

Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

CHAPTER 117

SENATE BILL 1469

AN ACT

AMENDING TITLE 17, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5;
RELATING TO AQUATIC POISONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 17, chapter 4, Arizona Revised Statutes, is amended
3 by adding article 5, to read:

4 ARTICLE 5. USE OF AQUATIC POISONS

5 17-481. Application of aquatic poisons; analysis; notice;
6 exceptions

7 A. THE DEPARTMENT SHALL NOT APPLY ROTENONE OR ANTIMYCIN A FOR ANY
8 PURPOSE TO ANY SPRING, SEEP, WATERSHED, STREAM, RIVER, STOCKPOND, IRRIGATION
9 WATER DELIVERY SYSTEM, LAKE OR OTHER BODY OF STANDING OR RUNNING WATER IN
10 THIS STATE UNTIL CONDUCTING AND SUBMITTING TO THE COMMISSION A FULL IMPACT
11 ANALYSIS OF ANY RISKS POSED TO THE ENVIRONMENT AND TO DOWNSTREAM POTABLE
12 WATER SUPPLIES AND LIVESTOCK WATER SOURCES. ON RECEIPT AND REVIEW OF THE
13 ANALYSIS, THE COMMISSION SHALL ISSUE EITHER:

14 1. A WRITTEN APPROVAL IF THE COMMISSION FINDS THE APPLICATION WILL NOT
15 ENDANGER THE HEALTH OF THE ENVIRONMENT, HUMANS OR LIVESTOCK.

16 2. A WRITTEN DISAPPROVAL OF THE ANALYSIS.

17 B. THE DEPARTMENT MUST:

18 1. PROVIDE AT LEAST TEN DAYS' ADVANCE WRITTEN NOTICE TO ALL OWNERS,
19 LESSEES AND PERMITTEES OF REAL PROPERTY, INCLUDING FEDERAL AND STATE PUBLIC
20 LANDS THAT ARE CONTIGUOUS WITH THE TREATMENT AREA AS DEFINED IN THE IMPACT
21 ANALYSIS, AND PUBLISH GENERAL NOTICE IN TWO PUBLICATIONS IN A DAILY OR WEEKLY
22 NEWSPAPER OF GENERAL CIRCULATION IN THE GENERAL AREA IN WHICH THE ROTENONE OR
23 ANTIMYCIN A WILL BE APPLIED.

24 2. CONDUCT SOIL AND WATER ANALYSES:

25 (a) BEFORE APPLYING ROTENONE OR ANTIMYCIN A TO ESTABLISH BASELINE
26 LEVELS.

27 (b) AFTER APPLICATION TO MONITOR DOWNSTREAM LEVELS IN SOIL, POTABLE
28 WATER SUPPLIES AND LIVESTOCK WATER SOURCES. THE DEPARTMENT SHALL CONTINUE TO
29 MONITOR THE DOWNSTREAM LEVELS UNTIL THEY RETURN TO PRETREATMENT BASELINE
30 LEVELS.

31 C. THIS ARTICLE DOES NOT APPLY IF THE APPLICATION IS BOTH:

32 1. TO A RESERVOIR, OR TO A WATER BODY FOR PURPOSES OF OPERATING A
33 RESERVOIR OR DELIVERING WATER FROM A RESERVOIR OR SYSTEM OF RESERVOIRS, THAT
34 HAS A CAPACITY OF AT LEAST TEN THOUSAND ACRE FEET, OR TO THE COLORADO RIVER
35 BELOW AND INCLUDING LAKE MEAD.

36 2. PURSUANT TO A FEDERALLY ISSUED INCIDENTAL TAKE PERMIT PURSUANT TO
37 THE FEDERAL ENDANGERED SPECIES ACT.

~~APPROVED BY THE GOVERNOR APRIL 16, 2013.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2013.~~

Passed the House April 8, 2013,

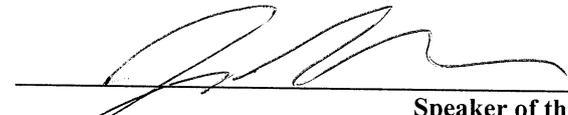
Passed the Senate February 28, 2013,

by the following vote: 41 Ayes,

by the following vote: 17 Ayes,

17 Nays, 2 Not Voting

11 Nays, 2 Not Voting



Speaker of the House
Pro Tempore
Cheryl Laube
Chief Clerk of the House



President of the Senate
Armin Belfrage
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

15 day of April, 2013,

at 2:35 o'clock P M.

Melba Howard
Secretary to the Governor

Approved this 16th day of

April, 2013,

at 3:14 o'clock P M.

Janice L. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17th day of April, 2013,

at 8:41 o'clock A M.

Kla Blumett
Secretary of State

S.B. 1469