

House Engrossed

subsequent AMA; director; removal

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2088

AN ACT

AMENDING SECTIONS 45-412, 45-413 AND 45-414, ARIZONA REVISED STATUTES;
RELATING TO ACTIVE MANAGEMENT AREAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 45-412, Arizona Revised Statutes, is amended to
3 read:

4 45-412. Subsequent active management areas; criteria;
5 designation; review of groundwater basins; removal

6 A. The director may designate an area ~~which~~ THAT is not included
7 within an initial active management area, pursuant to section 45-411, as a
8 subsequent active management area if the director determines that any of
9 the following exists:

10 1. Active management practices are necessary to preserve the
11 existing supply of groundwater for future needs.

12 2. Land subsidence or fissuring is endangering property or
13 potential groundwater storage capacity.

14 3. Use of groundwater is resulting in actual or threatened water
15 quality degradation.

16 B. An active management area designated pursuant to this section
17 may include more than one groundwater basin but shall not be smaller than
18 a groundwater basin or include only a portion of a groundwater basin,
19 except for the regional aquifer systems of northern Arizona.

20 C. The director shall periodically review all areas ~~which~~ THAT are
21 not included within an active management area to determine whether ~~such~~
22 THE areas meet any of the criteria for active management areas as
23 prescribed in this section.

24 D. THE DIRECTOR SHALL PERIODICALLY REVIEW ALL AREAS THAT ARE
25 INCLUDED WITHIN A SUBSEQUENT ACTIVE MANAGEMENT AREA TO DETERMINE WHETHER
26 THE AREAS CONTINUE TO MEET THE CRITERIA FOR INCLUSION IN AN ACTIVE
27 MANAGEMENT AREA AS PRESCRIBED BY SUBSECTION A OF THIS SECTION. IF THE
28 DIRECTOR DETERMINES THAT AN AREA NO LONGER MEETS THE CRITERIA FOR
29 INCLUSION AS A SUBSEQUENT ACTIVE MANAGEMENT AREA, THE DIRECTOR MAY REMOVE
30 THE SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATION.

31 Sec. 2. Section 45-413, Arizona Revised Statutes, is amended to
32 read:

33 45-413. Hearing on designation or removal of designation of
34 subsequent active management areas and boundaries;
35 notice; procedures

36 A. If the director proposes to designate a subsequent active
37 management area pursuant to section 45-412, subsection A OR TO REMOVE A
38 SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATION PURSUANT TO SECTION 45-412,
39 SUBSECTION D, the director shall hold a public hearing to consider:

40 1. Whether to issue an order declaring the area an active
41 management area OR TO REMOVE A SUBSEQUENT ACTIVE MANAGEMENT AREA
42 DESIGNATION.

1 2. The boundaries and any ~~sub-basins~~ SUBBASINS of the proposed
2 active management area OR ANY BOUNDARY MODIFICATION OF A SUBSEQUENT ACTIVE
3 MANAGEMENT AREA.

4 B. The director shall give reasonable notice of the hearing under
5 the circumstances ~~which shall include~~ BY publication once each week for
6 two consecutive weeks in a newspaper of general circulation in each county
7 in which the proposed active management area OR CURRENTLY DESIGNATED
8 SUBSEQUENT ACTIVE MANAGEMENT AREA is located. Any notice shall contain
9 the time and place of the hearing, the legal description and a map clearly
10 identifying and describing all lands to be included in the proposed active
11 management area OR TO BE REMOVED FROM THE CURRENTLY DESIGNATED SUBSEQUENT
12 ACTIVE MANAGEMENT AREA and any ~~sub-basins~~ SUBBASINS and any other
13 information the director deems necessary.

14 C. The hearing shall be held at a location within the proposed
15 active management area OR CURRENTLY DESIGNATED SUBSEQUENT ACTIVE
16 MANAGEMENT AREA as soon as practicable but ~~no~~ NOT less than thirty days
17 and ~~no~~ NOT more than sixty days after the first publication of the notice
18 of hearing. At the hearing, the director shall present the factual data
19 in ~~his~~ THE DIRECTOR'S possession in support of the proposed action. Any
20 person may appear at the hearing, either in person or by representative,
21 and submit oral or documentary evidence for or against the proposed
22 action. In making ~~his~~ THE determination, the director shall give full
23 consideration to public comment and to recommendations made by local
24 political subdivisions.

25 Sec. 3. Section 45-414, Arizona Revised Statutes, is amended to
26 read:

27 45-414. Findings on hearing; order for active management
28 area; order for active management area removal;
29 publication

30 A. Within thirty days after the hearing, the director shall make
31 and file in the director's office written findings with respect to matters
32 considered during the hearing. If the director decides to declare an area
33 an active management area, the director shall make and file an order
34 designating the active management area. IF THE DIRECTOR DECIDES TO REMOVE
35 AN AREA FROM A SUBSEQUENT ACTIVE MANAGEMENT AREA, THE DIRECTOR SHALL MAKE
36 AND FILE AN ORDER DESIGNATING THE AREA AS OUTSIDE OF AN ACTIVE MANAGEMENT
37 AREA.

38 B. The findings and order shall be published in the manner and for
39 the length of time prescribed for the publication of notice of the public
40 hearing, and the order is effective when published for the final time.
41 All factual data compiled by the director, a transcript of the hearing, a
42 copy of the findings and a map identifying the lands included in the
43 active management area OR REMOVED FROM THE ACTIVE MANAGEMENT AREA are
44 public records of the department and shall be available for examination by
45 the public during regular business hours. The findings and order of the

1 director are subject to rehearing or review and to judicial review as
2 provided in section 45-114, subsection C.

3 C. The director shall file a true copy of the map in the office of
4 the county recorder of the county or counties in which the active
5 management area is located OR WAS LOCATED.