

House Engrossed

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 78

HOUSE BILL 2643

AN ACT

AMENDING SECTIONS 5-321, 5-323, 17-231, 17-345 AND 48-3712, ARIZONA REVISED STATUTES; AMENDING TITLE 45, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13; AMENDING TITLE 48, CHAPTER 22, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-3713.03; RELATING TO THE LOWER COLORADO RIVER MULTISPECIES CONSERVATION PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-321, Arizona Revised Statutes, is amended to
3 read:

4 5-321. Numbering; registration fees; license tax; repeal of
5 registration; penalty; procedures

6 A. The owner of each motorized watercraft requiring numbering by this
7 state shall file an application for a registration number with the
8 department, or its agent, on forms approved by the department. Except as
9 provided by rule adopted by the commission, the application shall be signed
10 by the owner of the motorized watercraft and shall be accompanied by a
11 registration fee and a license tax levied at the following rates:

12 1. For a resident owner, defined as a person who owns a boat for which
13 registration is required and who is required to and does register motor
14 vehicles owned by the person in this state or, if no motor vehicle is owned
15 by the person owning the boat, the person is a resident as defined by section
16 28-2001, a registration fee of four dollars and a license tax of forty-five
17 cents per foot of length or fraction thereof of each watercraft up to and
18 including eighteen feet and sixty-eight cents per foot of length for each
19 foot or fraction thereof over eighteen feet except as provided in section
20 5-322.

21 2. For a nonresident owner, defined as any person who owns a boat for
22 which registration is required and who is not a resident owner as defined by
23 this section, a registration fee of twenty dollars and a license tax of two
24 dollars ninety cents per foot of length or fraction thereof of each
25 watercraft up to and including eighteen feet and five dollars fifty cents per
26 foot of length for each foot or fraction thereof over eighteen feet except as
27 provided in section 5-322.

28 B. The length of the motorized watercraft shall be measured from the
29 most forward part of the bow excluding the bowsprit or jibboom, over the
30 centerline to the rearmost part of the transom excluding sheer, outboard
31 motor, rudder, handles or other attachments.

32 C. THE COMMISSION MAY ASSESS AN ADDITIONAL REGISTRATION FEE, TO BE
33 COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS THE REGISTRATION FEE
34 IMPOSED BY SUBSECTION A, PARAGRAPH 1 OR 2 OF THIS SECTION. THE AMOUNT OF THE
35 ADDITIONAL FEE SHALL BE DETERMINED BY THE COMMISSION AND MAY BE IMPOSED IN
36 DIFFERENT AMOUNTS WITH RESPECT TO RESIDENT AND NONRESIDENT OWNERS. AN
37 ADDITIONAL REGISTRATION FEE UNDER THIS SUBSECTION IS TO BE USED SOLELY FOR
38 THE PURPOSE OF THE LOWER COLORADO RIVER MULTISPECIES CONSERVATION PROGRAM
39 UNDER SECTION 48-3713.03.

40 D. Upon receipt of the application in approved form WITH THE
41 APPLICABLE FEES AND LICENSE TAX, the department or its agent shall enter the
42 application on the records of its office and issue to the applicant two
43 current annual decals and a certificate of number stating the number issued
44 to the watercraft and the name and address of the owner. The owner shall
45 display the assigned number and the current annual decals in such manner as

1 may be prescribed by rules of the commission. The number and decals shall be
2 maintained in legible condition. The certificate of number or commission
3 approved proof of valid certificate of number, except as provided in section
4 5-371, shall be available at all times for inspection by a peace officer
5 whenever the watercraft is in operation. No number issued by another state
6 or the United States coast guard, unless granted exemption or exception
7 pursuant to this chapter, shall be displayed on the watercraft.

8 ~~E.~~ E. No motorized watercraft shall be purchased, sold or otherwise
9 transferred without assignment by the owner of the current numbering
10 certificate or other documentation as may be prescribed by rules of the
11 commission. Within fifteen days after such transfer, the person to whom such
12 transfer is made shall make application to the department to have the
13 motorized watercraft registered in the person's name by the department, for
14 which the department shall charge a transfer fee of four dollars. The
15 department shall not issue or transfer a numbering certificate for a
16 motorized watercraft to a person who is subject to the use tax under title
17 42, chapter 5, article 4 unless the applicable tax has been paid as shown by
18 a receipt from the collecting officer. Persons doing business as marine
19 dealers and licensed as such by this state are not required to register in
20 their name any watercraft in their possession that may be offered for resale.

21 ~~D.~~ F. In the event of the loss or destruction of the certificate of
22 number or annual decal, the department shall issue a duplicate to the owner
23 upon payment of a fee of two dollars.

24 ~~E.~~ G. The department may issue any certificate of number directly or
25 may authorize any person to act as agent for the issuance of the certificate
26 of number in conformity with this chapter and with any rules of the
27 commission. An agent that contracts with the commission to renew
28 certificates of number by telecommunication may impose additional fees for
29 ~~their~~ THE services as provided in the contract.

30 ~~F.~~ H. The owner shall furnish to the department notice of the
31 transfer of all or any part of the owner's interest other than the creation
32 of a security interest in a motorized watercraft numbered in this state
33 pursuant to the provisions of this chapter or of the destruction or
34 abandonment of such watercraft within fifteen days. Such transfer,
35 destruction or abandonment shall terminate the certificate of number of such
36 watercraft, except that in the case of a transfer of a part interest which
37 does not affect the owner's right to operate such watercraft, the transfer
38 shall not terminate the certificate of number.

39 ~~G.~~ I. Any holder of a certificate of number shall notify the
40 department within fifteen days if the holder's address no longer conforms to
41 the address appearing on the certificate and shall, as a part of such
42 notification, furnish the department with the holder's new address. The
43 commission may provide in its rules for the surrender of the certificate
44 bearing the former address and its replacement with a certificate bearing the

1 new address or the alteration of an outstanding certificate to show the new
2 address of the holder.

3 H- J. On renewal of any motorized watercraft registration that has
4 not been renewed by the current expiration date, the department shall assess
5 a penalty unless the watercraft ownership has been transferred and the
6 watercraft was not registered subsequent to the expiration date. The
7 commission shall establish the penalty which shall not exceed fifteen
8 dollars. If more than twelve months have lapsed since the expiration date of
9 the last registration or renewal the penalty and back fees are waived.

10 Sec. 2. Section 5-323, Arizona Revised Statutes, is amended to read:

11 5-323. Disposition of fees

12 A. REVENUES FROM the registration fees received under this chapter for
13 the numbering of watercraft shall be deposited, pursuant to sections 35-146
14 and 35-147, in A FUND DESIGNATED AS THE WATERCRAFT REGISTRATION FEE CLEARING
15 ACCOUNT. EACH MONTH, ON NOTIFICATION BY THE DEPARTMENT, THE STATE TREASURER
16 SHALL DISTRIBUTE THE MONIES IN THE CLEARING ACCOUNT AS FOLLOWS:

17 1. PAY ALL REVENUES COLLECTED FROM THE REGISTRATION FEES COLLECTED
18 PURSUANT TO SECTION 5-321, SUBSECTION A, PARAGRAPHS 1 AND 2 TO a special fund
19 to be known as the watercraft licensing fund. ~~Such~~ THE WATERCRAFT LICENSING
20 fund is to be used by the department for administering and enforcing the
21 ~~provisions of~~ this chapter and providing an information and education program
22 relating to boating and boating safety.

23 2. PAY ALL REVENUES COLLECTED FROM ANY ADDITIONAL REGISTRATION FEES
24 COLLECTED PURSUANT TO SECTION 5-321, SUBSECTION C TO AN ACCOUNT DESIGNATED BY
25 A MULTI-COUNTY WATER CONSERVATION DISTRICT ESTABLISHED UNDER TITLE 48,
26 CHAPTER 22 TO BE USED SOLELY FOR THE LOWER COLORADO RIVER MULTISPECIES
27 CONSERVATION PROGRAM AND FOR NO OTHER PURPOSE.

28 B. Each month monies received from the license taxes imposed under
29 section 5-321 in the amount of forty-five per cent of such revenues shall be
30 transferred to the watercraft licensing fund. Such monies are subject to
31 legislative appropriation.

32 C. Each month monies received from the license taxes imposed under
33 section 5-321 in the amount of fifty-five per cent of such revenues shall be
34 deposited by the ~~Arizona game and fish~~ department as follows:

35 1. Fifteen per cent to the state lake improvement fund to be used as
36 prescribed by section 5-382.

37 2. Eighty-five per cent to the law enforcement and boating safety fund
38 to be used as prescribed by section 5-383.

39 Sec. 3. Section 17-231, Arizona Revised Statutes, is amended to read:

40 17-231. General powers and duties of the commission

41 A. The commission shall:

42 1. Make rules and establish services it deems necessary to carry out
43 the provisions and purposes of this title.

1 2. Establish broad policies and long-range programs for the
2 management, preservation and harvest of wildlife.

3 3. Establish hunting, trapping and fishing rules and prescribe the
4 manner and methods which may be used in taking wildlife.

5 4. Be responsible for the enforcement of laws for the protection of
6 wildlife.

7 5. Prescribe grades, qualifications and salary schedules for
8 department employees.

9 6. Provide for the assembling and distribution of information to the
10 public relating to wildlife and activities of the department.

11 7. Prescribe rules for the expenditure, by or under the control of the
12 director, of all funds arising from appropriation, licenses, gifts or other
13 sources.

14 8. Exercise such powers and duties necessary to carry out fully the
15 provisions of this title and in general exercise powers and duties which
16 relate to adopting and carrying out policies of the department and control of
17 its financial affairs.

18 9. Prescribe procedures for use of department personnel, facilities,
19 equipment, supplies and other resources in assisting search or rescue
20 operations on request of the director of the division of emergency
21 management.

22 10. 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 B. The commission may:

30 1. Conduct investigations, inquiries or hearings in the performance of
31 its powers and duties.

32 2. Establish game management units or refuges for the preservation and
33 management of wildlife.

34 3. Construct and operate game farms, fish hatcheries, fishing lakes or
35 other facilities for or relating to the preservation or propagation of
36 wildlife.

37 4. Expend funds to provide training in the safe handling and use of
38 firearms and safe hunting practices.

39 5. Remove or permit to be removed from public or private waters fish
40 which hinder or prevent propagation of game or food fish and dispose of such
41 fish in such manner as it may designate.

42 6. Purchase, sell or barter wildlife for the purpose of stocking
43 public or private lands and waters and take at any time in any manner
44 wildlife for research, propagation and restocking purposes or for use at a

1 game farm or fish hatchery and declare wildlife salable when in the public
2 interest or the interest of conservation.

3 7. Enter into agreements with the federal government, with other
4 states or political subdivisions of the state and with private organizations
5 for the construction and operation of facilities and for management studies,
6 measures or procedures for or relating to the preservation and propagation of
7 wildlife and expend funds for carrying out such agreements.

8 8. Prescribe rules for the sale, trade, importation, exportation or
9 possession of wildlife.

10 9. Expend monies for the purpose of producing publications relating to
11 wildlife and activities of the department for sale to the public and
12 establish the price to be paid for annual subscriptions and single copies of
13 such publications. All monies received from the sale of such publications
14 shall be deposited in the game and fish publications revolving fund.

15 10. Contract with any person or entity to design and produce artwork on
16 terms which, in the commission's judgment, will produce an original and
17 valuable work of art relating to wildlife or wildlife habitat.

18 11. Sell or distribute the artwork authorized under paragraph 10 of
19 this subsection on such terms and for such price as it deems acceptable.

20 12. Consider the adverse and beneficial short-term and long-term
21 economic impacts on resource dependent communities, small businesses and the
22 state of Arizona, of policies and programs for the management, preservation
23 and harvest of wildlife by holding a public hearing to receive and consider
24 written comments and public testimony from interested persons.

25 C. The commission shall confer and coordinate with the director of
26 water resources with respect to the commission's activities, plans and
27 negotiations relating to water development and use, restoration projects
28 under the restoration acts pursuant to ~~the provisions of~~ chapter 4, article 1
29 of this title, where water development and use are involved, the abatement of
30 pollution injurious to wildlife and in the formulation of fish and wildlife
31 aspects of the director of water resources' plans to develop and utilize
32 water resources of the state and shall have jurisdiction over fish and
33 wildlife resources and fish and wildlife activities of projects constructed
34 for the state under or pursuant to the jurisdiction of the director of water
35 resources.

36 D. THE COMMISSION MAY ENTER INTO ONE OR MORE AGREEMENTS WITH A
37 MULTI-COUNTY WATER CONSERVATION DISTRICT AND OTHER PARTIES FOR PARTICIPATION
38 IN THE LOWER COLORADO RIVER MULTISPECIES CONSERVATION PROGRAM UNDER SECTION
39 48-3713.03, INCLUDING THE COLLECTION AND PAYMENT OF ANY MONIES AUTHORIZED BY
40 LAW FOR THE PURPOSES OF THE LOWER COLORADO RIVER MULTISPECIES CONSERVATION
41 PROGRAM.

1 Sec. 4. Section 17-345, Arizona Revised Statutes, is amended to read:
2 17-345. Surcharges; purposes

3 In addition to any other fees, the commission may IMPOSE AND collect:

4 1. A surcharge of up to two dollars on a class A, B, C, D, F, G, H or
5 I license and on a trout stamp. Monies collected pursuant to this ~~section~~
6 PARAGRAPH shall be segregated from other fees and deposited in the
7 conservation development fund.

8 2. SURCHARGES ON ARIZONA-COLORADO RIVER SPECIAL USE PERMITS,
9 CALIFORNIA-COLORADO RIVER SPECIAL USE PERMITS AND NEVADA-COLORADO RIVER
10 SPECIAL USE PERMITS ISSUED IN THIS STATE AS PROVIDED BY SECTIONS 17-342,
11 17-343 AND 17-344. THE AMOUNT OF THE SURCHARGES SHALL BE DETERMINED BY THE
12 COMMISSION. A SURCHARGE UNDER THIS PARAGRAPH IS TO BE USED SOLELY FOR THE
13 PURPOSE OF THE LOWER COLORADO RIVER MULTISPECIES CONSERVATION PROGRAM UNDER
14 SECTION 48-3713.03. ANY MONIES COLLECTED PURSUANT TO THIS PARAGRAPH SHALL BE
15 SEGREGATED FROM OTHER REVENUES AND DEPOSITED, PURSUANT TO SECTIONS 35-146 AND
16 35-147, IN A FUND DESIGNATED AS THE COLORADO RIVER SPECIAL USE PERMIT
17 CLEARING ACCOUNT. EACH MONTH, ON NOTIFICATION BY THE DEPARTMENT, THE STATE
18 TREASURER SHALL PAY ALL OF THE MONIES IN THE CLEARING ACCOUNT TO AN ACCOUNT
19 DESIGNATED BY A MULTI-COUNTY COUNTY WATER CONSERVATION DISTRICT ESTABLISHED
20 UNDER TITLE 48, CHAPTER 22 TO BE USED SOLELY FOR THE LOWER COLORADO RIVER
21 MULTISPECIES CONSERVATION PROGRAM AND FOR NO OTHER PURPOSE.

22 Sec. 5. Title 45, chapter 1, Arizona Revised Statutes, is amended by
23 adding article 13, to read:

24 ARTICLE 13. COLORADO RIVER WATER USE FEE

25 45-331. Definitions

26 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

27 1. "CONSUMPTIVE USE" MEANS, FOR ANY WATER USER FOR ANY PROGRAM YEAR,
28 THE CONSUMPTIVE USE AS RECORDED IN THE FINAL ACCOUNTING FOR THE MOST RECENT
29 CALENDAR YEAR FOR WHICH A FINAL ACCOUNTING IS AVAILABLE, OR IF NONE IS
30 RECORDED, THE AMOUNT OF DIVERSIONS SO RECORDED.

31 2. "FINAL ACCOUNTING" MEANS, FOR ANY CALENDAR YEAR, THE UNITED STATES
32 BUREAU OF RECLAMATION'S FINAL COMPILATION OF RECORDS OF COLORADO RIVER
33 DIVERSIONS, RETURN FLOWS AND CONSUMPTIVE USES FOR THE YEAR, COMPILED PURSUANT
34 TO ARTICLE V(B) OF THE DECREE OF THE UNITED STATES SUPREME COURT IN ARIZONA
35 V. CALIFORNIA, 376 U.S. 340 (1964).

36 3. "LOWER COLORADO RIVER MULTISPECIES CONSERVATION PROGRAM" OR
37 "PROGRAM" MEANS THE COOPERATIVE EFFORT AMONG AGENCIES OF THE FEDERAL
38 GOVERNMENT AND AGENCIES AND POLITICAL SUBDIVISIONS OF THE STATES OF ARIZONA,
39 CALIFORNIA AND NEVADA AND OTHER LOCAL PUBLIC AND PRIVATE PARTIES WITH A
40 COMMON INTEREST IN THE WATER AND RELATED RESOURCES OF THE LOWER COLORADO
41 RIVER, INCLUDING THE HISTORIC FLOODPLAIN AND RESERVOIRS TO THE FULL POOL
42 ELEVATIONS, TO PROVIDE THE BASIS FOR COMPLIANCE WITH SECTIONS 7 AND
43 10(a)(1)(B) OF THE ENDANGERED SPECIES ACT OF 1973 (P.L. 93-205; 87 STAT. 884;
44 16 UNITED STATES CODE SECTIONS 1536 AND 1539.)

1 4. "PROGRAM YEAR" MEANS THE TWELVE MONTH PERIOD BEGINNING OCTOBER 1 OF
2 ANY CALENDAR YEAR AND ENDING SEPTEMBER 30 OF THE FOLLOWING CALENDAR YEAR.

3 45-332. Cooperation in lower Colorado river multispecies
4 conservation program

5 ON BEHALF OF THE DEPARTMENT, THE DIRECTOR MAY ENTER INTO ONE OR MORE
6 AGREEMENTS WITH A MULTI-COUNTY WATER CONSERVATION DISTRICT AND OTHER PARTIES
7 FOR PARTICIPATION IN THE LOWER COLORADO RIVER MULTISPECIES CONSERVATION
8 PROGRAM, INCLUDING THE COLLECTION OF ONE OR MORE FEES UNDER THIS ARTICLE FOR
9 PURPOSES OF THE LOWER COLORADO RIVER MULTISPECIES CONSERVATION PROGRAM.

10 45-333. Colorado river water use fee; purpose

11 A. THE DIRECTOR MAY ASSESS AND COLLECT ANNUAL COLORADO RIVER WATER USE
12 FEES FROM EACH PERSON WHO DIVERTS AND CONSUMPTIVELY USES WATER IN THIS STATE
13 FROM THE MAINSTREAM OF THE COLORADO RIVER AS RECORDED IN THE FINAL
14 ACCOUNTING. THIS FEE DOES NOT APPLY TO PERSONS WHO HAVE ENTERED INTO, AND
15 ARE IN COMPLIANCE WITH, AGREEMENTS WITH A MULTI-COUNTY WATER CONSERVATION
16 DISTRICT AND OTHER PARTIES FOR PARTICIPATION IN THE LOWER COLORADO RIVER
17 MULTISPECIES CONSERVATION PROGRAM WITH RESPECT TO THE USE OF COLORADO RIVER
18 WATER.

19 B. THE DIRECTOR SHALL SET THE AMOUNT OF A FEE UNDER THIS SECTION EACH
20 YEAR ACCORDING TO THE GUIDELINES IN SECTION 45-334.

21 C. ANY MONIES COLLECTED PURSUANT TO THIS SECTION SHALL BE SEGREGATED
22 FROM OTHER REVENUES AND DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN
23 A FUND DESIGNATED AS THE COLORADO RIVER WATER USE FEE CLEARING ACCOUNT. EACH
24 MONTH, ON NOTIFICATION BY THE DIRECTOR, THE STATE TREASURER SHALL PAY ALL OF
25 THE MONIES IN THE CLEARING ACCOUNT TO AN ACCOUNT DESIGNATED BY A MULTI-COUNTY
26 WATER CONSERVATION DISTRICT ESTABLISHED UNDER TITLE 48, CHAPTER 22 TO BE USED
27 SOLELY FOR THE LOWER COLORADO RIVER MULTISPECIES CONSERVATION PROGRAM AND FOR
28 NO OTHER PURPOSE.

29 45-334. Setting Colorado river water use fee

30 A. IN SETTING COLORADO RIVER WATER USE FEES UNDER THIS ARTICLE:

31 1. NOT LATER THAN JULY 1 OF EACH YEAR, THE DIRECTOR SHALL SET THE
32 COLORADO RIVER WATER USE FEES FOR THE FOLLOWING PROGRAM YEAR. THE DIRECTOR
33 SHALL CONSIDER THE FOLLOWING IN SETTING THE AMOUNT OF THE FEES:

34 (a) THE CONSUMPTIVE USE FOR THAT PROGRAM YEAR BY THE PERSONS TO WHOM
35 THE FEE WILL BE ASSESSED.

36 (b) THE PAYMENT OBLIGATIONS THAT APPLY TO SIMILAR WATER USERS UNDER
37 AGREEMENTS TO FUND THE LOWER COLORADO RIVER MULTISPECIES CONSERVATION
38 PROGRAM.

39 (c) THE AMOUNT OF MONIES NECESSARY TO FUND THE LOWER COLORADO RIVER
40 MULTISPECIES CONSERVATION PROGRAM FOR THAT PROGRAM YEAR.

41 (d) THE AMOUNT OF MONIES EXPECTED TO BE AVAILABLE TO FUND THE LOWER
42 COLORADO RIVER MULTISPECIES CONSERVATION PROGRAM DURING THE PROGRAM YEAR FROM
43 OTHER SOURCES.

44 2. THE DIRECTOR MAY ESTABLISH CLASSES OF WATER USERS FOR THE PURPOSE
45 OF ASSIGNING GRADUATED FEE RATES TO THE RESPECTIVE CLASSES.

1 3. THE DIRECTOR SHALL CONSIDER THE DATE OF ANY CONTRACT OR OTHER RIGHT
2 TO USE COLORADO RIVER WATER AND THE TYPE OF WATER USE WHEN ASSIGNING FEE
3 RATES.

4 4. THE DIRECTOR SHALL ENTER IN THE DEPARTMENT'S RECORDS A STATEMENT OF
5 THE FEES FOR THE FOLLOWING PROGRAM YEAR AND TRANSMIT A COPY OF THE STATEMENT
6 TO THE STATE TREASURER.

7 5. BEFORE SETTING THE FEES, THE DIRECTOR SHALL CONSULT WITH
8 REPRESENTATIVES OF THE WATER USERS WHICH WILL BE ASSESSED FOR THE FEES. THE
9 DIRECTOR SHALL PUBLISH NOTICE OF THE FEES AND PROVIDE A COMMENT PERIOD OF AT
10 LEAST THIRTY DAYS BEFORE SETTING THE FINAL FEE AMOUNTS.

11 6. WITHIN THIRTY DAYS AFTER THE DIRECTOR SETS FEES FOR A PROGRAM YEAR,
12 THE DIRECTOR SHALL GIVE WRITTEN NOTICE OF THE FEES TO EACH PERSON WITH
13 CONSUMPTIVE USE.

14 7. THE DIRECTOR SHALL CALCULATE THE TOTAL AMOUNT OF THE FEE THAT A
15 PERSON MUST PAY FOR THE CONSUMPTIVE USE OF COLORADO RIVER WATER FOR A PROGRAM
16 YEAR BY MULTIPLYING THE APPLICABLE ANNUAL FEE FOR THAT PROGRAM YEAR BY THE
17 CONSUMPTIVE USE FOR THE PERSON FOR THE PROGRAM YEAR. THE DIRECTOR MAY REDUCE
18 THE AMOUNT OF A PERSON'S FEE BY THE VALUE OF ANY SERVICES OR TANGIBLE ASSETS,
19 INCLUDING LAND OR WATER, CONTRIBUTED BY THE PERSON TO, AND ACCEPTED BY, THE
20 FEDERAL GOVERNMENT FOR USE IN THE LOWER COLORADO RIVER MULTISPECIES
21 CONSERVATION PROGRAM.

22 B. THE DIRECTOR SHALL GIVE WRITTEN NOTICE OF THE TOTAL AMOUNT OF THE
23 FEE THAT A PERSON MUST PAY UNDER THIS SECTION NO LATER THAN AUGUST 15 BEFORE
24 THE BEGINNING OF THE PROGRAM YEAR.

25 45-335. Payment of fee; penalty for delinquency

26 A. IF THE DIRECTOR ASSESSES A FEE PURSUANT TO THIS ARTICLE IN ANY
27 YEAR, A PERSON TO WHOM THE FEE IS ASSESSED MUST PAY THE FEE WITHIN FORTY-FIVE
28 DAYS AFTER THE PERSON RECEIVES WRITTEN NOTICE OF THE TOTAL AMOUNT OF THE FEE
29 FROM THE DIRECTOR.

30 B. IF A PERSON FAILS TO PAY THE FEE WHEN DUE, THE DIRECTOR MAY ASSESS
31 AND COLLECT A PENALTY OF TEN PER CENT OF THE UNPAID FEE, WITHOUT COMPOUNDING,
32 FOR EACH MONTH OR PORTION OF A MONTH THAT THE FEE IS DELINQUENT. THE TOTAL
33 PENALTY ASSESSED SHALL NOT EXCEED SIXTY PER CENT OF THE UNPAID FEE. AN
34 ACTION TO RECOVER PENALTIES UNDER THIS SUBSECTION SHALL BE BROUGHT IN THE
35 SUPERIOR COURT IN MARICOPA COUNTY. ANY PENALTIES COLLECTED SHALL BE
36 DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE COLORADO RIVER
37 WATER USE FEE CLEARING ACCOUNT ESTABLISHED PURSUANT TO SECTION 45-333.

38 Sec. 6. Section 48-3712, Arizona Revised Statutes, is amended to read:

39 48-3712. Powers and duties of the board

40 A. The board shall:

- 41 1. Manage and conduct the affairs and business of the district.
- 42 2. Make and execute all necessary contracts and other instruments
43 which shall be signed by the president or, in ~~his~~ THE PRESIDENT'S absence, by
44 another member of the board designated for that purpose, and attested by the
45 secretary.

1 3. Establish bylaws and rules for the governing of the board and for
2 the functions of the district, as provided in title 41.

3 4. Perform all acts necessary to carry out the purposes of this
4 chapter.

5 5. Except as provided in subsection C of this section and in sections
6 48-3713.03, 48-3715.01, 48-3715.03, 48-3715.05, 48-3772 and 48-3773, require
7 that all funds received on behalf of the district shall be deposited,
8 pursuant to sections 35-146 and 35-147, in a special fund established by the
9 state to be expended at the direction of the board to effectuate the
10 provisions and purposes of this chapter. On notice from the board, the state
11 treasurer shall invest and divest monies in the fund as provided by section
12 35-313, and monies earned from investment shall be credited to the fund.

13 6. Adopt an ordinance or ordinances to establish a revenue bonding
14 program that pledges to bond repayment any monies received or to be received
15 by the district from any source except ad valorem tax revenues, replenishment
16 assessment revenues and replenishment tax generated under article 4 of this
17 chapter.

18 7. Employ such agents, engineers, attorneys and employees not readily
19 available from existing state agencies.

20 B. The board may:

21 1. Accept grants, gifts or donations of money or other property from
22 any source which may be expended for any purpose consistent with the
23 provisions of this chapter.

24 ~~C.~~ 2. ~~The board may~~ Establish a revolving fund for the purpose of
25 defraying the costs and expenses of the district.

26 Sec. 7. Title 48, chapter 22, article 1, Arizona Revised Statutes, is
27 amended by adding section 48-3713.03, to read:

28 48-3713.03. Lower Colorado river multispecies conservation
29 program; definition

30 A. THE BOARD MAY ENTER INTO AGREEMENTS WITH THIS STATE, AN AGENCY OR
31 POLITICAL SUBDIVISION OF THIS STATE, THE FEDERAL GOVERNMENT, AN AGENCY OF THE
32 FEDERAL GOVERNMENT AND ANY OTHER PERSON FOR PARTICIPATION IN THE LOWER
33 COLORADO RIVER MULTISPECIES CONSERVATION PROGRAM UNDER THIS SECTION,
34 INCLUDING THE PAYMENT, COLLECTION, MANAGEMENT, INVESTMENT AND DISTRIBUTION OF
35 MONIES FOR THE PROGRAM.

36 B. THE AGREEMENTS MAY DESIGNATE THE STATE TREASURER OR PRIVATE
37 FINANCIAL INSTITUTIONS AS FISCAL AGENTS OR TRUSTEES FOR COLLECTION,
38 MANAGEMENT, INVESTMENT AND DISTRIBUTION OF MONIES FOR THE LOWER COLORADO
39 RIVER MULTISPECIES CONSERVATION PROGRAM.

40 C. MONIES COLLECTED FOR THE LOWER COLORADO RIVER MULTISPECIES
41 CONSERVATION PROGRAM SHALL BE USED ONLY FOR ACTIVITIES AND ADMINISTRATIVE
42 COSTS DIRECTLY RELATED TO THE MULTISPECIES CONSERVATION PROGRAM AND MAY
43 INCLUDE:

- 1 1. MONIES APPROPRIATED BY THE LEGISLATURE.
- 2 2. ADDITIONAL WATERCRAFT REGISTRATION FEES, IF ASSESSED PURSUANT TO
- 3 SECTION 5-321, SUBSECTION C.
- 4 3. SURCHARGES ON ARIZONA-COLORADO RIVER SPECIAL USE PERMITS,
- 5 CALIFORNIA-COLORADO RIVER SPECIAL USE PERMITS AND NEVADA-COLORADO RIVER
- 6 SPECIAL USE PERMITS, IF IMPOSED PURSUANT TO SECTION 17-345, PARAGRAPH 2.
- 7 4. COLORADO RIVER WATER USE FEES, IF ASSESSED PURSUANT TO SECTION
- 8 45-333.
- 9 5. GIFTS, GRANTS AND DONATIONS FROM ANY PUBLIC OR PRIVATE SOURCES.
- 10 6. PAYMENTS BY ANY PERSON UNDER ANY AGREEMENT TO FUND ALL OR PART OF
- 11 THE PROGRAM.

12 D. FOR THE PURPOSES OF THIS SECTION, "LOWER COLORADO RIVER
13 MULTISPECIES CONSERVATION PROGRAM" OR "PROGRAM" MEANS THE COOPERATIVE EFFORT
14 AMONG AGENCIES OF THE FEDERAL GOVERNMENT AND AGENCIES AND POLITICAL
15 SUBDIVISIONS OF THE STATES OF ARIZONA, CALIFORNIA AND NEVADA AND OTHER LOCAL
16 PUBLIC AND PRIVATE PARTIES WITH A COMMON INTEREST IN THE WATER AND RELATED
17 RESOURCES OF THE LOWER COLORADO RIVER, INCLUDING THE HISTORIC FLOODPLAIN AND
18 RESERVOIRS TO THE FULL POOL ELEVATIONS, TO PROVIDE THE BASIS FOR COMPLIANCE
19 WITH SECTIONS 7 AND 10(a)(1)(B) OF THE ENDANGERED SPECIES ACT OF 1973
20 (P.L. 93-205; 87 STAT. 884; 16 UNITED STATES CODE SECTIONS 1536 AND 1539).

APPROVED BY THE GOVERNOR APRIL 13, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2005.

Passed the House March 14, 2005,

Passed the Senate April 7, 2005,

by the following vote: 45 Ayes,

by the following vote: 23 Ayes,

10 Nays, 5 Not Voting

6 Nays, 1 Not Voting



Speaker of the House



President of the Senate



Forman L. Moore
Chief Clerk of the House



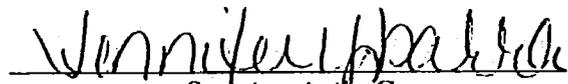
Charmine Ballington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7th day of April, 2005.

at 4:23 o'clock p. M.

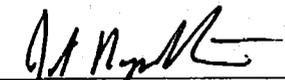


Secretary to the Governor

Approved this 13 day of

April, 2005,

at 9:30 o'clock A. M.



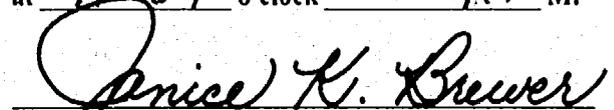
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of April, 2005,

at 11:04 o'clock A. M.



Secretary of State