

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2553

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 45-107, Arizona Revised Statutes, is amended to
3 read:

4 45-107. Cooperation with the secretary of the interior of the
5 United States; applicability

6 A. The director is authorized, for and on behalf of the state of
7 Arizona, to consult, advise and cooperate with the secretary of the
8 interior of the United States, as follows:

9 1. In the exercise of any authority conferred upon the secretary of
10 the interior under the provisions of sections 4, 5 and 14 of the act
11 commonly known as the Boulder Canyon project act (43 United States Code
12 sections 617 through 617t), as contemplated and provided in section 16 of
13 the Boulder Canyon project act.

14 2. In respect to the authority of the secretary of the interior to
15 contract for the delivery of water of the main stream of the Colorado river
16 for use within the state of Arizona.

17 3. In respect to all powers and duties of the secretary of the
18 interior under the provisions of that certain contract between the United
19 States of America, acting by Harold L. Ickes, secretary of the interior,
20 and the state of Arizona, acting by the Colorado river commission,
21 entered into on the 9th day of February, 1944, pursuant to chapter 46 of
22 the 1939 session laws of Arizona, and approved by chapter 4 of the 1944
23 session laws of Arizona.

1 4. In respect to the exercise by the secretary of the interior of
2 any authority relative to the water of the Colorado river conferred upon
3 the secretary of the interior by the provisions of any legislation enacted
4 by the Congress of the United States of America.

5 5. In respect to the development, negotiation and execution of
6 interstate banking agreements in accordance with chapter 14 of this title.

7 B. The powers and duties of the director authorized by this section
8 shall be limited and restricted to only that quantity of water which may be
9 available for use in the state of Arizona, after the satisfaction of all
10 existing contracts between the secretary of the interior and users in the
11 state of Arizona for the delivery of water of the main stream of the
12 Colorado river, and shall not extend to any such contracts, any amendments
13 or supplements thereto, or to any federal statute enacted before June 21,
14 1962 pertaining to any federal reclamation project within the state of
15 Arizona constructed and using water of the main stream of the Colorado
16 river before June 21, 1962. Nothing shall be done under the authority of
17 this section which will impair existing rights in the state of Arizona for
18 the diversion and use of Colorado river water.

19 C. The privilege and right of individuals, irrigation districts,
20 corporations, state departments, agencies, boards, commissions or political
21 subdivisions of ~~the~~ THIS state ~~of Arizona~~ to negotiate and directly
22 contract with the secretary of the interior for the delivery of water of
23 the main stream of the Colorado river for use within the state of Arizona
24 and to negotiate and subcontract with the secretary of the interior and a
25 multi-county water conservation district for the delivery of Colorado river
26 water through the central Arizona project for use within the state of
27 Arizona, and all rights under such contracts or subcontracts shall not be
28 affected by the provisions of this section, except as provided in
29 subsection D OF THIS SECTION.

30 D. Individuals, irrigation districts, corporations, state
31 departments, agencies, boards, commissions and political subdivisions of

1 the state shall cooperate, confer with and obtain the advice of the
2 director as to those negotiations, contracts and subcontracts described in
3 subsection C OF THIS SECTION that affect the allocation and use of main
4 stream Colorado river water or the allocation and use of Colorado river
5 water delivered through the central Arizona project. For a proposed
6 contract or subcontract or a proposed amendment of a contract or
7 subcontract that will result in a transfer of an allocation or entitlement
8 of Colorado river water, including central Arizona project water, from a
9 non-Indian Arizona contractor or subcontractor for a term of more than one
10 year, the obligation to cooperate, confer with and obtain the advice of the
11 director shall include the obligation to submit to the director for review
12 the proposed contract or subcontract or the proposed amendment, and all
13 related exhibits and agreements, prior to its execution by the contractor
14 or subcontractor.

15 E. AFTER A PROPOSED CONTRACT OR SUBCONTRACT FOR FOURTH PRIORITY
16 COLORADO RIVER WATER AVAILABLE TO SATISFY ENTITLEMENTS IN THIS STATE THAT
17 IS NOT CONTRACTED FOR DELIVERY THROUGH THE CENTRAL ARIZONA PROJECT IS
18 SUBMITTED TO THE DIRECTOR PURSUANT TO SUBSECTION D OF THIS SECTION, THE
19 DIRECTOR SHALL RECOMMEND OR ADVISE THE SECRETARY OF THE INTERIOR NOT TO
20 TRANSFER THE PROPOSED CONTRACTED OR SUBCONTRACTED AMOUNT OF THE FOURTH
21 PRIORITY COLORADO RIVER WATER AVAILABLE TO SATISFY ENTITLEMENTS IN THIS
22 STATE THAT IS NOT CONTRACTED FOR DELIVERY THROUGH THE CENTRAL ARIZONA
23 PROJECT, UNLESS THE DIRECTOR COMPLIES WITH THE FOLLOWING:

24 1. PROVIDES NOTICE OF THE PROPOSED CONTRACT OR SUBCONTRACT TO ALL
25 INDIVIDUALS, IRRIGATION DISTRICTS, CORPORATIONS, STATE DEPARTMENTS,
26 AGENCIES, BOARDS, COMMISSIONS AND POLITICAL SUBDIVISIONS OF THIS STATE WITH
27 A CONTRACT RIGHT TO USE ANY AMOUNT OF THE FOURTH PRIORITY COLORADO RIVER
28 WATER AVAILABLE TO SATISFY ENTITLEMENTS IN THIS STATE THAT IS NOT
29 CONTRACTED FOR DELIVERY THROUGH THE CENTRAL ARIZONA PROJECT.

30 2. PROVIDES NINETY DAYS FROM THE DATE OF THE NOTICE FOR ANY POLITICAL
31 SUBDIVISION OF THIS STATE PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION TO

1 ENTER INTO AN AGREEMENT WITH THE PERSON OR ENTITY OWNING THE CONTRACTUAL
2 PRIVILEGE OR RIGHT UNDER THE SAME TERMS OR OTHER TERMS AGREED ON BY THE
3 PERSON OR ENTITY OWNING THE CONTRACTUAL PRIVILEGE OR RIGHT. IF THE PERSON
4 OR ENTITY OWNING THE CONTRACTUAL PRIVILEGE OR RIGHT ENTERS INTO AN
5 AGREEMENT WITH A POLITICAL SUBDIVISION OF THIS STATE DURING THE NINETY-DAY
6 PERIOD, NOTICE SHALL BE PROVIDED TO THE DIRECTOR BY THE PERSON OR ENTITY
7 OWNING THE CONTRACTUAL PRIVILEGE OR RIGHT AND NO ADDITIONAL SIXTY-DAY
8 PERIOD IS REQUIRED.

9 3. PROVIDES SIXTY DAYS FROM THE END OF THE NINETY-DAY PERIOD
10 DESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION FOR ANY PERSON OR ENTITY
11 PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION TO ENTER INTO AN AGREEMENT
12 WITH THE PERSON OR ENTITY OWNING THE CONTRACTUAL PRIVILEGE OR RIGHT UNDER
13 THE SAME TERMS OR OTHER TERMS AGREED ON BY THE PERSON OR ENTITY OWNING THE
14 CONTRACTUAL PRIVILEGE OR RIGHT. IF THE PERSON OR ENTITY OWNING THE
15 CONTRACTUAL PRIVILEGE OR RIGHT ENTERS INTO AN AGREEMENT DURING THE NINETY-
16 DAY PERIOD WITH A PERSON OR ENTITY DESCRIBED IN PARAGRAPH 1 OF THIS
17 SUBSECTION, NOTICE SHALL BE PROVIDED TO THE DIRECTOR BY THE PERSON OR
18 ENTITY OWNING THE CONTRACTUAL PRIVILEGE OR RIGHT.

19 F. IF THE PERSON OR ENTITY OWNING THE CONTRACTUAL PRIVILEGE OR RIGHT
20 ENTERS INTO AN AGREEMENT WITH A POLITICAL SUBDIVISION OF THE STATE DURING
21 THE NINETY-DAY PERIOD PRESCRIBED IN SUBSECTION E, PARAGRAPH 2 OF THIS
22 SECTION, NOTICE SHALL BE PROVIDED TO THE DIRECTOR AND NO ADDITIONAL SIXTY-
23 DAY PERIOD IS REQUIRED.

24 G. IF THE PERSON OR ENTITY OWNING THE CONTRACTUAL PRIVILEGE OR RIGHT
25 REFUSES TO SELL TO ANY PERSON OR ENTITY PRESCRIBED IN SUBSECTION E,
26 PARAGRAPH 1 OF THIS SECTION THAT IS READY, WILLING AND ABLE TO ENTER INTO
27 THE TERMS OF THE PROPOSED CONTRACT OR SUBCONTRACT UNDER SUBSECTION E OF
28 THIS SECTION, THE DIRECTOR SHALL RECOMMEND OR ADVISE THE SECRETARY OF THE
29 INTERIOR NOT TO TRANSFER THE PROPOSED CONTRACTED OR SUBCONTRACTED AMOUNT OF
30 THE FOURTH PRIORITY COLORADO RIVER WATER AVAILABLE TO SATISFY ENTITLEMENTS

1 IN THIS STATE THAT IS NOT CONTRACTED FOR DELIVERY THROUGH THE CENTRAL
2 ARIZONA PROJECT.

3 H. SUBSECTIONS E, F AND G OF THIS SECTION DO NOT APPLY TO TRANSFER
4 APPLICATIONS SUBMITTED TO THE DEPARTMENT BEFORE JANUARY 1, 2022."

5 Amend title to conform

GAIL GRIFFIN

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02/17/2022
03:18 PM
H: PAB/l's