature considers bills to limit public records access

SALEM — The Legislature is considering 46 bills that would limit access to public records, including documents related to state investigations, trade secrets, personal medical information, election security, crime victims' identities and more.

The *Statesman Journal* reports the reasons for limiting public disclosure of these documents are enumerated in so-called open-government impact statements that, for the first time during a regular legislative session, are required to be completed for every bill introduced.

When the Legislature took on Oregon's public records exemptions in 2017, one of the bills it passed created the Oregon Sunshine Committee. The group reviews all of the state's public records disclosure exemptions.

South Dakota

State defends pipeline protest legislation

South Dakota's governor and attorney general are asking a federal judge to throw out a lawsuit challenging a new law that aims to prevent disruptive demonstrations against the Keystone XL pipeline if it's built.

The law allows officials to pursue criminal or civil penalties from demonstrators who engage in "riot boosting," which is defined in part as encouraging violence during a riot. The American Civil Liberties Union and American Indian tribes say the law will stifle free speech, but the state disputes that argument.

"Defendants deny that any objectively reasonable fear of prosecution for protected speech would arise under (the law)," Deputy Attorney General Richard Williams said in a filing. He also said the state is immune from such lawsuits.

Texas

Lobbyists back teen trying to end Texas Confederate holiday

AUSTIN — Months after the removal of a plaque in the Texas Capitol that rejected slavery's role in the Civil War, a push to abolish a state holiday honoring Confederate soldiers has returned with the backing of high-powered lobbyists. But it still faces long odds.

Texas is one of just nine states with Confederate holidays. Past efforts to either rename "Confederate Heroes Day" or wipe it off the calendar have gained little traction in Texas, where Republicans have also resisted calls to tear down Confederate symbols in the face of monuments falling nationwide in recent years.

But in January, Gov. Greg Abbott yielded to pressure and agreed to remove a 60-year-old Confederate plaque that came under bipartisan rebuke as historically indefensible. Now a Democratic lawmaker has renewed long-failed attempts to get rid of Texas' Confederate holiday, and his supporters include a teenager who made headlines in 2015 after spearheading a bill when he was just 13 years old.

Utah

State agrees to delay implementation of abortion law

SALT LAKE CITY — Utah officials agreed to delay the implementation of a new law that bans most abortions after 18 weeks of pregnancy as a legal challenge plays out in the courts.

Utah Attorney General Sean Reyes made the announcement shortly before a court hearing in which abortion-rights advocates who sued over the law were ready to ask a judge to delay the measure that had been set to take effect May 14.

Reyes, a Republican, said his office will still defend the constitutionality of the law. But he noted the delay will allow both sides to prepare for the case involving the contentious, deeply personal issue.

Washington

Lawmaker apologizes for nursing comments

OLYMPIA — A Washington state lawmaker who angered nurses by saying some may spend a lot of time playing cards in rural hospitals says she wishes she could reel that comment back in.

State Sen. Maureen Walsh, a Republican, said her comments were taken out of context and that she was concerned that rules in a proposed bill would be a hardship for small hospitals.

The Senate bill would require uninterrupted meal and rest breaks for nurses. Walsh wanted an amendment that would exclude hospitals with fewer than 25 beds, saying she thought those nurses "probably play cards for a considerable amount of the day."

Wyoming

Doctor accused of drug dealing heads to trial

CASPER — A former Wyoming physician accused of dealing drugs that caused the death of an Arizona woman goes to trial this week.

Shakeel Kahn faces charges including conspiracy to distribute prescription drugs resulting in death. The *Casper Star-Tribune* reports a judge denied a request by Kahn to change the trial date in U.S. District Court in Casper.

Prosecutors say customers paid Kahn \$500 for opioid and anti-anxiety prescriptions. Jessica Burch filled prescriptions allegedly signed by Kahn two days before she died in Lake Havasu City, Arizona, in 2015.



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