Senate Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 64

SENATE BILL 1458

AN ACT

AMENDING SECTION 49-1203, ARIZONA REVISED STATUTES; RELATING TO THE WATER INFRASTRUCTURE FINANCE PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 49-1203, Arizona Revised Statutes, is amended to
3 read:
4 49-1203. Powers and duties of authority; definition
5 A. The authority is a corporate and politic body and shall have an
6 official seal that shall be judicially noticed. The authority may sue and be
7 sued, contract and acquire, hold, operate and dispose of property.
8 B. The authority, through its board, may:
9 1. Issue negotiable water quality bonds pursuant to section 49-1261
10 for the following purposes:
11 (a) To generate the state match required by the clean water act for
12 the clean water revolving fund and to generate the match required by the safe
13 drinking water act for the drinking water revolving fund.
14 (b) To provide financial assistance to political subdivisions, Indian
15 tribes and eligible drinking water facilities for constructing, acquiring or
16 improving wastewater treatment facilities, drinking water facilities,
17 nonpoint source projects and other related water quality facilities and
18 projects.
19 2. Provide financial assistance to political subdivisions and Indian
20 tribes from monies in the clean water revolving fund to finance wastewater
21 treatment projects.
22 3. Provide financial assistance to drinking water facilities from
23 monies in the drinking water revolving fund to finance these facilities.
24 4. Guarantee debt obligations of, and provide linked deposit
25 guarantees through third party lenders to:
26 (a) Political subdivisions that are issued to finance wastewater
27 treatment projects.
28 (b) Drinking water facilities that are issued to finance these
29 facilities.
30 5. Provide linked deposit guarantees through third party lenders to
31 political subdivisions and drinking water facilities.
32 6. Apply for, accept and administer grants and other financial
33 assistance from the United States government and from other public and
34 private sources.
35 7. Enter into capitalization grant agreements with the United States
36 environmental protection agency.
37 8. Adopt rules pursuant to title 41, chapter 6 governing the
38 application for and awarding of wastewater treatment facility, drinking water
39 facility and nonpoint source project financial assistance under this article,
40 the administration of the clean water revolving fund and the drinking water
41 revolving fund and the issuance of water quality bonds.
42 9. Hire a director and staff for the authority.
43 10. Contract for the services of outside advisors, attorneys,
44 consultants and aides reasonably necessary or desirable to allow the
45 authority to adequately perform its duties.

11. Contract and incur obligations as reasonably necessary or desirable within the general scope of authority activities and operations to allow the authority to adequately perform its duties.

12. Assess financial assistance origination fees and annual fees to cover the reasonable costs of administering the authority and the monies administered by the authority. Any fees collected pursuant to this paragraph constitute governmental revenue and may be used for any purpose consistent with the mission and objectives of the authority.

13. Perform any function of a fund manager under the CERCLA Brownfields cleanup revolving loan fund program as requested by the department. The board shall perform any action authorized under this article on behalf of the Brownfields cleanup revolving loan fund program established pursuant to chapter 2, article 1.1 of this title at the request of the department. In order to perform these functions, the board shall enter into a written agreement with the department.

14. Provide grants, staff assistance or technical assistance in the form of loan repayment agreements and other professional assistance to political subdivisions, any county with a population of less than five hundred thousand persons, Indian tribes and community water systems in connection with the development or financing of wastewater, drinking water, water reclamation or related water infrastructure. Assistance provided under a technical assistance loan repayment agreement shall be in a form and under terms determined by the authority and shall be repaid not more than three years after the date that the monies are advanced to the applicant. The provision of technical assistance by the authority does not create any liability for the authority or this state regarding the design, construction or operation of any infrastructure project.

C. The board shall deposit, pursuant to sections 35-146 and 35-147, any monies received pursuant to subsection B, paragraph 6 of this section in the appropriate fund as prescribed by the grant or other financial assistance agreement.

D. Disbursements of monies by the water infrastructure finance authority pursuant to a financial assistance agreement are not subject to title 41, chapter 23.

E. FOR PURPOSES OF THE SAFE DRINKING WATER ACT, THE DEPARTMENT OF ENVIRONMENTAL QUALITY IS THE STATE AGENCY WITH PRIMARY RESPONSIBILITY FOR ADMINISTRATION OF THIS STATE'S PUBLIC WATER SYSTEM SUPERVISION PROGRAM AND, IN CONSULTATION WITH OTHER APPROPRIATE STATE AGENCIES, IS THE LEAD AGENCY IN ESTABLISHING ASSISTANCE PRIORITIES AS PRESCRIBED BY SECTION 49-1243, SUBSECTION A, PARAGRAPH 6 AND SECTION 49-1244, SUBSECTION B, PARAGRAPH 3.

~~E.~~ F. For purposes of this section, "CERCLA" has the same meaning prescribed in section 49-201.

APPROVED BY THE GOVERNOR APRIL 11, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2005.

Passed the House April 4, 2005,

by the following vote: 48 Ayes,

8 Nays, 4 Not Voting

Speaker of the House

Norman L. Moore

Chief Clerk of the House

Passed the Senate March 1, 2005,

by the following vote: 26 Ayes,

3 Nays, 1 Not Voting

President of the Senate

Charmion Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

5th day of April, 2005,

at 2:15 o'clock P. M.

Jennifer Upchurch

Secretary to the Governor

Approved this 11 day of

April, 2005,

at 10:10 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of April, 2005,

at 1:35 o'clock P. M.

Janice K. Brewer

Secretary of State

S.B. 1458