

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-sixth Legislature - Second Regular Session

## CAUCUS AGENDA

April 17, 2024

Bill Number	Short Title	Committee	Date	Action
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**Blue Sheet #9**

**Committee on Commerce**

**Chairman:** Justin Wilmeth, LD 2

**Analyst:** Paul Benny

**Vice Chairman:** Michael Carbone, LD 25

**Intern:** Michael Celaya

<a href="#"><u>HB 2185</u></a> <sub>(BSI)</sub>	liquor; policies; procedures			
SPONSOR: GRESS, LD 4	HOUSE	2/20/2024		(57-0-2-0)
	(NV: PARKER J, PINGERELLI)			
	COM	1/30/2024	DPA	(10-0-0-0)

**Committee on Government**

**Chairman:** Timothy M. Dunn, LD 25

**Analyst:** Stephanie Jensen

**Vice Chairman:** John Gillette, LD 30

**Intern:** Ada Cawood

<a href="#"><u>HB 2591</u></a> <sub>(BSI)</sub>	forced labor; child labor; prohibitions			
SPONSOR: BIASIUCCI, LD 30	HOUSE	2/29/2024		(43-16-0-0)
	(No: AGUILAR, CONTRERAS L, CONTRERAS P, DE LOS SANTOS, GUTIERREZ, HERNANDEZ M, ORTIZ, MATHIS, SANDOVAL, STAHL HAMILTON, TRAVERS, AUSTIN, CREWS, VILLEGAS, LIGUORI, LUCKING)			
	GOV	2/7/2024	DP	(6-1-2-0)
	(No: VILLEGAS Present: HERNANDEZ L, HODGE)			

**Committee on Judiciary**

**Chairman:** Quang H. Nguyen, LD 1

**Analyst:** Justin Larson

**Vice Chairman:** Selina Bliss, LD 1

**Intern:** Michael bencomo

<a href="#"><u>HB 2242</u></a> <sub>(BSI)</sub>	sexual conduct; minor; classification; sentence			
SPONSOR: WILLOUGHBY, LD 13	HOUSE	2/27/2024		(41-17-1-0)
	(No: AGUILAR, CONTRERAS L, CONTRERAS P, DE LOS SANTOS, GUTIERREZ, HERNANDEZ M, ORTIZ, MATHIS, PESHLAKAI, SANDOVAL, SEAMAN, STAHL HAMILTON, TRAVERS, AUSTIN, VILLEGAS, LIGUORI, LUCKING NV: CREWS)			
	JUD	2/7/2024	DPA	(5-2-0-2)
	(No: CONTRERAS L, ORTIZ Abs: HERNANDEZ M, KOLODIN)			

<a href="#"><u>HB 2623</u></a> <sub>(BSI)</sub>	vacate conviction; sex trafficking; victims			
SPONSOR: GRESS, LD 4	HOUSE	2/20/2024		(57-0-2-0)
	(NV: PARKER J, PINGERELLI)			
	JUD	2/7/2024	DP	(7-0-0-2)
	(Abs: HERNANDEZ M, KOLODIN)			

**Committee on Land, Agriculture & Rural Affairs**

**Chairman:** Lupe Diaz, LD 19

**Vice Chairman:** Michele Peña, LD 23

**Analyst:** Emily Bonner

**Intern:**

[HB 2325](#)<sup>(BSI)</sup> backyard fowl; regulation; prohibition

SPONSOR: PAYNE, LD 27 HOUSE 2/26/2024 (35-21-3-0)

(No: BLATTMAN, CONTRERAS L, CONTRERAS P, DE LOS SANTOS,

GUTIERREZ, HERNANDEZ L, HERNANDEZ M, MATHIS, PAWLIK, QUIÑONEZ, SANDOVAL,  
SCHWIEBERT, SEAMAN, STAHL HAMILTON, TERECH, TSOSIE, AUSTIN, CREWS, VILLEGAS, HODGE,  
LIGUORI NV: HEAP, PESHAKAI, PINGERELLI)

LARA 2/5/2024 DP (7-2-0-0)

(No: HERNANDEZ L, SANDOVAL)

**Committee on Natural Resources, Energy & Water**

**Chairman:** Gail Griffin, LD 19

**Vice Chairman:** Austin Smith, LD 29

**Analyst:** Emily Bonner

**Intern:**

[HB 2063](#)<sup>(BSI)</sup> exempt wells; certificate; groundwater use

SPONSOR: GRIFFIN, LD 19 HOUSE 2/28/2024 (31-28-0-0)

(No: AGUILAR, BLATTMAN, CONTRERAS L, CONTRERAS P, DE LOS  
SANTOS, GUTIERREZ, HERNANDEZ A, HERNANDEZ C, HERNANDEZ L, HERNANDEZ M, ORTIZ,  
MATHIS, PAWLIK, PESHAKAI, QUIÑONEZ, SANDOVAL, SCHWIEBERT, SEAMAN, STAHL HAMILTON,  
TERECH, TRAVERS, TSOSIE, AUSTIN, CREWS, VILLEGAS, HODGE, LIGUORI, LUCKING)

NREW 2/6/2024 DP (6-4-0-0)

(No: DE LOS SANTOS, MATHIS, SANDOVAL, VILLEGAS)

[HB 2124](#)<sup>(BSI)</sup> agricultural operations; water; protection; definition

SPONSOR: SMITH, LD 29 HOUSE 2/6/2024 (31-24-2-0)

(No: AGUILAR, BLATTMAN, CONTRERAS L, CONTRERAS P, DE LOS  
SANTOS, GUTIERREZ, HERNANDEZ A, HERNANDEZ C, HERNANDEZ L, HERNANDEZ M, ORTIZ,  
MATHIS, PAWLIK, PESHAKAI, QUIÑONEZ, SANDOVAL, SCHWIEBERT, STAHL HAMILTON, TERECH,  
TSOSIE, AUSTIN, CREWS, VILLEGAS, HODGE NV: SEAMAN, TRAVERS)

NREW 1/23/2024 DP (5-4-0-0)

(No: DE LOS SANTOS, MATHIS, TRAVERS, VILLEGAS)

[SB 1221](#)<sup>(BSI)</sup> basin management areas; appropriation

SPONSOR: KERR, LD 25

NREW 3/19/2024 DPA (6-4-0-0)

(No: DE LOS SANTOS, HERNANDEZ M, MATHIS, VILLEGAS)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: COM DPA 10-0-0-0 | 3<sup>rd</sup> Read 57-0-2-0-1

Senate: FICO DP 6-0-1-0 | 3<sup>rd</sup> Read 17-9-4-0-0

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**HB 2185: liquor; policies; procedures**  
**Sponsor: Representative Gress, LD 4**  
**Senate Engrossed**

## **Overview**

Makes various changes to liquor statutes.

## **History**

The [Department](#) of Liquor Licenses and Control (DLLC), which consists of the State Liquor Board and the Office of the Director of the Department regulates the manufacture, distribution and sale of liquor in this state through the issuance of [21 license](#) types or series.

A special event license is a temporary license which allows a government entity or certain organizations to sell and serve spirituous liquor for consumption at the event. Prior to the issuance of a special event license, events that occur at an otherwise unlicensed location or by a licensee at a location that is not fully within the exiting licensed premises must be approved by a county board of supervisors or a municipality's governing body, depending on where the event is to be held ([A.R.S. § 4-203.02](#)).

## **Provisions**

1. Requires a special event license, prior to issuance, to be approved by the President of a university under the jurisdiction of the Arizona Board of Regents if the event is to be held on the university's property. (Sec. 1)
2. Allows a special event license to be issued concurrently with a microbrewery festival license. (Sec. 1)
3. Removes the ability of DLLC to approve the location of a wine festival license within an excluded area of a special event license. (Sec. 1)
4. Provides an exemption for restaurant licensees who meet specified qualifications from the statutory percentage cap of total liquor sales for mixed cocktails off-sale use. (Sec. 2)
5. Requires DLLC to provide, through December 31, 2025, for an addendum to leases relating to the privilege of selling mixed cocktails for consumption off the licensed premises to restaurants that derive at least 90% of gross revenues from the sale of food and that have off-sale liquor sales that exceed 30% of total liquor sales in either 2023 or 2024. (Sec. 2)
6. Outlines the conditions applicable to the lease addendum. (Sec. 2)
7. Adds that DLLC may issue a new license of the same series in the same county for licenses that have been surrendered. (Sec. 3)
8. Allows an applicant for a liquor store license and a bar license to consolidate the application and apply for both licenses at the same time. (Sec. 3)
9. Requires a liquor store license and a bar license on the same premises to be owned by and issued to the same licensee. (Sec. 3)
10. Permits a liquor licensee with on-sale retail privileges to apply for an extension of premises on an ongoing limited use basis to contiguous property that is owned or leased by the applicant licensee or to property that the applicant licensee has permission to use. (Sec. 4)

11. Allows DLLC to include noncontiguous private property on the extended premises if the property meets the requirements of DLLC rules applicable to the regularly licensed premises. (Sec. 4)
12. Requires the applicant for an extension of premises to include in the application the proposed days and times that the extended premises will be used. (Sec. 4)
13. Permits the local governing body to conduct an optional safety inspection of the extended premises during specified times. (Sec. 4)
14. Restates that the application for an extension of premises must contain a plan and an accurate diagram that designates the proposed physical arrangement of the extended premises, including the location of ingress and egress from the extended premises or other requirements as outlined. (Sec. 4)
15. Instructs DLLC to determine the appropriate security measures that the applicant licensee must use to control liquor service on the extended premises and to protect public health and safety. (Sec. 4)
16. Includes a requirement that the security plan must be designed in a manner to ensure that security and oversight of the extended premises is provided by the applicant licensee. (Sec. 4)
17. Requires the applicant for an extension of premises to provide the written notice of any modification to the local governing body. (Sec. 4)
18. Prohibits a licensee from modifying the physical arrangement of the extended premises, the location of ingress or egress or the security to be provided without notifying the local governing body and DLLC at least 10 days in advance. (Sec. 4)
19. Allows DLLC to consult with the local governing body and approve, reject or modify the proposed modification. (Sec. 4)
20. Adds that further compliance with the requirements relating to an initial extended premises application are not required if the only proposed modification is to reduce the size of the extended premises. (Sec. 4)
21. Specifies that a permit for an extended premises is valid for six consecutive months or less, which is calculated from the first date to the last date of the extended premises. (Sec. 4)
22. Asserts the extended premises provisions do not exempt the applicant licensee from complying with any local governing body event permit requirements. (Sec. 4)
23. Specifies extended premises provisions do not apply to a permanent change in the premises and do not prevent DLLC, together with a local government, from waiving the extended premises requirements for an application or event. (Sec. 4)
24. Removes the exception which allows producers and wholesales who designate an area separate from the off-sale retailer's premises to provide samples to retail consumers on an off-sale retailer's premises. (Sec. 5)
25. Adds that, beginning January 1, 2024, a restaurant licensee that derives at least 90% of its gross revenue from the sale of food and that has off-sale spirituous liquor sales that exceed 30% of total spirituous liquor sales is not in violation of the statutory cap of total liquor sales off-sale use. (Sec. 6)
26. Makes technical changes. (Sec. 1, 2, 5)

### **Senate Amendments**

1. Removes the provision which adds that, beginning January 1, 2024, a restaurant licensee that derives at least 90% of gross revenue from food sales and that has off-sale spirituous liquor sales that exceed 30% of total spirituous liquor sales is not in violation of the statutory cap of total liquor sales off-sale use.

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: GOV DP 6-1-2-0 | 3<sup>rd</sup> Read 43-16-0-0-1

Senate: GOV DPA 4-3-1-0 | 3<sup>rd</sup> Read 16-11-3-0

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**HB 2591: forced labor; child labor; prohibitions**  
**Sponsor: Representative Biasiucci, LD 30**  
**Senate Engrossed**

## Overview

Prohibits a public power entity or public service corporation from entering into a contract with a person or company that uses forced labor or oppressive child labor.

## History

[Laws 2022, Chapter 295](#) prohibits a public entity from entering into or renewing a contract with a company for the acquisition or disposition of goods, information technology, construction, services or supplies unless the contract includes a written certification that the company does not currently and agrees for the duration of the contract that it will not use the forced labor of ethnic Uyghurs in the People's Republic of China.

*Public entity* is defined as this state, a political subdivision of this state or a commission, department, board or agency of this state or a political subdivision. Current law additionally defines a *company* as an association, corporation, organization, partnership, joint venture or business association that engages in for-profit activity and that has 10 or more full-time employees ([A.R.S. § 35-394](#)).

## Provisions

1. States that a public power entity or public service corporation may not enter into or renew a contract with a company or person for the acquisition or disposition of electric vehicles, batteries, solar panels, land and minerals used to create batteries and solar panels unless the contract includes a sworn certification that the person or company does not currently, and agrees for the duration of the contract that it will not, knowingly use:
  - a) forced labor;
  - b) oppressive child labor;
  - c) any services or goods produced by oppressive child labor or forced labor; and
  - d) any suppliers, contractors or subcontractors that use oppressive child labor or forced labor or any services or goods produced by oppressive child labor or forced labor. (Sec. 1, 4)
2. Requires a company or person, within five business days after becoming aware of noncompliance, to notify the public power entity or public service corporation that the company or person is not in compliance with the sworn certification during the term of the contract. (Sec. 1, 4)
3. Specifies that the contract terminates if the company or person does not provide the public power entity or public service corporation with a sworn certification that the company or person has remedied the noncompliance within 180 days after notifying the public entity of the noncompliance. (Sec. 1, 4)
4. Declares that if the contract termination date occurs before the end of the remedy period, the contract terminates on the contract termination date. (Sec. 1, 4)
5. Instructs the company or person that provides the sworn statement to certify that they do not knowingly use oppressive child labor or forced labor. (Sec. 1, 3, 4)
6. Clarifies that this legislation does not apply to a contract entered into before the general effective date. (Sec. 1-4)
7. Stipulates that a public entity may not enter into or renew a contract with a company *or person* for the acquisition or disposition of land goods, including electric vehicles, batteries, solar panels and the

minerals used to create batteries and solar panels unless the contract includes a *sworn* certification that the person or company does not currently, and agrees for the duration of the contract that it will not, knowingly use:

- a) forced labor;
  - b) oppressive child labor;
  - c) any services or goods produced by oppressive child labor or forced labor; and
  - d) any suppliers, contractors or subcontractors that use oppressive child labor or forced labor or any services or goods produced by oppressive child labor or forced labor. (Sec. 3)
8. Prescribes a civil penalty of no more than \$10,000 for each violation. (Sec. 1-4)
9. Modifies the definition of *company*. (Sec. 3)
10. Defines:
- a) *company*;
  - b) *forced labor*;
  - c) *minerals*;
  - d) *oppressive child labor*; and
  - e) *sworn certification*. (Sec. 1, 3, 4)
11. Makes technical and conforming changes. (Sec. 2, 3)

### **Senate Amendments**

1. Includes acquiring a utility scale in the prescribed sworn certification requirements.
2. Specifies that an automobile manufacturer must provide the required sworn certification for contracts to acquire electric vehicles and the component parts of electric vehicles.
3. Makes technical and conforming changes.



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: JUD DPA 5-2-0-2 | 3<sup>rd</sup> Read DPA 41-17-1-0-1

Senate: JUD DPA 4-3-0-0 | 3<sup>rd</sup> Read 19-8-3-0-0

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## **HB 2242: sexual conduct; minor; classification; sentence**

**Sponsor: Representative Willoughby, LD 13**

**Senate Engrossed**

### **Overview**

Reclassifies sexual conduct with a minor of at least 15 years of age as a class 4 felony.

### **History**

A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years of age.

Current law classifies sexual conduct with a minor of at least 15 years of age as a class 6 felony. If the sexual conduct occurred between a minor and an adult in a position of trust, then the offense is classified as a class 2 felony. Sexual conduct with a minor under the age of 15 is classified as a class 2 felony and is punishable as a dangerous crime against children under [A.R.S. § 13-705](#) ([A.R.S. § 13-1405](#)).

Under [A.R.S. § 13-1407](#), subsection E (commonly referred to as the *Romeo and Juliet Law*), it is a defense to a prosecution for sexual conduct with a minor if all of the following circumstances are met:

- 1) the victim is between 15 and 17 years old;
- 2) the defendant is under 19 years old or attending high school and is no more than 24 months older than the victim; and
- 3) the conduct is consensual.

### **Provisions**

1. Raises the felony classification for sexual conduct with a minor of at least 15 years of age from class 6 to class 4. (Sec. 1)



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: JUD DP 7-0-0-2 | 3<sup>rd</sup> Read DP 57-0-2-0-1

Senate: JUD DP 7-0-0-0 | 3<sup>rd</sup> Read DPA 26-1-3-0-0

## **HB 2623: vacate conviction; sex trafficking; victims**

**Sponsor: Representative Gress, LD 4**

**Senate Engrossed**

### **Overview**

Removes the requirement that a prostitution offense be committed by a person before July 24, 2014 in order for the person to apply to have the conviction vacated due to the person's status as a sex trafficking victim.

### **History**

Under [A.R.S. § 13-909](#), which is sometimes referred to as the *vacatur law*, a person who was convicted of prostitution under [A.R.S. § 13-3214](#) (or a city or town ordinance with the same or substantially similar elements) that was committed before July 24, 2014 may apply to the court that sentenced the person to have the conviction and sentence vacated.

The court is required to grant the application and vacate the conviction if the court finds by clear and convincing evidence that the person's participation in the offense was a direct result of being a victim of sex trafficking pursuant to [A.R.S. § 13-1307](#). The court is required to hold a hearing on the application if the prosecutor opposes it but may grant the application without a hearing if the prosecutor does not oppose it.

If the court vacates the conviction, the court is required to do all of the following:

- 1) release the applicant from all penalties and disabilities resulting from the conviction;
- 2) order that a notation be made in the court file and in law enforcement and prosecution records that the conviction has been vacated and the person was the victim of a crime; and
- 3) transmit the order vacating the conviction to the arresting agency, the prosecutor and the Department of Public Safety.

A conviction that is vacated pursuant to the vacatur law does not qualify as a historical prior felony conviction and cannot be alleged for sentence enhancement purposes under A.R.S. §§ [13-703](#) and [13-707](#). Moreover, except on an application for employment that request a fingerprint clearance card under [A.R.S. title 41](#), chapter 12, article 3.1, a person whose conviction is vacated is permitted to state, in all instances, that the person has never been arrested for, charged with or convicted of the subject offense, including in response to questions on employment, housing, financial aid or loan applications.

### **Provisions**

1. Amends the vacatur law by removing the requirement that the person's underlying prostitution offense be committed before July 24, 2014 in order for the person to apply to have the conviction vacated due to the person's status as a sex trafficking victim. (Sec. 1)

### **Senate Amendments**

1. Allows a person who was a victim of child sex trafficking under [A.R.S. § 13-3212](#), in addition to sex trafficking under [A.R.S. § 13-1307](#), to apply to have their prostitution offense vacated under the vacatur law.

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note





# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: LARA DP 7-2-0-0 | 3<sup>rd</sup> Read 35-21-3-0-1

Senate: NREW DPA 4-2-1-0 | 3<sup>rd</sup> Read 17-13-0-0

## **HB 2325: backyard fowl; regulation; prohibition**

**Sponsor: Representative Payne, LD 27**

**Senate Engrossed**

### **Overview**

Prohibits a municipality or county from adopting a zoning ordinance that restricts a resident of a single-family detached residence from keeping fowl in their backyard. Allows municipalities and counties to establish certain requirements for keeping fowl.

### **History**

Municipalities and towns have the general power to adopt and enforce zoning ordinances that regulate certain aspects of land use (A.R.S. §§ [9-240](#), [9-499.01](#), [9-462.01](#)).

Some Arizona cities have adopted ordinances to regulate how many backyard fowl may be kept at a residence and the conditions in which these animals may be kept:

- 1) In [Phoenix](#), poultry may be kept in an enclosure within 80 feet of a residence if written permission is given by each lawful occupant and owner of a residence within 80 feet of the enclosure;
- 2) In [Chandler](#), up to five chickens per yard are allowed if the coop is set back at least five feet from all property lines;
- 3) In [Scottsdale](#), fowl is allowed unless it is a frequent or habitual nuisance that disturbs a neighborhood or any two or more persons;
- 4) In [Flagstaff](#), small livestock such as chickens, ducks, rabbits, miniature goats and bees are allowed on residential or educational property. Unless the property is located in Estate and Rural Residential zoning, a permit is required to keep backyard livestock. On property less than 20,000 square feet, up to 5 chickens are allowed provided that they are fenced in to keep them on the owner's property and have at least 10 square feet of outdoor space and 4 square feet of indoor space; and
- 5) In [Tucson](#), residents may keep up to 24 chickens if they have an enclosure that is not within 50 feet of the dwelling of another person. Coops must be kept in a clean and sanitary condition.

Counties have a similar power to adopt and enforce such ordinances. In 2017, the Pima County Board of Supervisors approved a zoning change to allow residents to keep up to 8 hens in certain properties that are usually 6,000 to 8,000 square feet in size. Single-family dwelling lots and manufactured home lots of 6,000 square feet or smaller or multi-family dwellings could keep up to four hens per dwelling (A.R.S. §§ [11-251.05](#), [11-811](#)) (Pima County Ordinance 2017- 36).

### **Provisions**

1. Prohibits a municipality or county from adopting a law, ordinance or regulation that restricts a resident of a single-family detached residence that is one-acre or smaller in size from keeping fowl in the property's backyard. (Sec.1 and 2)
2. Allows a municipality or county to:
  - a) restrict the number of fowl that a resident may keep in the property's backyard to no more than six;
  - b) prohibit a resident from keeping male fowl, including roosters;

- c) require fowl to be kept in an enclosure in the rear or side of the yard at least 15 feet from a neighboring property and with a maximum size of 200 square feet and a maximum height of 8 feet;
  - d) require the enclosure to be maintained and manure picked up, disposed of or composted at least twice weekly;
  - e) require that composted manure be kept in a way that prevents migration of insects;
  - f) require water resources with adequate overflow drainage;
  - g) require that feed be stored in insect-proof and rodent-proof containers; and
  - h) prohibit fowl from running at large. (Sec. 1 and 2)
3. States that the property rights of property owners in Arizona are of statewide concern. (Sec. 1 and 2)
  4. Preempts local laws, ordinances and charter provisions. (Sec. 1 and 2)
  5. Defines *fowl* to mean a cock or hen of the domestic chicken. (Sec. 1 and 2)

**Senate Amendments**

1. Increases the number of feet, from 15 to 30, that a municipality or county may require backyard fowl to be kept from a neighboring property.
2. Makes conforming changes.



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: NREW DP 6-4-0-0 | 3<sup>rd</sup> Read 31-28-0-0-1

Senate: NREW DPA 3-2-2-0 | 3<sup>rd</sup> Read 16-11-3-0

## **HB 2063: exempt wells; certificate; groundwater use**

**Sponsor: Representative Griffin, LD 19**

**Senate Engrossed**

### **Overview**

Requires the Arizona Department of Water Resources (ADWR) Director to issue each groundwater user that registers their exempt well a certificate of water rights (Certificate).

### **History**

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater. Accordingly, ADWR regulates all groundwater wells in Arizona. The ADWR Director must adopt construction standards for new, replacement, deepening, abandonment or capping existing wells. Prior to drilling a new well, deepening or modifying an existing well, a person must choose a well driller and file a Notice of Intent (NOI) to drill a well with ADWR.

If the ADWR Director determines that the NOI meets all requirements, the ADWR Director must record the notice, mail a drilling card that allows the drilling of the well to the well driller and a written notice of the issuance of the drilling card to the person that filed the NOI. On receipt of the drilling card, the well driller has one year to drill or deepen the well at the address stated in the NOI (A.R.S. §§ [45-594](#), [45-596](#)).

There are two types of production wells:

- 1) an *exempt well* is used for non-irrigation uses, noncommercial irrigation of less than two acres of land and watering stock and has a maximum pump capacity of not more than 35 gallons per minute. In active management areas, new exempt wells can withdraw a maximum of 10-acre-feet per year; and
- 2) a *non-exempt well* is used for irrigation or industry uses with a maximum pump capacity exceeding 35 gallons per minute ([A.R.S. § 45-454](#)).

### **Provisions**

1. States an exempt well that is registered with ADWR may withdraw up to 35 gallons per minute. (Sec. 1)
2. Requires the ADWR Director to issue a Certificate to each groundwater user that registers the groundwater user's exempt well with ADWR. (Sec. 1)
3. States the Certificate allows the groundwater user to pump not more than 35 gallons per minute. (Sec. 1)
4. Prohibits a groundwater user to appropriate surface water or subflow out of priority. (Sec. 1)
5. States the withdrawn water is not exempt from a general stream adjudication. (Sec. 1)
6. Makes technical and conforming changes. (Sec. 1)

### **Senate Amendments**

1. States that exempt wells do not preempt or affect:
  - a) decreed or appropriative rights;
  - b) surface water;
  - c) water subject to appropriation; or
  - d) a general adjudication of water rights.





# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

House: NREW DP 5-4-0-0 | 3<sup>rd</sup> Read 31-24-2-0-3

Senate: NREW DP 4-3-0-0 | 3<sup>rd</sup> Read 16-11-3-0

## **HB 2124: agricultural operations; water; protection; definition**

**Sponsor: Representative Smith, LD 29**

**Senate Engrossed**

### **Overview**

Revises the definition of *agricultural operations* and modifies the basis for awarding costs and attorney fees in nuisance actions filed against an agricultural operation.

### **History**

Current law describes what constitutes a public nuisance, who may bring an action in superior court to abate, enjoin or prevent the activity, and classifies knowingly committing or failing to remove a public nuisance as a class 2 misdemeanor ([A.R.S. § 13-2917](#)).

Agricultural operations are presumed to be reasonable and do not constitute a nuisance if the operation: 1) is conducted on farmland; 2) is consistent with good agricultural practices; 3) was established before surrounding nonagricultural uses; and 4) does not have a substantial adverse effect on public health and safety. Current law also specifies that agricultural operations undertaken in conformity with federal, state and local laws are presumed to be good agricultural operations ([A.R.S. § 3-112](#)).

In a nuisance action filed against an agricultural operation conducted on farmland, the court has discretionary authority to award costs and expenses, including reasonable attorney fees to the prevailing party. If specific circumstances apply, the court is required to award reasonable costs and attorney fees.

### **Provisions**

1. Requires a court to award costs and attorney fees to an agricultural operation if a nuisance action is filed against an agricultural operation conducted on farmland and the court determines the action was filed to take or reduce the water used for its operation. (Sec. 2)
2. Modifies the definition of *agricultural operations* to include water use by an owner, lessee, agent, independent contractor and supplier conducted on any facility for the production of crops, livestock, poultry, livestock products or poultry products or for the purpose of agritourism. (Sec. 1)
3. Makes technical and conforming changes. (Sec. 1 and 2)

### **Senate Amendments**

1. Removes the ability for the Attorney General to bring an action in superior court to abate, enjoin and prevent an activity described as a public nuisance.

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

Senate: NREW DPA 4-3-0-0 | 3<sup>rd</sup> Read 16-12-2-0

House: NREW DPA 6-4-0-0

## **SB 1221: basin management areas; appropriation**

**Sponsor: Senator Kerr, LD 25**

**Caucus & COW**

### **Overview**

Establishes a process to designate a basin management area (BMA) and an active BMA. Appropriates \$40 million from allocated state monies from the Arizona Rescue Plan Act (ARPA) of 2021 to the Arizona Department of Water Resources (ADWR) in FY 2025 to fund water conservation measures in a BMA.

### **History**

The Groundwater Management Code (Code) was enacted in 1980 and established the statutory framework to regulate and control the use of groundwater. As part of the management framework, the Code designated active management areas (AMAs) and irrigation non-expansion areas (INAs) where specific regulations regarding withdrawal and use of groundwater apply (A.R.S. §§ [45-411](#), [45-411.03](#), [45-431](#), [45-554](#))(ADWR).

[Laws 2023, Chapter 133, Section 97](#) appropriated \$5,000,000 from the state General Fund to ADWR in FY 2024 for statewide water resources planning.

### **Provisions**

#### ***Initiation Procedures of a BMA***

1. Allows the designation of a BMA, in any location not included in an AMA, to be initiated by petition to the ADWR Director if signed by at least 15% of the registered voters who reside within the boundaries of the groundwater basin or subbasin and receive their drinking water from the groundwater basin or subbasin. (Sec. 1)
2. States that if a groundwater basin or subbasin is located in two or more counties, at least 15% of registered voters who reside within the boundaries of the groundwater basin or subbasin and receive their drinking water from the groundwater basin or subbasin must sign the petition. (Sec. 1)
3. Requires the petition form to be substantially similar to an initiative petition and the applicant for the petition to comply with statutory petition requirements. (Sec. 1)
4. Specifies that the duties required by the Secretary of State must be performed by the county recorders of the counties in which the registered voters of the groundwater basin or subbasin reside. (Sec. 1)
5. Prohibits a petition from being accepted more than 180 days after the date of submission of the application for petition. (Sec. 1)
6. Requires, on request of a county recorder, the ADWR Director to transmit to a county recorder any factual data concerning the boundaries of the groundwater basin or subbasin that can aid the county recorder in determining which registered voters are county residents and eligible voters of the groundwater basin or subbasin. (Sec. 1)
7. Requires the transmitted data to include a map of the residencies that receive drinking water from the groundwater basin or subbasin. (Sec. 1)
8. States that the ballot must remain unopened and be destroyed if residency or the origin of a resident's drinking water is not verified. (Sec. 1)
9. Requires, after receiving an application for petition, the ADWR Director to determine whether the groundwater basin or subbasin subject to the petition meets both of the following conditions:

- a) land subsidence within the groundwater basin or subbasin due to groundwater withdrawal is endangering property or potential groundwater storage capacity; and
  - b) there has been accelerated decline in water levels within the groundwater basin or subbasin over the preceding five years as measured by at least 10 index wells. (Sec. 1)
10. Requires the ADWR Director to:
    - a) select index wells across the groundwater basin or subbasin to collect a basin-wide representative sample; and
    - b) measure each index well's static water level at the same time each year. (Sec. 1)
  11. Specifies that each index well must show an accelerated decline of five feet or more annually. (Sec. 1)
  12. Requires ADWR to conduct a cost benefit analysis of the increased water management to determine if the probable benefits to the local economy resulting from the proposed water management outweigh the costs. (Sec. 1)
  13. Specifies that, if the ADWR Director determines that benefits outweigh the costs, the ADWR Director must transmit:
    - a) the petition to the county board of supervisors (BOS) in each county in which the groundwater basin or subbasin subject to the petition is located; and
    - b) a map of the groundwater basin or subbasin to the county recorder of each county. (Sec. 1)
  14. Requires the map to be on a scale adequate to show with substantial accuracy where the boundaries of the groundwater basin or subbasin cross the boundaries of the county voting precincts. (Sec. 1)
  15. Requires a county BOS to:
    - a) hold a public meeting to approve or deny a petition;
    - b) approve the petition by an affirmative vote of all members; and
    - c) hold a least three meeting upon approval of the petition. (Sec. 1)
  16. Allows the ADWR Director to refer either of the following to the applicable county BOS for designation as a BMA:
    - a) an INA located outside of a basin or subbasin in which groundwater may be transported to an AMA; or
    - b) a basin in which ADWR has reported average declines in groundwater levels greater than 50 feet during the years 2000 through 2020. (Sec. 1)
  17. Specifies that an INA or referred subbasin referred by the ADWR Director is not subject to the petition requirements but is subject to the meeting and voting procedure requirements. (Sec. 1)

#### ***Meeting Requirements***

18. Requires the ADWR Director, if a petition is approved or the ADWR Director declares all basins or subbasins in an INA as a BMA, to hold a series of public meetings as follows:
  - a) the first and second meetings must be held at a location in the county in which the major portion of the proposed BMA is located no more than 60 days after the first publication of the notice of the meeting; and
  - b) the third meeting must be a joint legislative committee consisting of all members of the Senate and House of Representatives Natural Resources, Energy and Water Committees. (Sec. 1)
19. Requires the ADWR Director to:
  - a) give reasonable notice of each meeting;
  - b) post the notice on the ADWR and county websites; and
  - c) include a legal description and map of all lands to be included in the BMA. (Sec. 1)
20. Outlines data and information that must be presented by the ADWR Director at the first, second and third meetings. (Sec. 1)
21. Allows any person to appear at the meetings and submit oral or documentary information regarding the proposed action or modeling completed by ADWR. (Sec. 1)

22. Requires the ADWR Director, within 15 days after the joint legislative meeting adjourns, to determine whether the BMA petition procedures have been met. (Sec. 1)
23. Allows a party to seek judicial review of the ADWR Director's determination. (Sec. 1)
24. Requires the ADWR Director, if all requirements are met and no challenge has been filed, to declare a BMA established and file a true map of the BMA in the office of the county recorder of the county or counties in which the BMA is located. (Sec. 1)

### ***Certificate of Groundwater Rights***

25. Requires, within 15 months after a BMA is established, the ADWR Director to grant each water user who applies for a certificate of groundwater rights a certificate that entitles the user to the annual allocated amount of water as follows:
  - a) for municipal, industrial or residential users, a certificate of groundwater rights consistent with the maximum amount of groundwater withdrawn and used, in acre feet, in any one year in the five preceding years before the formation of the BMA; and
  - b) for agricultural users, a certificate of groundwater rights consistent with the higher of:
    - i. the average use of the agricultural groundwater user in acre feet over the preceding 10 years before the formation of the BMA; or
    - ii. the median use of the agricultural groundwater user in acre feet over the preceding 10 years before the formation of the BMA. (Sec. 1)
26. Outlines conditions for the ADWR Director to grant a certificate of groundwater rights for an agricultural user that has withdrawn and used groundwater for fewer than 10 years before the formation of a BMA. (Sec. 1)
27. Requires ADWR to increase the amount of water entitled to a user via a certificate of groundwater rights if the user has made substantial capital investment in the 12 months before the petition is circulated for a BMA designation. (Sec. 1)
28. Requires, for planned residential or mixed-use developments, a landowner to be granted a certificate of groundwater rights equal to the projected water demand of the development at build out. (Sec. 1)
29. Prohibits new groundwater pumping from occurring in a BMA, beginning after the petition is approved, except that a user with a certificate of groundwater rights can retire or diminish the groundwater user's withdrawal from an existing well and withdraw an equal amount of groundwater from a replacement well or existing well for the same use consistent with the groundwater user's certificated groundwater right on the same property or may do any of the following as long as there remains a net benefit of at least 10 percent to the aquifer:
  - a) withdraw intentionally recharged water; or
  - b) transfer a certificate of groundwater rights and the associated groundwater as prescribed. (Sec. 1)
30. Prohibits ADWR from requiring a groundwater user to meter any wells located in a BMA or reporting the user's groundwater use beyond the outlined requirements. (Sec. 1)
31. Allows a user to voluntarily acquire and report metering data. (Sec. 1)
32. Requires a groundwater user to annually report to ADWR an estimate of groundwater use based on pumping capacity and the power usage of the user's groundwater pumping. (Sec. 1)
33. Outlines what must be included in an application for a certificate of groundwater rights for municipal or industrial and agricultural groundwater use. (Sec. 1)
34. Specifies that any data submitted regarding a person's groundwater use is not public record. (Sec. 1)
35. Requires ADWR to issue a receipt of water conservation to a groundwater user. (Sec. 1)

### ***Flexibility Accounts***

36. Allows a person entitled to use groundwater pursuant to certificate of groundwater right to:
  - a) use groundwater in excess of the amount allowed by the right in a determined amount; or



- b) use less than the amount allowed by the right in one accounting period and use the remaining amount allowed by the right in a succeeding accounting period. (Sec. 1)
37. Requires the ADWR Director to establish rules or the maintenance of a flexibility account for each certificate of groundwater right in a BMA. (Sec. 1)
38. Requires, if a person who is entitled to use groundwater pursuant a certificate of groundwater right uses solely groundwater during any accounting period, the ADWR Director to:
- a) debit the account if the amount of groundwater used is greater than the amount of the annual allocation of the groundwater granted; or
  - b) credit the account if the amount of groundwater used is less than the amount of the annual allocation of groundwater granted. (Sec. 1)
39. Specifies conditions by which groundwater use must be registered as a credit or debit for a person who holds a certificate of groundwater right and uses a combination of surface water, effluent or groundwater. (Sec. 1)
40. States that the maximum excess amount of groundwater that a person can use must be equal to 50% of the annual allocation of water granted pursuant to a certificate of groundwater right. (Sec. 1)
41. Declares that a person is in violation of flexibility account rules if the flexibility account for the certificate of groundwater right is in arrears at any time in the excess of this amount. (Sec. 1)
42. Allows groundwater equal to the credit balance in the flexibility account to be used at any time. (Sec. 1)
43. Requires, if a certificate of groundwater right is conveyed in whole or in part, each acre-foot conveyed to carry with it a proportional share of any debits or credits in the flexibility account for the right. (Sec. 1)
44. Allows each person who owns a certificate of groundwater right that has a registered credit balance to its flexibility account to convey or sell all or a portion of the credit balance to any person who owns another certificate of groundwater right in the same groundwater basin or subbasin. (Sec. 1)
45. Requires the ADWR Director to be notified of the sale or conveyance of a credit balance within 30 days of the sale or conveyance. (Sec. 1)
46. Specifies that a sale or conveyance of a credit balance is only effective if the ADWR Director is notified. (Sec. 1).
47. Requires the ADWR Director, after receiving the notice, to register a deduction of the credit amount conveyed or sold from the conveyor's or seller's flexibility account balance and the corresponding addition to the conveyor's or purchaser's flexibility account balance. (Sec. 1)
48. Specifies the deduction and addition to the flexibility account balances are effective as of the date of the sale or conveyance. (Sec. 1)
49. Allows a person whose certificate of groundwater right has registered a credit balance to its flexibility account to extinguish all or a portion of a credit balance and establishes notification requirements. (Sec. 1)
50. States that the extinguishment of all or part of a credit balance is effective when the ADWR Director receives a notification. (Sec. 1)
51. Requires the ADWR Director to register a deduction of the credit amount extinguished from the flexibility account balance of the person who extinguished the credit balance. (Sec. 1)

***Use of Municipal and Industrial Groundwater Rights***

52. Allows the owner of a municipal and industrial groundwater right to:
- a) use groundwater withdrawn for any nonagricultural use at any location in the BMA subject to the provisions governing transportation of groundwater;
  - b) withdraw groundwater only from wells outlined on the user's certificate of groundwater rights;

- c) request the ADWR Director to use a revised certificate of groundwater rights to reflect new or additional points of withdrawal or type of nonagricultural use; and
  - d) lease all or part of the municipal or industrial groundwater right. (Sec. 1)
53. Allows the lessee to use groundwater withdrawn pursuant to the groundwater right if it is leased. (Sec. 1)

#### ***Use of Agricultural Groundwater Right***

54. Allows the owner of an agricultural certificate of groundwater right to:
- a) use groundwater withdrawn for any agricultural use on any land described in the certificate of groundwater rights; and
  - b) require the ADWR Director to issue a revised certificate of groundwater rights to reflect new or additional acres of land within the BMA on which the owner wishes to use groundwater for agricultural purposes. (Sec. 1)
55. States the right to use groundwater pursuant to the agricultural groundwater right is appurtenant to the acres of land described in the agricultural certificate of groundwater rights. (Sec. 1)
56. Specifies an agricultural groundwater right is owned by the owner of the land to which the groundwater right is appurtenant and may be leased for agricultural use with the land to which it is appurtenant. (Sec. 1)
57. Allows the owner or lessee of an agricultural certificate of groundwater rights to withdraw or receive groundwater from any location in the BMA subject to the provisions governing transportation of groundwater. (Sec. 1)

#### ***Conversion of Groundwater Rights***

58. Allows an owner of an agricultural certificate of groundwater rights to convert all or part of the groundwater right to a municipal and industrial use. (Sec. )
59. Allows a municipal or industrial groundwater user to withdraw and use a converted agricultural groundwater right annually for municipal and industrial use as follows:
- a) if the municipal and industrial use is on land described in the agricultural certificate of groundwater rights, 90% of the amount of the agricultural groundwater right allocation; and
  - b) if the municipal and industrial use is on land other than land described in the agricultural certificate of groundwater rights, 80% of the amount of the agricultural groundwater right allocation. (Sec. 1)
60. Requires a person who proposed to convert an agricultural groundwater right to notify the ADWR Director of the conversion and specified information. (Sec. 1)
61. Requires the ADWR Director, after receiving notice of a conversion of an agricultural groundwater right, to issue to the owner a revised agricultural certificate of groundwater rights for the remaining agricultural use, if any, and a new municipal and industrial certificate of groundwater rights. (Sec. 1)

#### ***Conveyance of Certificate of Groundwater Rights***

62. Allows the owner of a municipal and industrial certificate of groundwater rights to sell or convey all or part of the groundwater right for any nonagricultural use in the same groundwater basin or subbasin. (Sec. 1)
63. Requires, within 30 days after a conveyance of a groundwater right, the conveyer and conveyee of the municipal and industrial groundwater right to notify the ADWR Director of the conveyance. (Sec. 1)
64. Outlines what must be included in the notice. (Sec. 1)
65. Requires the ADWR Director, after receiving notice of a conveyance of a municipal and industrial groundwater right, to issue to the conveyor a revised municipal and industrial certificate of groundwater rights for the portion of the groundwater right retained by the conveyor, if any, and issue to the conveyee a new municipal and industrial certificate of groundwater rights for the portion of the groundwater right conveyed. (Sec. 1)

66. Requires, if the owner of an agricultural certificate of groundwater rights conveys land described in the groundwater user's certificate, each acre conveyed to carry with it a proportional share of the annual allocation of groundwater granted. (Sec. 1)
67. Requires the conveyer and the conveyee, within 30 days after the conveyance of land described in an agricultural certificate of groundwater rights, to each notify the ADWR Director of the conveyance and outlines what must be included in the notice. (Sec. 1)
68. Requires the ADWR Director, after receiving notice of a sale or conveyance of an agricultural certificate of groundwater right, to issue to the conveyer a revised certificate for the portion of the groundwater right retained by the conveyer, if any, and issue to the conveyee a new agricultural certificate of groundwater rights for the portion of the groundwater right conveyed. (Sec. 1)
69. Allows the owner of an agricultural certificate of groundwater rights to sell or convey all or part of the right for agricultural use on other land in the same groundwater basin or subbasin. (Sec. 1)
70. Requires the conveyer of an agricultural certificate of groundwater rights and the conveyee, within 30 days after a conveyance, to notify the ADWR Director of the conveyance and outlines what must be included in the notice. (Sec. 1)
71. Requires the ADWR Director, after receiving notice of a sale or conveyance of an agricultural certificate of groundwater rights for use on other agricultural land, to issue to the conveyer a revised certificate of groundwater rights for the portion of the right retained by the conveyer, if any, and issue to the conveyee a new agricultural certificate of groundwater rights for the portion of the right conveyed. (Sec. 1)

***Retirement of a Certificate of Groundwater Right***

72. Allows an owner of certificate of groundwater rights to retire all or part of the groundwater rights. (Sec. 1)
73. Requires a person who proposes to retire all or part of a certificate of groundwater rights to notify the ADWR Director and outlines what must be included in the notice. (Sec. 1)
74. Requires the ADWR Director, after receiving notice of retirement of all or part of a certificate of groundwater rights, to issue to the person who retires the groundwater right a revised certificate of groundwater rights for the portion of the groundwater right not retired, if any. (Sec. 1)

***Active BMA Designation***

75. Allows the designation of an active BMA in any location that is designated a BMA to be initiated by a unanimous vote of each county BOS with geographic boundaries within the groundwater basin or subbasin. (Sec. 1)
76. Requires, if all county supervisors vote to designate an active BMA, the county BOS to call for an election:
  - a) on the question of designating an active BMA; and
  - b) for the election of three active BMA Council members. (Sec. 1)
77. Outlines election procedures for the active BMA Council. (Sec. 1)
78. Prescribes language to be included in the ballot. (Sec. 1)
79. Requires the council members' terms to begin on the date of filing the oath of office with the Secretary of State and to serve four-year terms. (Sec. 1)

***Active BMA Council (Council)***

80. Requires an active BMA Council to be established in each active BMA consisting of five members as follows:

- a) three members who reside within the boundaries of the active BMA and who receive their drinking water from the groundwater basin or subbasin; and
- b) two members who are Arizona residents and appointed by the irrigation districts whose boundaries overlap with the active BMA. (Sec. 1)

- 81. Outlines procedures for replacing Council members. (Sec. 1)
- 82. Specifies that Council members are not eligible to receive compensation but are eligible for reimbursement. (Sec. 1)
- 83. Outlines Council duties. (Sec. 1)
- 84. Specifies that a Council can only have those powers given to it by statute. (Sec. 1)
- 85. Prohibits the ADWR Director from taking any action in an active BMA not recommended by the Council. (Sec. 1)

***Goals, Rights to Water and Termination Procedures***

- 86. Allows specified goals of an active BMA and a Council to be determined by the Council. (Sec. 1)
- 87. Prohibits the designation of an active BMA from infringing on a water user's certificated water rights. (Sec. 1)
- 88. Allows an active BMA Council to require not more than a 2% annual reduction in water use as a part of an active BMA management plan. (Sec. 1)
- 89. Requires ADWR, in conjunction with a Council, to annually review the status of groundwater in the active BMA, estimate the amount of change in groundwater levels and submit an annual report to a Council by February 1. (Sec. 1)
- 90. Prohibits ADWR and a Council from:
  - a) requiring a groundwater user to meter any wells located in an active BMA; and
  - b) requiring a groundwater user to report the user's groundwater use beyond the prescribed requirements. (Sec. 1)
- 91. Requires a groundwater user to annually report to the Council an estimate of groundwater use based on pumping capacity and the power usage of the user's groundwater pumping. (Sec. 1)
- 92. States that an active BMA and Council terminate 10 years after the date on which the active BMA was established, unless continued through an election. (Sec. 1)
- 93. Requires an active BMA to immediately terminate if the ADWR Director determines that the active BMA no longer meets its required conditions. (Sec. 1)
- 94. Outlines requirements the ADWR Director must complete 24 months before an active BMA terminates. (Sec. 1)
- 95. States that an active BMA, if not continued, reverts to a BMA and any active BMA management plan is unenforceable. (Sec. 1)
- 96. Specifies that a water user has the same certificated groundwater right guaranteed to the water user before the formation of the active BMA. (Sec. 1)
- 97. Prohibits an active BMA that was originally designated as a BMA from terminating on the grounds that the basin no longer meets specified conditions. (Sec. 1)

***Appropriation***

- 98. Requires ADWR to use monies appropriated in the statewide waste resources planning line item in Laws 2023, Chapter 133, Section 97 only to fund water conservation measures in a BMA. (Sec. 3)
- 99. Appropriates \$40,000,000 from ARPA monies in FY 2025 to ADWR to fund water conservation measures in a BMA. (Sec. 3)

- 100. Allows a water user in a BMA to apply for a grant of not more than 50% of the costs of the water user's water conservation measure. (Sec. 3)
- 101. Requires ADWR to award the grant monies equitably to all classes of water users in a BMA. (Sec. 3)
- 102. Exempts the appropriations from lapsing. (Sec. 3)

***Miscellaneous***

- 103. Prohibits the ADWR Director or voters of a BMA or an active BMA from designating a BMA or an active BMA as an AMA or INA. (Sec. 1)
- 104. Specifies that if a BMA is established in an area that was previously designated as an INA, the ADWR Director must declare all basins or subbasins in the INA as a BMA and the INA and any regulations adopted pursuant to the designation as an INA terminate. (Sec. 1)
- 105. States that the BMA and active BMA provisions do not preempt the transportation of groundwater to AMAs. (Sec. 1)
- 106. Defines *land subsidence* and *substantial capital investment*. (Sec. 1)
- 107. Modifies the definition of *eligible entity* to include an active basin management council. (Sec. 2)

**Amendments**

*Committee on Natural Resources, Energy & Water*

- 1. Removes the requirement that the registered voters initiating the establishment of a BMA receive their drinking water from the groundwater basin or subbasin.
- 2. Requires the initial applicant for a petition to be a resident of Arizona for at least five years and for their primary residence to be in the groundwater basin or subbasin subject to the petition.
- 3. Specifies that a water management plan for an active BMA cannot require a water user:
  - a) to reduce annual water use at any time during the term of the active BMA pursuant to a groundwater right certificate before the establishment of the active BMA; and
  - b) to achieve water reduction in increments greater than 2% of the user's annual allotment per year in any year during the term of an active BMA.
- 4. Makes conforming changes.

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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