

Ch. 51, § 1**43rd LEGISLATURE**

B. NO POLITICAL SUBDIVISION OF THIS STATE MAY ESTABLISH, MANDATE OR OTHERWISE REQUIRE A MINIMUM WAGE THAT EXCEEDS THE FEDERAL MINIMUM WAGE PRESCRIBED IN 29 UNITED STATES CODE SECTION 206.

Sec. 2. Legislative intent

The legislature recognizes that legislated wage disparity between governmental jurisdictions of the same state creates an anticompetitive marketplace that fosters job and business relocation. Mandatory wage increase jeopardizes jobs and job growth and may cause job loss that is most prevalent in entry level jobs where youth employment is highest.

Approved by the Governor April 4, 1997.

Filed in the Office of the Secretary of State April 7, 1997.

COUNTY PROPERTY LEASES—MINIMUM BID**CHAPTER 52****H.B. 2402****AN ACT AMENDING SECTION 11-256, ARIZONA REVISED STATUTES; RELATING TO COUNTY LANDS AND BUILDINGS.**

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

Section 1. Section 11-256, Arizona Revised Statutes, is amended to read:

11-256. Lease or sublease of county lands and buildings

A. The board may lease or sublease, for a term not to exceed twenty-five years plus an option to renew for an additional period not exceeding twenty-five years, any land or building owned by or under the control of the county.

B. An experienced appraiser shall be appointed to determine the rental valuation of such land or building.

C. Such land or building shall be leased or subleased at a public auction to the highest responsible bidder, provided that the amount of bid exceeds IS AT LEAST NINETY PER CENT OF the rental valuation as determined by the appraiser, and subject to such other terms and conditions as the board may prescribe.

D. Notice of a proposed lease or sublease shall be given by publication, once each week for four consecutive weeks, in a newspaper of general circulation in the county. The notice shall state the period and all material conditions of the proposed lease, and the day on which the auction will be held, which shall be not less than thirty days after last publication of the notice.

E. This section shall be construed as supplementary to and not in conflict with other statutes governing or regulating powers of boards of supervisors.

Approved by the Governor April 4, 1997.

Filed in the Office of the Secretary of State April 7, 1997.

WATER QUALITY—BEST MANAGEMENT PRACTICES COMMITTEES—GRAZING PERMITS**CHAPTER 53****S.B. 1103****AN ACT REPEALING SECTION 41-2997.02, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-3007.01 AND 41-3007.02; AMENDING TITLE 49, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-202.01 AND 49-202.02; RELATING TO BEST MANAGEMENT PRACTICES ADVISORY COMMITTEES.**

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Additions are indicated by UPPER CASE; deletions by ~~strikeout~~

FIRST REGULAR SESSION--1997**Ch. 53, § 3**

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

Section 1. Repeal

Section 41-2997.02, Arizona Revised Statutes, is repealed.

Sec. 2. Title 41, chapter 27, article 2, Arizona Revised Statutes, is amended by adding sections 41-3007.01 and 41-3007.02, to read:

41-3007.01. Agricultural best management practices advisory committees; termination July 1, 2007

A. THE AGRICULTURAL BEST MANAGEMENT PRACTICES ADVISORY COMMITTEES TERMINATE ON JULY 1, 2007.

B. SECTION 49-248 IS REPEALED ON JANUARY 1, 2008.

41-3007.02. Grazing best management practices advisory committee; termination July 1, 2007

A. THE GRAZING BEST MANAGEMENT PRACTICES ADVISORY COMMITTEE TERMINATES ON JULY 1, 2007.

B. SECTION 49-202.02, IS REPEALED ON JANUARY 1, 2008.

Sec. 3. Title 49, chapter 2, article 1, Arizona Revised Statutes, is amended by adding sections 49-202.01 and 49-202.02, to read:

49-202.01. Surface water quality general grazing permit; best management practices for grazing activities; definition

A. AS PART OF THE DUTIES ESTABLISHED PURSUANT TO SECTION 49-203, SUBSECTION A, PARAGRAPH 3, THE DIRECTOR SHALL ADOPT, BY RULE, A SURFACE WATER QUALITY GENERAL GRAZING PERMIT CONSISTING OF VOLUNTARY BEST MANAGEMENT PRACTICES FOR GRAZING ACTIVITIES. THE RULE SHALL BE ADOPTED WITHIN ONE HUNDRED EIGHTY DAYS AFTER RECEIVING AND CONSIDERING THE RECOMMENDATIONS OF THE GRAZING BEST MANAGEMENT COMMITTEE ESTABLISHED PURSUANT TO SECTION 49-202.02. THE DIRECTOR SHALL CONSIDER THE RECOMMENDATIONS OF THE COMMITTEE IN DEVELOPING THE RULE. THE RULE SHALL ALSO CONTAIN A GENERAL CLEAN WATER ACT SECTION 401 CERTIFICATION FOR SUCH GRAZING ACTIVITIES AS MAY REQUIRE CERTIFICATION IF THE GRAZING ACTIVITIES ARE IN COMPLIANCE WITH THE VOLUNTARY BEST MANAGEMENT PRACTICES AS ESTABLISHED BY THIS RULE.

B. THE TERMS AND CONDITIONS OF THE SURFACE WATER QUALITY GENERAL GRAZING PERMIT SHALL BE VOLUNTARY BEST MANAGEMENT PRACTICES WHICH HAVE BEEN DETERMINED BY THE DIRECTOR TO BE THE MOST PRACTICAL AND EFFECTIVE MEANS OF REDUCING OR PREVENTING THE NONPOINT SOURCE DISCHARGE OF POLLUTANTS INTO NAVIGABLE WATERS BY GRAZING ACTIVITIES. THE DIRECTOR MAY WAIVE THE USE OF VOLUNTARY BEST MANAGEMENT PRACTICES IN A DESIGNATED REGION IF HE DETERMINES THAT EXISTING GRAZING ACTIVITIES WILL NOT CAUSE A VIOLATION OF THE ADOPTED WATER QUALITY STANDARDS FOR NAVIGABLE WATERS.

C. IN ADOPTING VOLUNTARY GRAZING BEST MANAGEMENT PRACTICES, THE DIRECTOR SHALL CONSIDER:

1. THE AVAILABILITY AND EFFECTIVENESS OF ALTERNATIVE TECHNOLOGIES.
2. THE ECONOMIC AND SOCIAL IMPACTS OF ALTERNATIVE TECHNOLOGIES ON GRAZING AND ASSOCIATED INDUSTRIES.
3. THE INSTITUTIONAL CONSIDERATIONS OF ALTERNATIVE TECHNOLOGIES.
4. THE POTENTIAL NATURE AND SEVERITY OF DISCHARGES FROM GRAZING ACTIVITIES AND THEIR EFFECT ON NAVIGABLE WATERS.

D. IN ADOPTING VOLUNTARY BEST MANAGEMENT PRACTICES FOR GRAZING ACTIVITIES, THE DIRECTOR SHALL REQUIRE THE APPLICATION OF ECONOMICALLY FEASIBLE VOLUNTARY BEST MANAGEMENT PRACTICES WHICH HAVE BEEN DETERMINED BY THE DIRECTOR TO BE THE MOST PRACTICAL AND EFFECTIVE MEANS OF REDUCING OR PREVENTING THE DISCHARGE OF POLLUTANTS INTO NAVIGABLE WATERS BY GRAZING ACTIVITIES. THE DIRECTOR SHALL NOT REQUIRE APPLICATION OF MORE STRINGENT PRACTICES IF SUCH A REQUIREMENT WOULD RESULT IN CESSATION OR SIGNIFICANT REDUCTION OF GRAZING ACTIVITY.

E. THE DIRECTOR MAY PERIODICALLY REEXAMINE, EVALUATE AND PROPOSE ANY MODIFICATION TO OR WAIVER OF VOLUNTARY GRAZING BEST MANAGEMENT

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PRACTICES AFTER CONSIDERING ANY RECOMMENDATION SUBMITTED BY THE ADVISORY COMMITTEE ESTABLISHED PURSUANT TO SECTION 49-202.02.

F. TO THE EXTENT STATE CLEAN WATER ACT SECTION 401 CERTIFICATION IS NECESSARY AND PRIOR TO THE TIME A RULE IS ADOPTED PURSUANT TO THIS SECTION, THE DIRECTOR SHALL PROVIDE CLEAN WATER ACT SECTION 401 CERTIFICATION FOR A GRAZING ACTIVITY IF THE ACTIVITY IS BEING CONDUCTED IN ACCORDANCE WITH ANY CURRENT VOLUNTARY STATE BEST MANAGEMENT PRACTICES OR ANY APPLICABLE BEST MANAGEMENT PRACTICES ESTABLISHED BY THE FEDERAL LAND MANAGEMENT AGENCY HAVING JURISDICTION OVER THE LAND UPON WHICH THE ACTIVITY IS OCCURRING.

G. FOR PURPOSES OF THIS SECTION, "GRAZING ACTIVITIES" MEANS THE FEEDING OF ALL CLASSES OF DOMESTIC RUMINANT AND NONRUMINANT ANIMALS UPON GRASSES, FORBES AND SHRUBS IN ARIZONA WATERSHEDS.

49-202.02. Grazing best management practices advisory committee

A. THE GRAZING BEST MANAGEMENT PRACTICES ADVISORY COMMITTEE IS ESTABLISHED TO DEVELOP AND RECOMMEND VOLUNTARY BEST MANAGEMENT PRACTICES FOR GRAZING ACTIVITIES AS DEFINED IN SECTION 49-202.01.

B. THE DIRECTORS, OR THE DIRECTORS' DESIGNEES, FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE ARIZONA DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF WATER RESOURCES AND THE DEAN OF THE COLLEGE OF AGRICULTURE OF THE UNIVERSITY OF ARIZONA, OR THE DEAN'S DESIGNEE SHALL SERVE ON THE ADVISORY COMMITTEE.

C. THE GOVERNOR SHALL APPOINT FOUR MEMBERS TO THE ADVISORY COMMITTEE AS FOLLOWS:

1. THREE PERSONS ACTIVELY ENGAGED IN CATTLE GRAZING.
2. ONE PERSON ACTIVELY ENGAGED IN SHEEP GRAZING.

D. APPOINTIVE MEMBERS SHALL BE APPOINTED TO TERMS OF SIX YEARS AND MAY BE REAPPOINTED TO ONE ADDITIONAL TERM. NO MORE THAN TWO APPOINTIVE MEMBERS MAY BELONG TO THE SAME POLITICAL PARTY. MEMBERS ARE NOT ENTITLED TO COMPENSATION FOR THEIR SERVICES AS SUCH BUT ARE ENTITLED TO REIMBURSEMENT FOR EXPENSES AS PROVIDED BY LAW FOR TRAVEL ON, AND ATTENDING, OFFICIAL BUSINESS. THE COMMITTEE SHALL ELECT A CHAIRMAN FROM AMONG THE APPOINTIVE MEMBERS TO SERVE A TWO YEAR TERM AS CHAIRMAN. THE CHAIRMAN MAY BE REELECTED. THE COMMITTEE SHALL MEET ON THE CALL OF ITS CHAIRMAN OR AT THE REQUEST OF A MAJORITY OF ITS APPOINTIVE MEMBERS. THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE ARIZONA DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF WATER RESOURCES AND THE COLLEGE OF AGRICULTURE OF THE UNIVERSITY OF ARIZONA SHALL COOPERATE WITH, PROVIDE TECHNICAL AND EXPERT ASSISTANCE AND SUPPLY DATA AND OTHER NECESSARY INFORMATION TO THE ADVISORY COMMITTEE. THE ADVISORY COMMITTEE MAY ALSO REQUEST VOLUNTARY TECHNICAL ASSISTANCE FROM THE FEDERAL LAND MANAGEMENT AGENCIES WITHIN THE STATE. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL FURNISH NECESSARY STAFF SUPPORT AND MEETING FACILITIES TO THE ADVISORY COMMITTEE.

E. THE ADVISORY COMMITTEE SHALL DEVELOP AND RECOMMEND TO THE DIRECTOR BEST MANAGEMENT PRACTICES FOR DISCHARGES TO NAVIGABLE WATERS FROM GRAZING ACTIVITIES CONSIDERING THE REQUIREMENTS OF SECTION 49-202.01.

F. THE ADVISORY COMMITTEE MAY APPEAR OR BE REPRESENTED AT ANY ADMINISTRATIVE PROCEEDING FOR ADOPTING THE VOLUNTARY GRAZING BEST MANAGEMENT PRACTICES.

G. THE ADVISORY COMMITTEE SHALL PERIODICALLY REEXAMINE, EVALUATE AND PROPOSE ANY MODIFICATION TO THE VOLUNTARY GRAZING BEST MANAGEMENT PRACTICES NECESSARY TO MEET THE REQUIREMENTS OF SECTION 49-202.01 FOR GRAZING ACTIVITIES. AN ADVISORY COMMITTEE MAY RECOMMEND MODIFICATIONS TO VOLUNTARY GRAZING BEST MANAGEMENT PRACTICES AT ANY TIME ON ITS OWN INITIATIVE.

Sec. 4. Retroactivity

Sections 1 and 2 of this act are effective retroactively to July 1, 1997.

FIRST REGULAR SESSION--1997**Ch. 54, § 2****Sec. 5. Purpose**

A. The purpose of the agricultural best management practices advisory committees is to make recommendations to the director of environmental quality regarding the application of nitrogen fertilizer and the management of concentrated animal feeding operations.

B. The purpose of the grazing best management practices advisory committee is to make recommendations to the director of the department of environmental quality regarding grazing activities.

Approved by the Governor April 4, 1997.

Filed in the Office of the Secretary of State April 7, 1997.

INSURANCE LICENSES—EXPIRATION**CHAPTER 54****S.B. 1114****AN ACT AMENDING SECTIONS 20-294 AND 20-312, ARIZONA REVISED STATUTES; RELATING TO INSURANCE LICENSES.**

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

Section 1. Section 20-294, Arizona Revised Statutes, is amended to read:

20-294. Issuance of license; expiration date; renewal

A. The director shall promptly issue licenses applied for to persons qualified for the license in accordance with this article.

B. The license shall state the name of the licensee, date of issue and expiration, kind or kinds of insurance or subdivisions of insurance covered, if applicable, and the conditions of the license. The license shall expire TO TRANSACT INSURANCE PURSUANT TO THIS ARTICLE EXPIRES biennially ON THE LAST DAY OF THE SAME MONTH TWO YEARS AFTER THE ISSUANCE OR RENEWAL OF THE LICENSE PURSUANT TO THIS ARTICLE. THIS SUBSECTION APPLIES TO EVERY KIND OR SUBDIVISION OF INSURANCE, INCLUDING TITLE INSURANCE PURSUANT TO CHAPTER 6, ARTICLE 9 OF THIS TITLE.

C. The director may renew a license if the licensee files an application on a form approved by the director and pays the renewal fee prescribed in this chapter on or before the expiration date. The expiration date for licenses shall be as follows:

1. If a license of a life and disability agent, to an individual the last day of the month in an odd numbered year in which the birth date of the licensee occurs, and to a corporation, partnership or firm which qualifies pursuant to section 20-295 the last day of the month in an odd numbered year in which the license was originally issued.

2. If a license of an agent, except a life and disability agent, to an individual the last day of the month in an even numbered year in which the birth date of the licensee occurs, and to a corporation, partnership or firm which qualifies pursuant to section 20-295 the last day of the month in an even numbered year in which the license was originally issued.

D. Before granting the renewal of OR RENEWING a license, the director may require any additional information which is reasonably necessary to determine the good moral character of the applicant including:

1. Prior criminal records.
2. Fingerprinting or background information, pursuant to section 41-1750, subsection G.

Sec. 2. Section 20-312, Arizona Revised Statutes, is amended to read:

20-312. Licensing of adjuster; qualifications; exemption

A. No person shall in this state act as or hold himself out to be an adjuster unless then licensed as such under this section, except that an individual who is undergoing training as an adjuster under the direction and supervision of a licensed adjuster, may for a period not exceeding six months act as an adjuster without having an adjuster's license.