



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2231

universities; water rights adjudication

Purpose

An emergency measure that allows, to the extent permitted by court rule, a state university to offer pro bono assistance to small landowner claimants without legal representation in the general stream adjudication of water rights.

Background

A *general adjudication* is a judicial determination or establishment of the extent and priority of water rights of all persons in any river system or source. One or more water users on a river system and source may file a petition for a general adjudication if the rights have not been previously adjudicated. The superior court of the county where the largest number of potential claimants reside determines the nature, extent and relative priority of the water rights in the river system and source. A general adjudication is governed by the Arizona Rules of Evidence, the Arizona Rules of Civil Procedure and any other procedural rules that are generally applicable to civil proceedings (A.R.S. §§ [45-251](#); [45-252](#); and [45-259](#)).

[Laws 2021, Chapter 410](#) authorized state universities to offer pro bono assistance to general adjudication claimants who are small landowners and do not have legal counsel. The legislation allowed a university to represent a claimant in an adjudication until the claimant proceeded to an evidentiary hearing or other contested proceeding similar to a trial. The Arizona Supreme Court: [Arizona School Boards Association, Inc. et al. v. State of Arizona](#), 61 Ariz. 4 (2022) deemed the portion of [Laws 2021, Chapter 410](#) that allowed for pro bono general adjudication assistance unconstitutional.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows a university under the jurisdiction of the Arizona Board of Regents to offer pro bono assistance in a general stream adjudication of water rights to claimants who are small landowners and not represented by counsel:
 - a) until the claimant proceeds to an evidentiary hearing or another contested proceeding similar to a trial; and
 - b) to the extent permitted by court rule.
2. Prohibits a state university from representing a claimant at an evidentiary hearing or similarly contested hearing if the claimant has not settled the claim.

FACT SHEET

H.B. 2231

Page 2

3. Requires a university that offers assistance to claimants to cooperate and coordinate with the faculty of a cooperative extension in Arizona that has a program to support the economic vitality of rural communities and the use of natural resources in the communities.
4. Requires, by November 15 of each year, a university that offers assistance to claimants to submit a copy of a written report of the university's assistance activities to the Secretary of State and the written report to:
 - a) the Governor;
 - b) the Speaker of the House of Representatives; and
 - c) the President of the Senate.
5. Makes technical changes.
6. Becomes effective on signature of the Governor, if the emergency clause is enacted.

House Action

NREW	1/25/22	DP	12-0-0-0
3 rd Read	2/15/22		59-0-1

Prepared by Senate Research
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RC/MAH/slp