

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2270

AN ACT

AMENDING TITLE 32, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2119; AMENDING TITLE 45, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 45-108.05 AND 45-108.06; RELATING TO WATER SUPPLY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 32, chapter 20, article 1, Arizona Revised Statutes,
3 is amended by adding section 32-2119, to read:

4 32-2119. Consumer education; water supply definitions; map

5 A. THE DEPARTMENT OF REAL ESTATE SHALL POST ON ITS WEBSITE INFORMATION
6 ADVISING PROSPECTIVE HOMEBUYERS TO INVESTIGATE WATER AVAILABILITY BEFORE
7 PURCHASING REAL PROPERTY AND SHALL INCLUDE A LINK TO THE WEBSITE OF THE
8 DEPARTMENT OF WATER RESOURCES FOR DEFINITIONS OF THE FOLLOWING TERMS THAT
9 APPLY IN AREAS OF THE STATE OUTSIDE ACTIVE MANAGEMENT AREAS, AS REQUIRED BY
10 SECTION 45-108.05:

11 1. ADEQUATE WATER SUPPLY.

12 2. INADEQUATE WATER SUPPLY.

13 3. PROPERTY SERVED BY A WATER PROVIDER CURRENTLY DESIGNATED AS HAVING
14 AN ADEQUATE WATER SUPPLY.

15 4. NO WATER SUPPLY DETERMINATION.

16 B. THE DEPARTMENT OF REAL ESTATE SHALL DISPLAY ON ITS WEBSITE A
17 CURRENT MAP OF ALL AREAS IN ARIZONA OUTSIDE ACTIVE MANAGEMENT AREAS
18 ESTABLISHED PURSUANT TO TITLE 45, CHAPTER 2, ARTICLE 2.

19 Sec. 2. Title 45, chapter 1, article 1, Arizona Revised Statutes, is
20 amended by adding sections 45-108.05 and 45-108.06, to read:

21 45-108.05. Water supply definitions

22 THE DIRECTOR SHALL POST AND MAINTAIN ON THE DEPARTMENT'S WEBSITE
23 DEFINITIONS OF THE FOLLOWING SUBDIVISION WATER SUPPLY TERMS THAT APPLY TO
24 AREAS OUTSIDE OF ACTIVE MANAGEMENT AREAS:

25 1. "ADEQUATE WATER SUPPLY".

26 2. "INADEQUATE WATER SUPPLY".

27 3. "PROPERTY SERVED BY A WATER PROVIDER CURRENTLY DESIGNATED AS HAVING
28 AN ADEQUATE WATER SUPPLY".

29 4. "NO WATER SUPPLY DETERMINATION", WHICH SHALL APPLY TO PROPERTIES
30 THAT WERE SUBDIVIDED PRIOR TO MAY 1, 1973 AND FOR WHICH THERE HAVE BEEN NO
31 PLAT CHANGES AFTER THAT DATE, PROPERTIES THAT ARE EXEMPT FROM THE
32 REQUIREMENTS OF SECTION 45-108 AND PROPERTIES THAT HAVE NOT RECEIVED A
33 DETERMINATION OF "ADEQUATE WATER SUPPLY" OR "INADEQUATE WATER SUPPLY" AND
34 THAT ARE NOT SERVED BY A WATER PROVIDER CURRENTLY DESIGNATED AS HAVING AN
35 ADEQUATE WATER SUPPLY.

36 45-108.06. Water provider water supply information; definitions

37 A. ON OR AFTER JANUARY 1, 2009, AT THE REQUEST OF ANY PERSON, ALL
38 CITIES, TOWNS, AND PRIVATE WATER COMPANIES OUTSIDE OF AN ACTIVE MANAGEMENT
39 AREA AS ESTABLISHED PURSUANT TO CHAPTER 2, ARTICLE 2 OF THIS TITLE SHALL
40 PROVIDE A WRITTEN STATEMENT DESCRIBING THE WATER SUPPLY STATUS OF REAL
41 PROPERTY WITHIN THE SERVICE AREA OF THAT CITY, TOWN OR PRIVATE WATER COMPANY
42 BASED ON THE MOST RECENT DETERMINATION OF THE DIRECTOR PURSUANT TO SECTION
43 45-108. THE WATER SUPPLY STATUS DESCRIPTION PROVIDED BY THE CITY, TOWN, OR
44 PRIVATE WATER COMPANY SHALL INCLUDE THE APPLICABLE DIRECTOR'S WATER SUPPLY
45 DEFINITION POSTED PURSUANT TO SECTION 45-108.05.

1 B. THE WRITTEN STATEMENT REQUIRED IN SUBSECTION A OF THIS SECTION
2 SHALL BE DELIVERED BY FACSIMILE, ELECTRONIC MAIL, OR UNITED STATES MAIL AS
3 DESIGNATED BY THE PERSON REQUESTING THE INFORMATION. THE CITY, TOWN OR
4 PRIVATE WATER COMPANY SHALL DELIVER THE WRITTEN STATEMENT OF WATER SUPPLY
5 WITHIN THREE BUSINESS DAYS AFTER RECEIPT OF THE REQUEST.

6 C. FOR THE PURPOSES OF THIS SECTION, "CITY", "TOWN", "PRIVATE WATER
7 COMPANY" AND "SERVICE AREA" HAVE THE SAME MEANINGS DESCRIBED IN SECTION
8 45-402, BUT ALSO INCLUDE CITIES, TOWNS AND PRIVATE WATER COMPANIES SERVING
9 SURFACE WATER AND COLORADO RIVER WATER.

10 Sec. 3. Effective date

11 This act is effective from and after December 31, 2008.