

House Engrossed

subsequent water management areas; basins

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2015

AN ACT

AMENDING SECTIONS 45-413, 45-415, 45-433, 45-435 AND 45-439, ARIZONA
REVISED STATUTES; RELATING TO GROUNDWATER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 45-413, Arizona Revised Statutes, is amended to
3 read:

4 45-413. Hearings; meetings; public comment designation of
5 subsequent active management areas and boundaries;
6 notice; procedures

7 A. If the director proposes to designate a subsequent active
8 management area pursuant to section 45-412, subsection A, the director
9 shall hold a public hearing to consider:

10 1. Whether to issue an order declaring the area an active
11 management area.

12 2. The boundaries and any ~~sub-basins~~ SUBBASINS of the proposed
13 active management area.

14 B. The director shall give reasonable notice of the hearing under
15 the circumstances which shall include publication once each week for two
16 consecutive weeks in a newspaper of general circulation in each county in
17 which the proposed active management area is located. Any notice shall
18 contain the time and place of the hearing, the legal description and a map
19 clearly identifying and describing all lands to be included in the
20 proposed active management area and any ~~sub-basins~~ SUBBASINS and any other
21 information the director deems necessary.

22 C. The hearing shall be held at a location within the proposed
23 active management area as soon as practicable but ~~no~~ NOT less than thirty
24 days and ~~no~~ NOT more than sixty days after the first publication of the
25 notice of hearing. At the hearing, the director shall present the factual
26 data in ~~his~~ THE DIRECTOR'S possession in support of AND IN OPPOSITION TO
27 the proposed action. Any person may appear at the hearing, either in
28 person or by representative, and submit oral or documentary evidence for
29 or against the proposed action. In making ~~his~~ THE determination, the
30 director shall give full consideration to public comment and to
31 recommendations made by local political subdivisions.

32 D. NOTWITHSTANDING ANY OTHER LAW, ANY PUBLIC COMMENT SESSION,
33 STAKEHOLDER PROCESS OR PUBLIC HEARING THE DEPARTMENT INITIATES OR HOSTS
34 RELATED TO THE ESTABLISHMENT OF A SUBSEQUENT ACTIVE MANAGEMENT AREA SHALL
35 BE HELD IN THE GROUNDWATER BASIN OR SUBBASIN SUBJECT TO POTENTIAL
36 DESIGNATION. AT ANY PUBLIC COMMENT SESSION, STAKEHOLDER PROCESS OR PUBLIC
37 HEARING THE DEPARTMENT INITIATES OR HOSTS, THE DIRECTOR SHALL EXPLAIN TO
38 ALL INTERESTED STAKEHOLDERS THE POTENTIAL IMPACT OF THE DESIGNATION AS A
39 SUBSEQUENT ACTIVE MANAGEMENT AREA.

40 Sec. 2. Section 45-415, Arizona Revised Statutes, is amended to
41 read:

42 45-415. Local initiation for active management area;
43 procedures

44 A. A groundwater basin that is not included within an initial
45 active management area may be designated an active management area on

1 petition by ten percent of the registered voters ~~residing~~ WHO RESIDE
2 within the boundaries of the proposed active management area AND WHO
3 RECEIVE THEIR DRINKING WATER FROM THAT GROUNDWATER BASIN, as of the most
4 recent report compiled by the county recorder in compliance with section
5 16-168, subsection ~~A~~ H AND IN COMPLIANCE WITH SUBSECTION B OF THIS
6 SECTION, and a subsequent election held pursuant to the general election
7 laws of this state. The form of the petition shall be the same as for
8 initiative petitions, and the applicant for the petition shall comply with
9 section 19-111, BE A RESIDENT OF THE GROUNDWATER BASIN AND RECEIVE THEIR
10 DRINKING WATER FROM THE GROUNDWATER BASIN.

11 B. On application for a petition number with the clerk of the board
12 of supervisors or county election officer, the director shall transmit a
13 map of the groundwater basin to the county recorder of each county in
14 which the proposed active management area is located. The map shall be on
15 a scale adequate to show with substantial accuracy where the boundaries of
16 the groundwater basin cross the boundaries of county voting
17 precincts. The director shall also transmit to the county recorder all
18 other factual data concerning the boundaries of the groundwater basin that
19 may aid the county recorder in ~~the determination of~~ DETERMINING which
20 registered voters of the county are residents of the groundwater basin AND
21 ARE ELIGIBLE VOTERS OR PETITIONERS, INCLUDING A MAP OF THE RESIDENCES THAT
22 RECEIVE DRINKING WATER FROM THE GROUNDWATER BASIN.

23 C. Any registered voter of a county whose residency in the
24 groundwater basin AND THE ORIGIN OF THEIR DRINKING WATER is in question
25 shall be allowed to vote. The ballot shall be placed in a separate
26 envelope, the outside of which shall contain the precinct name and number,
27 the signature of the voter, the residence address of the voter and the
28 voter registration number of the voter, if available. The voter receipt
29 card shall be attached to the envelope. The county recorder shall verify
30 the ballot for proper residency AND THE ORIGIN OF THE DRINKING WATER of
31 the voter before counting. Such verification shall be made within five
32 business days following the election, and the voter receipt card shall be
33 returned to the voter. Verified ballots shall be counted using the
34 procedure outlined for counting early ballots. If residency in the
35 groundwater basin OR THE ORIGIN OF A RESIDENCE'S DRINKING WATER is not
36 verified, the ballot shall remain unopened and shall be destroyed.

37 D. Except as provided in subsection E of this section, all election
38 expenses incurred pursuant to this section are the responsibility of the
39 county involved.

40 E. If a groundwater basin is located in two or more counties, the
41 following procedures apply:

42 1. The petition shall be filed with the clerk of the board of
43 supervisors or county election officer of the county in which the
44 plurality of the registered voters in the groundwater basin resides.

1 2. The number of registered voters required to sign the petition
2 shall be ten percent of the registered voters ~~residing~~ WHO RESIDE within
3 the boundaries of the proposed active management area AND WHO RECEIVE
4 THEIR DRINKING WATER FROM THE GROUNDWATER BASIN, as of the most recent
5 report compiled by the county recorder in compliance with section 16-168,
6 subsection ~~G~~ H AND IN COMPLIANCE WITH SUBSECTION B OF THIS SECTION,
7 within the county in which the plurality of the registered voters in the
8 groundwater basin resides.

9 3. The election shall be called by the board of supervisors of the
10 county in which the petition is filed, and the board shall immediately
11 notify the board of supervisors of any other county included in the
12 groundwater basin of the date of the election. The election shall be held
13 not less than sixty days or more than ninety days from the date of the
14 call. The board of supervisors so notified shall then call the election
15 in that county for the same date and follow the procedures for conducting
16 the general elections in this state.

17 4. All election expenses incurred pursuant to this subsection are
18 the responsibilities of the counties involved on a proportional basis
19 considering the number of registered voters of each county that are
20 residents of the groundwater basin AND WHO RECEIVE THEIR DRINKING WATER
21 FROM THE GROUNDWATER BASIN.

22 F. The ballot shall be worded, "should the (insert name of basin)
23 groundwater basin be designated an active management area?" followed by
24 the words "yes" and "no".

25 Sec. 3. Section 45-433, Arizona Revised Statutes, is amended to
26 read:

27 45-433. Local initiation for designation; procedures

28 A. The designation of a subsequent irrigation non-expansion area
29 may be initiated by the director or by petition to the director signed by
30 either:

31 1. Not less than twenty-five irrigation users of groundwater, or
32 one-fourth of the irrigation users of groundwater within the boundaries of
33 the groundwater basin or ~~sub-basin~~ SUBBASIN specified in the petition.

34 2. Ten ~~per cent~~ PERCENT of the registered voters ~~residing~~ WHO
35 RESIDE within the boundaries of the groundwater basin or ~~sub-basin~~
36 SUBBASIN AND WHO RECEIVE THEIR DRINKING WATER FROM THE GROUNDWATER BASIN
37 OR SUBBASIN specified in the petition as of the most recent report
38 compiled by the county recorder in compliance with section 16-168,
39 subsection ~~G~~ H. The form of the petition shall be the same as for an
40 initiative petition, and the applicant for ~~such~~ THE petition shall comply
41 with the provisions of section 19-111, BE A RESIDENT OF THE GROUNDWATER
42 BASIN OR SUBBASIN AND RECEIVE THEIR DRINKING WATER FROM THE GROUNDWATER
43 BASIN OR SUBBASIN. If a groundwater basin or ~~sub-basin~~ SUBBASIN is
44 located in two or more counties, the number of registered voters required
45 to sign the petition shall be ten ~~per cent~~ PERCENT of the registered

1 voters ~~residing~~ WHO RESIDE within the boundaries of the groundwater basin
2 or ~~sub-basin~~ SUBBASIN AND WHO RECEIVE THEIR DRINKING WATER FROM THE
3 GROUNDWATER BASIN OR SUBBASIN, as of the most recent report compiled by
4 the county recorder in compliance with section 16-168, subsection ~~G~~ H,
5 within the county in which the plurality of the registered voters in the
6 groundwater basin or ~~sub-basin~~ SUBBASIN resides.

7 B. ~~upon~~ ON receipt of a petition pursuant to subsection A,
8 paragraph 2 of this section, the director shall transmit the petition to
9 the county recorder of each county in which the groundwater basin or
10 ~~sub-basin~~ SUBBASIN is located for verification of signatures. In
11 addition, the director shall transmit a map of the groundwater basin or
12 ~~sub-basin~~ SUBBASIN to the county recorder of each such county
13 included. The map shall be on a scale adequate to show with substantial
14 accuracy where the boundaries of the groundwater basin or ~~sub-basin~~
15 SUBBASIN cross the boundaries of county voting precincts. The director
16 shall also transmit to the county recorder all other factual data
17 concerning the boundaries of the groundwater basin or ~~sub-basin~~ SUBBASIN
18 that may aid the county recorder in ~~the determination of~~ DETERMINING which
19 registered voters of the county are residents of the groundwater basin or
20 ~~sub-basin~~ SUBBASIN AND ARE ELIGIBLE VOTERS OR PETITIONERS, INCLUDING A MAP
21 OF THE RESIDENCES THAT RECEIVE DRINKING WATER FROM THE GROUNDWATER BASIN
22 OR SUBBASIN.

23 Sec. 4. Section 45-435, Arizona Revised Statutes, is amended to
24 read:

25 45-435. Hearing on designation of subsequent irrigation
26 non-expansion areas and boundaries; notice;
27 procedures

28 A. If the director finds that an area ~~which~~ THAT is not included
29 within an active management area meets the criteria specified in section
30 45-432, or a petition is filed pursuant to section 45-433, the director
31 shall hold a public hearing to consider:

32 1. Whether to issue an order declaring the area an irrigation
33 non-expansion area.

34 2. The boundaries of the proposed irrigation non-expansion area.

35 B. The director shall give reasonable notice of the hearing under
36 the circumstances ~~which shall include~~ BY the publication once each week
37 for two consecutive weeks in a newspaper of general circulation in each
38 county in which the proposed irrigation non-expansion area is
39 located. Any notice shall contain the time and place of the hearing, the
40 legal description and a map clearly identifying and describing all lands
41 to be included in the proposed irrigation non-expansion area and any other
42 information the director deems necessary.

43 C. The hearing shall be held at a location in the county in which
44 the major portion of the proposed irrigation non-expansion area is located
45 ~~no~~ NOT less than thirty days but ~~no~~ NOT more than sixty days after the

1 first publication of the notice of the hearing. At the hearing, the
2 director shall present the factual data in ~~his~~ THE DIRECTOR'S possession
3 in support of ~~or~~ AND in opposition to the proposed action. Any person may
4 appear at the hearing, either in person or by representative, and submit
5 oral or documentary evidence for or against the proposed action. In
6 making ~~his~~ THE determination, the director shall give full consideration
7 to public comment and to recommendations made by local political
8 subdivisions.

9 D. NOTWITHSTANDING ANY OTHER LAW, ANY PUBLIC COMMENT SESSION,
10 STAKEHOLDER PROCESS OR PUBLIC HEARING THE DEPARTMENT INITIATES OR HOSTS
11 RELATED TO THE ESTABLISHMENT OF A SUBSEQUENT IRRIGATION NON-EXPANSION AREA
12 SHALL BE HELD IN THE GROUNDWATER BASIN OR SUBBASIN SUBJECT TO POTENTIAL
13 DESIGNATION. AT ANY PUBLIC COMMENT SESSION, STAKEHOLDER PROCESS OR PUBLIC
14 HEARING THE DEPARTMENT INITIATES OR HOSTS, THE DIRECTOR SHALL EXPLAIN TO
15 ALL INTERESTED STAKEHOLDERS THE POTENTIAL IMPACT OF THE DESIGNATION AS A
16 SUBSEQUENT IRRIGATION NON-EXPANSION AREA.

17 Sec. 5. Section 45-439, Arizona Revised Statutes, is amended to
18 read:

19 45-439. Conversion from irrigation non-expansion area to
20 active management area; director; local initiation;
21 procedures

22 A. The director may designate an irrigation non-expansion area as
23 an active management area if the director determines that the irrigation
24 non-expansion area meets any of the criteria for designating an active
25 management area specified in section 45-412, subsection A.

26 B. Any action taken under this section is subject to the procedures
27 for notice and hearing prescribed by sections 45-413 and 45-414.

28 C. An irrigation non-expansion area may be designated an active
29 management area ~~upon~~ ON petition and election pursuant to section 45-415
30 by the registered voters ~~residing~~ WHO RESIDE in AND WHO OBTAIN DRINKING
31 WATER FROM the groundwater basin ~~which~~ THAT is or THAT includes the
32 irrigation non-expansion area.