



ARIZONA STATE SENATE

Fifty-Seventh Legislature, First Regular Session

AMENDED FACT SHEET FOR S.B. 1523

water use; prohibition; landscaping

Purpose

An emergency measure that prohibits a municipality that is located within an initial active management area (AMA) from adopting or enforcing any code, ordinance, rule, regulation, standard, stipulation or other requirement that directly or indirectly requires outlined turf, plant, ground cover or open space requirements. Prohibits a municipality that is located in an initial AMA from adopting or enforcing any requirement that establishes, directly or indirectly, outlined turf and plant installation requirements.

Background

Statute establishes five initial AMAs which comprise of: 1) the Tucson AMA which includes the Upper Santa Cruz and Avra Valley sub-basins; 2) the Phoenix AMA which includes the East Salt River Valley, West Salt River Valley, Fountain Hills, Carefree, Lake Pleasant, Rainbow Valley and Hassayampa sub-basins; 3) the Prescott AMA which includes the Little Chino and Upper Agua Fria sub-basins; 4) the Pinal AMA which includes the Maricopa-Stanfield, Eloy, Aguirre Valley, Santa Rosa Valley and Vekol Valley sub-basins; and 5) the Santa Cruz AMA which includes a portion of the Upper Santa Cruz Valley sub-basin (A.R.S. §§ [45-411](#) and [45-411.03](#)).

The Director of the Arizona Department of Water Resources (ADWR) must develop a management plan for each initial AMA for each of five management periods. The plans must include a continuing mandatory conservation program for all persons withdrawing, distributing or receiving groundwater designed to achieve reductions in withdrawals of groundwater. The management goal of the Tucson, Phoenix and Prescott AMA's is safe-yield by January 1, 2025, or an earlier date as may be determined by the Director of ADWR. The management goal of the Santa Cruz AMA is to maintain a safe-yield condition in the AMA and to prevent local water tables from experiencing long-term declines (A.R.S. §§ [45-562](#) and [45-563](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a municipality that is located within an initial AMA from adopting or enforcing any code, ordinance, rule, regulation, standard, stipulation or other requirement that directly or indirectly requires:
 - a) a minimum number of trees;
 - b) a minimum size for trees or shrubs;
 - c) a minimum percentage of irrigated ground cover;
 - d) a minimum amount of turf; or
 - e) open space that requires irrigation beyond what is required for retention.

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2. Prohibits a municipality that is located in an initial AMA from adopting or enforcing any requirement that establishes, directly or indirectly;
 - a) minimum turf requirements; or
 - b) the installation of plants that are not included on the low-water-use and drought-tolerant plant list that is published by ADWR for the most current management plan in the initial AMAs.
3. Exempts, from the outlined minimum turf requirements, functional turf requirements that are associated with public recreational use areas or other public spaces that are regularly used for civic, community or recreational purposes, including playgrounds, sports fields, cemeteries, schoolyards and stormwater management.
4. Stipulates that the exception from the outlined prohibition for functional turf requirements that are associated with public recreational use areas or other outlined public spaces does not authorize a municipality to adopt or enforce minimum turf requirements for drainage areas that are located in subdivisions.
5. Declares that the regulation of private property rights and the prevention of water use mandates are of statewide concern.
6. Defines *initial AMA* and *subdivision*.
7. Becomes effective on signature of the Governor, if the emergency clause is enacted.

Amendments Adopted by Committee of the Whole

1. Stipulates that the outlined prohibition on a municipality from adopting or enforcing outlined regulations relating to plants, ground cover and turf apply to a municipality within an initial AMA, rather than an AMA with a safe-yield management goal.
2. Removes detached sidewalks from the outlined prohibition on a municipality in an initial AMA from adopting or enforcing outlined regulations relating to plants, ground cover and turf.
3. Declares that the regulation of private property rights and the prevention of water use mandates are of statewide concern.
4. Stipulates that the exception from the outlined prohibition for functional turf requirements that are associated with public recreational use areas or other outlined public spaces does not authorize a municipality to adopt or enforce minimum turf requirements for drainage areas that are located in subdivisions.
5. Prohibits a municipality that is located within an initial AMA from adopting or enforcing any code, ordinance, rule, regulation, standard, stipulation or other requirement that directly or indirectly requires a minimum percentage of irrigated ground cover or open space irrigated beyond what is required for retention.
6. Defines *subdivision*.
7. Makes conforming changes.

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Senate Action

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Prepared by Senate Research

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