

REFERENCE TITLE: **environment; 2024-2025**

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2902

Introduced by
Representative Livingston (with permission of Committee on Rules)

AN ACT

AMENDING SECTIONS 26-305, 41-511.24 AND 49-1333, ARIZONA REVISED STATUTES;
AMENDING LAWS 2023, CHAPTER 138, SECTION 3; APPROPRIATING MONIES; RELATING
TO THE ENVIRONMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 26-305, Arizona Revised Statutes, is amended to
3 read:

4 26-305. Division of emergency management; duties; director;
5 term; qualifications; compensation; emergency
6 management training revolving fund

7 A. There is established in the department of emergency and military
8 affairs the division of emergency management, which is administered by the
9 department under the authority of the adjutant general, subject to powers
10 vested in the governor as provided by law.

11 B. The division shall prepare for and coordinate those emergency
12 management activities that may be required to reduce the impact of
13 disaster on persons or property.

14 C. Through the powers vested in the governor, the division shall
15 coordinate the cooperative effort of all governmental agencies including
16 the federal government, this state and its political subdivisions to
17 alleviate suffering and loss resulting from disaster.

18 D. The adjutant general shall appoint the director who serves at
19 the pleasure of the adjutant general. The adjutant general shall select
20 the director on the basis of demonstrated ability in governmental
21 functions or business administration and general knowledge of contingency
22 planning and disaster preparedness.

23 E. The director is eligible to receive compensation pursuant to
24 section 38-611.

25 F. The emergency management training REVOLVING fund is established
26 consisting of monies received from fees collected by the division for
27 coordinating symposiums, training conferences and seminars relating to its
28 powers and duties. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. The
29 director of the division shall deposit all fees collected for ~~these~~
30 ~~activities~~ COORDINATING SYMPOSIUMS, TRAINING CONFERENCES AND SEMINARS in
31 the fund, which shall be used only for expenses of the activities. ~~All~~
32 ~~monies collected from each event that are in excess of the expenses of the~~
33 ~~event shall revert to the state general fund by the end of the fiscal~~
34 ~~year.~~

35 Sec. 2. Section 41-511.24, Arizona Revised Statutes, is amended to
36 read:

37 41-511.24. Arizona state parks store fund

38 A. The Arizona state parks store fund is established consisting of
39 monies deposited pursuant to a fee schedule for goods and services
40 determined by the Arizona state parks board. The board shall administer
41 the fund. Monies in the fund are subject to legislative appropriation and
42 shall be used by the board to operate and maintain gift shops.

B. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations. All monies in the fund exceeding ~~\$1,250,000~~ \$1,750,000 at the end of a fiscal year are transferred to the state parks revenue fund established by section 41-511.21.

Sec. 3. Section 49-1333, Arizona Revised Statutes, is amended to read:

49-1333. Water conservation grant fund; procedures

A. In compliance with any applicable requirements, an eligible entity as defined in section 49-1301 may apply to the authority for and accept grants from the water conservation grant fund for a water conservation program or project that complies with the requirements of sections 49-1332 and 49-1334. A nongovernment organization that focuses on water conservation or environmental protection may apply to the authority for and accept grants from the water conservation grant fund for a water conservation program or project if it partners with an eligible entity as defined in section 49-1301. **AN ELIGIBLE ENTITY MAY APPLY TO THE AUTHORITY FOR AND ACCEPT GRANTS FROM THE WATER CONSERVATION GRANT FUND TO DISTRIBUTE REBATES FOR THE INSTALLATION OF GRAY WATER SYSTEMS.**

B. The authority shall:

1. Prescribe a simplified form and procedure to apply for and approve assistance.

2. Establish by rule criteria that are consistent with this article by which assistance will be awarded.

3. Determine the order and priority of water conservation programs or projects assisted under this section based on the merits of the application with respect to the requirements of sections 49-1332 and 49-1334.

4. Provide that a single water conservation program grant may not exceed \$3,000,000, a single water conservation project grant may not exceed \$250,000 and at least a twenty-five percent match is required for each water conservation program or project. Monies from any other source may satisfy the match requirement.

Sec. 4. Laws 2023, chapter 138, section 3 is amended to read:

Sec. 3. Fire incident management fund; exemption; delayed repeal; transfer of monies

A. The fire incident management fund is established ~~for fiscal year 2023-2024~~ consisting of legislative appropriations. The department of administration shall administer the fund. Not more than \$200,000 of monies appropriated to the fund may be used by the department of administration to administer the fund. Monies in the fund are continuously appropriated and **ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190, ARIZONA REVISED STATUTES, RELATING TO LAPSING OF APPROPRIATIONS.** **THE DEPARTMENT OF ADMINISTRATION shall ~~be used~~ DISTRIBUTE MONIES FROM THE**

1 **FUND** to provide grants to municipal fire departments and fire districts
2 for hardware and software that:

3 1. Enables the statewide deployment of a secure incident management
4 platform to fire and law enforcement agencies.

5 2. Provides a standardized incident command and management platform
6 based on federal emergency management agency standards that enable diverse
7 incident management and support entities to work together and ensure the
8 following:

9 (a) A clearly defined chain of command.

10 (b) The use of common terminology.

11 (c) The safety of first responders and others.

12 (d) The achievement of response objectives.

13 (e) The efficient use of resources.

14 3. Provides a collaboration and communications solution that does
15 the following:

16 (a) Identifies the location, status and assignment of assigned
17 resources.

18 (b) Allows status updates, tracking and management of an incident.

19 (c) Allows secure messaging and file sharing to all users involved
20 in an incident.

21 (d) Allows the sharing of collaborative maps, building floor plans
22 and images between public safety agencies.

23 (e) Allows collaboration and information sharing between disparate
24 agencies during a mass casualty incident.

25 (f) Defines a federal emergency management agency or national
26 incident management systems-based organizational structure for the
27 management of incidents.

28 (g) Provides the ability to print standard integrated computer
29 solutions forms for tracking and cost reimbursement.

30 (h) Provides enhanced telemetry-based firefighter safety
31 monitoring.

32 (i) Works in areas without internet access in a disconnected mode.

33 (j) Provides a seamless and connected platform for notification,
34 response and rostering.

35 (k) Provides cross-platform functionality.

36 (l) Provides a smartphone-based application for notification,
37 accountability and situational awareness.

38 B. Each municipal fire department or fire district in this state
39 may submit a grant request to the department of administration for the
40 costs of the secure incident management system that meets all of the
41 criteria described in subsection A of this section.

42 C. The department of administration shall award grants on a
43 first-come, first-served basis. Grants that are awarded shall fully fund
44 the costs of the secure incident management system for each municipal fire
45 department or fire district for three years.

D. FROM AND AFTER JUNE 30, 2025, THIS SECTION IS REPEALED AND ALL UNEXPENDED AND UNENCUMBERED MONIES IN THE FIRE INCIDENT MANAGEMENT FUND ESTABLISHED BY THIS SECTION REVERT TO THE STATE GENERAL FUND.

Sec. 5. Arizona water protection fund; use of monies

Notwithstanding section 45-2114, Arizona Revised Statutes, in fiscal year 2024-2025, the Arizona water protection fund commission may grant to the department of water resources up to \$336,000 of the unobligated balance in the Arizona water protection fund established by section 45-2111, Arizona Revised Statutes, to pay for administrative costs of the department in fiscal year 2024-2025.

Sec. 6. Underground storage tank revolving fund; use of monies

Notwithstanding any other law, in fiscal year 2024-2025, the department of environmental quality may use up to \$6,531,000 from the underground storage tank revolving fund established by section 49-1015, Arizona Revised Statutes, in fiscal year 2024-2025 for:

1. Administrative costs of the department.
2. Remediating sewage discharge issues in Naco, Arizona and other border areas of this state.

Sec. 7. Arizona water banking fund; use of monies

In addition to the purposes provided in section 45-2425, Arizona Revised Statutes, monies appropriated to the Arizona navigable stream adjudication commission from the Arizona water banking fund established by section 45-2425, Arizona Revised Statutes, may be used in fiscal year 2024-2025 to pay legal fees.

Sec. 8. Appropriation limit; water quality assurance revolving fund

Notwithstanding section 49-282, Arizona Revised Statutes, the appropriation from the state general fund to the water quality assurance revolving fund established by section 49-282, Arizona Revised Statutes, for fiscal year 2024-2025 may not exceed \$15,000,000.

Sec. 9. Department of environmental quality; vehicle emissions testing fees; exemption from rulemaking

A. Notwithstanding any other law, in fiscal year 2024-2025, the director of the department of environmental quality shall reduce fees for tests conducted in area A so that vehicle emissions testing fee revenues collected from area A are reduced by five percent from fiscal year 2023-2024 area A collections. For the purposes of this subsection, "area A" has the same meaning prescribed in section 49-541, Arizona Revised Statutes.

B. The department of environmental quality is exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, until July 1, 2025 for the purpose of establishing fees pursuant to this section.

1 Sec. 10. Agricultural fees; emergency rulemaking

2 A. For fiscal year 2024-2025, notwithstanding any other law, the
3 director of the Arizona department of agriculture, subject to the review
4 of the department of agriculture advisory council, may lower existing fees
5 for any funds held in trust by the department.

6 B. The Arizona department of agriculture shall adopt emergency
7 rules pursuant to title 41, chapter 6, Arizona Revised Statutes, through
8 July 1, 2025, in conjunction with the industry, to modify fees deposited
9 in the dangerous plants, pests and diseases trust fund established by
10 section 3-214.01, Arizona Revised Statutes. These rules must be reviewed
11 by the department of agriculture advisory council.

12 Sec. 11. Authorization for liabilities and expenses; fiscal
13 year 2024-2025

14 Notwithstanding section 35-192, Arizona Revised Statutes, in fiscal
15 year 2024-2025, the governor may allocate \$500,000 to the emergency
16 management assistance compact and Arizona mutual aid compact revolving
17 fund established by section 26-403, Arizona Revised Statutes, and \$300,000
18 to the emergency management training revolving fund established by section
19 26-305, Arizona Revised Statutes, as amended by this act. Each allocation
20 the governor makes pursuant to this section counts toward the \$4,000,000
21 aggregate amount allowed in fiscal year 2024-2025 as prescribed by section
22 35-192, subsection F, Arizona Revised Statutes.