



***ARIZONA STATE SENATE***  
***Fifty-First Legislature, First Regular Session***

**AMENDED**  
**FACT SHEET FOR S.B. 1288**

Arizona water protection fund; projects

Purpose

Prohibits federal agencies from receiving funding through the Arizona Water Protection Fund and modifies the membership of the Arizona Water Protection Fund Commission.

Background

Established in 1994, the Arizona Water Protection Fund (Fund) is charged with providing an annual source of funds for projects that protect, restore and ensure the quality of the state's rivers, streams and riparian habitats, as well as the fish and wildlife resources dependent on those habitats (A.R.S. § 45-2101 et seq.). The Fund is administered by the Arizona Water Protection Fund Commission (Commission), comprised of 15 appointed citizen based voting members and 2 non-voting state agency members (A.R.S. § 45-2103).

Any individual, state or federal agency or political subdivision of Arizona may submit an application to the Commission and receive funding. Upon approval, the applicant must allow the inspection of a funded project, account for granted monies and submit any pertinent research to the Commission.

The Commission is required to notify counties, municipalities, natural resource conservation districts, special districts and Indian communities that may be affected by a proposed project and requires applicants to work with any affected entity as a condition of funding approval.

As of 2011, the Fund is no longer supported by legislative appropriation and receives revenue primarily by means of a fee levied in lieu of taxation on Central Arizona Project water delivered per acre foot. No grants were awarded for fiscal year 2012; however, the Commission continued to hold regular business meetings. Additionally, staff continues to provide project management for 26 active grant projects and technical assistance to grantees.

There is no anticipated fiscal impact to the state general fund as a result of this legislation.

Provisions

1. Prohibits federal agencies from receiving monies from the Fund.

2. Modifies the voting membership of the Commission as follows:
  - a) one person who represents a multi-county water conservation district, appointed by that district's governing board;
  - b) one person who represents a state association of Natural Resource Conservation Districts, appointed by the Governor;
  - c) four persons that represent a Natural Resource Conservation Districts that represent geographically diverse areas of this state, two of whom are appointed by the President of the Senate and two by the Speaker of the House of Representatives;
  - d) one member of the public who has at least a bachelor's degree in hydrology who represents a city served by the Central Arizona Project, appointed by the Governor;
  - e) one person knowledgeable in natural resource conservation issues or riparian water resource issues who represents an agricultural improvement district, appointed by the Governor; and
  - f) one person who represents an Indian Tribe, appointed by the Intertribal Council of Arizona.
3. Adds two non-voting advisory members of the Legislature, one appointed by the President of the Senate and one by the Speaker of the House of Representatives, to the Commission.
4. Specifies that current members of the Commission will only be removed once their current terms expire.
5. Makes a technical change.
6. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Modifies membership of the Commission.

Amendments Adopted by Committee of the Whole

- Adopted the substitute floor amendment that does the following:
  - a) reduces the Commission membership from 15 to 9;
  - b) defines eligibility, representation and appointment responsibilities;
  - c) stipulates that existing members will only be removed once their terms expire; and
  - d) adds two non-voting members of the Legislature to the Commission.

Senate Action

GE	1/30/13	DPA	4-3-0-0
3 <sup>rd</sup> Read	2/25/13		17-11-2-0

Prepared by Senate Research  
February 26, 2013  
SLL/DF/ly