

# The Report

53rd Legislature - 2nd Regular Session, 2018

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## Wildlife

### Posted Calendars and Committee Hearings

No hearings, calendars, or amendments posted.

### Bill Summaries

#### **H2210: PUBLIC LANDS; OWNERSHIP; CONTROL; LITIGATION**

By September 17, 2018, the Attorney General is required to analyze at least a specified list of legal theories that the state may pursue to attempt to gain ownership or control of the public lands within Arizona. By October 1, 2018, the Attorney General is required to submit a report of the analysis to the Legislature. On or after November 1, 2018, and after consulting with the Legislature, the Attorney General is authorized to commence an action to attempt to gain ownership or control of the public lands within Arizona. Self-repeals October 1, 2026.

First sponsor: Rep. Finchem

H2210: PUBLIC LANDS; OWNERSHIP; CONTROL; LITIGATION 1/25 from House land-agri-rural do pass.

#### **H2291: GROUNDWATER BASIN; DEPARTMENT SURVEY**

The Department of Water Resources is required to conduct a survey of one or more areas in the groundwater basins of the upper Colorado River water planning area to determine the status and resiliency of groundwater in these areas. The Dept is required to compile and report to the Legislature and the county board of supervisors for each county in the relevant groundwater basins on specified data generated by the survey. Self-repeals January 1, 2019.

First sponsor: Rep. Cobb

H2291: GROUNDWATER BASIN; DEPARTMENT SURVEY 1/17 referred to House land-agri-rural.

#### **H2310: GAME & FISH; LICENSE; FEES**

The requirement for the Arizona Game and Fish Commission to prescribe by rule license classifications for the taking or handling of wildlife, fees for licenses, permits, tags and stamps, and application fees is made permanent, instead of expiring on July 1, 2019. The Commission is authorized to reduce the fees of licenses and issue complimentary licenses. A license dealer is permitted to collect and retain a reasonable fee as determined by the license dealer, instead of a fee of five percent of the selling price of each license or permit. Repeals statutes limiting the total amount of boating and water sports fees and the total amount of license, permit, tag and stamp fees collected by the Arizona Game and Fish Department in any fiscal year to specified amounts based on FY2012-13 appropriations. AS PASSED HOUSE.

First sponsor: Rep. Bowers

H2310: GAME & FISH; LICENSE; FEES 2/12 House COW approved with floor amend [#4176](#), a substitute for amend [#4055](#). Passed House [56-2](#); ready for Senate.

#### **H2342: OFF-HIGHWAY VEHICLES; DEFINITION; USER INDICIA**

For the purpose of off-highway vehicle regulations, the definition of "off-highway vehicle" is modified to mean a vehicle that is designed, modified or purpose-built primarily for recreational non-highway all-terrain travel, and to include a tracked or wheeled vehicle, utility vehicle, all-terrain vehicle, sand rail, and rock crawler. The off-highway vehicle user indicia issued by the Department of Transportation may be a resident or nonresident indicia. A person who is not an Arizona resident and who displays an off-highway vehicle user indicia or registration from their state of residency is no longer exempt from the requirement to have an off-highway vehicle user indicia issued by the Dept in order to operate an all-terrain vehicle or off-highway vehicle in Arizona.

First sponsor: Rep. John

H2342: OFF-HIGHWAY VEHICLES; DEFINITION; USER INDICIA 2/15 from House trans-inf with amend [#4269](#).

### **H2381: COMPENSATION; BOARDS; COMMISSIONS; AMOUNT; RULES**

Members of boards, commissions, councils or advisory committees who are authorized by law to receive compensation may receive compensation at the rate established in rule by the board, commission, council or advisory committee, and the maximum rate of \$30 per day is deleted.

First sponsor: Rep. Clodfelter

H2381: COMPENSATION; BOARDS; COMMISSIONS; AMOUNT; RULES 1/18 referred to House gov.

### **H2404: TAXIDERMY; REGISTRY (~~LICENSE TO PRACTICE TAXIDERMY; REPEAL~~)**

Repeals the requirement for a person to obtain a license from the Game and Fish Commission to practice taxidermy.

First sponsor: Rep. Mosley

H2404: TAXIDERMY; REGISTRY 2/15 House COW approved with amend [#4103](#) and floor amend [#4302](#). NOTE SHORT TITLE CHANGE. Passed House [39-18](#); ready for Senate.

### **H2498: HISTORIC PRESERVATION; RANGELAND IMPROVEMENTS; REQS**

The State Historic Preservation Officer, in conjunction with the appropriate state agency, is required to develop a streamlined survey report process for rangeland improvement projects that allows projects that provide a reasonable and prudent safe buffer zone of not more than 50 feet to proceed without a complete inventory of the site that is protected by the safe buffer zone. The State Historic Preservation Office or State Museum is the sole responsible party for securing, developing and providing an inventory and the costs associated with conducting such an inventory related to the development of rangeland improvement projects that produce minimal ground disturbance.

First sponsor: Rep. Cook

H2498: HISTORIC PRESERVATION; RANGELAND IMPROVEMENTS; REQS 2/8 from House land-agri-rural do pass.

### **H2512: WATER PROGRAM AMENDMENTS**

Various changes to statutes relating to water. The Department of Water Resources (DWR) is required to prepare a desalination action plan that includes specified provisions and submit the initial plan to the Governor and the Legislature by September 30, 2019. Requires legislative approval, in addition to DWR approval, for a person to transport water out of Arizona. Requires DWR to adopt rules to calculate extinguishment credits in the Pinal Active Management Area (AMA) by January 1, 2019. Declares that the use of groundwater to water plants in containers on or above the surface of the ground is a non-irrigation use and establishes requirements for the use of groundwater for this purpose. The Director of DWR is required to adopt a management plan for each initial AMA no later than January 1, 2023 for the sixth management period, 2025 to 2035. DWR

is required to include in the management plans a non-per capita conservation program for municipal providers that requires a municipal provider regulated under the program to implement one or more water conservation measures in its service area. Responsibility for oversight of natural resource conservation districts is transferred to the Department of Forestry and Fire Management, from the State Land Department, and session law provides for the transfer and succession of all matters, property and records. Much more. Several sections of statute amended by this legislation are effective from and after an unspecified date (blank in original).

First sponsor: Rep. Bowers

H2512: WATER PROGRAM AMENDMENTS 2/14 from House energy-env with amend [#4228](#).

### **HCR2019: ARIZONA STATE PARKS; AWARD**

The members of the Legislature recognize Arizona State Parks and Trails (ASPT) on receiving the National Recreation and Park Association Gold Medal Award and extend their appreciation to Executive Director Sue Black and the ASPT staff for their tremendous efforts in achieving this honor. AS SENT TO SECRETARY OF STATE.

First sponsor: Rep. Shope

HCR2019: ARIZONA STATE PARKS; AWARD 2/13 unanimously adopted by the House and Senate; to secretary of state.

### **S1137: VLT REDUCTION; RECREATIONAL VEHICLES**

For the purpose of calculating vehicle license tax (VLT), the first year value of a recreational vehicle is 50 percent of the manufacturer's base retail price of the vehicle, decreased from 60 percent. [Capitol Reports Note: The value of the vehicle used to calculate VLT in subsequent years is based on the value in the first year.]

First sponsor: Sen. Barto

S1137: VLT REDUCTION; RECREATIONAL VEHICLES 1/11 referred to Senate trans-tech.

### **S1142: PRIVATE LAND ACQUISITION; COMMITTEE; CONTINUATION**

The Study Committee on Private Land Acquisition self-repeals on October 1, 2020, instead of October 1, 2018, and the deadline for the Committee to report its findings and recommendations to the Governor and the Legislature is moved to December 31, 2019, instead of December 31, 2017.

First sponsor: Sen. Griffin

S1142: PRIVATE LAND ACQUISITION; COMMITTEE; CONTINUATION 2/1 passed Senate [28-0](#); ready for House.

### **S1144: CONSERVATION EASEMENTS; NOTICE; VALUATION**

The holder of a conservation easement is required to provide for the recording of the easement and its acceptance, and to prepare and provide the information required for the registry of real property burdened by conservation easements to the county assessor for each county in which any portion of the real property is located. The information that must be included in the registry for each parcel is expanded to include the name of the holder of the conservation easement, the name of any governmental body or charitable corporation with a third-party right of enforcement, and the value of the real property as determined by an independent appraisal prior to the creation and recording of the conservation easement. AS PASSED SENATE.

First sponsor: Sen. Griffin

S1144: CONSERVATION EASEMENTS; NOTICE; VALUATION 2/12 passed Senate [29-0](#); ready for House.

## **S1208: ATVS; OFF-HIGHWAY VEHICLES**

The specifications for a recreational off-highway vehicle to qualify as an all-terrain vehicle are modified to allow the vehicle to be up to 80 inches in width, increased from 65 inches, and to require the vehicle to have a steering wheel for steering control, a rollover protection structure, and an occupant retention system.

First sponsor: Sen. Pratt

S1208: ATVS; OFF-HIGHWAY VEHICLES 2/12 passed Senate 18-11; ready for House.

## **S1253: GAME & FISH; LICENSES; FEES**

The requirement for the Arizona Game and Fish Commission to prescribe by rule license classifications for the taking or handling of wildlife, fees for licenses, permits, tags and stamps, and application fees is made permanent, instead of expiring on July 1, 2019. The Commission is authorized to reduce the fees of licenses and issue complimentary licenses. A license dealer is permitted to collect and retain a reasonable fee as determined by the license dealer, instead of a fee of five percent of the selling price of each license or permit. Repeals statutes limiting the total amount of boating and water sports fees and the total amount of license, permit, tag and stamp fees collected by the Arizona Game and Fish Department in any fiscal year to specified amounts based on FY2012-13 appropriations. AS PASSED SENATE.

First sponsor: Sen. Griffin

S1253: GAME & FISH; LICENSES; FEES 2/13 passed Senate 27-2; ready for House.

## **S1339: APPROPRIATION; WQARF**

Appropriates \$15 million from the general fund in FY2018-19 to the Water Quality Assurance Revolving Fund.

First sponsor: Sen. Peshlakai

S1339: APPROPRIATION; WQARF 1/24 referred to Senate nat res-energy, appro.

## **S1340: ENVIRONMENT; STATE STANDARDS; FEDERAL LAW**

Various Department of Environmental Quality rules and standards are required to be at least as stringent as applicable federal law, instead of being prohibited from being more stringent than federal law.

First sponsor: Sen. Dalessandro

S1340: ENVIRONMENT; STATE STANDARDS; FEDERAL LAW 1/24 referred to Senate nat res-energy.

## **S1368: G&F; APPOINTMENT RECOMMENDATION BOARD; REPEAL**

The Arizona Game and Fish Commission Appointment Recommendation Board is repealed.

First sponsor: Sen. Mendez

S1368: G&F; APPOINTMENT RECOMMENDATION BOARD; REPEAL 1/24 referred to Senate nat res-energy.

## **S1421: ENVIRONMENTAL QUALITY; AMENDMENTS**

Various changes related to the Department of Environmental Quality (DEQ). DEQ is no longer required to assist the Department of Health Services in recruiting and training state, local and district health department personnel. DEQ is permitted, instead of required, to implement the Brownfields Cleanup Revolving Loan Fund Program. DEQ is no longer required to publish a list of the facilities that are required to obtain an aquifer protection permit.

First sponsor: Sen. Griffin

S1421: ENVIRONMENTAL QUALITY; AMENDMENTS 2/13 stricken from Senate consent calendar by Mendez.

#### **S1438: ENVIRONMENTAL QUALITY; TASK FORCE**

In consultation with the Department of Environmental Quality (DEQ), the Department of Administration is required to ensure that all state agencies, boards, commissions and other public bodies that are involved in decisions that may affect environmental quality adopt and implement "environmental justice" (defined) policies that provide meaningful opportunities for involvement of all people, regardless of race, color, ethnicity, religion, income or education level. DEQ is required to identify existing and proposed industrial and commercial facilities and areas in communities of color and in low-income communities for which compliance, enforcement, remediation, siting and permitting strategies will be targeted to address the disproportionate impacts from these facilities on those communities. The Director of DEQ and the Director of the Department of Health Services are required to convene a Multiagency Environmental Justice Task Force to make recommendations to state agency heads regarding actions to be taken to address environmental justice issues that are consistent with each state agency's existing statutory and regulatory authority. The Task Force terminates July 1, 2026. Contains legislative findings.

First sponsor: Sen. Peshlakai

S1438: ENVIRONMENTAL QUALITY; TASK FORCE 1/30 referred to Senate nat res-energy.

#### **S1464: PARKS; HISTORIC PRESERVATION; LOTTERY FUND**

Of the monies remaining in the State Lottery Fund each fiscal year after statutory appropriations and deposits, \$10 million is required to be deposited in the newly established Parks and Historic Preservation Fund, to be administered by the Arizona State Parks Board. The monies in the Fund are required to be used on specified categories of expenses and projects according to a specified formula. The Auditor General is required to conduct a performance audit of the Fund at the same time an agency performance audit of the Board is conducted.

First sponsor: Sen. Brophy McGee

S1464: PARKS; HISTORIC PRESERVATION; LOTTERY FUND 1/30 referred to Senate nat res-energy, appro.

#### **S1475: ECOLOGICAL WATER; PROGRAM; FUND**

Establishes the Ecological Water Stewardship Program in the Department of Water Resources (DWR). The Director of DWR is required to establish a set of standard measures to define "ecological water" (defined) needs in Arizona, which must include criteria for examining the relationship between ecological water and groundwater and surface water in Arizona. On reaching a determination of the ecological water needs for each watershed or subwatershed, the Director is required to publish a preliminary report that includes specified information, post the report online, hold an open meeting and take public comment on the report, and submit the final report to the Governor and the Legislature. If the Director determines in any watershed or subwatershed that there is insufficient water to maintain, improve and restore ecological water, the Director is required to take all steps necessary to appropriate unappropriated water sufficient to maintain the ecological water requirements, and to purchase, lease or accept by gift or assignment existing water rights and transfer all acquired rights for beneficial use supporting ecological water. The Program terminates July 1, 2028.

First sponsor: Sen. Dalessandro

S1475: ECOLOGICAL WATER; PROGRAM; FUND 1/30 referred to Senate nat res-energy.

### **S1487: ENVIRONMENTAL QUALITY; WATER; APPROPRIATION**

Appropriates \$240,000 from the general fund in FY2018-19 to the Department of Environmental Quality for distribution to the Navajo Tribal Utilities Authority for the cost of connecting, filtering and delivering water to the former Arizona Windsong Water Company System and customers.

First sponsor: Sen. Peshlakai

S1487: ENVIRONMENTAL QUALITY; WATER; APPROPRIATION 1/31 referred to Senate nat res-energy, appro.

### **S1493: ENVIRONMENTAL QUALITY; DREDGE, FILL PERMITS**

Adds a new article to Title 49 (The Environment) authorizing the Department of Environmental Quality (DEQ) to establish a Dredge and Fill Permit Program that is consistent with and no more stringent than the federal Clean Water Act, including a permit program. Establishes a list of requirements for rules adopted by DEQ for the Program. Program rules and permit requirements under the Program are subject to the same enforcement statutes as other water quality control programs and permits. During the process of establishing and assuming state jurisdiction over the Program DEQ is required to negotiate with the U.S. Army Corps of Engineers (USACE) to ensure that the USACE will continue to process as many pending applications for permits and requests for jurisdictional determinations as possible before the date on which this state officially assumes jurisdiction over the Program. This legislation is repealed on August 1, 2023 unless the U.S. Environmental Protection Agency approves the Program under the terms of the federal Clean Water Act.

First sponsor: Sen. Griffin

S1493: ENVIRONMENTAL QUALITY; DREDGE, FILL PERMITS 2/13 from Senate rules with a technical amendment.

### **S1507: WATER PROGRAM AMENDMENTS**

Various changes to statutes relating to water. The Department of Water Resources (DWR) is required to prepare a desalination action plan that includes specified provisions and submit the initial plan to the Governor and the Legislature by September 30, 2019. Requires legislative approval, in addition to DWR approval, for a person to transport water out of Arizona. Requires DWR to adopt rules to calculate extinguishment credits in the Pinal Active Management Area (AMA) by January 1, 2019. Declares that the use of groundwater to water plants in containers on or above the surface of the ground is a non-irrigation use and establishes requirements for the use of groundwater for this purpose. The Director of DWR is required to adopt a management plan for each initial AMA no later than January 1, 2023 for the sixth management period, 2025 to 2035. DWR is required to include in the management plans a non-per capita conservation program for municipal providers that requires a municipal provider regulated under the program to implement one or more water conservation measures in its service area. Responsibility for oversight of natural resource conservation districts is transferred to the Department of Forestry and Fire Management, from the State Land Department, and session law provides for the transfer and succession of all matters, property and records. Much more. Several sections of statute amended by this legislation are effective from and after an unspecified date (blank in original).

First sponsor: Sen. Griffin

S1507: WATER PROGRAM AMENDMENTS 2/15 Senate nat res-energy amended; report awaited.

### **S1508: WATER; DESALINATION ACTION PLAN**

The Department of Water Resources (DWR) is required to prepare a desalination action plan that includes specified provisions and submit the initial plan to the Governor and the Legislature by September 30, 2019.

First sponsor: Sen. Griffin

S1508: WATER; DESALINATION ACTION PLAN 2/15 Senate nat res-energy amended; report awaited.

### **S1509: WATER; INTERSTATE SALES**

Requires legislative approval, in addition to Department of Water Resources approval, for a person to transport water out of Arizona. After the Dept approves an application, the Legislature is required to consider the proposed action and may approve it by legislative enactment, approved by the Governor.

First sponsor: Sen. Griffin

S1509: WATER; INTERSTATE SALES 2/15 Senate nat res-energy amended; report awaited.

### **S1510: IRRIGATION GRANDFATHERED RIGHT; CONTAINERIZED PLANTS**

Declares that the use of groundwater to water plants in containers on or above the surface of the ground is a non-irrigation use. In an initial Active Management Area, a person who holds a certificate of irrigation grandfathered right is permitted to withdraw groundwater and use it to water plants in containers on or above the surface of the "certificated acres" (defined) if certain requirements are met.

First sponsor: Sen. Griffin

S1510: IRRIGATION GRANDFATHERED RIGHT; CONTAINERIZED PLANTS 2/13 from Senate nat res-energy with amend [#4178](#).

### **S1511: PINAL AMA; GROUNDWATER; EXTINGUISHMENT CREDITS**

Requires the Department of Water Resources to adopt rules to calculate extinguishment credits in the Pinal Active Management Area (AMA) by January 1, 2019. The Dept is required to recalculate the amount of groundwater available for use in the AMA for purposes of determining an assured water supply after reviewing and eliminating those proposed uses that are no longer economically practicable for actual development and future use.

First sponsor: Sen. Griffin

S1511: PINAL AMA; GROUNDWATER; EXTINGUISHMENT CREDITS 2/15 Senate nat res-energy amended; report awaited.

### **S1512: ACTIVE MANAGEMENT AREAS; SIXTH MANAGEMENT PERIOD**

The Director of the Department of Water Resources is required to adopt a management plan for each initial Active Management Area (AMA) no later than January 1, 2023 for the sixth management period, 2025 to 2035. DWR is required to include in the management plans a non-per capita conservation program for municipal providers that requires a municipal provider regulated under the program to implement one or more water conservation measures in its service area. DWR is also required to include in the management plan the historic cropping program as an alternative agricultural conservation program. The Director of DWR is required to evaluate the conservation requirements and irrigation water duties required to be established in the management plans for the fifth and sixth management periods to determine whether any changes are appropriate to achieve reasonable conservation in the AMAs.

First sponsor: Sen. Griffin

S1512: ACTIVE MANAGEMENT AREAS; SIXTH MANAGEMENT PERIOD 2/13 from Senate nat res-energy with amend [#4179](#).

### **S1513: EFFLUENT; RECYCLED WATER; DEFINITION**

For the purpose of Department of Water Resources informational materials only, the term "recycled water" may be used instead of the term "effluent."

First sponsor: Sen. Griffin

S1513: EFFLUENT; RECYCLED WATER; DEFINITION 2/13 from Senate nat res-energy do pass.

### **S1514: NATURAL RESOURCE CONSERVATION DISTRICTS; ADMINISTRATION**

Responsibility for oversight of natural resource conservation districts is transferred to the Department of Forestry and Fire Management, from the State Land Department, and the State Forester, instead of the State Land Commissioner, is the state natural resource conservation commissioner. Session law provides for the transfer and succession of all matters, property and records. Effective from and after an unspecified date (blank in original).

First sponsor: Sen. Griffin

S1514: NATURAL RESOURCE CONSERVATION DISTRICTS; ADMINISTRATION 2/15 Senate nat res-energy amended; report awaited.

### **S1515: ADEQUATE WATER SUPPLY; COUNTY REVIEW**

For a county that is not in an Active Management Area, the county board of supervisors is required to review the provision for adequate water supply for a subdivision and after review may by unanimous vote readopt the provision up to 5 years after the effective date of this legislation and every 5 to 10 years thereafter. The board is required to give written notice of any vote not to readopt the provision to the Director of the Department of Water Resources, the Director of the Department of Environmental Quality and the State Real Estate Commissioner. The vote not to readopt the provision is effective and the provision has no further force if a list of specified conditions apply at the time of the vote.

First sponsor: Sen. Griffin

S1515: ADEQUATE WATER SUPPLY; COUNTY REVIEW 2/15 Senate nat res-energy amended; report awaited.

### **S1516: CENTRAL ARIZONA PROJECT; SOVEREIGN IMMUNITY**

A multi-county water conservation district is prohibited from asserting the defense of immunity under the 11th amendment of the U.S. Constitution in litigation brought by a water user to enforce the terms of a Central Arizona Project water delivery contract or subcontract.

First sponsor: Sen. Griffin

S1516: CENTRAL ARIZONA PROJECT; SOVEREIGN IMMUNITY 2/15 Senate nat res-energy amended; report awaited.

### **SCM1008: ENDANGERED SPECIES ACT; URGING CONGRESS**

The Legislature urges the U.S. Congress to enact H.R. 2603, the Saving America's Endangered Species Act, or similar legislation to amend the Endangered Species Act of 1973. The Secretary of State is directed to transmit copies of this memorial to the President of the U.S. Senate, the Speaker of the U.S. House and each member of Congress from Arizona.

First sponsor: Sen. Griffin



SCM1008: ENDANGERED SPECIES ACT; URGING CONGRESS 2/13 from Senate nat res-energy do pass.

### **SCM1009: FOREST MANAGEMENT; BENEFICIAL POLICIES**

The Legislature urges the U.S. Forest Service, the U.S. Bureau of Land Management and the Arizona Department of Forestry and Fire Management to take immediate steps to implement management policies that are beneficial to promoting healthy forests in this state. The Secretary of State is directed to transmit copies of this memorial to the Chief of the U.S. Forest Service, the Director of the U.S. Bureau of Land Management and the State Forester.

First sponsor: Sen. Griffin

SCM1009: FOREST MANAGEMENT; BENEFICIAL POLICIES 2/15 passed Senate 29-0; ready for House.