

REFERENCE TITLE: subsequent water management areas; basins

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

HB 2015

Introduced by
Representative Griffin

AN ACT

AMENDING SECTIONS 45-415, 45-433 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 45-415, Arizona Revised Statutes, is amended to
3 read:

4 45-415. Local initiation for active management area;
5 procedures

6 A. A groundwater basin that is not included within an initial
7 active management area may be designated an active management area on
8 petition by ten percent of the registered voters ~~residing~~ WHO RESIDE
9 within the boundaries of the proposed active management area AND WHO
10 RECEIVE THEIR DRINKING WATER FROM THAT GROUNDWATER BASIN, as of the most
11 recent report compiled by the county recorder in compliance with section
12 16-168, subsection ~~H~~ H AND IN COMPLIANCE WITH SUBSECTION B OF THIS
13 SECTION, and a subsequent election held pursuant to the general election
14 laws of this state. The form of the petition shall be the same as for
15 initiative petitions, and the applicant for the petition shall comply with
16 section 19-111, BE A RESIDENT OF THE GROUNDWATER BASIN AND RECEIVE THEIR
17 DRINKING WATER FROM THE GROUNDWATER BASIN.

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

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

1 D. Except as provided in subsection E of this section, all election
2 expenses incurred pursuant to this section are the responsibility of the
3 county involved.

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

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

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

17 3. The election shall be called by the board of supervisors of the
18 county in which the petition is filed, and the board shall immediately
19 notify the board of supervisors of any other county included in the
20 groundwater basin of the date of the election. The election shall be held
21 not less than sixty days or more than ninety days from the date of the
22 call. The board of supervisors so notified shall then call the election
23 in that county for the same date and follow the procedures for conducting
24 the general elections in this state.

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

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

33 Sec. 2. Section 45-433, Arizona Revised Statutes, is amended to
34 read:

35 45-433. Local initiation for designation; procedures

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

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

42 2. Ten ~~percent~~ PERCENT of the registered voters ~~residing~~ WHO
43 RESIDE within the boundaries of the groundwater basin or ~~sub-basin~~
44 SUBBASIN AND WHO RECEIVE THEIR DRINKING WATER FROM THE GROUNDWATER BASIN
45 OR SUBBASIN specified in the petition as of the most recent report

1 compiled by the county recorder in compliance with section 16-168,
2 subsection ~~H~~. The form of the petition shall be the same as for an
3 initiative petition, and the applicant for ~~such~~ THE petition shall comply
4 with the provisions of section 19-111, BE A RESIDENT OF THE GROUNDWATER
5 BASIN OR SUBBASIN AND RECEIVE THEIR DRINKING WATER FROM THE GROUNDWATER
6 BASIN OR SUBBASIN. If a groundwater basin or ~~sub-basin~~ SUBBASIN is
7 located in two or more counties, the number of registered voters required
8 to sign the petition shall be ten ~~per cent~~ PERCENT of the registered
9 voters ~~residing~~ WHO RESIDE within the boundaries of the groundwater basin
10 or ~~sub-basin~~ SUBBASIN AND WHO RECEIVE THEIR DRINKING WATER FROM THE
11 GROUNDWATER BASIN OR SUBBASIN, as of the most recent report compiled by
12 the county recorder in compliance with section 16-168, subsection ~~H~~,
13 within the county in which the plurality of the registered voters in the
14 groundwater basin or ~~sub-basin~~ SUBBASIN resides.

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

31 Sec. 3. Section 45-439, Arizona Revised Statutes, is amended to
32 read:

33 45-439. Conversion from irrigation non-expansion area to
34 active management area; director; local initiation;
35 procedures

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

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

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