

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 280
SENATE BILL 1525

AN ACT

AMENDING SECTION 49-210, ARIZONA REVISED STATUTES; AMENDING LAWS 2018,
CHAPTER 225, SECTION 11; APPROPRIATING MONIES; RELATING TO ENVIRONMENT
BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 49-210, Arizona Revised Statutes, is amended to
3 read:
4 49-210. Water quality fee fund; appropriation; exemption;
5 monies held in trust
6 A. The water quality fee fund is established consisting of monies
7 appropriated by the legislature and fees received pursuant to sections
8 49-104, 49-203, 49-241, 49-241.02, 49-242, 49-255.01, 49-332, 49-352,
9 49-353 and 49-361. The director shall administer the fund.
10 B. Monies in the fund are subject to annual legislative
11 appropriation to the department for water quality programs. Monies in the
12 fund are exempt from the provisions of section 35-190 relating to lapsing
13 of appropriations.
14 C. On notice from the director, the state treasurer shall invest
15 and divest monies in the fund as provided by section 35-313, and monies
16 earned from investment shall be credited to the fund.
17 D. Monies in the water quality fee fund shall be used for the
18 following purposes:
19 1. The issuance of aquifer protection permits pursuant to section
20 49-241.
21 2. The aquifer protection permit registration fee procedures
22 pursuant to section 49-242.
23 3. Dry well registration fee procedures pursuant to section 49-332.
24 4. Technical review fee procedures pursuant to section 49-353.
25 5. Inspection fee procedures pursuant to section 49-104,
26 subsection C.
27 6. The issuance of permits under the Arizona pollutant discharge
28 elimination system program pursuant to section 49-255.01.
29 7. Operator certification pursuant to sections 49-352 and 49-361.
30 8. PAYING THE COST OF IMPLEMENTING SECTION 49-203, SUBSECTION A,
31 PARAGRAPH 6 AND SECTION 49-221, SUBSECTION E.
32 9. WATER QUALITY MONITORING PURSUANT TO SECTION 49-225 AND
33 REPORTING OF AQUIFER POLLUTION INFORMATION PURSUANT TO SECTION 49-249.
34 E. Any fee, assessment or other levy that is authorized by law or
35 administrative rule and that is collected and deposited in the water
36 quality fee fund shall be held in trust. The monies in the fund may be
37 used only for the purposes prescribed by statute and shall not be
38 appropriated or transferred by the legislature to fund the general
39 operations of this state or to otherwise meet the obligations of the
40 general fund of this state. This subsection does not apply to any taxes
41 or other levies that are imposed pursuant to title 42 or 43.

1 Sec. 2. Laws 2018, chapter 225, section 11 is amended to read:

2 Sec. 11. Conditional repeal; notice

3 ~~A. Sections 17-265, 35-142, 49-104, 49-203, 49-210, 49-261, 49-262~~
4 ~~and 49-263.01, Arizona Revised Statutes, as amended by this act, are~~
5 ~~repealed on August 1, 2023 unless the United States environmental~~
6 ~~protection agency approves the department of environmental quality's clean~~
7 ~~water act section 404 dredge and fill permit program established pursuant~~
8 ~~to title 49, chapter 2, article 3.2, Arizona Revised Statutes, as added by~~
9 ~~this act, under the terms of the clean water act, 33 United States code~~
10 ~~sections 1251 through 1376.~~

11 ~~B.~~ A. Title 49, chapter 2, article 3.2, Arizona Revised Statutes,
12 as added by ~~this act~~ LAWS 2018, CHAPTER 225, SECTION 6, is repealed on
13 August 1, 2023 unless the United States environmental protection agency
14 approves the department of environmental quality's clean water act section
15 404 dredge and fill permit program established pursuant to title 49,
16 chapter 2, article 3.2, Arizona Revised Statutes, as added by ~~this act~~
17 LAWS 2018, CHAPTER 225, SECTION 6, under the terms of the clean water act,
18 33 United States Code sections 1251 through 1376.

19 ~~C.~~ B. The director of environmental quality shall notify in
20 writing the director of the Arizona legislative council on or before
21 September 1, 2023 either:

- 22 1. Of the date on which the condition was met.
23 2. That the condition was not met.

24 Sec. 3. Arizona water protection fund; use

25 Notwithstanding section 45-2114, Arizona Revised Statutes, in fiscal
26 year 2018-2019, the Arizona water protection fund commission may grant to
27 the department of water resources up to \$336,000 of the unobligated
28 balance in the Arizona water protection fund established by section
29 45-2111, Arizona Revised Statutes, to pay for administrative costs of the
30 department in fiscal year 2018-2019.

31 Sec. 4. Off-highway vehicle recreation fund; use

32 Notwithstanding section 28-1176, Arizona Revised Statutes, the
33 Arizona state parks board may spend up to \$692,100 from the Arizona state
34 parks board portion of the off-highway vehicle recreation fund established
35 by section 28-1176, Arizona Revised Statutes, in fiscal year 2018-2019 for
36 parks board operating expenses.

37 Sec. 5. Underground storage tank revolving fund; use of
38 monies

39 Notwithstanding any other law, in fiscal year 2018-2019, the
40 department of environmental quality may use up to \$6,531,000 from the
41 underground storage tank revolving fund established by section 49-1015,
42 Arizona Revised Statutes, in fiscal year 2018-2019 for:

- 43 1. Administrative costs of the department.
44 2. Remediating sewage discharge issues in Naco, Arizona.

1 Sec. 6. Arizona water banking fund; use

2 In addition to the purposes provided in section 45-2425, Arizona
3 Revised Statutes, monies appropriated to the Arizona navigable stream
4 adjudication commission from the Arizona water banking fund established by
5 section 45-2425, Arizona Revised Statutes, may be used in fiscal year
6 2018-2019 to pay legal fees.

7 Sec. 7. Appropriations; reduction; water quality assurance
8 revolving fund; intent

9 A. Notwithstanding section 49-282, Arizona Revised Statutes, no
10 monies are appropriated from the state general fund to the water quality
11 assurance revolving fund established by section 49-282, Arizona Revised
12 Statutes, for fiscal year 2018-2019.

13 B. Notwithstanding any other law, the following amounts from the
14 following sources are appropriated in fiscal year 2018-2019 to the water
15 quality assurance revolving fund established by section 49-282, Arizona
16 Revised Statutes:

17 1. \$6,500,000 from the emissions inspection fund established by
18 section 49-544, Arizona Revised Statutes.

19 2. \$5,000,000 from the air quality fund established by section
20 49-551, Arizona Revised Statutes.

21 3. \$2,052,000 from the recycling fund established by section
22 49-837, Arizona Revised Statutes.

23 C. It is the intent of the legislature that the amounts
24 appropriated in subsection B of this section be supplemented by \$2,000,000
25 of monies directly deposited in the water quality assurance revolving fund
26 established by section 49-282, Arizona Revised Statutes.

27 Sec. 8. Appropriation; department of water resources;
28 independent consultant; groundwater; report;
29 exemption

30 A. The sum of \$100,000 is appropriated from the state general fund
31 in fiscal year 2018-2019 to the department of water resources for the
32 purposes of contracting with an independent consultant to estimate the
33 rate of groundwater depletion in the Northwest basins planning area and
34 estimate the number of years of groundwater remaining in the basin. The
35 department of water resources shall issue a request for proposals for the
36 independent consultant that shall include a requirement to issue a report
37 on its findings. The department shall provide its data on groundwater in
38 the Northwest basins planning area to the independent consultant. On or
39 before December 31, 2019, the department of water resources shall submit
40 the independent consultant's report on its findings to the speaker of the
41 house of representatives, the president of the senate and the governor and
42 provide a copy to the secretary of state.

43 B. The appropriation made in subsection A of this section is exempt
44 from the provisions of section 35-190, Arizona Revised Statutes, relating
45 to lapsing of appropriations.

1 Sec. 9. Permit administration fund; underground storage tank
2 revolving fund; use; e-licensing project

3 A. Notwithstanding section 49-455, Arizona Revised Statutes, the
4 department of environmental quality may use the amount appropriated in
5 fiscal year 2018-2019 from the permit administration fund established by
6 section 49-455, Arizona Revised Statutes, for the costs of developing and
7 implementing an e-licensing project.

8 B. Notwithstanding section 49-1015, Arizona Revised Statutes, the
9 department of environmental quality may use the amount appropriated in
10 fiscal year 2018-2019 from the underground storage tank revolving fund
11 established by section 49-1015, Arizona Revised Statutes, for the costs of
12 developing and implementing an e-licensing project.

13 Sec. 10. Department of environmental quality; vehicle
14 emissions testing fees; exemption from rulemaking

15 A. Notwithstanding any other law, the director of environmental
16 quality shall charge the same fees in fiscal year 2018-2019 that were
17 charged in fiscal year 2017-2018 for tests conducted in Area A, as defined
18 in section 49-541, Arizona Revised Statutes.

19 B. The department of environmental quality is exempt from the
20 rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes,
21 until July 1, 2019 for the purpose of establishing fees pursuant to this
22 section.

23 Sec. 11. Water resources fees; increase; intent; exemption
24 from rulemaking

25 A. Notwithstanding any other law, the director of water resources
26 may increase fees in fiscal year 2018-2019 for services in fiscal year
27 2018-2019.

28 B. Monies received from the fees collected pursuant to subsection A
29 of this section shall be deposited in the water resources fund established
30 by section 45-117, Arizona Revised Statutes.

31 C. It is the intent of the legislature that the monies generated by
32 the fees collected pursuant to subsection A of this section not exceed
33 \$100,200.

34 D. The department of water resources is exempt from the rulemaking
35 requirements of title 41, chapter 6, Arizona Revised Statutes, until
36 July 1, 2019 for the purpose of establishing fees pursuant to this
37 section.

APPROVED BY THE GOVERNOR MAY 3, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 3, 2018.