

COMMITTEE ON NATURAL RESOURCES AND RURAL AFFAIRS

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2617

(Reference to printed bill)

1 Page 1, between lines 25 and 26, insert:

2 "G. THE MINE INSPECTOR OR THE DIRECTOR OF THE DEPARTMENT OF MINES AND
3 MINERAL RESOURCES MAY INTERVENE ON BEHALF OF THIS STATE IN A FEDERAL COURT
4 ACTION PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE RULE 24 IN A CASE IN
5 WHICH THIS STATE HAS A SIGNIFICANT INTEREST RELATING TO THE PROPERTY,
6 TRANSACTION OR ISSUE THAT IS THE SUBJECT OF THE ACTION AND THE DUTIES,
7 AUTHORITY OR INTERESTS OF THE STATE MINE INSPECTOR OR THE DIRECTOR OF THE
8 DEPARTMENT OF MINES AND MINERAL RESOURCES ARE RELEVANT TO THIS STATE'S
9 INTEREST IN THE ACTION.

10 Sec. 2. Title 27, chapter 1, Arizona Revised Statutes, is amended by
11 adding article 5, to read:

12 ARTICLE 5. ADMINISTRATIVE PROCEEDINGS

13 27-171. Agency administrative proceedings

14 NOTWITHSTANDING ANY OTHER ADMINISTRATIVE PROCEEDING ESTABLISHED IN THIS
15 TITLE OR BY RULE, ALL APPEALABLE AGENCY ACTIONS AS DEFINED IN SECTION 41-1092
16 AND CONTESTED CASES AS DEFINED IN SECTION 41-1001 THAT ARISE UNDER THIS TITLE
17 SHALL BE GOVERNED BY TITLE 41, CHAPTER 6, ARTICLE 10, EXCEPT AS FOLLOWS:

18 1. FOR ANY CONTESTED CASE, THE AGENCY SHALL COMPLY WITH THE
19 REQUIREMENTS OF SECTION 41-1092.03.

20 2. FOR AN APPEALABLE AGENCY ACTION, IN ADDITION TO THE REQUIREMENTS OF
21 SECTION 41-1092.03, THE AGENCY SHALL INCLUDE IN ITS NOTICE OF AN APPEALABLE
22 AGENCY ACTION A DESCRIPTION OF THE PARTY'S RIGHT TO ELECT TO EITHER REQUEST A
23 HEARING ON THE APPEALABLE AGENCY ACTION OR TO FILE A COMPLAINT PURSUANT TO
24 TITLE 12, CHAPTER 7, ARTICLE 6. NOTWITHSTANDING SECTION 41-1092.08,
25 SUBSECTION H, A PARTY IS NOT REQUIRED TO EXHAUST FURTHER ADMINISTRATIVE
26 REMEDIES BEFORE FILING A COMPLAINT.

27 Sec. 3. Section 27-447, Arizona Revised Statutes, is amended to read:

28 27-447. Inspection and enforcement

29 A. The state mine inspector may enter and inspect any aggregate mining
30 operation to determine compliance with an approved community notice.

31 B. If the inspector determines that a person is violating this
32 article, an approved community notice or aggregate mining operations zoning

1 district standards regulation adopted by a county and approved by the state
2 mining inspector pursuant to section 11-830, the inspector may issue an order
3 requiring compliance either immediately if the violation is causing an
4 imminent and substantial danger to the public or within a stated period of
5 time. A compliance order must state with reasonable specificity the nature
6 of the community notice violation, a reasonable amount of time for
7 compliance, if applicable, and the right to a hearing. The inspector shall
8 transmit the compliance order to the alleged violator either by certified
9 mail, return receipt requested, or by hand delivery. At the inspector's
10 request, the attorney general may file an action to enforce orders issued
11 under this section after the order becomes final. The action must be filed
12 in the superior court in the county in which the alleged violation occurred
13 or in which the inspector maintains an office.

14 C. The inspector may suspend, withdraw or revoke a community notice
15 approval if the inspector determines that the aggregate mining operation is
16 in violation of an approved community notice. Any action taken under this
17 subsection must comply with the requirements of ~~title 41, chapter 6, article~~
18 ~~10~~ SECTION 27-171 and section 41-1009, subsection E.

19 D. If the inspector has reason to believe that a person is violating
20 this article or an approved community notice or aggregate mining operations
21 zoning district standards regulation adopted by a county and approved by the
22 inspector pursuant to section 11-830 or that a person is causing an imminent
23 and substantial danger to the public safety, the inspector, through the
24 attorney general, may request a temporary restraining order, a preliminary
25 injunction or any other relief necessary to protect the public safety without
26 regard to whether the person has requested a hearing. An action filed
27 pursuant to this subsection must be brought in the superior court in the
28 county in which the alleged violation occurred or in which the inspector
29 maintains an office.

30 Sec. 4. Section 27-656, Arizona Revised Statutes, is amended to read:
31 27-656. Rules and orders; hearing

32 A. The commission shall adopt rules necessary for the proper
33 administration and enforcement of this article.

34 B. The commission shall comply with title 41, chapter 6 in adopting,
35 modifying, renewing or extending rules under this article.

1 C. Any order, or change, renewal or extension of an order, ~~except as~~
2 ~~otherwise provided by this article,~~ shall be made in compliance with ~~title~~
3 ~~41, chapter 6, article 10~~ SECTION 27-171.

4 D. If the commission makes a finding that an order is necessary as an
5 emergency measure, the order may be made without first complying with the
6 notice and hearing requirements prescribed by title 41, chapter 6,
7 article 10. All affected persons shall be notified of the emergency order.
8 If oral notice is given, it shall be followed by immediate written notice.
9 The emergency order shall be valid for thirty days from its effective date.
10 The effective date is the date affected persons receive the order by oral or
11 written communication, whichever occurs first. The commission shall hold a
12 hearing within ten days after the effective date of the emergency order.
13 Unless otherwise provided in this section, the hearing shall be conducted in
14 compliance with ~~title 41, chapter 6, article 10~~ SECTION 27-171. Any order
15 made at the hearing shall expressly repeal the emergency order. For THE
16 purposes of this subsection, "emergency" means a situation ~~which~~ THAT
17 requires an order without compliance with the notice provisions prescribed in
18 title 41, chapter 6, article 10 because the order is necessary for immediate
19 preservation of the public safety, welfare, natural resources or property and
20 the notice and hearing requirements are impracticable.

21 Sec. 5. Section 27-933, Arizona Revised Statutes, is amended to read:
22 27-933. Denials; appeals

23 The owner or operator of an exploration operation or mining unit may
24 request a hearing on the state mine inspector's denial of a plan pursuant to
25 ~~title 41, chapter 6, article 10~~ SECTION 27-171.

26 Sec. 6. Section 27-1023, Arizona Revised Statutes, is amended to read:
27 27-1023. Enforcement action on reclamation plan approval

28 A. The state mine inspector may suspend, withdraw or revoke a
29 reclamation plan approval if the inspector determines that the facility is
30 in violation of any rule adopted pursuant to this chapter.

31 B. Any action taken under this section shall comply with the
32 requirements of ~~title 41, chapter 6, article 10~~ SECTION 27-171.

33 Sec. 7. Section 27-1025, Arizona Revised Statutes, is amended to read:
34 27-1025. Agency order; appeal

35 A. An order issued by the state mine inspector pursuant to this
36 article is final unless the defendant requests a hearing pursuant to ~~title~~

1 ~~41, chapter 6, article 10~~ SECTION 27-171 within thirty days after receiving
2 the order.

3 B. ~~Except as provided in section 41-1092.08, subsection H,~~ A final
4 agency order is subject to judicial review pursuant to title 12, chapter 7,
5 article 6.

6 Sec. 8. Section 27-1235, Arizona Revised Statutes, is amended to read:
7 27-1235. Appeals

8 A person may appeal a state mine inspector action taken pursuant to
9 this chapter as provided in ~~title 41, chapter 6, article 10~~ SECTION 27-171.

10 Sec. 9. Section 27-1323, Arizona Revised Statutes, is amended to read:
11 27-1323. Enforcement action on reclamation plan approval

12 A. The state mine inspector may suspend, withdraw or revoke a
13 reclamation plan approval if the inspector determines that the facility is in
14 violation of any rule adopted pursuant to this chapter.

15 B. Any action taken under this section shall comply with the
16 requirements of ~~title 41, chapter 6, article 10~~ SECTION 27-171.

17 Sec. 10. Section 27-1325, Arizona Revised Statutes, is amended to
18 read:

19 27-1325. Agency order; appeal

20 A. An order issued by the state mine inspector pursuant to this
21 article is final unless the defendant requests a hearing pursuant to ~~title~~
22 ~~41, chapter 6, article 10~~ SECTION 27-171 within thirty days after receiving
23 the order.

24 B. ~~Except as provided in section 41-1092.08, subsection H,~~ A final
25 agency order is subject to judicial review pursuant to title 12, chapter 7,
26 article 6.

27 Sec. 11. Section 37-108, Arizona Revised Statutes, is amended to read:
28 37-108. Fees; accounts

29 A. The department shall charge fees in the following amounts:

30 1. Applications to lease; agreements:

31 (a) Surface lease:

32 (i) Agriculture, new lease

33 for each section or

34
35 fraction thereof \$100

36 (ii) Agricultural, renewal

37 for each lease \$100

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1	(iii) Commercial, new	\$200
2	(iv) Commercial, renewal	\$100
3	(v) Grazing, new for each	
4	section or fraction	
5	thereof	\$100
6	(vi) Grazing, renewal for	
7	each lease	\$100
8	(vii) Homesite, new	\$100
9	(viii) Homesite, renewal	\$100
10	(b) Urban planning/permits:	
11	(i) Classification	\$100
12	(ii) Development plan	\$100
13	(c) Subsurface lease/permit/agreement:	
14	(i) Mineral materials	\$100
15	(ii) Mineral exploration	\$100
16	(iii) Mineral for each subdivision	\$100
17	(iv) Oil and gas	\$100
18	(v) Geothermal	\$200
19	2. All assignments of leases, permits,	
20	rights-of-way and contracts	\$200
21	3. Exchanges of land	\$1,000
22	4. Improvements:	
23	(a) Application to place	\$50
24	(b) Land treatment	\$50
25	(c) Report of improvements without	
26	prior approval	\$50
27	5. Natural products:	
28	(a) Commercial timber	\$100
29	(b) Other natural products	\$100
30	6. Permits:	
31	(a) Special land use	\$100
32	(b) Recreational: noncommercial	
33	activities	
34	(i) Annual use, per person	\$15
35	(ii) Group of fewer than twenty	
36	persons for less than	
37	five days	\$15

1	(iii) Annual use, family unit of		
2	two adults and children		
3	under fourteen years		
4		of age	\$20
5	(iv) Annual use, group or club	\$50	
6	7. Reclassification of lands	\$100	
7	8. Right-of-way	\$100	
8	9. Sales:		
9	(a) Application to purchase	\$200	
10	(b) Certificate of purchase:		
11	(i) Issuance	\$100	
12	(ii) Transfer	\$200	
13	(c) Issuance of patent	\$100	
14	10. Selling and administrative expenses:		
15	(a) Up to three per cent of the		
16	consideration paid for all		
17	lands sold or long-term		
18	leased.		
19	(b) Two per cent of the first two		
20	hundred fifty thousand		
21	dollars of the appraised		
22	value of all improvements		
23	sold or the actual costs		
24	of the appraisal of the		
25	improvements sold, whichever		
26	is greater.		
27	(c) The actual cost of zoning		
28	application fees paid by the		
29	department to rezone trust land.		
30	(d) The actual costs of legal		
31	advertising expenses required		
32	by law and paid by the		
33	department, including costs		
34	of advertising hearings, land,		
35	leases and rights-of-way.		
36	(e) The actual costs of appraisals		
37	paid by the department unless		

- 1 prepaid by the applicant.
- 2 11. Service fee:
- 3 (a) Replacement of lost documents \$50
- 4 (b) Certified copy of documents \$10 plus
- 5 \$1 per page
- 6 (c) Returned check \$20
- 7 12. Miscellaneous filings, including power
- 8 of attorney, mortgage, probate
- 9 documents, divorce documents, deeds
- 10 of trust, agreements, subleases,
- 11 rights of entry, applications to
- 12 open land and other similar
- 13 documents \$50
- 14 13. Bond for conservation lease or sale
- 15 for conservation purposes \$1,000

16 B. Notwithstanding section 37-107, monies paid as legal advertising

17 costs under subsection A of this section, appraisal monies received pursuant

18 to subsection D of this section and monies paid as application evaluation and

19 processing costs pursuant to section 37-205, subsection A shall be deposited,

20 pursuant to sections 35-146 and 35-147, in a separate account of the state

21 land department fund to be used to pay costs of legal advertising, appraisals

22 required by the enabling act, the Constitution of Arizona or statute and

23 costs of evaluating and processing an application. The account shall be

24 administered by the commissioner. On notice from the commissioner, the state

25 treasurer shall invest and divest monies in the state land department fund as

26 provided by section 35-313, and monies earned from investment shall be

27 credited to the fund.

28 C. Monies paid as actual costs of zoning application fees paid by the

29 department to rezone trust land under subsection A of this section shall be

30 deposited, pursuant to sections 35-146 and 35-147, in a separate account of

31 the state land department fund designated the zoning application fees

32 account. Monies in the account shall be used to pay zoning application fees

33 if developing trust lands require rezoning by the jurisdiction in which the

34 lands are located. The account shall be administered by the commissioner.

35 D. At the request of an applicant, the commissioner may accept

36 prepayment for the estimated cost of an appraisal required pursuant to

37 section 27-234 and this title. The commissioner shall deposit and administer

1 prepayment monies as provided by subsection B of this section. The
2 commissioner shall use monies accepted pursuant to this subsection to conduct
3 contract appraisals. If an auction is held pursuant to this section and the
4 applicant, who has prepaid the estimated cost of an appraisal, is not the
5 successful bidder, the successful bidder shall reimburse the applicant for
6 the actual cost of the appraisal. Nothing in this section does any of the
7 following:

8 1. Requires the commissioner to offer any land at auction or for
9 lease.

10 2. Requires the commissioner to reimburse the applicant if the land is
11 not auctioned or leased.

12 3. Affects the status of any other application pending an appraisal.

13 E. Except as provided under section 37-205, application fees paid to
14 the department under this section are not refundable to the applicant,
15 regardless of the outcome of the application.

16 F. THE DEPARTMENT MAY CONTRACT WITH PRIVATE CONSULTANTS FOR THE
17 PURPOSES OF ASSISTING THE DEPARTMENT IN REVIEWING LICENSES, PERMITS OR OTHER
18 AUTHORIZATIONS TO DETERMINE WHETHER AN APPLICANT MEETS THE CRITERIA. IF THE
19 DEPARTMENT CONTRACTS WITH A CONSULTANT UNDER THIS SECTION, AN APPLICANT MAY
20 REQUEST THAT THE DEPARTMENT EXPEDITE THE APPLICATION REVIEW BY REQUESTING
21 THAT THE DEPARTMENT USE THE SERVICES OF THE CONSULTANT AND BY AGREEING TO PAY
22 THE DEPARTMENT THE COSTS OF THE CONSULTANT'S SERVICES."

23 Renumber to conform

24 Page 1, line 38, after "41-1008" insert a period; strike remainder of line; strike
25 lines 39 through 43

26 Renumber to conform

27 Page 2, line 8, strike "~~C~~ D" insert "C"

28 Strike lines 9 and 10

29 Reletter to conform

30 Page 3, strike lines 21 through 26, insert:

31 "20. IS ENTITLED TO HAVE STATE AGENCIES AVOID DUPLICATION OF OTHER LAWS
32 AND DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE AS PRESCRIBED IN
33 SECTION 41-1002."

34 Strike lines 30 through 45

35 Page 4, strike lines 1 through 8, insert:

1 "Sec. 13. Section 41-1002, Arizona Revised Statutes, is amended to
2 read:

3 41-1002. Applicability and relation to other law

4 A. Articles 1 through 5 of this chapter apply to all agencies and all
5 proceedings not expressly exempted.

6 B. This chapter creates only procedural rights and imposes only
7 procedural duties. They are in addition to those created and imposed by
8 other statutes. To the extent that any other statute would diminish a right
9 created or duty imposed by this chapter, the other statute is superseded by
10 this chapter, unless the other statute expressly provides otherwise.

11 C. An agency may grant procedural rights to persons in addition to
12 those conferred by this chapter so long as rights conferred on other persons
13 by any provision of law are not substantially prejudiced.

14 D. AN AGENCY SHALL AVOID DUPLICATION OF OTHER LAWS AND DUAL PERMITTING
15 TO THE MAXIMUM EXTENT PRACTICABLE."

16 Page 4, strike lines 16 through 19

17 Reletter to conform

18 Page 5, lines 14 and 16, strike "~~C~~ D, ~~D~~ E or ~~E~~ F" insert "C, D or E"

19 Lines 24 and 25, strike "~~C~~ D, ~~D~~ E or ~~E~~ F" insert "C, D or E"

20 Line 38, strike "LEASE,"

21 Line 40, strike "FOR THE PURPOSE OF OPERATING A BUSINESS"

22 Page 7, line 31, strike "FIVE" insert "TWO AND ONE-HALF"

23 Page 8, between lines 10 and 11, insert:

24 "Sec. 19. Title 41, chapter 27, article 2, Arizona Revised Statutes,
25 is amended by adding section 41-3020.01, to read:

26 41-3020.01. Mining advisory council; termination July 1, 2020

27 A. THE MINING ADVISORY COUNCIL TERMINATES ON JULY 1, 2020.

28 B. TITLE 41, CHAPTER 46 IS REPEALED ON JANUARY 1, 2021.

29 Sec. 20. Title 41, Arizona Revised Statutes, is amended by adding
30 chapter 46, to read:

31 CHAPTER 46

32 MINING ADVISORY COUNCIL

33 ARTICLE 1. GENERAL PROVISIONS

34 41-4601. Mining advisory council

35 A. THE MINING ADVISORY COUNCIL IS ESTABLISHED CONSISTING OF THE
36 FOLLOWING MEMBERS:

37 1. THE STATE MINE INSPECTOR OR THE STATE MINE INSPECTOR'S DESIGNEE.

1 2. THE DIRECTOR OF THE DEPARTMENT OF MINES AND MINERAL RESOURCES OR
2 THE DIRECTOR'S DESIGNEE.

3 3. ONE MEMBER WHO REPRESENTS A SMALL COMPANY THAT IS ACTIVELY ENGAGED
4 IN THE METAL MINING INDUSTRY AND WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE
5 OF REPRESENTATIVES. THE SPEAKER SHALL APPOINT THIS MEMBER FROM A LIST OF
6 THREE NAMES PRESENTED TO THE SPEAKER BY AN ARIZONA METAL MINING ASSOCIATION.

7 4. ONE MEMBER WHO IS ACTIVELY ENGAGED IN THE AGGREGATE MINING INDUSTRY
8 AND WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. THE
9 SPEAKER SHALL APPOINT THIS MEMBER FROM A LIST OF THREE NAMES PRESENTED TO THE
10 SPEAKER BY AN ARIZONA AGGREGATE ASSOCIATION.

11 5. ONE MEMBER WHO REPRESENTS A LARGE COMPANY THAT IS ACTIVELY ENGAGED
12 IN THE METAL MINING INDUSTRY AND WHO IS APPOINTED BY THE PRESIDENT OF THE
13 SENATE. THE PRESIDENT SHALL APPOINT THIS MEMBER FROM A LIST OF THREE NAMES
14 PRESENTED TO THE PRESIDENT BY AN ARIZONA METAL MINING ASSOCIATION.

15 6. ONE MEMBER WHO REPRESENTS A MINING SUPPLIER COMPANY THAT IS
16 ACTIVELY ENGAGED IN THE MINING INDUSTRY AND WHO IS APPOINTED BY THE GOVERNOR.
17 THE GOVERNOR SHALL APPOINT THIS MEMBER FROM A LIST OF THREE NAMES PRESENTED
18 TO THE GOVERNOR BY AN ARIZONA MINING SUPPLIER ASSOCIATION.

19 B. THE INITIAL MEMBERS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS
20 3 THROUGH 6 SHALL ASSIGN THEMSELVES BY LOT TO TWO, THREE, FOUR AND FIVE YEARS
21 IN OFFICE. ALL SUBSEQUENT MEMBERS SERVE FIVE YEAR TERMS OF OFFICE. A MEMBER
22 MAY CONTINUE TO SERVE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED AND ASSUMES
23 OFFICE. A MEMBER MAY CONTINUE TO SERVE UNTIL THE MEMBER'S SUCCESSOR IS
24 APPOINTED AND ASSUMES OFFICE. A MEMBER MAY NOT BE APPOINTED TO MORE THAN ONE
25 FULL TERM PLUS APPOINTMENT TO FILL A VACANCY FOR THE REMAINDER OF AN
26 UNEXPIRED TERM.

27 C. THE APPOINTING AUTHORITY MAY REMOVE A MEMBER FOR CAUSE. IN
28 ADDITION, A MEMBER IS DEEMED TO HAVE VACATED THE MEMBER'S OFFICE IF THE
29 MEMBER:

30 1. CEASES TO ENGAGE IN THE MEMBER'S QUALIFYING OCCUPATION.
31 2. NO LONGER RESIDES IN THIS STATE.
32 3. IS ABSENT WITHOUT EXCUSE FROM THREE CONSECUTIVE REGULAR MEETINGS OF
33 THE COUNCIL.

34 4. RESIGNS, DIES OR BECOMES UNABLE TO PERFORM THE MEMBER'S DUTIES.

35 D. MEMBERS OF THE ADVISORY COUNCIL ARE NOT ELIGIBLE TO RECEIVE
36 COMPENSATION BUT ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE

1 38, CHAPTER 4, ARTICLE 2. THE ADVISORY COUNCIL IS A PUBLIC BODY FOR PURPOSES
2 OF TITLE 38, CHAPTER 3, ARTICLE 3.1.

3 E. THE ADVISORY COUNCIL SHALL:

4 1. SELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS MEMBERS.

5 2. HOLD A REGULAR MEETING EVERY CALENDAR QUARTER AND ADDITIONAL
6 MEETINGS AT THE CALL OF THE CHAIRPERSON OR A MAJORITY OF ITS MEMBERS.

7 3. REVIEW MINING POLICY IN THIS STATE AS ESTABLISHED BY LAW AND AS
8 ADMINISTERED IN ALL FUNCTIONAL AREAS OF STATE GOVERNMENT.

9 4. ASSIST STATE AGENCIES IN FORMULATING ADMINISTRATIVE RULES AND
10 PROPOSED BUDGET ALLOCATIONS AMONG STATE AGENCIES WITH JURISDICTION OVER
11 MINING IN THIS STATE AND PROVIDE SUCH ADDITIONAL ASSISTANCE AS STATE AGENCIES
12 REQUEST.

13 5. REVIEW, ADVISE AND MAKE RECOMMENDATIONS TO STATE AGENCIES ON
14 PROPOSED RULES AFFECTING MINING.

15 6. EXAMINE THE ANNUAL REPORT PREPARED BY THE DIRECTOR OF THE OFFICE OF
16 ADMINISTRATIVE HEARINGS PURSUANT TO SECTION 41-1092.01 RELATING TO
17 ADMINISTRATIVE LAW JUDGE DECISIONS REJECTED OR OVERRULED AND CONSIDER
18 APPROPRIATE RECOMMENDATIONS.

19 F. THE ADVISORY COUNCIL MAY CONDUCT PERIODIC ANALYSES OF AGENCY POLICY
20 AFFECTING MINING, INCLUDING POLICY AS REFLECTED BY DECISIONS OF
21 ADMINISTRATIVE LAW JUDGES AND AGENCY DIRECTORS.

22 G. IN ADOPTING ADMINISTRATIVE RULES AND BUDGETS, EACH STATE AGENCY
23 SHALL INCLUDE THE COMMENTS OF THE ADVISORY COUNCIL IN THE OFFICIAL RECORD.
24 IN ADOPTING RULES AFFECTING MINING, EACH STATE AGENCY SHALL CONSIDER THE
25 RECOMMENDATIONS OF THE ADVISORY COUNCIL IF THE AGENCY DIRECTOR FINDS THEM TO
26 BE PRACTICABLE AND IN THE BEST INTERESTS OF THE PUBLIC AND OF MINING IN THIS
27 STATE, THEY ARE AUTHORIZED BY LAW AND, FOR THE STATE LAND COMMISSIONER, THEY
28 ARE CONSISTENT WITH THE BEST INTERESTS OF THE TRUST.

29 Sec. 21. Section 45-113, Arizona Revised Statutes, is amended to read:

30 45-113. Fees; refunds

31 A. Except as otherwise prescribed, the director shall establish by
32 rule and shall collect reasonable fees to cover the costs of administrative
33 services and expenses.

34 B. Except as otherwise prescribed, the director may establish by rule
35 and collect fees for applications, certificates, licenses and permits
36 relating to surface water, groundwater, water exchanges, wells, grandfathered

1 rights, substitution of acres, adequate and assured water supply, groundwater
2 oversupply and lakes and for inspections relating to dam safety.

3 C. If the director determines that a fee, including a fee collected
4 pursuant to section 45-611, has been erroneously paid during the same fiscal
5 year or during any prior fiscal year, the director shall make an
6 administrative adjustment or a refund, without interest, from the agency fund
7 in which the fee was originally deposited to the current holder of the right,
8 application or registration for which the fee was paid.

9 D. NOTWITHSTANDING ANY OTHER LAW, IF THE JOINT LEGISLATIVE BUDGET
10 COMMITTEE DETERMINES THAT THERE IS A BUDGET SHORTFALL, THE DEPARTMENT MAY
11 ESTABLISH BY RULE NEW OR HIGHER LICENSE, PERMIT OR AUTHORIZATION FEES IF:

12 1. THE NEW OR INCREASED FEE IS NECESSARY FOR THE DEPARTMENT TO
13 IMPLEMENT ITS PERMITTING FUNCTIONS OR TO MAINTAIN DELEGATED PROGRAMS FROM THE
14 FEDERAL GOVERNMENT. IF THE DEPARTMENT RECEIVES STATE GENERAL FUND MONIES
15 SUFFICIENT TO COVER INDIRECT COSTS, THE DEPARTMENT SHALL NOT INCLUDE INDIRECT
16 COSTS IN CALCULATING FEES PURSUANT TO THIS SUBSECTION. IF THE DEPARTMENT
17 DOES NOT RECEIVE SUFFICIENT STATE GENERAL FUND MONIES, THE DEPARTMENT MAY
18 INCLUDE INDIRECT COSTS IN DETERMINING ITS FEES.

19 2. FOR NON-FLAT FEE SERVICES, THE DEPARTMENT PROVIDES STATEMENTS FOR
20 ITS PERMITTING SERVICES THAT CONTAIN, WHERE APPROPRIATE, A DAILY LOG
21 DESCRIBING THE WORK OR SERVICE PERFORMED, THE INDIVIDUAL PERFORMING SUCH WORK
22 OR SERVICE AND THE TIME EXPENDED.

23 3. THE DEPARTMENT ADOPTS THE PRACTICE OF ISSUING GENERAL PERMITS, WHEN
24 APPLICABLE OR APPROPRIATE, RATHER THAN INDIVIDUAL PERMITS.

25 E. THE DEPARTMENT MAY CONTRACT WITH PRIVATE CONSULTANTS FOR THE
26 PURPOSES OF ASSISTING THE DEPARTMENT IN REVIEWING LICENSES, PERMITS OR OTHER
27 AUTHORIZATIONS TO DETERMINE WHETHER AN APPLICANT MEETS THE CRITERIA. IF THE
28 DEPARTMENT CONTRACTS WITH A CONSULTANT UNDER THIS SECTION, AN APPLICANT MAY
29 REQUEST THAT THE DEPARTMENT EXPEDITE THE APPLICATION REVIEW BY REQUESTING
30 THAT THE DEPARTMENT USE THE SERVICES OF THE CONSULTANT AND BY AGREEING TO PAY
31 THE DEPARTMENT THE COSTS OF THE CONSULTANT'S SERVICES.

32 F. THE DEPARTMENT IS EXEMPT FROM THE RULE MAKING REQUIREMENTS OF TITLE
33 41, CHAPTER 6 FOR FEES ESTABLISHED PURSUANT TO SUBSECTION D OF THIS SECTION.

34 ~~D.~~ G. This section does not apply to fees paid or payable under
35 section 45-254 or section 45-255, subsection B.

36 Sec. 22. Section 45-114, Arizona Revised Statutes, is amended to read:

1 45-114. Administrative proceedings; rehearing or review;
2 judicial review

3 A. Administrative proceedings under this title are subject to title
4 41, chapter 6, article 10, except for administrative proceedings under
5 section 45-476.01 AND EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION. If an
6 administrative hearing is held before the director's decision, the
7 administrative proceeding is a contested case under title 41, chapter 6,
8 article 10. If an administrative hearing is not held before the director's
9 decision, the director's decision is an appealable agency action under title
10 41, chapter 6, article 10. This subsection does not apply to a public
11 hearing conducted under this title or to a decision of the director that is
12 entered after a public hearing conducted under this title. FOR ANY CONTESTED
13 CASE THE DEPARTMENT SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 41-1092.03.
14 FOR AN APPEALABLE AGENCY ACTION, IN ADDITION TO THE REQUIREMENTS OF SECTION
15 41-1092.03, THE DEPARTMENT SHALL INCLUDE IN ITS NOTICE OF AN APPEALABLE
16 AGENCY ACTION A DESCRIPTION OF THE PARTY'S RIGHT TO ELECT TO EITHER REQUEST A
17 HEARING ON THE APPEALABLE AGENCY ACTION OR TO FILE A COMPLAINT PURSUANT TO
18 TITLE 12, CHAPTER 7, ARTICLE 6. NOTWITHSTANDING SECTION 41-1092.08,
19 SUBSECTION H, A PARTY IS NOT REQUIRED TO EXHAUST FURTHER ADMINISTRATIVE
20 REMEDIES BEFORE FILING A COMPLAINT.

21 B. Except for a decision of the director under section 45-476.01,
22 after service of a final decision of the director under this title, a party
23 may file a motion for rehearing or review under section 41-1092.09 and may
24 seek judicial review under title 12, chapter 7, article 6, except as provided
25 in section 41-1092.08, subsection H. This subsection does not apply to a
26 decision of the director that is entered after a public hearing conducted
27 under this title.

28 C. A decision of the director that is entered after a public hearing
29 conducted under this title is subject to rehearing or review and judicial
30 review as provided in this subsection. A party is not required to file a
31 motion for rehearing or review in order to exhaust administrative remedies
32 and may seek judicial review of the director's final decision under title 12,
33 chapter 7, article 6 as follows:

34 1. If a party files a motion for rehearing or review, the director's
35 decision is not final for the purposes of judicial review until the director
36 denies the motion or the director issues a decision after rehearing or
37 review. A party shall file a motion for rehearing or review within thirty

1 days after the publication or issuance of the director's findings and order
2 as provided in sections 45-404, 45-414, 45-436, 45-571 and 45-576.03 or by
3 rule. The director shall issue an order either granting or denying the
4 motion within sixty days after the filing of the motion. The director's
5 decision after rehearing or review is the director's final decision for the
6 purposes of judicial review by the party who filed the motion for rehearing
7 or review or by any other party.

8 2. If a motion for rehearing or review is not filed by any party, the
9 director's decision is final for the purposes of judicial review by any
10 party."

11 Renumber to conform

12 Page 9, line 1, strike "OR MITIGATION"

13 Line 2, strike "OF A NONHAZARDOUS RELEASE"; strike "OR IN"

14 Strike lines 3 and 4, insert "INCLUDING MITIGATION OF A NONHAZARDOUS RELEASE
15 PURSUANT TO SECTION 49-286."

16 Page 10, strike lines 10 through 16, insert:

17 "A. New well construction and withdrawal, treatment and reinjection OF
18 GROUNDWATER into the aquifer ~~of groundwater~~ that occur as a part of ~~and on~~
19 ~~the site of~~ a remedial action undertaken pursuant to CERCLA are exempt from
20 this chapter, except that:"

21 Line 18, strike "and" insert a comma; after "45-600" insert "AND 45-605"

22 Between lines 28 and 29, insert:

23 "B. NEW WELL CONSTRUCTION AND WITHDRAWAL, TREATMENT AND REINJECTION OF
24 GROUNDWATER INTO THE AQUIFER BY A REINJECTION WELL OR OTHER MEANS THAT OCCUR
25 AS PART OF A REMEDIAL ACTION OR MITIGATION ORDER RELATING TO MINING
26 ACTIVITIES AND THAT ARE UNDERTAKEN PURSUANT TO TITLE 49, CHAPTER 2, ARTICLE 5
27 FOR THE PURPOSE OF PREVENTING THE MIGRATION OF A HAZARDOUS OR NONHAZARDOUS
28 SUBSTANCE ARE EXEMPT FROM THIS CHAPTER, EXCEPT THAT A WELL THAT IS EXEMPT
29 UNDER THIS SUBSECTION IS SUBJECT TO SECTIONS 45-594, 45-595, 45-596, 45-600
30 AND 45-605, BUT NO AUTHORIZATION TO DRILL NEEDS TO BE OBTAINED BEFORE
31 DRILLING."

32 Reletter to conform

33 Page 14, strike lines 3 through 7, insert:

34 "9. A METAL MINING FACILITY THAT IS LOCATED IN TWO ADJACENT
35 GROUNDWATER BASINS MAY TRANSPORT GROUNDWATER BETWEEN THE TWO BASINS IF THE
36 TRANSPORTATION IS REQUIRED TO COMPLY WITH A MITIGATION ORDER ISSUED BY THE
37 DIRECTOR OF ENVIRONMENTAL QUALITY PURSUANT TO TITLE 49, CHAPTER 2, ARTICLE 5.

1 BEFORE TRANSPORTING GROUNDWATER PURSUANT TO THIS PARAGRAPH, A METAL MINING
2 FACILITY SHALL GIVE WRITTEN NOTICE TO THE DIRECTOR, WHICH SHALL INCLUDE A
3 COPY OF THE MITIGATION ORDER."

4 Strike lines 29 through 32

5 Renumber to conform

6 Page 18, line 32, after "5" insert ", INCLUDING MITIGATION ACTIVITIES PURSUANT TO
7 SECTION 49-286"

8 Page 19, line 1, strike "OR A MITIGATION OF NONHAZARDOUS RELEASES"

9 Line 2, after "5" insert ", INCLUDING MITIGATION ACTIVITIES PURSUANT TO SECTION
10 49-286"

11 Between lines 31 and 32, insert:

12 "Sec. 28. Section 49-104, Arizona Revised Statutes, is amended to
13 read:

14 49-104. Powers and duties of the department and director

15 A. The department shall:

16 1. Formulate policies, plans and programs to implement this title to
17 protect the environment.

18 2. Stimulate and encourage all local, state, regional and federal
19 governmental agencies and all private persons and enterprises that have
20 similar and related objectives and purposes, cooperate with those agencies,
21 persons and enterprises and correlate department plans, programs and
22 operations with those of the agencies, persons and enterprises.

23 3. Conduct research on its own initiative or at the request of the
24 governor, the legislature or state or local agencies pertaining to any
25 department objectives.

26 4. Provide information and advice on request of any local, state or
27 federal agencies and private persons and business enterprises on matters
28 within the scope of the department.

29 5. Consult with and make recommendations to the governor and the
30 legislature on all matters concerning department objectives.

31 6. Promote and coordinate the management of air resources to assure
32 their protection, enhancement and balanced utilization consistent with the
33 environmental policy of this state.

34 7. Promote and coordinate the protection and enhancement of the
35 quality of water resources consistent with the environmental policy of this
36 state.

1 8. Encourage industrial, commercial, residential and community
2 development that maximizes environmental benefits and minimizes the effects
3 of less desirable environmental conditions.

4 9. Assure the preservation and enhancement of natural beauty and
5 man-made scenic qualities.

6 10. Provide for the prevention and abatement of all water and air
7 pollution including that related to particulates, gases, dust, vapors, noise,
8 radiation, odor, nutrients and heated liquids in accordance with article 3 of
9 this chapter and chapters 2 and 3 of this title.

10 11. Promote and recommend methods for the recovery, recycling and reuse
11 or, if recycling is not possible, the disposal of solid wastes consistent
12 with sound health, scenic and environmental quality policies.

13 12. Prevent pollution through the regulation of the storage, handling
14 and transportation of solids, liquids and gases that may cause or contribute
15 to pollution.

16 13. Promote the restoration and reclamation of degraded or despoiled
17 areas and natural resources.

18 14. Assist the department of health services in recruiting and training
19 state, local and district health department personnel.

20 15. Participate in the state civil defense program and develop the
21 necessary organization and facilities to meet wartime or other disasters.

22 16. Cooperate with the Arizona-Mexico commission in the governor's
23 office and with researchers at universities in this state to collect data and
24 conduct projects in the United States and Mexico on issues that are within
25 the scope of the department's duties and that relate to quality of life,
26 trade and economic development in this state in a manner that will help the
27 Arizona-Mexico commission to assess and enhance the economic competitiveness
28 of this state and of the Arizona-Mexico region.

29 17. ENSURE THAT STATE LAWS ARE CONSTRUED TO BE CONSISTENT WITH AND NO
30 MORE STRINGENT THAN THE CORRESPONDING FEDERAL LAW THAT ADDRESSES THE SAME
31 SUBJECT MATTER. IN ADDITION, ALL RULES, STANDARDS, PERMITS, VARIANCES AND
32 ORDERS ISSUED BY THE AGENCY SHALL BE CONSISTENT WITH AND NO MORE STRINGENT
33 THAN THE CORRESPONDING FEDERAL LAW THAT ADDRESSES THE SAME SUBJECT MATTER,
34 UNLESS SPECIFICALLY AUTHORIZED BY THE LEGISLATURE AND SHALL BE CONSTRUED TO
35 BE CONSISTENT WITH AND NO MORE STRINGENT THAN THE CORRESPONDING FEDERAL LAW
36 THAT ADDRESSES THE SAME SUBJECT MATTER.

37 B. The department, through the director, shall:

1 1. Contract for the services of outside advisers, consultants and
2 aides reasonably necessary or desirable to enable the department to
3 adequately perform its duties.

4 2. Contract and incur obligations reasonably necessary or desirable
5 within the general scope of department activities and operations to enable
6 the department to adequately perform its duties.

7 3. Utilize any medium of communication, publication and exhibition
8 when disseminating information, advertising and publicity in any field of its
9 purposes, objectives or duties.

10 4. Adopt procedural rules that are necessary to implement the
11 authority granted under this title, but that are not inconsistent with other
12 provisions of this title.

13 5. Contract with other agencies, including laboratories, in furthering
14 any department program.

15 6. Use monies, facilities or services to provide matching
16 contributions under federal or other programs that further the objectives and
17 programs of the department.

18 7. Accept gifts, grants, matching monies or direct payments from
19 public or private agencies or private persons and enterprises for department
20 services and publications and to conduct programs that are consistent with
21 the general purposes and objectives of this chapter. Monies received
22 pursuant to this paragraph shall be deposited in the department fund
23 corresponding to the service, publication or program provided.

24 8. Provide for the examination of any premises if the director has
25 reasonable cause to believe that a violation of any environmental law or rule
26 exists or is being committed on the premises. The director shall give the
27 owner or operator the opportunity for its representative to accompany the
28 director on an examination of those premises. Within forty-five days after
29 the date of the examination, the department shall provide to the owner or
30 operator a copy of any report produced as a result of any examination of the
31 premises.

32 9. Supervise sanitary engineering facilities and projects in this
33 state, authority for which is vested in the department, and own or lease land
34 on which sanitary engineering facilities are located, and operate the
35 facilities, if the director determines that owning, leasing or operating is
36 necessary for the public health, safety or welfare.

1 10. Adopt and enforce rules relating to approving design documents for
2 constructing, improving and operating sanitary engineering and other
3 facilities for disposing of solid, liquid or gaseous deleterious matter.

4 11. Define and prescribe reasonably necessary rules regarding the water
5 supply, sewage disposal and garbage collection and disposal for subdivisions.
6 The rules shall:

7 (a) Provide for minimum sanitary facilities to be installed in the
8 subdivision and may require that water systems plan for future needs and be
9 of adequate size and capacity to deliver specified minimum quantities of
10 drinking water and to treat all sewage.

11 (b) Provide that the design documents showing or describing the water
12 supply, sewage disposal and garbage collection facilities be submitted with a
13 fee to the department for review and that no lots in any subdivision be
14 offered for sale before compliance with the standards and rules has been
15 demonstrated by approval of the design documents by the department.

16 12. Prescribe reasonably necessary measures to prevent pollution of
17 water used in public or semipublic swimming pools and bathing places and to
18 prevent deleterious conditions at such places. The rules shall prescribe
19 minimum standards for the design of and for sanitary conditions at any public
20 or semipublic swimming pool or bathing place and provide for abatement as
21 public nuisances of premises and facilities that do not comply with the
22 minimum standards. The rules shall be developed in cooperation with the
23 director of the department of health services and shall be consistent with
24 the rules adopted by the director of the department of health services
25 pursuant to section 36-136, subsection H, paragraph 10.

26 13. Prescribe reasonable rules regarding sewage collection, treatment,
27 disposal and reclamation systems to prevent the transmission of sewage borne
28 or insect borne diseases. The rules shall:

29 (a) Prescribe minimum standards for the design of sewage collection
30 systems and treatment, disposal and reclamation systems and for operating the
31 systems.

32 (b) Provide for inspecting the premises, systems and installations and
33 for abating as a public nuisance any collection system, process, treatment
34 plant, disposal system or reclamation system that does not comply with the
35 minimum standards.

36 (c) Require that design documents for all sewage collection systems,
37 sewage collection system extensions, treatment plants, processes, devices,

1 equipment, disposal systems, on-site wastewater treatment facilities and
2 reclamation systems be submitted with a fee for review to the department and
3 may require that the design documents anticipate and provide for future
4 sewage treatment needs.

5 (d) Require that construction, reconstruction, installation or
6 initiation of any sewage collection system, sewage collection system
7 extension, treatment plant, process, device, equipment, disposal system,
8 on-site wastewater treatment facility or reclamation system conform with
9 applicable requirements.

10 14. Prescribe reasonably necessary rules regarding excreta storage,
11 handling, treatment, transportation and disposal. The rules shall:

12 (a) Prescribe minimum standards for human excreta storage, handling,
13 treatment, transportation and disposal and shall provide for inspection of
14 premises, processes and vehicles and for abating as public nuisances any
15 premises, processes or vehicles that do not comply with the minimum
16 standards.

17 (b) Provide that vehicles transporting human excreta from privies,
18 septic tanks, cesspools and other treatment processes shall be licensed by
19 the department subject to compliance with the rules.

20 15. Perform the responsibilities of implementing and maintaining a data
21 automation management system to support the reporting requirements of title
22 III of the superfund amendments and reauthorization act of 1986 (P.L. 99-499)
23 and title 26, chapter 2, article 3.

24 16. Approve remediation levels pursuant to article 4 of this chapter.

25 C. The department may:

26 1. Charge fees to cover the costs of all permits and inspections it
27 performs to ~~insure~~ ENSURE compliance with rules adopted under section 49-203,
28 subsection A, paragraph 6, except that state agencies are exempt from paying
29 the fees. Monies collected pursuant to this subsection shall be deposited in
30 the water quality fee fund established by section 49-210.

31 2. NOTWITHSTANDING ANY OTHER LAW, IF THE JOINT LEGISLATIVE BUDGET
32 COMMITTEE DETERMINES THAT THERE IS A BUDGET SHORTFALL, ESTABLISH BY RULE NEW
33 OR HIGHER LICENSE, PERMIT OR AUTHORIZATION FEES IF:

34 (a) THE NEW OR INCREASED FEE IS NECESSARY FOR THE DEPARTMENT TO
35 IMPLEMENT ITS PERMITTING FUNCTIONS OR TO MAINTAIN DELEGATED PROGRAMS FROM THE
36 FEDERAL GOVERNMENT. IF THE DEPARTMENT RECEIVES STATE GENERAL FUND MONIES
37 SUFFICIENT TO COVER INDIRECT COSTS, THE DEPARTMENT SHALL NOT INCLUDE INDIRECT

1 COSTS IN CALCULATING FEES PURSUANT TO THIS SUBSECTION. IF THE DEPARTMENT
2 DOES NOT RECEIVE SUFFICIENT STATE GENERAL FUND MONIES, THE DEPARTMENT MAY
3 INCLUDE INDIRECT COSTS IN DETERMINING ITS FEES.

4 (b) FOR NON-FLAT FEE SERVICES, THE DEPARTMENT PROVIDES STATEMENTS FOR
5 ITS PERMITTING SERVICES THAT CONTAIN, WHERE APPROPRIATE, A DAILY LOG
6 DESCRIBING THE WORK OR SERVICE PERFORMED, THE INDIVIDUAL PERFORMING SUCH WORK
7 OR SERVICE AND THE TIME EXPENDED.

8 (c) THE DEPARTMENT ADOPTS THE PRACTICE OF ISSUING GENERAL PERMITS,
9 WHEN APPLICABLE OR APPROPRIATE, RATHER THAN INDIVIDUAL PERMITS.

10 3. CONTRACT WITH PRIVATE CONSULTANTS FOR THE PURPOSES OF ASSISTING THE
11 DEPARTMENT IN REVIEWING LICENSES, PERMITS OR OTHER AUTHORIZATIONS TO
12 DETERMINE WHETHER AN APPLICANT MEETS THE CRITERIA. IF THE DEPARTMENT
13 CONTRACTS WITH A CONSULTANT UNDER THIS SECTION, AN APPLICANT MAY REQUEST THAT
14 THE DEPARTMENT EXPEDITE THE APPLICATION REVIEW BY REQUESTING THAT THE
15 DEPARTMENT USE THE SERVICES OF THE CONSULTANT AND BY AGREEING TO PAY THE
16 DEPARTMENT THE COSTS OF THE CONSULTANT'S SERVICES.

17 D. THE DEPARTMENT IS EXEMPT FROM THE RULE MAKING REQUIREMENTS OF TITLE
18 41, CHAPTER 6 FOR FEES ESTABLISHED PURSUANT TO SUBSECTION C, PARAGRAPH 2 OF
19 THIS SECTION.

20 ~~D.~~ E. The director may:

21 1. If ~~he~~ THE DIRECTOR has reasonable cause to believe that a violation
22 of any environmental law or rule exists or is being committed, inspect any
23 person or property in transit through this state and any vehicle in which the
24 person or property is being transported and detain or disinfect the person,
25 property or vehicle as reasonably necessary to protect the environment if a
26 violation exists.

27 2. Authorize in writing any qualified officer or employee in the
28 department to perform any act that the director is authorized or required to
29 do by law."

30 Renumber to conform

31 Page 21, between lines 8 and 9, insert:

32 "Sec. 30. Section 49-114, Arizona Revised Statutes, is amended to
33 read:

34 49-114. Appeals of agency decisions

35 A. Notwithstanding any other administrative proceeding established in
36 this title or by rule, all appealable agency actions as defined in section

1 41-1092 and contested cases as defined in section 41-1001 shall be governed
2 by title 41, chapter 6, article 10, EXCEPT AS FOLLOWS:

3 1. FOR ANY CONTESTED CASE, THE DEPARTMENT SHALL COMPLY WITH THE
4 REQUIREMENTS OF SECTION 41-1092.03.

5 2. FOR AN APPEALABLE AGENCY ACTION, IN ADDITION TO THE REQUIREMENTS OF
6 SECTION 41-1092.03, THE DEPARTMENT SHALL INCLUDE IN ITS NOTICE OF AN
7 APPEALABLE AGENCY ACTION A DESCRIPTION OF THE PARTY'S RIGHT TO ELECT TO
8 EITHER REQUEST A HEARING ON THE APPEALABLE AGENCY ACTION OR TO FILE A
9 COMPLAINT PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. NOTWITHSTANDING
10 SECTION 41-1092.08, SUBSECTION H, A PARTY IS NOT REQUIRED TO EXHAUST FURTHER
11 ADMINISTRATIVE REMEDIES BEFORE FILING A COMPLAINT.

12 B. SUBSECTION A, PARAGRAPHS 1 AND 2 DO NOT APPLY TO FEDERAL PROGRAMS
13 FOR WHICH THE DEPARTMENT HAS RECEIVED PRIMACY."

14 Renumber to conform

15 Page 29, after line 26, insert:

16 "Sec. 35 Purpose

17 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
18 the purpose of the mining advisory council is to review mining policy in this
19 state and provide assistance to state agencies regarding rules affecting
20 mining in this state."

21 Amend title to conform

and, as so amended, it do pass

BILL KONOPNICKI
Chairman

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2/25/10
H:jmb

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02/19/2010
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