

REFERENCE TITLE: jurisdiction over intrastate waters

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SCR 1046

Introduced by
Senators Gray C, Gould: Allen S, Pearce R

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVII,
CONSTITUTION OF ARIZONA, BY ADDING SECTION 3; RELATING TO WATERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Whereas, the purpose of this proposition is to protect and secure this
2 state's jurisdiction over all waters of this state, including ephemeral and
3 intermittent waterways by:

4 (a) Declaring sole jurisdiction over the right to designate, define
5 and regulate such waters in this state.

6 (b) Protecting all existing rights to the use of any of the waters in
7 this state for all useful or beneficial purposes.

8 Therefore

9 Be it resolved by the Senate of the State of Arizona, the House of
10 Representatives concurring:

11 1. Article XVII, Constitution of Arizona, is proposed to be amended by
12 adding section 3 as follows if approved by the voters and on proclamation of
13 the Governor:

14 3. Jurisdiction over intrastate waters

15 SECTION 3. A. ALL INTRASTATE WATERS ARE REGULATED BY THE
16 LAWS OF THIS STATE. NO FOREIGN OR DOMESTIC GOVERNMENT, OTHER
17 THAN THE STATE OF ARIZONA, MAY CLAIM JURISDICTION OR REGULATORY
18 AUTHORITY OVER NONNAVIGABLE INTRASTATE WATERS WITHIN THE BORDERS
19 OF THIS STATE.

20 B. THE SOLE RIGHT OF DEFINING, DESIGNATING AND REGULATING
21 NONNAVIGABLE INTRASTATE WATERS WITHIN THE BORDERS OF THIS STATE
22 RESIDES WITH THE STATE OF ARIZONA.

23 C. NAVIGABLE WATERS CONSIST OF THOSE ON WHICH ROUTINE,
24 INTERSTATE COMMERCE CAN FLOAT ON THEIR SURFACE.

25 2. The Secretary of State shall submit this proposition to the voters
26 at the next general election as provided by article XXI, Constitution of
27 Arizona.