

REFERENCE TITLE: subsequent active management area; removal

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

HB 2061

Introduced by
Representative Griffin

AN ACT

AMENDING SECTIONS 45-412, 45-413, 45-414 AND 45-415, ARIZONA REVISED STATUTES; RELATING TO ACTIVE MANAGEMENT AREAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-412, Arizona Revised Statutes, is amended to
3 read:

4 45-412. Subsequent active management areas; criteria;
5 designation; review of groundwater basins; removal

6 A. The director may designate an area ~~which~~ THAT is not included
7 within an initial active management area, pursuant to section 45-411, as a
8 subsequent active management area if the director determines that any of
9 the following exists:

10 1. Active management practices are necessary to preserve the
11 existing supply of groundwater for future needs.

12 2. Land subsidence or fissuring is endangering property or
13 potential groundwater storage capacity.

14 3. Use of groundwater is resulting in actual or threatened water
15 quality degradation.

16 B. An active management area designated pursuant to this section
17 may include more than one groundwater basin but shall not be smaller than
18 a groundwater basin or include only a portion of a groundwater basin,
19 except for the regional aquifer systems of northern Arizona.

20 C. The director shall periodically review all areas ~~which~~ THAT are
21 not included within an active management area to determine whether ~~such~~
22 THE areas meet any of the criteria for active management areas as
23 prescribed in this section.

24 D. THE DIRECTOR SHALL PERIODICALLY REVIEW ALL AREAS THAT ARE
25 INCLUDED WITHIN A SUBSEQUENT ACTIVE MANAGEMENT AREA TO DETERMINE WHETHER
26 THE AREAS CONTINUE TO MEET THE CRITERIA FOR INCLUSION IN AN ACTIVE
27 MANAGEMENT AREA AS PRESCRIBED BY SUBSECTION A OF THIS SECTION. IF THE
28 DIRECTOR DETERMINES THAT AN AREA NO LONGER MEETS THE CRITERIA FOR
29 INCLUSION AS A SUBSEQUENT ACTIVE MANAGEMENT AREA, THE DIRECTOR MAY REMOVE
30 THE SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATION.

31 Sec. 2. Section 45-413, Arizona Revised Statutes, is amended to
32 read:

33 45-413. Hearing on designation or removal of designation of
34 subsequent active management areas and boundaries;
35 notice; procedures

36 A. If the director proposes to designate a subsequent active
37 management area pursuant to section 45-412, subsection A OR TO REMOVE A
38 SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATION PURSUANT TO SECTION 45-412,
39 SUBSECTION D, the director shall hold a public hearing to consider:

40 1. Whether to issue an order declaring the area an active
41 management area OR TO REMOVE A SUBSEQUENT ACTIVE MANAGEMENT AREA
42 DESIGNATION.

43 2. The boundaries and any ~~sub-basins~~ SUBBASINS of the proposed
44 active management area OR ANY BOUNDARY MODIFICATION OF A SUBSEQUENT ACTIVE
45 MANAGEMENT AREA.

1 B. The director shall give reasonable notice of the hearing under
2 the circumstances ~~which shall include~~ BY publication once each week for
3 two consecutive weeks in a newspaper of general circulation in each county
4 in which the proposed active management area OR CURRENTLY DESIGNATED
5 SUBSEQUENT ACTIVE MANAGEMENT AREA is located. Any notice shall contain
6 the time and place of the hearing, the legal description and a map clearly
7 identifying and describing all lands to be included in the proposed active
8 management area OR TO BE REMOVED FROM THE CURRENTLY DESIGNATED SUBSEQUENT
9 ACTIVE MANAGEMENT AREA and any ~~sub-basins~~ SUBBASINS and any other
10 information the director deems necessary.

11 C. The hearing shall be held at a location within the proposed
12 active management area OR CURRENTLY DESIGNATED SUBSEQUENT ACTIVE
13 MANAGEMENT AREA as soon as practicable but ~~no~~ NOT less than thirty days
14 and ~~no~~ NOT more than sixty days after the first publication of the notice
15 of hearing. At the hearing, the director shall present the factual data
16 in ~~his~~ THE DIRECTOR'S possession in support of the proposed action. Any
17 person may appear at the hearing, either in person or by representative,
18 and submit oral or documentary evidence for or against the proposed
19 action. In making ~~his~~ THE determination, the director shall give full
20 consideration to public comment and to recommendations made by local
21 political subdivisions.

22 Sec. 3. Section 45-414, Arizona Revised Statutes, is amended to
23 read:

24 45-414. Findings on hearing; order for active management
25 area; order for active management area removal;
26 publication

27 A. Within thirty days after the hearing, the director shall make
28 and file in the director's office written findings with respect to matters
29 considered during the hearing. If the director decides to declare an area
30 an active management area, the director shall make and file an order
31 designating the active management area. IF THE DIRECTOR DECIDES TO REMOVE
32 AN AREA FROM A SUBSEQUENT ACTIVE MANAGEMENT AREA, THE DIRECTOR SHALL MAKE
33 AND FILE AN ORDER DESIGNATING THE AREA AS OUTSIDE OF AN ACTIVE MANAGEMENT
34 AREA.

35 B. The findings and order shall be published in the manner and for
36 the length of time prescribed for the publication of notice of the public
37 hearing, and the order is effective when published for the final time.
38 All factual data compiled by the director, a transcript of the hearing, a
39 copy of the findings and a map identifying the lands included in the
40 active management area OR REMOVED FROM THE ACTIVE MANAGEMENT AREA are
41 public records of the department and shall be available for examination by
42 the public during regular business hours. The findings and order of the
43 director are subject to rehearing or review and to judicial review as
44 provided in section 45-114, subsection C.

1 C. The director shall file a true copy of the map in the office of
2 the county recorder of the county or counties in which the active
3 management area is located ~~OR WAS LOCATED~~.

4 Sec. 4. Section 45-415, Arizona Revised Statutes, is amended to
5 read:

6 45-415. Local initiation for active management area;
7 procedures

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

20 B. A SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATION MAY BE REMOVED
21 ON PETITION BY TEN PERCENT OF THE REGISTERED VOTERS WHO RESIDE WITHIN THE
22 BOUNDARIES OF THE SUBSEQUENT ACTIVE MANAGEMENT AREA AND WHO RECEIVE THEIR
23 DRINKING WATER FROM THAT GROUNDWATER BASIN, AS OF THE MOST RECENT REPORT
24 COMPILED BY THE COUNTY RECORDER IN COMPLIANCE WITH SECTION 16-168,
25 SUBSECTION H AND IN COMPLIANCE WITH SUBSECTION C OF THIS SECTION, AND A
26 SUBSEQUENT ELECTION HELD PURSUANT TO THE GENERAL ELECTION LAWS OF THIS
27 STATE. THE FORM OF THE PETITION SHALL BE THE SAME AS FOR INITIATIVE
28 PETITIONS, AND THE APPLICANT FOR THE PETITION SHALL COMPLY WITH SECTION
29 19-111, BE A RESIDENT OF THE GROUNDWATER BASIN AND RECEIVE THEIR DRINKING
30 WATER FROM THE GROUNDWATER BASIN.

31 ~~B.~~ C. On application for a petition number with the clerk of the
32 board of supervisors or county election officer, the director shall
33 transmit a map of the groundwater basin to the county recorder of each
34 county in which the proposed active management area ~~OR CURRENTLY~~
35 DESIGNATED SUBSEQUENT ACTIVE MANAGEMENT AREA is located. The map shall be
36 on a scale adequate to show with substantial accuracy where the boundaries
37 of the groundwater basin cross the boundaries of county voting
38 precincts. The director shall also transmit to the county recorder all
39 other factual data concerning the boundaries of the groundwater basin that
40 may aid the county recorder in ~~the determination of~~ DETERMINING which
41 registered voters of the county are residents of the groundwater basin AND
42 ARE ELIGIBLE VOTERS OR PETITIONERS, INCLUDING A MAP OF THE RESIDENCES THAT
43 RECEIVE DRINKING WATER FROM THE GROUNDWATER BASIN.

1 ~~E~~. D. Any registered voter of a county whose residency in the
2 groundwater basin **AND THE ORIGIN OF THEIR DRINKING WATER** is in question
3 shall be allowed to vote. The ballot shall be placed in a separate
4 envelope, the outside of which shall contain the precinct name and number,
5 the signature of the voter, the residence address of the voter and the
6 voter registration number of the voter, if available. The voter receipt
7 card shall be attached to the envelope. The county recorder shall verify
8 the ballot for proper residency **AND THE ORIGIN OF THE DRINKING WATER** of
9 the voter before counting. Such verification shall be made within five
10 business days following the election, and the voter receipt card shall be
11 returned to the voter. Verified ballots shall be counted using the
12 procedure outlined for counting early ballots. If residency in the
13 groundwater basin **OR THE ORIGIN OF A RESIDENCE'S DRINKING WATER** is not
14 verified, the ballot shall remain unopened and shall be destroyed.

15 ~~D~~. E. Except as provided in subsection ~~E~~ F of this section, all
16 election expenses incurred pursuant to this section are the responsibility
17 of the county involved.

18 ~~E~~. F. If a groundwater basin is located in two or more counties,
19 the following procedures apply:

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

23 2. The number of registered voters required to sign the petition
24 shall be ten percent of the registered voters ~~residing~~ **WHO RESIDE** within
25 the boundaries of the proposed active management area **AND WHO RECEIVE**
26 **THEIR DRINKING WATER FROM THE GROUNDWATER BASIN**, as of the most recent
27 report compiled by the county recorder in compliance with section 16-168,
28 subsection ~~E~~ **H AND IN COMPLIANCE WITH SUBSECTION C OF THIS SECTION**,
29 within the county in which the plurality of the registered voters in the
30 groundwater basin resides.

31 3. The election shall be called by the board of supervisors of the
32 county in which the petition is filed, and the board shall immediately
33 notify the board of supervisors of any other county included in the
34 groundwater basin of the date of the election. The election shall be held
35 not less than sixty days or more than ninety days from the date of the
36 call. The board of supervisors so notified shall then call the election
37 in that county for the same date and follow the procedures for conducting
38 the general elections in this state.

39 4. All election expenses incurred pursuant to this subsection are
40 the responsibilities of the counties involved on a proportional basis
41 considering the number of registered voters of each county that are
42 residents of the groundwater basin **AND WHO RECEIVE THEIR DRINKING WATER**
43 **FROM THE GROUNDWATER BASIN**.

1 ~~F.~~ G. The ballot shall be worded, "should the (insert name of
2 basin) groundwater basin be designated an active management area?"
3 followed by the words "yes" and "no".

4 H. TO REMOVE A GROUNDWATER BASIN FROM A SUBSEQUENT ACTIVE
5 MANAGEMENT AREA, THE BALLOT SHALL BE WORDED, "SHOULD THE SUBSEQUENT ACTIVE
6 MANAGEMENT AREA DESIGNATION BE REMOVED FROM THE (INSERT NAME OF BASIN)?"
7 FOLLOWED BY THE WORDS "YES" AND "NO".