

Senate Engrossed

remediated water; groundwater; use

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

# SENATE BILL 1366

AN ACT

AMENDING SECTION 45-454.01, ARIZONA REVISED STATUTES; AMENDING TITLE 45, CHAPTER 2, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 45-563.03; AMENDING SECTION 45-576, ARIZONA REVISED STATUTES; REPEALING LAWS 1997, CHAPTER 287, SECTION 51, AS AMENDED BY LAWS 1999, CHAPTER 295, SECTION 49; REPEALING LAWS 1997, CHAPTER 287, SECTION 52, AS AMENDED BY LAWS 1999, CHAPTER 295, SECTION 50; RELATING TO WATER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-454.01, Arizona Revised Statutes, is amended  
3 to read:

4 45-454.01. Exemption of superfund remedial action activities;  
5 use requirements; definition

6 A. New well construction and withdrawal, treatment and reinjection  
7 of groundwater into the aquifer that occur as a part of and on the site of  
8 a remedial action undertaken pursuant to CERCLA are exempt from this  
9 chapter, except that:

10 1. A well that is exempt under this subsection is subject to  
11 sections 45-594, 45-595, 45-596, 45-600 and 45-605, but no authorization  
12 to drill need be obtained before drilling.

13 2. If the groundwater that is withdrawn is not reinjected into the  
14 aquifer, the groundwater shall be put to reasonable and beneficial use.  
15 IF THE GROUNDWATER IS WITHDRAWN WITHIN AN ACTIVE MANAGEMENT AREA AND IS  
16 NOT REINJECTED INTO THE AQUIFER, THE GROUNDWATER SHALL BE PUT TO  
17 REASONABLE AND BENEFICIAL USE WITHIN THE SAME ACTIVE MANAGEMENT AREA AS  
18 FOLLOWS:

19 (a) FOR THE USE OF THE CITY, TOWN OR PRIVATE WATER COMPANY IN WHOSE  
20 SERVICE AREA UNDER ARTICLE 6 OF THIS CHAPTER THE GROUNDWATER IS WITHDRAWN.

21 (b) IF A CITY, TOWN OR PRIVATE WATER COMPANY DECLINES TO USE THE  
22 GROUNDWATER AS PRESCRIBED BY SUBDIVISION (a) OF THIS PARAGRAPH, THE  
23 GROUNDWATER SHALL BE USED PURSUANT TO A GRANDFATHERED RIGHT ISSUED  
24 PURSUANT TO ARTICLE 5 OF THIS CHAPTER OR A SERVICE AREA RIGHT PURSUANT TO  
25 ARTICLE 6 OF THIS CHAPTER.

26 3. A person who uses groundwater withdrawn in an active management  
27 area pursuant to this subsection shall pay the groundwater withdrawal fee  
28 for the groundwater the person withdrew or received and shall use the  
29 groundwater only pursuant to articles 5 through 12 of this chapter. A  
30 city, town, private water company or irrigation district that serves  
31 groundwater pursuant to article 6 of this chapter is deemed to have used  
32 the groundwater for purposes of this paragraph.

33 4. A PERSON WHO RECEIVES GROUNDWATER FROM A PERSON WITHDRAWING  
34 GROUNDWATER PURSUANT TO THIS SUBSECTION SHALL USE THE GROUNDWATER ONLY  
35 PURSUANT TO ARTICLES 5 THROUGH 12 OF THIS CHAPTER AND SHALL NOT BE  
36 REQUIRED TO PAY FOR THE FOLLOWING:

37 (a) COSTS ASSOCIATED WITH THE REMEDIAL ACTION UNDERTAKEN PURSUANT  
38 TO CERCLA UNLESS THE PERSON WHO RECEIVES THE GROUNDWATER IS OTHERWISE  
39 RESPONSIBLE FOR REMEDIAL COSTS UNDER CERCLA.

40 (b) GROUNDWATER WITHDRAWN AS A RESULT OF THE REMEDIAL ACTION.

41 B. New well construction and withdrawal, treatment and reinjection  
42 of groundwater into the aquifer that occur as part of a remedial action  
43 relating to metal mining activities or a mitigation order relating to  
44 metal mining activities and that are undertaken pursuant to title 49,  
45 chapter 2, article 5 for the purpose of preventing the migration of a

1 hazardous or nonhazardous substance are exempt from this chapter, except  
2 that:

3 1. A well that is exempt under this subsection is subject to  
4 sections 45-594, 45-595, 45-596, 45-600 and 45-605, but authorization to  
5 drill is not required before drilling.

6 2. If the groundwater that is withdrawn is not reinjected into the  
7 aquifer, the groundwater shall be put to reasonable and beneficial use.  
8 If the groundwater is withdrawn within an active management area and is  
9 not reinjected into the aquifer, the groundwater shall be put to  
10 reasonable and beneficial use within the same active management area as  
11 follows:

12 (a) At the metal mining facility pursuant to a groundwater  
13 withdrawal permit issued under section 45-514 or a type 2 non-irrigation  
14 grandfathered right issued under section 45-464.

15 (b) At another location pursuant to a grandfathered right issued  
16 under article 5 of this chapter or a service area right under article 6 of  
17 this chapter.

18 3. A person who uses groundwater withdrawn in an active management  
19 area pursuant to this subsection shall pay the groundwater withdrawal fee  
20 for the groundwater the person withdrew or received. The groundwater use  
21 is subject to articles 8, 8.1, 9, 10, 11 and 12 of this chapter. A city,  
22 town, private water company or irrigation district that serves groundwater  
23 pursuant to article 6 of this chapter is deemed to have used the  
24 groundwater for the purposes of this paragraph.

25 C. For the purposes of this section, "CERCLA" means the  
26 comprehensive environmental response, compensation, and liability act of  
27 1980, as amended (P.L. 96-510; 94 Stat. 2767; 42 United States Code  
28 sections 9601 through 9657), commonly known as "superfund".

29 Sec. 2. Title 45, chapter 2, article 9, Arizona Revised Statutes,  
30 is amended by adding section 45-563.03, to read:

31 45-563.03. Management plans; beneficial use of remediated  
32 groundwater; exemption; rules; definition

33 A. THE DEPARTMENT SHALL INCLUDE IN ITS MANAGEMENT PLANS DEVELOPED  
34 PURSUANT TO SECTIONS 45-565, 45-566, 45-567 AND 45-568 PROVISIONS TO  
35 ENCOURAGE THE BENEFICIAL USE OF GROUNDWATER THAT IS WITHDRAWN PURSUANT TO  
36 APPROVED REMEDIAL ACTION PROJECTS UNDER CERCLA OR TITLE 49.

37 B. IN DETERMINING COMPLIANCE WITH APPLICABLE CONSERVATION  
38 REQUIREMENTS ADOPTED PURSUANT TO SECTIONS 45-565, 45-566, 45-567 AND  
39 45-568, AND EXCEPT FOR GROUNDWATER WITHDRAWN TO PROVIDE AN ALTERNATIVE  
40 WATER SUPPLY PURSUANT TO SECTION 49-282.03, THE DEPARTMENT SHALL ACCOUNT  
41 FOR GROUNDWATER WITHDRAWN PURSUANT TO APPROVED REMEDIAL ACTION PROJECTS  
42 UNDER CERCLA OR TITLE 49 CONSISTENT WITH THE ACCOUNTING FOR SURFACE WATER.

43 C. FOR EACH CALENDAR YEAR UNTIL 2050, THE USE OF UP TO AN AGGREGATE  
44 OF SIXTY-FIVE THOUSAND ACRE-FEET OF GROUNDWATER WITHDRAWN WITHIN ALL  
45 ACTIVE MANAGEMENT AREAS PURSUANT TO APPROVED REMEDIAL ACTION PROJECTS

1 UNDER CERCLA OR TITLE 49, EXCEPT FOR GROUNDWATER WITHDRAWN TO PROVIDE AN  
2 ALTERNATIVE WATER SUPPLY PURSUANT TO SECTION 49-282.03, SHALL BE  
3 CONSIDERED CONSISTENT WITH THE MANAGEMENT GOAL FOR THE ACTIVE MANAGEMENT  
4 AREA AS PRESCRIBED IN SECTION 45-576, SUBSECTION L, PARAGRAPH 2.

5 D. EXCEPT FOR GROUNDWATER WITHDRAWN TO PROVIDE AN ALTERNATIVE WATER  
6 SUPPLY PURSUANT TO SECTION 49-282.03, THE USE OF AN AMOUNT OF GROUNDWATER  
7 WITHDRAWN PURSUANT TO APPROVED REMEDIAL ACTION PROJECTS UNDER CERCLA OR  
8 TITLE 49 IN EXCESS OF THE AGGREGATE VOLUME OF SIXTY-FIVE THOUSAND  
9 ACRE-FEET OF GROUNDWATER AUTHORIZED IN SUBSECTIONS C AND E OF THIS SECTION  
10 SHALL BE CONSIDERED CONSISTENT WITH THE MANAGEMENT GOAL OF THE ACTIVE  
11 MANAGEMENT AREA AS PRESCRIBED IN SECTION 45-576, SUBSECTION L, PARAGRAPH 2  
12 IN THE FOLLOWING AMOUNTS:

13 1. IF THE GROUNDWATER IS WITHDRAWN IN THE SECOND MANAGEMENT PERIOD,  
14 SEVENTY-FIVE PERCENT OF THE TOTAL VOLUME WITHDRAWN IN EXCESS OF THE  
15 AGGREGATE VOLUME OF SIXTY-FIVE THOUSAND ACRE-FEET OF GROUNDWATER  
16 AUTHORIZED IN SUBSECTIONS C AND E OF THIS SECTION.

17 2. IF THE GROUNDWATER IS WITHDRAWN IN THE THIRD MANAGEMENT PERIOD,  
18 FIFTY PERCENT OF THE TOTAL VOLUME WITHDRAWN IN EXCESS OF THE AGGREGATE  
19 VOLUME OF SIXTY-FIVE THOUSAND ACRE-FEET OF GROUNDWATER AUTHORIZED IN  
20 SUBSECTIONS C AND E OF THIS SECTION.

21 3. IF THE GROUNDWATER IS WITHDRAWN IN THE FOURTH MANAGEMENT PERIOD,  
22 TWENTY-FIVE PERCENT OF THE TOTAL VOLUME WITHDRAWN IN EXCESS OF THE  
23 AGGREGATE VOLUME OF SIXTY-FIVE THOUSAND ACRE-FEET OF GROUNDWATER  
24 AUTHORIZED IN SUBSECTIONS C AND E OF THIS SECTION.

25 4. IF THE GROUNDWATER IS WITHDRAWN IN THE FIFTH MANAGEMENT PERIOD,  
26 TEN PERCENT OF THE TOTAL VOLUME WITHDRAWN IN EXCESS OF THE AGGREGATE  
27 VOLUME OF SIXTY-FIVE THOUSAND ACRE-FEET OF GROUNDWATER AUTHORIZED IN  
28 SUBSECTIONS C AND E OF THIS SECTION.

29 5. IF THE GROUNDWATER IS WITHDRAWN AFTER 2025, ZERO PERCENT OF THE  
30 TOTAL VOLUME WITHDRAWN IN EXCESS OF THE AGGREGATE VOLUME OF SIXTY-FIVE  
31 THOUSAND ACRE-FEET OF GROUNDWATER AUTHORIZED IN SUBSECTIONS C AND E OF  
32 THIS SECTION.

33 E. A MUNICIPAL WATER PROVIDER THAT PROPOSES TO USE GROUNDWATER  
34 WITHDRAWN PURSUANT TO AN APPROVED REMEDIAL ACTION PROJECT UNDER CERCLA OR  
35 TITLE 49 AND THAT WISHES TO HAVE THE DIRECTOR DETERMINE THAT THE USE OF  
36 SOME OR ALL OF THE MUNICIPAL WATER PROVIDER'S PROJECTED GROUNDWATER  
37 WITHDRAWALS ARE CONSISTENT WITH THE MANAGEMENT GOAL PURSUANT TO SUBSECTION  
38 C OR D OF THIS SECTION MUST HAVE APPLIED FOR THIS DETERMINATION BEFORE  
39 JANUARY 1, 2010 AND MUST HAVE BEEN SUBSEQUENTLY AUTHORIZED AS QUALIFIED  
40 FOR THE EXEMPTION. THE AMOUNT OF GROUNDWATER FOR WHICH THE USE IS  
41 DETERMINED TO BE CONSISTENT WITH THE MANAGEMENT GOAL PURSUANT TO THIS  
42 SECTION SHALL NOT EXCEED THE AMOUNT THAT THE MUNICIPAL WATER PROVIDER IS  
43 LEGALLY OBLIGATED TO WITHDRAW OR USE AND SHALL NOT EXTEND BEYOND 2050. THE  
44 AGGREGATE VOLUME AUTHORIZED BY THE DIRECTOR PURSUANT TO SUBSECTION C OF

1 THIS SECTION SHALL NOT EXCEED SIXTY-FIVE THOUSAND ACRE-FEET IN ANY  
2 CALENDAR YEAR.

3 F. ON OR BEFORE JANUARY 1, 2025, THE DIRECTOR SHALL AMEND THE RULES  
4 ADOPTED PURSUANT TO SECTION 45-576, SUBSECTION H TO CARRY OUT THE PURPOSES  
5 OF THIS SECTION. BEFORE THE AMENDMENT OF THESE RULES, THE DIRECTOR SHALL  
6 TREAT ANY GROUNDWATER WITHDRAWN PURSUANT TO AN APPROVED REMEDIAL ACTION  
7 PROJECT UNDER CERCLA OR TITLE 49 AS CONSISTENT WITH THE MANAGEMENT GOAL AS  
8 PROVIDED IN SUBSECTIONS C, D AND E OF THIS SECTION.

9 G. FOR ANNUAL REMEDIATED GROUNDWATER WITHDRAWALS OF TWO HUNDRED  
10 FIFTY ACRE-FEET OR LESS THAT ARE WITHDRAWN PURSUANT TO AN APPROVED  
11 REMEDIAL ACTION UNDER CERCLA, THE WATER QUALITY ASSURANCE REVOLVING FUND  
12 PROGRAM PRESCRIBED BY TITLE 49, CHAPTER 2, ARTICLE 5 OR OTHER APPLICABLE  
13 FEDERAL OR STATE LAW, AND EXCEPT FOR GROUNDWATER WITHDRAWN TO PROVIDE AN  
14 ALTERNATIVE WATER SUPPLY PURSUANT TO SECTION 49-282.03, THE AMOUNT OF  
15 GROUNDWATER WITHDRAWN SHALL NOT BE DEBITED AGAINST THE WATER PROVIDER'S  
16 ASSURED WATER SUPPLY MINED GROUNDWATER ACCOUNT AND SHALL NOT BE SUBJECT TO  
17 A REPLENISHMENT OBLIGATION. AN ANNUAL USER OF TWO HUNDRED FIFTY ACRE-FEET  
18 OR LESS OF REMEDIATED GROUNDWATER SHALL NOTIFY THE DEPARTMENT OF  
19 COMPLIANCE WITH THE EXEMPTION AND THESE USES SHALL NOT APPLY IN  
20 CALCULATING THE SIXTY-FIVE THOUSAND ACRE-FEET PER YEAR TOTAL PRESCRIBED BY  
21 SUBSECTION C OF THIS SECTION.

22 H. FOR THE PURPOSES OF THIS SECTION, "CERCLA" HAS THE SAME MEANING  
23 PRESCRIBED IN SECTION 49-201.

24 Sec. 3. Section 45-576, Arizona Revised Statutes, is amended to  
25 read:

26 45-576. Certificate of assured water supply; designated  
27 cities, towns and private water companies;  
28 exemptions; definition

29 A. Except as provided in subsections G and J of this section, a  
30 person who proposes to offer subdivided lands, as defined in section  
31 32-2101, for sale or lease in an active management area shall apply for  
32 and obtain a certificate of assured water supply from the director prior  
33 to presenting the plat for approval to the city, town or county in which  
34 the land is located, where such is required, and prior to filing with the  
35 state real estate commissioner a notice of intention to offer such lands  
36 for sale or lease, pursuant to section 32-2181, unless the subdivider has  
37 obtained a written commitment of water service for the subdivision from a  
38 city, town or private water company designated as having an assured water  
39 supply pursuant to this section.

40 B. Except as provided in subsections G and J of this section, a  
41 city, town or county may approve a subdivision plat only if the subdivider  
42 has obtained a certificate of assured water supply from the director or  
43 the subdivider has obtained a written commitment of water service for the  
44 subdivision from a city, town or private water company designated as  
45 having an assured water supply pursuant to this section. The city, town

1 or county shall note on the face of the approved plat that a certificate  
2 of assured water supply has been submitted with the plat or that the  
3 subdivider has obtained a written commitment of water service for the  
4 proposed subdivision from a city, town or private water company designated  
5 as having an assured water supply pursuant to this section.

6 C. Except as provided in subsections G and J of this section, the  
7 state real estate commissioner may issue a public report authorizing the  
8 sale or lease of subdivided lands only on compliance with either of the  
9 following:

10 1. The subdivider, owner or agent has paid any activation fee  
11 required under section 48-3772, subsection A, paragraph 7 and any  
12 replenishment reserve fee required under section 48-3774.01, subsection A,  
13 paragraph 2 and has obtained a certificate of assured water supply from  
14 the director.

15 2. The subdivider has obtained a written commitment of water  
16 service for the lands from a city, town or private water company  
17 designated as having an assured water supply pursuant to this section and  
18 the subdivider, owner or agent has paid any activation fee required under  
19 section 48-3772, subsection A, paragraph 7.

20 D. The director shall designate private water companies in active  
21 management areas that have an assured water supply. If a city or town  
22 acquires a private water company that has contracted for central Arizona  
23 project water, the city or town shall assume the private water company's  
24 contract for central Arizona project water.

25 E. The director shall designate cities and towns in active  
26 management areas where an assured water supply exists. If a city or town  
27 has entered into a contract for central Arizona project water, the city or  
28 town is deemed to continue to have an assured water supply until December  
29 31, 1997. Commencing on January 1, 1998, the determination that the city  
30 or town has an assured water supply is subject to review by the director  
31 and the director may determine that a city or town does not have an  
32 assured water supply.

33 F. The director shall notify the mayors of all cities and towns in  
34 active management areas and the chairmen of the boards of supervisors of  
35 counties in which active management areas are located of the cities, towns  
36 and private water companies designated as having an assured water supply  
37 and any modification of that designation within thirty days ~~of~~ AFTER the  
38 designation or modification. If the service area of the city, town or  
39 private water company has qualified as a member service area pursuant to  
40 title 48, chapter 22, article 4, the director shall also notify the  
41 conservation district of the designation or modification and shall report  
42 the projected average annual replenishment obligation for the member  
43 service area based on the projected and committed average annual demand  
44 for water within the service area during the effective term of the  
45 designation or modification subject to any limitation in an agreement

1 between the conservation district and the city, town or private water  
2 company. For each city, town or private water company that qualified as a  
3 member service area under title 48, chapter 22 and was designated as  
4 having an assured water supply before January 1, 2004, the director shall  
5 report to the conservation district on or before January 1, 2005 the  
6 projected average annual replenishment obligation based on the projected  
7 and committed average annual demand for water within the service area  
8 during the effective term of the designation subject to any limitation in  
9 an agreement between the conservation district and the city, town or  
10 private water company. Persons proposing to offer subdivided lands served  
11 by those designated cities, towns and private water companies for sale or  
12 lease are exempt from applying for and obtaining a certificate of assured  
13 water supply.

14 G. This section does not apply in the case of the sale of lands for  
15 developments that are subject to a mineral extraction and processing  
16 permit or an industrial use permit pursuant to sections 45-514 and 45-515.

17 H. The director shall adopt rules to carry out the purposes of this  
18 section **AND SECTION 45-563.03.** ~~On or before January 1, 2008,~~ The rules  
19 shall provide for a reduction in water demand for an application for a  
20 designation of assured water supply or a certificate of assured water  
21 supply if a gray water reuse system will be installed that meets the  
22 requirements of the rules adopted by the department of environmental  
23 quality for gray water systems and if the application is for a certificate  
24 of assured water supply, the land for which the certificate is sought must  
25 qualify as a member land in a conservation district pursuant to title 48,  
26 chapter 22, article 4. For the purposes of this subsection, "gray water"  
27 has the same meaning prescribed in section 49-201.

28 I. If the director designates a municipal provider as having an  
29 assured water supply under this section and the designation lapses or  
30 otherwise terminates while the municipal provider's service area is a  
31 member service area of a conservation district, the municipal provider or  
32 its successor shall continue to comply with the consistency with  
33 management goal requirements in the rules adopted by the director under  
34 subsection H of this section as if the designation was still in effect  
35 with respect to the municipal provider's designation uses. When  
36 determining compliance by the municipal provider or its successor with the  
37 consistency with management goal requirements in the rules, the director  
38 shall consider only water delivered by the municipal provider or its  
39 successor to the municipal provider's designation uses. A person is the  
40 successor of a municipal provider if the person commences water service to  
41 uses that were previously designation uses of the municipal provider. Any  
42 groundwater delivered by the municipal provider or its successor to the  
43 municipal provider's designation uses in excess of the amount allowed  
44 under the consistency with management goal requirements in the rules shall  
45 be considered excess groundwater for purposes of title 48, chapter 22.

1 For the purposes of this subsection, "designation uses" means all water  
2 uses served by a municipal provider on the date the municipal provider's  
3 designation of assured water supply lapses or otherwise terminates and all  
4 recorded lots within the municipal provider's service area that were not  
5 being served by the municipal provider on that date but that received  
6 final plat approval from a city, town or county on or before that  
7 date. Designation uses do not include industrial uses served by an  
8 irrigation district under section 45-497.

9 J. Subsections A, B and C of this section do not apply to a person  
10 who proposes to offer subdivided land for sale or lease in an active  
11 management area if all the following apply:

12 1. The director issued a certificate of assured water supply for  
13 the land to a previous owner of the land and the certificate was  
14 classified as a type A certificate under rules adopted by the director  
15 pursuant to subsection H of this section.

16 2. The director has not revoked the certificate of assured water  
17 supply described in paragraph 1 of this subsection, and proceedings to  
18 revoke the certificate are not pending before the department or a court.  
19 The department shall post on its website a list of all certificates of  
20 assured water supply that have been revoked or for which proceedings are  
21 pending before the department or a court.

22 3. The plat submitted to the department in the application for the  
23 certificate of assured water supply described in paragraph 1 of this  
24 subsection has not changed.

25 4. Water service is currently available to each lot within the  
26 subdivided land and the water provider listed on the certificate of  
27 assured water supply described in paragraph 1 of this subsection has not  
28 changed.

29 5. The subdivided land qualifies as a member land under title 48,  
30 chapter 22 and the subdivider has paid any activation fee required under  
31 section 48-3772, subsection A, paragraph 7 and any replenishment reserve  
32 fee required under section 48-3774.01, subsection A, paragraph 2.

33 6. The plat is submitted for approval to a city, town or county  
34 that is listed on the department's website as a qualified platting  
35 authority.

36 K. Subsection J of this section does not affect the assignment of a  
37 certificate of assured water supply as prescribed by section 45-579.

38 L. For the purposes of this section, "assured water supply" means  
39 all of the following:

40 1. Sufficient groundwater, surface water or effluent of adequate  
41 quality will be continuously available to satisfy the water needs of the  
42 proposed use for at least one hundred years. Beginning January 1 of the  
43 calendar year following the year in which a groundwater replenishment  
44 district is required to submit its preliminary plan pursuant to section  
45 45-576.02, subsection A, paragraph 1, with respect to an applicant that is

1 a member of the district, "sufficient groundwater" for the purposes of  
2 this paragraph means that the proposed groundwater withdrawals that the  
3 applicant will cause over a period of one hundred years will be of  
4 adequate quality and will not exceed, in combination with other  
5 withdrawals from land in the replenishment district, a depth to water of  
6 one thousand feet or the depth of the bottom of the aquifer, whichever is  
7 less. In determining depth to water for the purposes of this paragraph,  
8 the director shall consider the combination of:

- 9 (a) The existing rate of decline.  
10 (b) The proposed withdrawals.  
11 (c) The expected water requirements of all recorded lots that are  
12 not yet served water and that are located in the service area of a  
13 municipal provider.

14 2. The projected groundwater use is consistent with the management  
15 plan and achievement of the management goal for the active management  
16 area.

17 3. The financial capability has been demonstrated to construct the  
18 water facilities necessary to make the supply of water available for the  
19 proposed use, including a delivery system and any storage facilities or  
20 treatment works. The director may accept evidence of the construction  
21 assurances required by section 9-463.01, 11-823 or 32-2181 to satisfy this  
22 requirement.

23 Sec. 4. Repeal

24 A. Laws 1997, chapter 287, section 51, as amended by Laws 1999,  
25 chapter 295, section 49, is repealed.

26 B. Laws 1997, chapter 287, section 52, as amended by Laws 1999,  
27 chapter 295, section 50, is repealed.