

REFERENCE TITLE: subsequent AMA; designation; petition; election

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

HB 2548

Introduced by
Representatives Diaz: Carter P, Marshall

AN ACT

AMENDING SECTIONS 45-412, 45-413, 45-414 AND 45-415, ARIZONA REVISED
STATUTES; RELATING TO ACTIVE MANAGEMENT AREAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

45-412. Subsequent active management areas; criteria; review of groundwater basins not subject to active management

A. The director may designate an area ~~which~~ THAT is not included within an initial active management area, pursuant to section 45-411, as a subsequent active management area if BOTH OF THE FOLLOWING CONDITIONS APPLY:

1. The director determines that any of the following exists:

~~1-~~ (a) Active management practices are necessary to preserve the existing supply of groundwater for future needs.

~~2-~~ (b) Land subsidence or fissuring is endangering property or potential groundwater storage capacity.

~~3-~~ (c) Use of groundwater is resulting in actual or threatened water quality degradation.

2. A MAJORITY OF THOSE PERSONS VOTING ON THE QUESTION IN THE RELEVANT GROUNDWATER BASIN AFFIRMATIVELY VOTE TO DESIGNATE THE GROUNDWATER BASIN AS A SUBSEQUENT ACTIVE MANAGEMENT AREA AS PRESCRIBED IN SECTION 45-415.

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

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

D. NOTWITHSTANDING ANY OTHER LAW, THE DIRECTOR SHALL NOT DESIGNATE ANY GROUNDWATER BASIN AS A SUBSEQUENT ACTIVE MANAGEMENT AREA WITHOUT THE APPROVAL OF A MAJORITY OF VOTES CAST AT AN ELECTION HELD CONSISTENT WITH THE GENERAL ELECTION LAWS OF THIS STATE.

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

45-413. Hearing and petition on designation of subsequent active management areas and boundaries; notice; procedures

A. If the director proposes to designate a subsequent active management area pursuant to section 45-412, subsection A, the director shall:

1. Hold a public hearing to consider:

~~1-~~ (a) WHETHER to issue an order declaring the area an active management area.

1 ~~2.~~ (b) The boundaries and any ~~sub-basins~~ SUBBASINS of the proposed
2 active management area.

3 2. REQUEST A PETITION FROM THE COUNTY RECORDER OF THE COUNTY OF THE
4 PROPOSED SUBSEQUENT ACTIVE MANAGEMENT AREA.

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

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

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

25 45-414. Findings upon hearing; order for active management
26 area; publication

27 A. Within thirty days after the hearing, the director shall make
28 and file in the director's office written findings with respect to matters
29 considered during the hearing. If the director ~~decides to declare an area~~
30 ~~an active management area~~ DETERMINES THAT ANY OF THE CONDITIONS PRESCRIBED
31 IN SECTION 45-412, SUBSECTION A, PARAGRAPH 1 EXISTS, the director shall
32 ~~make and file an order designating the active management area~~ SUBMIT A
33 PETITION AND A COPY OF THE DIRECTOR'S WRITTEN FINDINGS TO EACH COUNTY
34 RECORDER OF THE COUNTIES INCLUDED IN THE PROPOSED SUBSEQUENT ACTIVE
35 MANAGEMENT AREA.

36 B. The findings and order shall be published in the manner and for
37 the length of time prescribed for the publication of notice of the public
38 hearing, and the order is effective when published for the final
39 time. All factual data compiled by the director, a transcript of the
40 hearing, a copy of the findings and a map identifying the lands included
41 in the active management area are public records of the department and
42 shall be available for examination by the public during regular business
43 hours. The findings and order of the director are subject to rehearing or
44 review and to judicial review as provided in section 45-114, subsection C.

~~C. The director shall file a true copy of the map in the office of the county recorder of the county or counties in which the active management area is located.~~

Sec. 4. Section 45-415, Arizona Revised Statutes, is amended to read:

45-415. Local initiation for active management area; procedures

A. A groundwater basin that is not included within an initial active management area may be designated an active management area on petition by **EITHER OF THE FOLLOWING:**

1. Ten percent of the registered voters residing within the boundaries of the proposed active management area, as of the most recent report compiled by the county recorder in compliance with section 16-168, subsection ~~G~~, H and a subsequent election held pursuant to the general election laws of this state. The form of the petition shall be the same as for initiative petitions, and the applicant for the petition shall comply with section 19-111.

2. **THE DIRECTOR AS PRESCRIBED IN SECTION 45-414. ALONG WITH ANY PETITION SUBMITTED BY THE DIRECTOR, THE DIRECTOR SHALL INCLUDE A COPY OF THE DIRECTOR'S WRITTEN FINDINGS AS PRESCRIBED BY SECTION 45-414.**

B. On application for a petition number with the clerk of the board of supervisors or county election officer, the director shall transmit a map of the groundwater basin to the county recorder of each county in which the proposed active management area is located. The map shall be on a scale adequate to show with substantial accuracy where the boundaries of the groundwater basin cross the boundaries of county voting precincts. The director shall also transmit to the county recorder all other factual data concerning the boundaries of the groundwater basin that may aid the county recorder in the determination of which registered voters of the county are residents of the groundwater basin.

C. Any registered voter of a county whose residency in the groundwater basin is in question shall be allowed to vote. The ballot shall be placed in a separate envelope, the outside of which shall contain the precinct name and number, the signature of the voter, the residence address of the voter and the voter registration number of the voter, if available. The voter receipt card shall be attached to the envelope. The county recorder shall verify the ballot for proper residency of the voter before counting. Such verification shall be made within five business days following the election, and the voter receipt card shall be returned to the voter. Verified ballots shall be counted using the procedure outlined for counting early ballots. If residency in the groundwater basin is not verified, the ballot shall remain unopened and shall be destroyed.

1 D. Except as provided in subsection E of this section, all election
2 expenses incurred pursuant to this section are the responsibility of the
3 county involved.

4 E. If a groundwater basin is located in two or more counties, the
5 following procedures apply:

6 1. The petition shall be filed with the clerk of the board of
7 supervisors or county election officer of the county in which the
8 plurality of the registered voters in the groundwater basin resides.

9 2. ~~EXCEPT FOR A PETITION SUBMITTED DIRECTLY BY THE DIRECTOR,~~ the
10 number of registered voters required to sign the petition shall be ten
11 percent of the registered voters residing within the boundaries of the
12 proposed active management area, as of the most recent report compiled by
13 the county recorder in compliance with section 16-168, subsection ~~6~~, H
14 within the county in which the plurality of the registered voters in the
15 groundwater basin resides.

16 3. The election shall be called by the board of supervisors of the
17 county in which the petition is filed, and the board shall immediately
18 notify the board of supervisors of any other county included in the
19 groundwater basin of the date of the election. The election shall be held
20 not less than sixty days or more than ninety days from the date of the
21 call. The board of supervisors so notified shall then call the election
22 in that county for the same date and follow the procedures for conducting
23 the general elections in this state.

24 4. All election expenses incurred pursuant to this subsection are
25 the responsibilities of the counties involved on a proportional basis
26 considering the number of registered voters of each county that are
27 residents of the groundwater basin.

28 F. The ballot shall be worded, "should the (insert name of basin)
29 groundwater basin be designated an active management area?" followed by
30 the words "yes" and "no".

31 G. ~~IF A MAJORITY OF THOSE PERSONS VOTING ON THE QUESTION VOTE TO~~
32 ~~DESIGNATE A GROUNDWATER BASIN AS AN ACTIVE MANAGEMENT AREA, THE DIRECTOR,~~
33 ~~WITHIN THIRTY DAYS AFTER THE CERTIFICATION OF THE ELECTION RESULTS, SHALL~~
34 ~~MAKE AND FILE AN ORDER DESIGNATING THE ACTIVE MANAGEMENT AREA AND FILE A~~
35 ~~TRUE COPY OF THE MAP IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OR~~
36 ~~COUNTIES IN WHICH THE ACTIVE MANAGEMENT AREA IS LOCATED. THE ORDER AND~~
37 ~~MAP IDENTIFYING THE LANDS INCLUDED IN THE ACTIVE MANAGEMENT AREA ARE~~
38 ~~PUBLIC RECORDS OF THE DEPARTMENT AND SHALL BE AVAILABLE FOR EXAMINATION BY~~
39 ~~THE PUBLIC DURING REGULAR BUSINESS HOURS.~~

40 Sec. 5. Retroactivity

41 This act applies retroactively to from and after December 18, 2024.