

House Engrossed Senate Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 36

# **SENATE BILL 1624**

AN ACT

AMENDING SECTION 26-348, ARIZONA REVISED STATUTES; AMENDING TITLE 45, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 45-118; AMENDING SECTION 45-2112, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO ENVIRONMENT BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 26-348, Arizona Revised Statutes, is amended to  
3 read:

4 26-348. Emergency notification of reportable releases

5 A. If a reportable release of an extremely hazardous substance listed  
6 under section 26-346 occurs from a facility at which a hazardous chemical is  
7 produced, used or stored, the owner or operator of the facility, except as  
8 excluded under ~~title 40 Code of Federal Regulations section 355.40~~ SECTIONS  
9 355.31 AND 355.32, in addition to any other notification required by law or  
10 rule, shall immediately orally notify the community emergency coordinator for  
11 the local emergency planning committee for any area likely to be affected by  
12 the reportable release, and the commission, by notifying the emergency  
13 response unit of the department of environmental quality and appropriate  
14 emergency responders designated by rule of the commission, in the manner  
15 prescribed by rule of the commission. Unless impracticable under the  
16 circumstances, this oral notification shall occur immediately after the  
17 facility emergency coordinator or his designee has knowledge of the  
18 reportable release. The notice of the reportable release shall include the  
19 following to the extent known at the time of the notice and as long as no  
20 delay in responding to the emergency results:

- 21 1. The specific location of the release.
- 22 2. The chemical name or identity of substances released and a  
23 description of the container or vessel from which the release occurred.
- 24 3. An estimate of the quantity of substances which were released into  
25 the environment.
- 26 4. The time and duration of the release.
- 27 5. The medium or media into which the release occurred.
- 28 6. Any known or anticipated acute or chronic health risks associated  
29 with the release and, if within the informant's knowledge, advice regarding  
30 medical attention necessary for exposed individuals.
- 31 7. Proper precautions to take as a result of the release, including  
32 evacuation and other proposed response actions.
- 33 8. The name and telephone number of the person or persons to be  
34 contacted for further information.

35 B. Within thirty days after the reportable release, the owner or  
36 operator of a facility where a release occurred requiring notification  
37 pursuant to this section shall submit to the local emergency planning  
38 committee and to the commission a written follow-up emergency notice stating  
39 and updating the information originally provided pursuant to subsection A of  
40 this section and including the following additional information:

- 41 1. Actions taken to respond to and contain the release.
- 42 2. Any known or anticipated acute or chronic health risks associated  
43 with the release.
- 44 3. If appropriate, advice regarding medical attention necessary for  
45 exposed individuals.

1           4. Measures which have been or will be taken at the facility to avoid  
2 a reoccurrence of similar releases.

3           C. After additional information becomes known, the owner or operator  
4 shall update the notice in writing within seven calendar days.

5           Sec. 2. Title 45, chapter 1, article 1, Arizona Revised Statutes, is  
6 amended by adding section 45-118, to read:

7           45-118. Water resources; fee; municipalities

8           NOTWITHSTANDING ANY OTHER LAW, THE DIRECTOR OF THE DEPARTMENT MAY  
9 ASSESS AND COLLECT A FEE FROM EACH MUNICIPALITY IN THIS STATE. THE FEE SHALL  
10 BE ASSESSED PROPORTIONALLY BASED ON THE POPULATION OF EACH MUNICIPALITY. THE  
11 DIRECTOR SHALL DEPOSIT MONIES COLLECTED PURSUANT TO THIS SECTION IN THE WATER  
12 RESOURCES FUND ESTABLISHED BY SECTION 45-117.

13           Sec. 3. Section 45-2112, Arizona Revised Statutes, is amended to read:

14           45-2112. Funding sources

15           A. The fund shall consist of monies ~~from the following sources:~~

16           1. ~~Monies collected pursuant to section 48-3715.05.~~

17           2. ~~Amounts appropriated from the state general fund pursuant to~~  
18 ~~subsection B of this section.~~

19           ~~B. There is appropriated from the state general fund to the Arizona~~  
20 ~~water protection fund at the beginning of each fiscal year, an amount equal~~  
21 ~~to five million dollars minus the sum of the amounts deposited in the~~  
22 ~~previous fiscal year from the sources listed in subsection A, paragraph 1 of~~  
23 ~~this section. If the amounts received from the sources listed in subsection~~  
24 ~~A, paragraph 1 of this section, exceed five million dollars, the amount in~~  
25 ~~excess shall be credited against the general fund appropriation in subsequent~~  
26 ~~fiscal years. In no event shall the appropriation from the general fund~~  
27 ~~exceed five million dollars in any fiscal year.~~

28           ~~C. B. In addition to the amounts prescribed in subsections SUBSECTION~~  
29 ~~A and B of this section the fund may accept any gifts, grants or donations.~~

30           Sec. 4. Off-highway vehicle recreation fund; use

31           Notwithstanding section 28-1176, Arizona Revised Statutes, the Arizona  
32 state parks board may spend up to \$692,100 from the Arizona state parks board  
33 portion of the off-highway vehicle recreation fund in fiscal year 2011-2012  
34 for parks board operating expenses.

35           Sec. 5. Underground storage tank assurance account; transfer of  
36 monies; uses

37           Notwithstanding any other law, the administrative cap established in  
38 section 49-1051, subsection B, paragraphs 2 and 3, Arizona Revised Statutes,  
39 is suspended for fiscal year 2011-2012, and the department of environmental  
40 quality may transfer \$6,531,000 from the assurance account of the underground  
41 storage tank revolving fund for administrative costs of the underground  
42 storage tank leak prevention program and for the used oil program.

43           Sec. 6. Agricultural fees; intent; exemption from rule making

44           A. Notwithstanding any other law, the director of the Arizona  
45 department of agriculture, with the assistance of the agriculture advisory

1 council, may continue existing fees from 2010-2011 in fiscal year 2011-2012  
2 for services provided in fiscal year 2011-2012.

3 B. It is the intent of the legislature that the additional revenue  
4 generated by the fees established as prescribed in subsection A shall not  
5 exceed \$218,000 to the state general fund, \$113,000 to the pesticide fund and  
6 \$26,000 to the dangerous plants, pests and diseases fund.

7 C. The Arizona department of agriculture is exempt from the rule  
8 making requirements of title 41, chapter 6, Arizona Revised Statutes, for the  
9 purpose of establishing fees pursuant to this section until July 1, 2012.

10 Sec. 7. Water resources fees; deposit; fiscal year 2011-2012;  
11 intent; exemption from rule making

12 A. Notwithstanding any other law, the director of the department of  
13 water resources may increase fees in fiscal year 2011-2012 for services in  
14 fiscal year 2011-2012, except that no fees may be increased pursuant to this  
15 subsection for any municipality subject to the fee assessed and collected  
16 pursuant to section 45-118, Arizona Revised Statutes, as added by this act.

17 B. It is the intent of the legislature that the revenue generated by  
18 the fees collected pursuant to subsection A of this section and section  
19 45-118, Arizona Revised Statutes, as added by this act, shall not exceed  
20 \$7,000,000.

21 C. The department of water resources is exempt from the rule making  
22 requirements of title 41, chapter 6, Arizona Revised Statutes, for the  
23 purpose of establishing fees pursuant to this section and section 45-118,  
24 Arizona Revised Statutes, as added by this act, until July 1, 2012.

25 Sec. 8. Law enforcement and boating safety fund; Arizona state  
26 parks board; operating expenditures

27 Notwithstanding section 5-383, Arizona Revised Statutes:

28 1. For fiscal year 2011-2012, available monies in the law enforcement  
29 and boating safety fund may only be granted to La Paz, Mohave and Yuma  
30 counties.

31 2. All law enforcement and boating safety fund monies appropriated by  
32 the legislature to the Arizona state parks board in fiscal year 2011-2012  
33 above \$750,000 are available in fiscal year 2011-2012 for the operation of  
34 state parks.

35 Sec. 9. Arizona state parks board; availability of monies

36 Notwithstanding section 41-511.11, Arizona Revised Statutes, or any  
37 other law, all state parks enhancement fund monies are available in fiscal  
38 year 2011-2012 for the operation of state parks as appropriated by the  
39 legislature in the general appropriations act or for capital needs as  
40 determined by the Arizona state parks board with the prior approval of the  
41 joint committee on capital review to acquire and develop real property and  
42 improvements as state parks consistent with the purposes and objectives  
43 prescribed in section 41-511.03, Arizona Revised Statutes.



Passed the House April 1, 2011,

Passed the Senate March 16, 2011,

by the following vote: 40 Ayes,

by the following vote: 21 Ayes,

19 Nays, 1 Not Voting

9 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Cheryl Laube  
Chief Clerk of the House

Charmine Billewicz  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**S.B. 1624**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April, 20 11

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting

Russell Pearce  
President of the Senate

Susan Crades  
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

1<sup>st</sup> day of April, 20 11

at 5:30 o'clock P. M.

Michelle Bondke  
Secretary to the Governor

Approved this 6<sup>th</sup> day of

April

at 5:50 o'clock P. M.

Jeanne K. Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 7<sup>th</sup> day of April, 20 11

at 2:06 o'clock P. M.

Ken Blumenthal  
Secretary of State

S.B. 1624