



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

May 11, 2010

EXECUTIVE OFFICE

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

RE: Senate Bill 1154 (underground storage tanks)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1154. The bill sought to extend the dates to apply for reimbursement from the State Assurance Fund program by owners of leaking underground storage tanks. The bill also contained a provision that would prohibit any appropriation from the Assurance Fund to the State General Fund. Both the extension of the Underground Storage Tank Program and the prohibition of appropriations of money from the fund need further discussion.

Owners of leaking underground storage tanks have known for several years that June 30, 2010 was the deadline to submit an application to be eligible for potential state repayment of cleanup costs. While I am open to the idea of potentially extending the application period for reimbursement of qualified expenditures, I am concerned about the delays in the program and whether the remaining resources will cover the potential additional costs. To that end, I am instructing the Department of Environmental Quality to review the entire program structure and provide recommendations on whether or not the program should be extended; and if extended, for how long and in what format.

In addition, the prohibition on appropriating State Assurance funds to the General Fund disrupts the FY 2011 budget. While I support using collected funds for their intended purpose, in this case, the use of these funds was part of the balanced FY 2011 budget. Since no replacement funds are identified, I feel compelled to veto the bill.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Robert Burns
The Honorable Kirk Adams
The Honorable Steve Pierce



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EXECUTIVE OFFICE

May 11, 2010

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2240 (recovery audits; public funds)

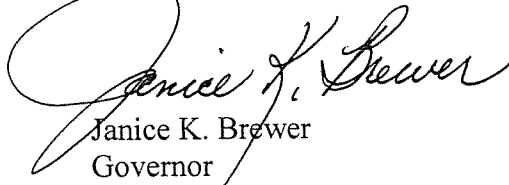
Dear Secretary Bennett,

Today I vetoed House Bill 2240. This bill would have required the Auditor General to contract with consultants to conduct a recovery audit of payments made by state agencies to vendors over the past three fiscal years.

This bill was introduced to recover overpayments to vendors and to recommend improved state agency accounting operations. I support eliminating wasteful spending and increasing efficiencies in state government; however, this bill would result in the delegation of Executive authority to the Legislature. It is the Executive's responsibility to ensure that payments are made properly and the Arizona Department of Administration (ADOA) is already charged with that responsibility. In fact, the ADOA General Accounting Office initiated a similar cost recover audit with a private vendor in FY 2008. Moreover, ADOA is well underway with other transparency initiatives, including the launching of a new searchable state website detailing all state expenditures and revenues.

I commend the sponsor of the bill for his desire to ensure that state monies are spent appropriately and accurately. In order to alleviate any concerns over state expenditures, I have directed ADOA to issue a Request for Proposal to have a audit recovery contract in place by October 1, 2010.

Sincerely,



Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Andy Tobin



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May 11, 2010

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GOVERNOR

EXECUTIVE OFFICE

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

RE: House Bill 2337 (Arizona manufactured incandescent light bulbs; regulation)

Dear Secretary Bennett:

Today I vetoed House Bill 2337. Despite any federal restrictions to the contrary, the bill would have allowed the possession, use, manufacture, purchase, installation, sale or exportation internationally of incandescent light bulbs manufactured in Arizona from Arizona raw materials and components.

While I have vetoed HB 2337, I share the bill's underlying sentiment. The federal government continually infringes on the rights of States guaranteed in the United States Constitution and by over-regulating the lives of everyday Americans. As Governor, there has not been a more ardent defender of the State of Arizona's Tenth Amendment rights -- from suing the federal government for overreaching its constitutional authority in the recently passed federal health care legislation to signing the Firearms Freedom Act (HB 2307) into law last month.

In fact, HB 2337 was modeled in large part after HB 2307. Both bills invite lawsuits that would restore our Founding Fathers' vision of a limited federal government based on the Tenth Amendment. I believe that the Firearms Freedom Act is the more immediate and practical vehicle for achieving this objective. The federal phase-out of the incandescent light bulb starts next year and is completed in 2014. HB 2337 would take many more years to achieve its goal because there are no active tungsten mining or mineral processing facilities in Arizona. Tungsten is necessary to manufacture the filament in incandescent light bulbs.

For these and other reasons, I have vetoed HB 2337.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Frank Antenori



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May 11, 2010

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2462 (private property trespass towers)

Dear Secretary Bennett,

Today I vetoed HB 2462. While I believe the Legislature is justified in their concern over some practices of towing companies that remove vehicles from private property, I am not able to support HB 2462. I believe the rate-setting and other requirements in the legislation need to be more carefully thought through and coordinated with those counties and municipalities already doing, or capable of doing, these tasks. In short, I am not yet persuaded of the need for the state to preempt local efforts or potential efforts.

I am persuaded, though, that if a state agency should be given the rate-setting and other duties prescribed in the legislation, resources must be appropriated or otherwise provided to ensure the new responsibilities can be effectively accomplished. The legislation assigns the responsibilities to the Department of Public Safety but does not provide the means to carry out the obligations. As a result, the Department would need to reassign officers away from law enforcement duties to private towing company oversight functions. While the Department's Commercial Vehicle Enforcement Bureau currently has some tow truck safety inspection duties, the additional responsibilities imposed by HB 2462 would necessitate a reallocation of personnel. Given the current state of the Department's budget, I believe such a reallocation to address private towing firms would be imprudent.

For these reasons I am vetoing HB 2462.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Ed Ableser



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EXECUTIVE OFFICE

May 11, 2010

The Honorable Ken Bennett
Secretary of State
1700 W. Washington
Phoenix, Arizona 85007

Re: House Bill 2475 (riding between lanes; motorcycle operation)

Dear Secretary Bennett,

Today I vetoed House Bill 2475. The bill would have allowed motorcycle operators in Maricopa County to pass vehicles in the same lane and drive between lanes of stopped traffic for a one-year period.

This practice is currently prohibited by law in Arizona and it is not clear how this proposal, which is drafted as a one-year session law, could be implemented in a way that all motorists would be advised of this change in traffic law and educated on how to operate in a safe manner.

Further, should the practice sunset as prescribed (when the legislature is not in session and without a study to determine its impact), a public awareness and education campaign would need to be implemented to notify the public again.

Jurisdictional implementation, as it is proposed in this bill, also may create a potential for complications. I do not think that it is wise or prudent to sign a bill that would allow traffic practices in one part of the state that remain offenses in all other areas. This will create a confusing patchwork of traffic safety enforcement wherein vehicle operators would be in compliance with the law in one area, and then in violation in the next as they drive from county to county.

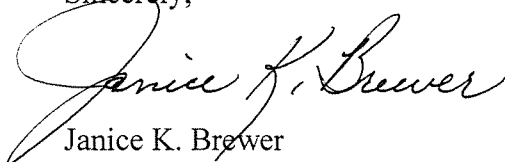
I am also concerned that some highway safety officials and law enforcement agencies raised questions on the impact this practice would have on safety. In addition, both the National Highway Traffic Safety Administration and the State of California Department of Motor Vehicles both hold that it is unsafe to operate a motorcycle between rows of stopped or moving traffic. While California does not specifically prohibit lane-splitting, it is important to note that the state calls it an unsafe practice.

The Honorable Ken Bennett
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I take highway safety seriously; especially the safety concerns of motorcyclists. That is why I recently signed SB 1023 motor vehicle accidents; death; injury. This bill added violations to those that constitute causing serious physical injury or death by a moving violation, earning wide support in the motorcyclist and highway safety community.

I encourage the sponsor to work with the Arizona Department of Transportation, the Governor's Office of Highway Safety and the Department of Public Safety to gather available data on the need for, and the implications of, this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer". The signature is written in black ink and is positioned above the printed name and title.

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Jerry Weiers



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The Honorable Ken Bennett
Secretary of State
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RE: House Bill 2502; taxation of solar energy property

Dear Secretary Bennett:

Today I have vetoed House Bill 2502. The bill would have required solar energy production plants, a class one property, to be valued in the same manner as agricultural property, a class two property. Article IX, Section 1 of the Arizona Constitution provides that all taxes shall be uniform upon the same class of property in Arizona. House Bill 2502 proposes to tax solar energy real property at lower rate than other land associated with renewable energy equipment, such as a wind farm, thereby violating the uniformity requirement.

Not only does this provision raise constitutional issues with respect to uniformity in taxation, it will have a negative impact on local governments and school districts. For these and other reasons, I have vetoed the bill.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

cc: The Honorable Kirk Adams
The Honorable Robert Burns
The Honorable Rick Murphy