

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

CAUCUS AGENDA

April 11, 2023

Bill Number	Short Title	Committee	Date	Action
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[Blue Sheet #3](#)

[Blue Sheet #4](#)

Committee on Appropriations

Chairman: David Livingston, LD 28

Vice Chairman: Joseph Chaplik, LD 3

Analyst: Austin Fairbanks

Intern: Leslie Vides

[SB 1001](#)_(BSI) pronouns; biological sex; school policies

SPONSOR: KAVANAGH, LD 3

APPROP 4/3/2023 DP (9-6-0-0)

(No: QUIÑONEZ, SALMAN, SCHWIEBERT, SHAH, STAHL HAMILTON,

AUSTIN)

[SB 1029](#)_(BSI) felony murder; fentanyl; sentencing

SPONSOR: KERN, LD 27

APPROP 4/3/2023 DPA/SE (13-1-0-1)

(No: STAHL HAMILTON Abs: CARBONE)

Committee on Education

Chairman: Beverly Pingerelli, LD 28

Vice Chairman: David Marshall, Sr., LD 7

Analyst: Chase Houser

Intern: Sisto Jacobo

[SB 1400](#)_(BSI) technical correction; child hearing programs

(Now: community colleges; noncredit workforce training)

SPONSOR: WADSACK, LD 17

ED 3/28/2023 DPA (9-0-0-1)

(Abs: HARRIS)

[SB 1410](#)_(BSI) violations of state law; schools

SPONSOR: WADSACK, LD 17

ED 3/28/2023 DPA/SE (6-4-0-0)

(No: GUTIERREZ, PAWLIK, SCHWIEBERT, TERECH)

Committee on Natural Resources, Energy & Water

Chairman: Gail Griffin, LD 19

Vice Chairman: Austin Smith, LD 29

Analyst: Paul Bergelin

Intern: Abigail Hobson

[SB 1223](#)^(BSI) water infrastructure; commerce grant fund

SPONSOR: SHOPE, LD 16

NREW 3/28/2023 FAILED (5-5-0-0)
(No: DE LOS SANTOS, KOLODIN, MATHIS, STAHL HAMILTON,

TRIVERS)

APPROP 4/3/2023 DPA (8-6-0-1)
(No: QUIÑONEZ, SALMAN, SCHWIEBERT, SHAH, STAHL HAMILTON,

AUSTIN Abs: CARBONE)

[SB 1660](#)^(BSI) ~~water; effluent; credits~~

(Now: water; storage; effluent; credits)

SPONSOR: KERR, LD 25

NREW 3/28/2023 DP (6-4-0-0)
(No: KOLODIN, MCGARR, PARKER B, SMITH)

Committee on Transportation & Infrastructure

Chairman: David L. Cook, LD 7

Vice Chairman: Teresa Martinez, LD 16

Analyst: Jeremy Bassham

Intern: Brianna Masel

[SB 1321](#)^(BSI) appropriation; Little Colorado River levee.

SPONSOR: HATATHLIE, LD 6

TI 3/16/2023 DPA (11-0-0-0)
APPROP 4/3/2023 DPA/SE (9-6-0-0)
(No: QUIÑONEZ, SALMAN, SCHWIEBERT, SHAH, STAHL HAMILTON,

AUSTIN)

Committee on Ways & Means

Chairman: Neal Carter, LD 15

Vice Chairman: Justin Heap, LD 10

Analyst: Vince Perez

Intern: Ashton Allen

[SB 1243](#)^(BSI) STOs; individual income tax credits

SPONSOR: MESNARD, LD 13

WM 3/15/2023 DP (6-4-0-0)
(No: BLATTMAN, PAWLIK, QUIÑONEZ, SANDOVAL)



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Senate: ED DPA 4-3-0-0 | 3rd Read 16-12-2-0

House: APPROP DP 9-6-0-0

SB 1001: pronouns; biological sex; school policies

Sponsor: Senator Kavanagh, LD 3

Caucus & COW

Overview

Prohibits a school district or charter school (public school) employee or independent contractor from knowingly addressing a student under the age of 18 by a pronoun that differs from the pronoun that aligns with the student's biological sex or a first name that differs from the student's official school records without written parental permission.

History

A person enrolling a pupil for the first time in a particular school district or private school must provide a certified copy of the pupil's birth certificate or other reliable proof of the pupil's identity and age. The submitted documentation must be photocopied and placed in the pupil's school file. The school district or school is to enroll the pupil using the name printed on the pupil's birth certificate or other proof, though, the pupil may be called by any name their guardian wishes ([A.R.S. § 15-828](#)).

All parental rights are exclusively reserved to a minor child's parent without obstruction or interference from any governmental entity or institution. The Parents' Bill of Rights details parental rights, including the right to: 1) direct a minor child's education; 2) access and review all records relating to the minor child; and 3) direct the upbringing and moral or religious training of the minor child. A governmental entity or institution may not infringe on these rights unless there is a compelling governmental interest that meets specified criteria ([A.R.S. §§ 1-601, 1-602](#)).

Provisions

1. Prohibits a public school employee or independent contractor, unless the public school receives written parental permission, from knowingly addressing, identifying or referring to a student who is under the age of 18 by:
 - a) a pronoun that differs from the pronoun that aligns with the student's biological sex; or
 - b) a first name other than the first or middle name listed on the student's official school records. (Sec. 1)
2. Allows an employee or independent contractor to address, identify or refer to a student by a nickname commonly associated with the student's name of record. (Sec. 1)
3. Stipulates an employee or independent contractor, if it is contrary to their religious or moral convictions, may not be required to address, identify or refer to a person by a pronoun that differs from the pronoun that aligns with the person's biological sex. (Sec. 1)
4. Instructs a school district governing board or charter school governing body to adopt policies to implement these procedures and prohibitions. (Sec. 1)
5. Allows an employee or independent contractor to discuss matters of public concern outside the context of their official duties. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note



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Senate: JUD DP 4-3-0-0 | 3rd Read 17-13-0-0
House: APPROP DPA/SE 13-1-0-1

SB 1029: felony murder; fentanyl; sentencing
S/E: marijuana tax; collection; report; enforcement
Sponsor: Senator Kern, LD 27
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1029

Overview

Requires the Department of Revenue (DOR), on or before August 31 of each year, to provide a report of the previous fiscal year's marijuana tax collection data (Data) from specified marijuana establishments to the Department of Health Services (DHS) to compare data for discrepancies.

History

In 2010, the Arizona Medical Marijuana Act (AMMA) was established through [Proposition 203](#), a voter-approved initiative measure. Statute requires DHS to regulate AMMA through rulemaking, registration and certification of medical marijuana dispensaries, registration of qualifying patients and designated caregivers, issuing or denying registry identification cards and establishing a verification system. Statute also outlines limitations of AMMA, requirements for dispensaries, definitions of terms relating to the AMMA, guidelines on the dispensing of marijuana and the administration of the Fund ([A.R.S. Title 36, Chapter 28.1](#)).

In 2020, Arizona voters approved [Proposition 207](#), to establish a regulatory system for adult recreational use of marijuana.

Provisions

1. Requires DOR to provide a report to DHS on the previous year's Data on or before August 31 of each year. (Sec. 1)
2. Instructs DHS to compare the Data to actual revenue and inventory of marijuana establishments and non-profit marijuana medical dispensaries. (Sec. 1)
3. Requires DHS to report any discrepancies to the attorney General office for investigation and enforcement action. (Sec. 1)
4. Contains a Proposition 105 clause. (Sec. 2)

Amendments

Committee on Appropriations

1. Adopted the strike-everything amendment.

<input checked="" type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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Senate: ED DPA/SE 7-0-0-0 | 3rd Read 25-5-0-0

House: ED DPA 9-0-0-1

**SB 1400: ~~technical correction; child hearing programs~~
NOW: community colleges; noncredit workforce training
Sponsor: Senator Wadsack, LD 17
Caucus & COW**

Overview

Adds noncredit workforce training full-time equivalent student enrollment (FTSE) in the calculation of a community college district's (CCD's) state aid and expenditure limitation.

History

There are two sets of criteria a CCD course may meet to be offered for credit. The first set of statutory criteria require the course to: 1) qualify students for a certificate or degree; 2) transfer to a college or university; 3) provide (or improve) a student's skills for employment or college course; or 4) provide continuing education and lifelong learning.

Alternatively, the second set of criteria stipulate a course may be offered for credit if it: 1) has a formal course outline; 2) evaluates students based on mastery of course objectives; 3) requires faculty teaching the course to meet CCD standards; 4) bases credits on the effort required of, and the competencies gained by, the students; 5) requires students to achieve prerequisite competencies; 6) is developed using the CCD's formal curriculum review process; 7) has an evaluation component; and 8) meets other CCD requirements. Currently, noncredit courses are courses that do not meet any of these statutory criteria. The financial responsibility of these courses is with the CCD ([A.R.S. § 15-1410](#)).

There are statutory formulas that annually determine a CCD's operating state aid and science, technology, engineering and mathematics and workforce programs state aid based on changes in the CCD's FTSE ([A.R.S. §§ 15-1464, 15-1466](#)). When determining these state aid amounts, statute requires the CCD's FTSE to be calculated according to a statutory formula that includes the total basic actual, additional short-term and open-entry, open exit and skill center FTSE counts ([A.R.S. § 15-1466.01](#)).

The state Constitution subjects each CCD to an annual expenditure limitation that is calculated based on FY 1980 CCD expenditures, adjusted for FTSE and inflation by the Economic Estimates Commission (EEC) ([Ariz. Const. art. 9, sec. 21](#)). Currently, a CCD's FTSE is calculated, for the purposes of determining the CCD's expenditure limitation, according to the total of basic actual, additional short-term and open entry, open exit and skill center FTSE counts.

The Auditor General (OAG) must annually audit the FTSE reported by each CCD for all basic actual, additional short-term and open entry, open exit classes and skill center and adult basic education courses ([A.R.S. § 15-1466.01](#)).

Provisions

1. Adds noncredit workforce training FTSE in the calculation of a CCD's state aid and expenditure limitation. (Sec. 1)
2. Determines noncredit workforce training FTSE by dividing the total class attended clock hours or contact hours of individuals who complete vocational training by 640. (Sec. 2)
3. Requires the OAG to audit noncredit workforce training FTSE for the purposes of determining a CCD's state aid. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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4. Assigns financial responsibility for courses that do not meet the criteria to be offered for credit or as a noncredit workforce training or career technical education (CTE) course to a CCD. (Sec. 1)
5. Mandates a noncredit workforce training or CTE course that meets the criteria required for a course for credit and that is offered for contact hours instead of credit hours be:
 - a) consistent with the Carl D. Perkins CTE Improvement Act of 2006, as amended by the Strengthening CTE for the 21st Century Act;
 - b) included on the eligible training provider list maintained pursuant to the Workforce Innovation and Opportunity Act; or
 - c) requested by a business or industry. (Sec. 1)
6. Specifies, in the criteria for a course to be offered for credit, that the course must base the *credit hours or contact hours*, rather than only credits, awarded for course completion on the effort required of, and the competencies gained by, the students. (Sec. 1)
7. Defines *noncredit workforce training* as a noncredit workforce training or CTE course that meets the prescribed requirements. (Sec. 2)
8. Makes technical and conforming changes. (Sec. 1, 2)

Amendments

Committee on Education

1. Removes noncredit workforce training FTSE from the calculation of a CCD's state aid.
2. Restores language that assigns financial responsibility of noncredit courses that do not meet the criteria to be offered for credit to the CCD.
3. Specifies a noncredit workforce training or CTE course that meets the prescribed criteria may be requested pursuant to a formal agreement or contract with a business or entity, rather than industry.
4. Requires a CCD to maintain noncredit workforce training enrollment records to support the actual contact hours of students in these courses.
5. Instructs each CCD, by December 31, 2023, to report to the EEC any data or information necessary for the EEC to determine the CCD's student population for FY 1980.
6. Directs the EEC to use the data or information received from the CCD to determine the CCD's expenditure limitation in accordance with statute.
7. Repeals the student population data or information reporting requirement on July 1, 2024.
8. Defines *contact hours*.



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Senate: ED DP 4-3-0-0 | 3rd Read 16-13-1-0
House: ED DPA/SE 6-4-0-0

SB 1410: violations of state law; schools
S/E: school districts; parent complaints; reporting
Sponsor: Senator Wadsack, LD 17
Caucus & COW

Summary of the Strike-Everything Amendment to SB 1410

Overview

Instructs a school district governing board (governing board) to establish a parent complaint mechanism for each school to investigate alleged violations of parent or student rights. Creates parent complaint reporting requirements for district schools and the Arizona Department of Education (ADE).

History

A governing board, in consultation with parents, teachers and administrators, must develop a policy to promote the involvement of parents of children enrolled in the school district's schools. This policy must include procedures for parents to learn about parental rights and responsibilities, including, but not limited to: 1) the right to opt out of assignments and immunizations; 2) promotion, minimum course of study and competency requirements; 3) the right to public review of courses of study, textbooks and library books and materials; and 4) the right to access all written and electronic records of a school district concerning the parent's child ([A.R.S. § 15-102](#)).

Statute declares the liberty of parents to direct the upbringing, education, health care and mental health of their children is a fundamental right. The state or other governmental entities may not infringe on these rights without meeting prescribed criteria. All parental rights are exclusively reserved to the parent of a minor child; these rights are enumerated in the Parents' Bill of Rights (A.R.S. §§ [1-601](#), [1-602](#)).

Provisions

Parent Complaint Mechanism

1. Mandates a governing board establish a mechanism for each school to receive and investigate complaints filed by students' parents alleging the school, school district or an employee or contractor of the school or school district has violated any of the parent's or student's rights. (Sec. 3)
2. Requires each school to notify parents, at the beginning of each school year or at the time of the student's enrollment, of their right to file a formal complaint. (Sec. 3)
3. Directs each school to designate an administrator who is responsible for receiving, investigating and resolving all filed complaints. (Sec. 3)
4. Instructs each school, on at least a quarterly basis, to report to the governing board:
 - a) the number of unresolved complaints at the beginning of the relevant time period, disaggregated by the complaint's subject;
 - b) the number of new complaints filed during the relevant time period, disaggregated by the complaint's subject; and
 - c) for each complaint included in the report:
 - i. if the complaint was dismissed, the reason for dismissal;

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- ii. if the complaint is under investigation, the date the complaint was filed and, if applicable, the date on which additional information was requested or received by the designated administrator;
 - iii. if the complaint was withdrawn, the reason for withdrawal if available, the designated administrator's findings, any action taken by the school to address the complaint's subject and, if applicable, the terms of agreement between the school and complainant; and
 - iv. if the designated administrator finds that violation(s) alleged in the complaint were true, what action the school has taken or will take to address the violation and prevent future violations. (Sec. 3)
5. Directs each governing board, by July 1, 2024 and annually thereafter, to compile the parent complaint information reported during the immediately preceding school year and submit the compiled information to ADE. (Sec. 3)

ADE Parent Complaint Report

6. Requires ADE to compile a report of the parent complaint information submitted by school districts and submit this report, by September 1, 2024 and annually thereafter, to specified entities. (Sec. 2)
7. Specifies the report compiled by ADE must include at least:
 - a) the number of unresolved complaints at the beginning of the school year, disaggregated by the complaint's subject;
 - b) the number of new complaints filed during the school year, disaggregated by the complaint's subject;
 - c) the number of complaints for each school district during the school year that:
 - i. were dismissed and the reason for dismissal;
 - ii. are under investigation and the average number of days between the date a complaint is filed and the date it is resolved; or
 - iii. were withdrawn, including whether the withdrawal was pursuant to an agreement between the complainant and the school or school district; and
 - d) the number of violations that were found, including any corrective action taken by the school or school district. (Sec. 2)

Miscellaneous

8. Requires a governing board's parental involvement policy to contain procedures that allow a parent, if the parent believes the school, school district or an employee or contractor has violated the parent's or student's rights, to learn about their right to file a complaint with the school district. (Sec. 1)



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Senate: NREW DP 5-2-0-0 | APPROP DP 7-3-0-0 | 3rd Read 16-11-3-0
House: NREW W/D | APPROP DPA 8-6-0-1

SB1223: water infrastructure; commerce grant fund
Sponsor: Senator Shope, LD 16
Caucus & COW

Overview

Extends the start date for projects to be eligible for grants from the Water Infrastructure and Commerce Grant Fund and extends the date by which grants from this fund must be allocated and distributed. Appropriates \$8,000,000 from the state General Fund to this fund in fiscal year 2024.

History

The Water Infrastructure and Commerce Grant Fund was created as part of the FY 2023 budget to provide grants to eligible entities for contracting to design and construct new water infrastructure ([Laws 2022, Chapter 312](#)). Employers with more than 250 employees located in Pinal County and private water utilities acting on the behalf of these employer are eligible for grants. The Arizona Commerce Authority (ACA), which administers this fund, is responsible for establishing requirements and criteria by which grants are awarded, which must include at least the following:

- 1) grants may only be distributed to eligible applicants for new water infrastructure projects;
- 2) grants must be used for projects that create new jobs;
- 3) projects must begin after January 1, 2022 to qualify for a grant; and
- 4) grants must be allocated and distributed by December 31, 2024.

Additionally, applicants may receive a more favorable consideration for collaborating or cooperating with other community members and entities. Applicants must certify that they are eligible to receive grant funding and provide a description of the project and services requested and why the project and services are needed ([A.R.S. § 41-1510](#)). The ACA is in the process of adopting [rules to govern awarding grants from this fund](#).

The Water Infrastructure and Commerce Grant Fund may receive revenues from legislative appropriations, federal monies and private donations. In FY 2023, it was appropriated \$15 million from the state General Fund ([Laws 2022, Chapter 313](#)). The Water Infrastructure and Commerce Grant Fund's monies are continuously appropriated and exempt from lapsing. The ACA may retain up to 1% of fund monies annually for administration and must submit an annual report of its expenditures from the fund by project and an expenditure plan for all remaining monies in the project by December 15 ([A.R.S. § 41-1510](#)).

Provisions

- 1. Extends the date after which projects must begin to qualify for grants from the Water Infrastructure and Commerce Grant Fund from January 1, 2022 to January 1, 2023. (Sec. 1)
- 2. Extends the date by which grants from the Water Infrastructure and Commerce Grant Fund must be allocated and distributed from December 31, 2024 to December 31, 2025. (Sec. 1)
- 3. Appropriates \$8,000,000 from the state General Fund to the Water Infrastructure and Commerce Grant Fund in fiscal year 2024 and exempts this appropriation from lapsing. (Sec. 2)

Amendments

Committee on Appropriations

- 1. Removes the \$8,000,000 appropriation from the state General Fund to the Water Infrastructure and Commerce Grant Fund in fiscal year 2024.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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Senate: NREW DPA 5-2-0-0 | 3rd Read 16-13-1-0

House: NREW DP 6-4-0-0

SB 1660: water; storage; effluent; credits

Sponsor: Senator Kerr, LD 25

Caucus & COW

Overview

Allows a qualifying industrial facility to treat a certain type of effluent on-site, store it underground to accrue long-term storage credits and then use these credits to recover water at a later date for non-irrigation use by the storer at the same site, subject to prescribed terms and conditions. Directs the Arizona Department of annually report information on the permits and water stored as authorized under this act.

History

Conservation Requirements for Industrial Users In Active Management Areas

The Groundwater Management Act regulates groundwater usage in designated areas of the state called active management areas (AMAs) (A.R.S. §§ [45-401](#) and [45-411](#)). Each AMA has a management goal and a series of successive management plans with various conservation measures and strategies for different water users to help achieve that goal (A.R.S. §§ [45-562](#) and [45-563](#)). Most AMAs, including the Phoenix AMA, have a management goal of achieving safe yield, which attempts to maintain a long-term balance between groundwater withdrawals and recharge, by 2025 (A.R.S. §§ [45-561](#) and [45-562](#)).

Industrial water users, including power plants and turf-related facilities, are covered by the act's requirement to include a conservation program for non-irrigation groundwater users ([A.R.S. § 45-567](#)). This program's requirements are based on using the latest commercially available conservation technology consistent with reasonable economic returns. Under the current management plans, industrial users must comply with certain requirements such as avoiding waste, endeavoring to recycle water, and tracking the total amount of water used by source (including effluent). There are additional requirements for certain classes of industrial users. For example, a *new large industrial user* (which is one that begins using more than 100 acre-feet of water per year for industrial purposes after January 1, 2023) must submit a conservation plan for improving water efficiency at its facility and an implementation schedule to the Arizona Department of Water Resources (ADWR).

Storing Water To Earn Credits

Water may be stored underground to earn long-term storage credits (LTSCs) subject to certain terms and conditions. To qualify for credits, the water must be stored pursuant to a water storage permit at a storage facility and meet all the following requirements:

- 1) The water must qualify as *water that cannot be reasonably used directly*, which includes effluent and, in certain circumstances, Central Arizona Project water;
- 2) If stored within an AMA, the water would not have been naturally recharged within the AMA. Alternatively, the water was stored in an AMA at a managed underground storage facility that adds value to a national park, national monument or state park; and
- 3) The stored water is not recovered in the same calendar year that it was stored underground.

If the water stored meets all the above criteria, ADWR will credit LTSCs to the storer's account. The amount of LTSCs credited depends on factors such as the type of water stored and the facility used to store the water. For example, ADWR will credit 100% of the effluent that will reach the aquifer by being stored at a constructed underground storage facility to the storer's account (A.R.S. §§ [45-802.01](#) and [45-852.01](#)).

A storer may use LTSCs to recover stored water at a later date if the storer has a recovery well permit and complies with additional criteria that are specific to where the water was stored. ADWR will debit the storer's account for the amount of water recovered. Additionally, when water is stored in an AMA, ADWR will debit the amount of water during the calendar year that migrates outside the AMA or to a location within the AMA where it cannot be beneficially used within a reasonable period of time by those other than the storer who have rights to withdraw and use groundwater (A.R.S. §§ [45-834.01](#) and [45-852.01](#)).

Aquifer Protection Permits

Aquifer protection permits are required for discharges of any pollutant to an aquifer or to an area where it is reasonable that the pollutant will reach an aquifer ([A.R.S. § 49-241](#)). This permit will be issued for water storage if it can be shown that the facility is designed, built and operated to ensure that it will not cause or contribute to any violation of aquifer water quality standards at the applicable point of compliance ([A.R.S. § 49-243](#)).

However, certain uses and facilities are not required to obtain an aquifer protection permit. For example, facilities that store water underground are exempt from being required to obtain an aquifer protection permit unless reclaimed water is added. (Reclaimed water is a term in the state's environmental laws for water that has been treated or processed by a wastewater treatment plan or an on-site wastewater treatment facility). Further, industrial wastewater treatment facilities designed and operated to reduce discharges through best available demonstrated control technologies, processes, operating methods or other alternatives and that use Arizona Department of Environmental Quality-approved systems to treat wastewater to aquifer water quality standards before discharge are exempt from these permits if the water is stored at a groundwater storage facility ([A.R.S. § 49-250](#)).

Effluent

Effluent is a term in the state's water statutes for water that has been collected in a sanitary sewer for subsequent treatment in a facility that is regulated as a sewage system, disposal plant or wastewater treatment facility. This water remains effluent until it acquires the characteristics of groundwater or surface water ([A.R.S. § 45-101](#)).

Provisions

1. Adds, to the definition of *effluent*, water that meets all the following criteria:
 - a) Was not originally supplied by a city, town or private water company;
 - b) Is used in an industrial facility within the service area of a private wastewater provider; and
 - c) Is treated at the site of use to meet or exceed the aquifer water quality standards established by the Arizona Department of Environmental Quality. (Sec. 1)
2. States that this water ("special effluent") remains effluent until it acquires the characteristics of groundwater or surface water. (Sec. 1)
3. Defines *industrial facility* as an enterprise that consists of facilities and equipment used to produce, process or assemble goods and which does not include facilities used for agriculture, mining or power generation. (Sec. 1)
4. Establishes two additional criteria that a water storage permit will need to satisfy if the water stored is special effluent:
 - a) The special effluent will be stored at a constructed underground storage facility at the site where the water was used before treatment; and
 - b) ADWR must receive the application for a new water storage permit by December 31, 2025, except that the permit applicant may submit amendments, supplements, modifications or renewals of the permit after the application is submitted. (Sec. 2)
5. Specifies that special effluent stored pursuant to a water storage permit may be used by the storer only for a non-irrigation use at the same site where the water was stored. (Sec. 3)

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6. Prohibits at LTSC holder or someone who may annually recover water stored pursuant to a water storage permit within an AMA from recovering special effluent from a recovery well that is outside the area of impact of stored water. (Sec. 4)
7. Requires, when special effluent is stored pursuant to a water storage permit, that:
 - a) Any LTSCs accrued may only be used at the site where the water was stored; and
 - b) ADWR must credit 75% of the recoverable amount of the stored water to the storer's account. (Sec. 5)
8. Authorizes special effluent to continue to be stored and LTSCs to be accrued and used by the holder of a water storage permit without regard to whether the water was stored and LTSCs were accrued or used after December 31, 2025. (Sec. 5)
9. Instructs ADWR to annually report information on water storage permits for special effluent specifically:
 - a) The number of water storage permits issue in the preceding year;
 - b) The total amount of water stored pursuant to those permits in the preceding year; and
 - c) The total amount of stored water that was withdrawn in the preceding year (Sec. 6)
10. Specifies that facilities which treat and store special effluent are not exempt from an aquifer protection permit (Sec. 7)
11. Makes technical and conforming changes. (Sec. 1-4 and 7)



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Senate: APPROP DP 10-0-0-0 | TAT DP 6-01-0 | 3rd Read 26-3-1-0

House: APPROP DPA/SE 9-6-0-0

**SB1321: appropriation; Little Colorado River levee.
S/E: backyard fowl; regulation; prohibition
Sponsor: Senator Hatathlie, LD 6
Caucus & COW**

Summary of the Strike-Everything Amendment to SB 1321

Overview

Prohibits a municipality or county from adopting a zoning ordinance that bans those in a single-family detached residence which is one-half acre or less from keeping fowl in their backyard but allows municipalities and counties to establish certain requirements for keeping these animals.

History

Cities and towns (municipalities) have the general power to adopt and enforce zoning ordinances that regulate certain aspects of land use (A.R.S. §§ [9-240](#), [9-499.01](#) and [9-462.01](#)). Some Arizona cities have adopted ordinances to regulate how many backyard fowl may be kept at a residence and the conditions in which these animals may be kept:

- 1) In Phoenix, poultry may be kept in an enclosure within 80 feet of a residence if written permission is given by each lawful occupant and owner of a residence within 80 feet of the enclosure ([Phoenix Municipal Codes Article III § 8-7](#));
- 2) In Chandler, [an ordinance](#) adopted in December 2022 allows up to five hens per yard so long as the coop is set back at least five feet from all property lines;
- 3) In Scottsdale, fowl is allowed unless it is a frequent or habitual nuisance that disturbs a neighborhood or any two or more persons ([Scottsdale Code of Ordinances § 4-17](#));
- 4) In Flagstaff, small livestock such as chickens, ducks, rabbits, miniature goats and bees are allowed on residential or educational property. Unless the property is located in Estate and Rural Residential zoning, a permit is required to keep backyard livestock. On property less than 20,000 square feet, up to 5 chickens are allowed so long as they are fenced in to keep them on the owner's property and have at least 10 square feet of outdoor space and 4 square feet of indoor space ([Flagstaff City Code Chapter 6-03](#)); and
- 5) In Tucson, residents may keep up to 24 chickens so long as they have an enclosure that is not within 50 feet of the dwelling of another person. Coops must be kept in a clean and sanitary condition ([Tucson, Arizona Charter and General Ordinances § 4, Article IV](#)).

Counties have a similar power to adopt and enforce such ordinances (A.R.S. §§ [11-251.05](#) and [11-811](#)). For example, in 2017, the Pima County Board of Supervisors approved a zoning change to allow residents to keep up to 8 hens in certain properties that are usually 6,000 to 8,000 square feet in size. Single-family dwelling lots and manufactured home lots of 6,000 square feet or smaller or multi-family dwellings could keep up to four hens per dwelling (Pima County Ordinance 2017-36).

Provisions

1. Forbids a municipality or county from adopting a zoning ordinance that prohibits a resident of a single-family detached residence which is one-half acre or smaller in size from keeping fowl in the property's backyard. (Sec. 1 and 2)
2. Authorizes a municipality or county to:
 - a) Restrict the number of fowl that a resident may keep in the property's backyard to no more than six;
 - b) Prohibit a resident from keeping male fowl;
 - c) Require fowl to be kept in an enclosure in the rear or side of the yard at least 15 feet from a neighboring property and with a maximum size of 200 square feet;
 - d) Require the enclosure to be maintained and manure picked up at least twice weekly;
 - e) Require that manure be kept in a way that prevents migration of insects;
 - f) Require that feed be stored in insect-proof and rodent-proof containers; and
 - g) Prohibit fowl from running at large. (Sec. 1 and 2)
3. States that these provisions preempt local laws, ordinances and charter provisions. (Sec. 1 and 2)
4. Defines *fowl*. (Sec. 1 and 2)



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: FIN 4-3-0-0 | 3rd Read 16-13-1-0

House: WM DP 6-4-0-0

SB 1243: STOs; individual income tax credits
Sponsor: Senator Mesnard, LD 13
Caucus & COW

Overview

Repeals the individual income tax credit for contributions to certified school tuition organizations (STO) and increases the amount of individual income tax credits for contributions to STO's.

History

Under current statute, the amount of credit taxpayers can receive due to voluntary cash contributions to a school tuition organization is as follows:

- 1) \$500 in any taxable year for a single individual or head of household; and
- 2) \$1,000 in any taxable year for a married couple filing a joint return.

If a husband and wife file separate returns for a taxable year in which they could have filed a joint return each may claim one-half of the tax credit that would have been allowed for a joint return. ([A.R.S. § 43 - 1089](#))

Provisions

1. Increases the individual income tax credit cap for contributions to STO's, effective January 1, 2024, to the following:
 - a) \$1,456 for a single individual or head of household; and
 - b) \$2,902 for a married couple filing a joint return. (Sec. 3)
2. Repeals the credit for contributions to certified school tuition organizations effective January 1, 2024. (Sec. 4)
3. Modifies the notice required in any printed materials soliciting donations, in applications for scholarships and on its website for school tuition organizations. (Sec. 6)
4. Requires any revenue from contributions to certified STO's that have not been allocated by January 1, 2024 be subject to the provisions governing contributions to STO's. (Sec. 8)
5. Contains and effective date of January 1, 2024. (Sec. 9)
6. Contains a savings clause that states the repeal of the credit for contributions to certified STO's does not affect the validity of any amount of the credit carried forward from previous tax years. (Sec. 10)
7. Makes technical changes. (Sec. 1,2,3,5,7)
8. Makes conforming changes. (Sec. 1,2,3,5,6,7)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input checked="" type="checkbox"/> Fiscal Note
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