



HOUSE OF REPRESENTATIVES

HB 2178

flood control districts; administrative actions

Sponsors: Representative Fann

DP Committee on Agriculture and Water

DPA Caucus and COW

X As Transmitted to the Governor

OVERVIEW

HB 2178 allows persons who violate flood control district statutes or rules to receive a non-monetary penalty and changes the final decision review process.

HISTORY

Arizona Revised Statutes (A.R.S.) Title 48 governs special taxing districts. Special taxing districts are formed to provide necessary services or infrastructure by placing the tax burden on those who benefit from the improvements. A.R.S. § 48-3602 requires each county to establish a flood control district to include and govern its area of jurisdiction. The members of the County Board of Supervisors are required to sit as the board of directors for the flood control district. The board of directors may establish a board of hearing review to review decisions pertaining to violations (A.R.S. § 48-3603).

Persons are prohibited from engaging in any development to divert, retard or obstruct the flow of waters in a delineated floodplain without first receiving written authorization from the board of directors of the appropriate flood control district (A.R.S. § 48-3613). A.R.S. § 48-3615 stipulates that a person who engages in development without written authorization is guilty of a Class 2 misdemeanor (4 months/\$750) and for other violations, including rules, a person may be assessed a separate civil penalty of no more than \$750 for each day the violation occurs. Violators may admit or deny allegations and go through a hearing process to obtain a final decision and order from the chief engineer. A person may submit a written request to the board of hearing review asking for a review of the chief engineer's final decision or order.

PROVISIONS

- Allows a person who violates statute or rules governing flood control districts to agree to receive a nonmonetary penalty that serves the purposes of the district.
- Requires a written request for a review of the chief engineer's order to specify which sections of the decision should be reviewed.
- Directs the board of hearing review to set a time and date to hear the review and specifies the information to be used in the hearing.
 - Requires the information presented to the chief engineer in issuing the final decision and order to be made available to all parties on request.
- Authorizes the board of hearing to deny, approve or modify the chief engineer's order and issue a final written order within 30 days of the hearing.
- Makes technical and conforming changes.