



ARIZONA STATE SENATE

Fiftieth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1351

flood control districts; mining activities

Purpose

Adds the development of land for mining purposes to the list of those actions that do not require written authorization from a flood control district's governing body.

Background

Current law establishes the formation and powers of a county flood control district (district). Arizona's counties are required to maintain the districts in order to provide regional flood hazard identification regulations, remediation and education to reduce the risks of injury, death and property damage from flooding. Districts are governed by their respective county board of supervisors (board). The district is a political taxing district of the state and may acquire property and rights of way to construct, operate and maintain flood control works and storm drainage facilities that are either within or outside the district (A.R.S. § 48-3601 et seq.).

Current law restricts the types of structures that can be built within watercourses or floodplains. A person is prohibited from engaging in any development which will divert, retard or obstruct the flow of water in any watercourse without written authorization from the board of the district. However, written authorization is not required for any of the following activities: a) construction of bridges, culverts, dikes and other structures necessary for the construction of public highways, roads and streets intersecting or crossing a watercourse; b) construction of storage dams for watering livestock or wildlife and structures on banks or a watercourse to prevent erosion; c) construction of tailing dams and waste disposal areas used in connection with mining; or d) other specific structures (A.R.S. § 48-3613). The board also cannot prohibit any of these activities.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Modifies the current exemptions for construction of tailing dams and water disposal areas to exempt construction areas in general that are related to mining purposes. Construction of areas for mining in watercourses would not require written authorization nor would they be prohibited by the district's board.
2. Makes technical changes.

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3. Becomes effective on the general effective date.

Prepared by Senate Research

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