

COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2111
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 11-823, Arizona Revised Statutes, is amended to
3 read:

4 11-823. Water supply; adequacy; exemptions

5 A. To protect the public health and safety, the general regulations
6 adopted by the board pursuant to section 11-821, subsection B, if approved
7 by unanimous vote of the board of supervisors, may provide that, except as
8 provided in subsection C and subsection D, paragraph 1 of this section, the
9 board shall not approve a final plat for a subdivision composed of
10 subdivided lands, as defined in section 32-2101, located outside of an
11 active management area, as defined in section 45-402, unless one of the
12 following applies:

13 1. The director of water resources has determined that there is an
14 adequate water supply for the subdivision pursuant to section 45-108 and
15 the subdivider has included the report with the plat.

16 2. The subdivider has obtained a written commitment of water service
17 for the subdivision from a city, town or private water company designated
18 as having an adequate water supply by the director of water resources
19 pursuant to section 45-108.

20 B. If the board unanimously adopts the provision authorized by
21 subsection A of this section:

22 1. The board may include in the general regulations an exemption
23 from the provision for a subdivision that the director of water resources
24 has determined will have an inadequate water supply because the water
25 supply will be transported to the subdivision by motor vehicle or train if
26 all of the following apply:

1 (a) The board determines that there is no feasible alternative water
2 supply for the subdivision and that the transportation of water to the
3 subdivision will not constitute a significant risk to the health and safety
4 of the residents of the subdivision.

5 (b) If the water to be transported to the subdivision will be
6 withdrawn or diverted in the service area of a municipal provider as
7 defined in section 45-561, the municipal provider has consented to the
8 withdrawal or diversion.

9 (c) If the water to be transported is groundwater, the
10 transportation complies with the provisions governing the transportation of
11 groundwater in title 45, chapter 2, article 8.

12 (d) The transportation of water to the subdivision meets any
13 additional conditions imposed by the county.

14 2. The board shall promptly give written notice of the adoption of
15 the provision to the director of water resources, the director of
16 environmental quality and the state real estate commissioner. The notice
17 shall include a certified copy of the provision and any exemptions adopted
18 pursuant to paragraph 1 of this subsection. Water providers may be
19 eligible to receive monies in a water supply development fund, as otherwise
20 provided by law.

21 3. The board shall not rescind the provision or amend it in a manner
22 that is inconsistent with subsection A of this section EXCEPT BY UNANIMOUS
23 VOTE. If the board amends OR RESCINDS the provision, it shall give written
24 notice of the amendment OR RESCISSION to the director of water resources,
25 the director of environmental quality and the state real estate
26 commissioner, AND THE BOARD SHALL NOT READOPT THE AMENDED OR RESCINDED
27 PROVISION FOR AT LEAST FIVE YEARS AFTER THE AMENDMENT OR RESCISSION BECOMES
28 EFFECTIVE. The board may rescind an exemption adopted pursuant to
29 paragraph 1 of this subsection BY A MAJORITY VOTE. If the board rescinds
30 the exemption, it shall give written notice of the rescission to the
31 director of water resources, the director of environmental quality and the

1 state real estate commissioner, and the board shall not readopt the
2 exemption for at least five years after the rescission becomes effective.

3 4. If the board approves a subdivision plat pursuant to subsection
4 A, paragraph 1 or 2 of this section, the board shall note on the face of
5 the plat that the director of water resources has reported that the
6 subdivision has an adequate water supply or that the subdivider has
7 obtained a commitment of water service for the proposed subdivision from a
8 city, town or private water company designated as having an adequate water
9 supply pursuant to section 45-108.

10 5. If the board approves a subdivision plat pursuant to an exemption
11 authorized by paragraph 1 of this subsection or granted by the director of
12 water resources pursuant to section 45-108.02 or 45-108.03:

13 (a) The board shall give written notice of the approval to the
14 director of water resources and the director of environmental quality.

15 (b) The board shall include on the face of the plat a statement that
16 the director of water resources has determined that the water supply for
17 the subdivision is inadequate and a statement describing the exemption
18 under which the plat was approved, including a statement that the board or
19 the director of water resources, whichever applies, has determined that the
20 specific conditions of the exemption were met. If the director of water
21 resources subsequently informs the board that the subdivision is being
22 served by a water provider that has been designated by the director as
23 having an adequate water supply pursuant to section 45-108, the board shall
24 record in the county recorder's office a statement disclosing that fact.

25 C. Subsection A of this section does not apply to:

26 1. A proposed subdivision that the director of water resources has
27 determined will have an inadequate water supply pursuant to section 45-108
28 if the director grants an exemption for the subdivision pursuant to section
29 45-108.02 and the exemption has not expired or the director grants an
30 exemption pursuant to section 45-108.03.

31 2. A proposed subdivision that received final plat approval from the
32 county before the requirement for an adequate water supply became effective

1 in the county if the plat has not been materially changed since it received
2 the final plat approval. If changes were made to the plat after the plat
3 received the final plat approval, the director of water resources shall
4 determine whether the changes are material pursuant to the rules adopted by
5 the director to implement section 45-108. If the county approves a plat
6 pursuant to this paragraph and the director of water resources has
7 determined that there is an inadequate water supply for the subdivision
8 pursuant to section 45-108, the county shall note this on the face of the
9 plat.

10 D. If the subdivision is composed of subdivided lands as defined in
11 section 32-2101 outside of an active management area and the board has not
12 adopted a provision pursuant to subsection A of this section:

13 1. If the director of water resources has determined that there is
14 an adequate water supply for the subdivision pursuant to section 45-108 or
15 if the subdivider has obtained a written commitment of water service for
16 the subdivision from a city, town or private water company designated as
17 having an adequate water supply by the director of water resources pursuant
18 to section 45-108, the board shall note this on the face of the plat if the
19 plat is approved.

20 2. If the director of water resources has determined that there is
21 an inadequate water supply for the subdivision pursuant to section 45-108,
22 the board shall note this on the face of the plat if the plat is approved."

23 Amend title to conform

And, as so amended, it do pass

GAIL GRIFFIN
CHAIRMAN

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