

PROPOSED  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1200  
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 45-132, Arizona Revised Statutes, is amended to  
3 read:

4 45-132. Filling large bodies of water for landscape, scenic  
5 or recreational purposes prohibited; exceptions;  
6 preemption

7 A. Except as provided in subsection B of this section, in an active  
8 management area established under chapter 2 of this title, a person shall  
9 not use any water for the purpose of filling or refilling all or a portion  
10 of a body of water.

11 B. This section does not apply to a body of water if any of the  
12 following applies:

13 1. The body of water was filled before January 1, 1987. If the  
14 surface area of the body of water is increased on or after January 1,  
15 1987, this exception does not apply to the quantity of water that is  
16 added.

17 2. The director has determined that substantial capital investment  
18 has been made in the physical on-site construction of the body of water  
19 before January 1, 1987. If the surface area of the body of water is  
20 increased after it is initially filled, this exception does not apply to  
21 the quantity of water that is added.

22 3. The body of water is located in a recreational facility that is  
23 open to the public and ~~THAT~~ owned or operated by the United States, this  
24 state, a city, town or county, a flood control district established under  
25 title 48, chapter 21 or a multi-county water conservation district  
26 established under title 48, chapter 22.

27 4. The body of water is filled and refilled exclusively with any  
28 one or any combination of the following:

29 (a) Effluent.

30 (b) Storm water runoff that is not subject to appropriation under  
31 section 45-141.

32 (c) Poor quality water used pursuant to a permit issued under  
33 subsections ~~C and~~ D AND E of this section.

34 (d) Groundwater withdrawn pursuant to a drainage water withdrawal  
35 permit issued under section 45-519.

36 (e) Groundwater withdrawn in the first year of a temporary  
37 dewatering permit issued under section 45-518.

38 (f) Groundwater withdrawn as part of a remedial action under title  
39 49, chapter 2, article 5, including mitigation of a nonhazardous release

1 undertaken pursuant to an order issued by the department of environmental  
2 quality pursuant to section 49-286.

3 (g) Water used pursuant to a permit for interim water use issued  
4 under section 45-133.

5 (h) Surface water except central Arizona project water that, as  
6 determined by the director, physically occurs at such times, in such  
7 quantities or under such other circumstances that it cannot be physically  
8 captured and beneficially used by any other holder of an appropriative  
9 right.

10 5. The body of water is an integral part of a golf course that  
11 complies with any applicable conservation requirements in the management  
12 plan for the active management area adopted under chapter 2, article 9 of  
13 this title.

14 6. The body of water is unsealed and is an integral part of an  
15 underground storage facility for which the director has issued a permit  
16 under chapter 3.1 of this title.

17 7. The body of water is a swimming pool that is owned and operated  
18 by a hotel, motel, country club or resort and THAT has a surface area  
19 equal to or less than forty-three thousand five hundred sixty square feet.  
20 If a hotel, motel, country club or resort has more than one swimming pool,  
21 only one of those swimming pools may have a surface area greater than  
22 twelve thousand three hundred twenty square feet.

23 C. FOR BODIES OF WATER THAT ARE CONSTRUCTED BEFORE JANUARY 1, 2026  
24 IN AN ACTIVE MANAGEMENT AREA AND THAT ARE FILLED AND REFILLED WITH  
25 EFFLUENT, A PERSON MAY USE THE BODY OF WATER AS A CONDUIT FOR TRANSPORTING  
26 ANOTHER TYPE OF WATER FOR LANDSCAPING OR OTHER PURPOSES BY COMINGLING THE  
27 EFFLUENT WITH THE WATER THAT THE PERSON USES FOR LANDSCAPING OR OTHER  
28 PURPOSES THAT FLOWS THROUGH THE BODY OF WATER IF THE OWNER OR OPERATOR OF  
29 THE BODY OF WATER DOES ALL OF THE FOLLOWING:

30 1. USING MEASURING DEVICES THAT ARE APPROVED BY THE DIRECTOR:

31 (a) MEASURES THE TOTAL VOLUME OF WATER THAT IS DELIVERED TO AND  
32 WITHDRAWN FROM THE BODY OF WATER FOR LANDSCAPING OR OTHER PURPOSES IN A  
33 YEAR.

34 (b) MEASURES THE TOTAL VOLUME OF EFFLUENT THAT IS DELIVERED TO THE  
35 BODY OF WATER IN A YEAR.

36 2. ADDS A VOLUME OF EFFLUENT TO THE BODY OF WATER EACH YEAR THAT IS  
37 EQUAL TO OR GREATER THAN AN AMOUNT THAT IS DETERMINED BY SUBTRACTING THE  
38 AMOUNT OF WATER THAT IS WITHDRAWN FOR LANDSCAPING OR OTHER PURPOSES FROM  
39 THE TOTAL AMOUNT OF WATER DELIVERED TO THE BODY OF WATER IN THE CALENDAR  
40 YEAR.

41 3. ON OR BEFORE MARCH 31 OF THE FOLLOWING YEAR, REPORTS THE  
42 FOLLOWING TO THE DIRECTOR:

43 (a) THE TOTAL VOLUME OF WATER THAT THE PERSON DELIVERED TO THE BODY  
44 OF WATER IN THE CALENDAR YEAR.

45 (b) THE VOLUME OF EFFLUENT THAT THE PERSON DELIVERED TO THE BODY OF  
46 WATER IN THE CALENDAR YEAR.

47 (c) THE VOLUME OF WATER THAT THE PERSON WITHDREW FROM THE BODY OF  
48 WATER FOR LANDSCAPING OR OTHER PURPOSES IN THE CALENDAR YEAR.

1           ~~E~~. D. A person who seeks to use poor quality groundwater to fill  
2 or refill all or a portion of a body of water shall apply to the director  
3 for a permit to use the groundwater for that purpose. The director may  
4 issue a permit if the applicant demonstrates that all of the following  
5 apply:

6           1. The applicant otherwise has a right to use the proposed source  
7 of groundwater for the proposed purpose.

8           2. The groundwater because of its poor quality cannot be used for  
9 another beneficial purpose at the present time and it is not economically  
10 feasible to treat and transport the groundwater and use it for another  
11 beneficial purpose.

12           3. The withdrawal of the groundwater is consistent with the  
13 management plan and achievement of the management goal for the active  
14 management area.

15           ~~D~~. E. A permit issued pursuant to subsection ~~E~~ D of this section  
16 may be issued for a period of up to thirty-five years. The director shall  
17 determine the duration of the permit on the basis of the estimated life of  
18 the source of poor quality groundwater and the potential for future  
19 beneficial use. The director shall monitor the use of groundwater  
20 pursuant to the permit and shall terminate the permit if any of the  
21 conditions for issuance of the permit no longer applies. A permit may be  
22 renewed subject to the same criteria used in granting the original permit.

23           ~~E~~. F. This section preempts all municipal and county laws,  
24 charters, ordinances, rules and regulations relating to the use of any  
25 water to fill or refill all or a portion of a body of water, except that  
26 this section does not preempt a law, charter, ordinance, rule or  
27 regulation that has previously been adopted, passed or enacted or is  
28 subsequently adopted, passed or enacted if the law, charter, ordinance,  
29 rule or regulation is more restrictive than this section."

30 Amend title to conform

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