

House Engrossed

subsequent AMA; voters; removal

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

HOUSE BILL 2089

AN ACT

AMENDING SECTION 45-415, 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 45-415, Arizona Revised Statutes, is amended to
3 read:

4 45-415. Local initiation for active management area; removal
5 of subsequent active management area designation;
6 procedures

7 A. A groundwater basin that is not included within an initial
8 active management area may be designated an active management area on
9 petition by ten percent of the registered voters ~~residing~~ WHO RESIDE
10 within the boundaries of the proposed active management area, as of the
11 most recent report compiled by the county recorder in compliance with
12 section 16-168, subsection ~~H~~ H AND SUBSECTION C OF THIS SECTION, and a
13 subsequent election held pursuant to the general election laws of this
14 state. The form of the petition shall be the same as for initiative
15 petitions, and the applicant for the petition shall comply with section
16 19-111.

17 B. BEGINNING TEN YEARS AFTER A GROUNDWATER BASIN IS DESIGNATED AS A
18 SUBSEQUENT ACTIVE MANAGEMENT AREA PURSUANT TO SUBSECTION A OF THIS
19 SECTION, TEN PERCENT OF THE REGISTERED VOTERS WHO RESIDE WITHIN THE
20 BOUNDARIES OF THE SUBSEQUENT ACTIVE MANAGEMENT AREA, AS OF THE MOST RECENT
21 REPORT COMPILED BY THE COUNTY RECORDER IN COMPLIANCE WITH SECTION 16-168,
22 SUBSECTION H AND SUBSECTION C OF THIS SECTION, MAY FILE A PETITION IN
23 EACH OFFICE OF THE COUNTY RECORDER IN WHICH THE SUBSEQUENT ACTIVE
24 MANAGEMENT AREA IS LOCATED TO REMOVE THE SUBSEQUENT ACTIVE MANAGEMENT AREA
25 DESIGNATION. THE PETITION SHALL BE FILED WITHIN ONE HUNDRED EIGHTY DAYS
26 BEFORE THE NEXT GENERAL ELECTION DATE. THE FORM OF THE PETITION SHALL BE
27 THE SAME AS FOR INITIATIVE PETITIONS, AND THE APPLICANT FOR THE PETITION
28 SHALL COMPLY WITH SECTION 19-111 AND BE A RESIDENT OF THE SUBSEQUENT
29 ACTIVE MANAGEMENT AREA.

30 ~~B.~~ C. On application for a petition number with the clerk of the
31 board of supervisors or county election officer, the director shall
32 transmit a map of the groundwater basin OR THE SUBSEQUENT ACTIVE
33 MANAGEMENT AREA DESIGNATED PURSUANT TO SUBSECTION A OF THIS SECTION, AS
34 APPLICABLE, to the county recorder of each county in which the proposed
35 active management area OR THE SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATED
36 PURSUANT TO SUBSECTION A OF THIS SECTION is located. The map shall be on
37 a scale adequate to show with substantial accuracy where the boundaries of
38 the groundwater basin OR THE SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATED
39 PURSUANT TO SUBSECTION A OF THIS SECTION cross the boundaries of county
40 voting precincts. The director shall also transmit to the county recorder
41 all other factual data concerning the boundaries of the groundwater basin
42 OR THE SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATED PURSUANT TO SUBSECTION
43 A OF THIS SECTION that may aid the county recorder in ~~the determination of~~
44 DETERMINING which registered voters of the county are residents of the

1 groundwater basin OR THE SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATED
2 PURSUANT TO SUBSECTION A OF THIS SECTION AND ARE ELIGIBLE VOTERS OR
3 PETITIONERS.

4 D. IF A COUNTY BOARD OF SUPERVISORS RECEIVES A VALID PETITION TO
5 REMOVE A SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATION PURSUANT TO
6 SUBSECTION B OF THIS SECTION, THE CLERK OF THE COUNTY BOARD OF SUPERVISORS
7 SHALL IMMEDIATELY FORWARD A COPY AND NOTICE OF THE PETITION TO THE
8 DIRECTOR. WITHIN SIXTY DAYS AFTER RECEIVING THE PETITION, THE DIRECTOR
9 SHALL EXAMINE THE GROUNDWATER CONDITION IN THE BASIN AND DO ONE OF THE
10 FOLLOWING:

11 1. IF THE DIRECTOR DETERMINES THAT THE CONDITIONS FOR DESIGNATING A
12 GROUNDWATER BASIN AS A SUBSEQUENT ACTIVE MANAGEMENT AREA STILL EXIST, THE
13 DIRECTOR SHALL FILE AN ORDER IN THE COUNTY RECORDER'S OFFICE DECLARING
14 THAT THE ACTIVE MANAGEMENT AREA DESIGNATION IS NECESSARY, AND THE COUNTY
15 BOARD OF SUPERVISORS SHALL CANCEL THE ELECTION ON WHETHER TO REMOVE THE
16 SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATION.

17 2. IF THE DIRECTOR DETERMINES THAT THE ACTIVE MANAGEMENT AREA
18 DESIGNATION IS NO LONGER NECESSARY, THE DIRECTOR MAY FILE AN ORDER IN THE
19 COUNTY RECORDER'S OFFICE DECLARING THAT THE ACTIVE MANAGEMENT AREA
20 DESIGNATION IS NOT NECESSARY. IF THE DIRECTOR FILES THIS ORDER, OR DOES
21 NOT FILE AN ORDER, THE COUNTY BOARD OF SUPERVISORS SHALL HOLD THE ELECTION
22 ON WHETHER TO REMOVE THE SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATION.

23 E. AN ORDER THAT IS ISSUED BY THE DIRECTOR PURSUANT TO SUBSECTION D
24 OF THIS SECTION MAY BE APPEALED PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE
25 10. IF A PARTY PREVAILS ON APPEAL, THE DIRECTOR SHALL FILE IN THE OFFICE
26 OF THE COUNTY RECORDER IN WHICH THE SUBSEQUENT ACTIVE MANAGEMENT AREA IS
27 LOCATED A NEW ORDER THAT IS CONSISTENT WITH THE POSITION OF THE PREVAILING
28 PARTY, AND THE BOARD OF SUPERVISORS SHALL HOLD OR CANCEL THE ELECTION AS
29 PRESCRIBED IN THIS SECTION.

30 ~~E.~~ F. Any registered voter of a county whose residency in the
31 groundwater basin OR THE SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATED
32 PURSUANT TO SUBSECTION A OF THIS SECTION, AS APPLICABLE, is in question
33 shall be allowed to vote. The ballot shall be placed in a separate
34 envelope, the outside of which shall contain the precinct name and number,
35 the signature of the voter, the residence address of the voter and the
36 voter registration number of the voter, if available. The voter receipt
37 card shall be attached to the envelope. The county recorder shall verify
38 the ballot for proper residency of the voter before counting. Such
39 verification shall be made within five business days following the
40 election, and the voter receipt card shall be returned to the
41 voter. Verified ballots shall be counted using the procedure outlined for
42 counting early ballots. If residency in the groundwater basin OR THE
43 SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATED PURSUANT TO SUBSECTION A OF

1 THIS SECTION, AS APPLICABLE, is not verified, the ballot shall remain
2 unopened and shall be destroyed.

3 ~~D.~~ G. Except as provided in subsection ~~E~~ H of this section, all
4 election expenses incurred pursuant to this section are the responsibility
5 of the county involved.

6 ~~E.~~ H. If a groundwater basin OR A SUBSEQUENT ACTIVE MANAGEMENT
7 AREA DESIGNATED PURSUANT TO SUBSECTION A OF THIS SECTION, AS APPLICABLE,
8 is located in two or more counties, the following procedures apply:

9 1. The petition shall be filed with the clerk of the board of
10 supervisors or county election officer of the county in which the
11 plurality of the registered voters in the groundwater basin OR THE
12 SUBSEQUENT ACTIVE MANAGEMENT AREA resides.

13 2. The number of registered voters WHO ARE required to sign the
14 petition shall be ten percent of the registered voters ~~residing~~ WHO RESIDE
15 within the boundaries of the proposed active management area OR THE
16 SUBSEQUENT ACTIVE MANAGEMENT AREA, as of the most recent report compiled
17 by the county recorder in compliance with section 16-168, subsection ~~G~~ H
18 AND SUBSECTION C OF THIS SECTION, within the county in which the plurality
19 of the registered voters in the groundwater basin OR THE SUBSEQUENT ACTIVE
20 MANAGEMENT AREA resides.

21 3. FOR THE PURPOSES OF AN ELECTION TO DESIGNATE A GROUNDWATER BASIN
22 AS AN ACTIVE MANAGEMENT AREA, the election shall be called by the board of
23 supervisors of the county in which the petition is filed, and the board
24 shall immediately notify the board of supervisors of any other county
25 included in the groundwater basin of the date of the election. The
26 election shall be held not less than sixty days or more than ninety days
27 from the date of the call. The board of supervisors so notified shall
28 then call the election in that county for the same date and follow the
29 procedures for conducting the general elections in this state.

30 4. FOR THE PURPOSES OF AN ELECTION TO REMOVE A SUBSEQUENT ACTIVE
31 MANAGEMENT AREA DESIGNATION:

32 (a) ANY ORDER THAT IS SENT TO A COUNTY BOARD OF SUPERVISORS WITH
33 JURISDICTION IN A SUBSEQUENT ACTIVE MANAGEMENT AREA SHALL BE SENT TO ALL
34 COUNTY BOARDS OF SUPERVISORS WITH JURISDICTION IN THE SUBSEQUENT ACTIVE
35 MANAGEMENT AREA THAT IS SUBJECT TO THE PETITION.

36 (b) THE ELECTION TIME FRAME SHALL COMPLY WITH SUBSECTION B OF THIS
37 SECTION.

38 ~~F.~~ 5. All election expenses incurred pursuant to this subsection
39 are the responsibilities of the counties involved on a proportional basis
40 considering the number of registered voters of each county that are
41 residents of the groundwater basin OR THE SUBSEQUENT ACTIVE MANAGEMENT
42 AREA.

1 ~~F.~~ I. TO DESIGNATE A GROUNDWATER BASIN AS AN ACTIVE MANAGEMENT
2 AREA PURSUANT TO SUBSECTION A OF THIS SECTION, the ballot shall be worded,
3 "should the (insert name of basin) groundwater basin be designated an
4 active management area?" followed by the words "yes" and "no".
5 J. TO REMOVE A SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATION
6 PURSUANT TO SUBSECTION B OF THIS SECTION, THE BALLOT SHALL BE WORDED,
7 "SHOULD THE SUBSEQUENT ACTIVE MANAGEMENT AREA DESIGNATION BE REMOVED FROM
8 THE (INSERT NAME OF BASIN)?" FOLLOWED BY THE WORDS "YES" AND "NO".