

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2030

AN ACT

AMENDING SECTION 9-461.05, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-462.09; AMENDING SECTION 11-806, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 2, ARIZONA REVISED STATUTES; BY ADDING SECTION 11-827; AMENDING TITLE 32, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES; BY ADDING SECTION 32-2116.01; AMENDING TITLE 37, CHAPTER 1.2, ARTICLE 1, ARIZONA REVISED STATUTES; BY ADDING SECTION 37-177; AMENDING SECTIONS 37-620 AND 41-1512.01, ARIZONA REVISED STATUTES; RELATING TO LAND USE PLANNING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-461.05, Arizona Revised Statutes, is amended to
3 read:

4 9-461.05. General plans; authority; scope

5 A. Each planning agency shall prepare and the governing body of each
6 municipality shall adopt a comprehensive, long-range general plan for the
7 development of the municipality. The planning agency shall coordinate the
8 production of its general plan with the creation of the state land department
9 conceptual land use plans under title 37, chapter 2, article 5.1 and shall
10 cooperate with the state land department regarding integrating the conceptual
11 state land use plans into the municipality's general land use plan. The
12 general plan shall include provisions that identify changes or modifications
13 to the plan that constitute amendments and major amendments. The plan shall
14 be adopted and readopted in the manner prescribed by section 9-461.06.

15 B. The general plan shall be so prepared that all or individual
16 elements of it may be adopted by the governing body and that it may be made
17 applicable to all or part of the territory of the municipality.

18 C. The general plan shall consist of a statement of community goals
19 and development policies. It shall include maps, any necessary diagrams and
20 text setting forth objectives, principles, standards and plan proposals. The
21 plan shall include the following elements:

22 1. A land use element that:

23 (a) Designates the proposed general distribution and location and
24 extent of such uses of the land for housing, business, industry, agriculture,
25 recreation, education, public buildings and grounds, open space and other
26 categories of public and private uses of land as may be appropriate to the
27 municipality.

28 (b) Includes a statement of the standards of population density and
29 building intensity recommended for the various land use categories covered by
30 the plan.

31 (c) Identifies specific programs and policies that the municipality
32 may use to promote infill or compact form development activity and locations
33 where those development patterns should be encouraged.

34 (d) Includes consideration of air quality and access to incident solar
35 energy for all general categories of land use.

36 (e) Includes policies that address maintaining a broad variety of land
37 uses including the range of uses existing in the municipality when the plan
38 is adopted, readopted or amended.

39 (f) For cities and towns with territory in the vicinity of a military
40 airport or ancillary military facility as defined in section 28-8461,
41 includes consideration of military airport or ancillary military facility
42 operations. On or before December 31, 2005, if a city or town includes land
43 in a high noise or accident potential zone as defined in section 28-8461, the
44 city or town shall identify the boundaries of the high noise or accident
45 potential zone in its general plan for purposes of planning land uses in the

1 high noise or accident potential zone that are compatible with the operation
2 of the military airport or ancillary military facility pursuant to section
3 28-8481, subsection J.

4 (g) FOR CITIES AND TOWNS LOCATED WITHIN THREE MILES OF THE
5 BARRY M. GOLDWATER RANGE-WEST AS DEFINED IN SECTION 9-462.09:

6 (i) INCLUDES CONSIDERATION OF MILITARY RANGE OPERATIONS.

7 (ii) ON OR BEFORE DECEMBER 31, 2006, IDENTIFIES THE BOUNDARIES OF THE
8 BARRY M. GOLDWATER RANGE-WEST.

9 2. A circulation element consisting of the general location and extent
10 of existing and proposed freeways, arterial and collector streets, bicycle
11 routes and any other modes of transportation as may be appropriate, all
12 correlated with the land use element of the plan.

13 D. For cities and towns having a population of more than two thousand
14 five hundred persons but less than ten thousand persons and whose population
15 growth rate exceeded an average of two per cent per year for the ten year
16 period before the most recent United States decennial census and for cities
17 and towns having a population of ten thousand or more persons according to
18 the most recent United States decennial census, the general plan shall
19 include, and for other cities and towns the general plan may include:

20 1. An open space element that includes:

21 (a) A comprehensive inventory of open space areas, recreational
22 resources and designations of access points to open space areas and
23 resources.

24 (b) An analysis of forecasted needs, policies for managing and
25 protecting open space areas and resources and implementation strategies to
26 acquire additional open space areas and further establish recreational
27 resources.

28 (c) Policies and implementation strategies designed to promote a
29 regional system of integrated open space and recreational resources and a
30 consideration of any existing regional open space plans.

31 2. A growth area element, specifically identifying those areas, if
32 any, that are particularly suitable for planned multimodal transportation and
33 infrastructure expansion and improvements designed to support a planned
34 concentration of a variety of uses, such as residential, office, commercial,
35 tourism and industrial uses. This element shall include policies and
36 implementation strategies that are designed to:

37 (a) Make automobile, transit and other multimodal circulation more
38 efficient, make infrastructure expansion more economical and provide for a
39 rational pattern of land development.

40 (b) Conserve significant natural resources and open space areas in the
41 growth area and coordinate their location to similar areas outside the growth
42 area's boundaries.

43 (c) Promote the public and private construction of timely and
44 financially sound infrastructure expansion through the use of infrastructure
45 funding and financing planning that is coordinated with development activity.

1 3. An environmental planning element that contains analyses, policies
2 and strategies to address anticipated effects, if any, of plan elements on
3 air quality, water quality and natural resources associated with proposed
4 development under the general plan. The policies and strategies to be
5 developed under this element shall be designed to have community-wide
6 applicability and shall not require the production of an additional
7 environmental impact statement or similar analysis beyond the requirements of
8 state and federal law.

9 4. A cost of development element that identifies policies and
10 strategies that the municipality will use to require development to pay its
11 fair share toward the cost of additional public service needs generated by
12 new development, with appropriate exceptions when in the public
13 interest. This element shall include:

14 (a) A component that identifies various mechanisms that are allowed by
15 law and that can be used to fund and finance additional public services
16 necessary to serve the development, including bonding, special taxing
17 districts, development fees, in lieu fees, facility construction, dedications
18 and service privatization.

19 (b) A component that identifies policies to ensure that any mechanisms
20 that are adopted by the municipality under this element result in a
21 beneficial use to the development, bear a reasonable relationship to the
22 burden imposed on the municipality to provide additional necessary public
23 services to the development and otherwise are imposed according to law.

24 5. A water resources element that addresses:

25 (a) The known legally and physically available surface water,
26 groundwater and effluent supplies.

27 (b) The demand for water that will result from future growth projected
28 in the general plan, added to existing uses.

29 (c) An analysis of how the demand for water that will result from
30 future growth projected in the general plan will be served by the water
31 supplies identified in subdivision (a) of this paragraph or a plan to obtain
32 additional necessary water supplies.

33 E. The general plan shall include for cities of fifty thousand persons
34 or more and may include for cities of less than fifty thousand persons the
35 following elements or any part or phase of the following elements:

36 1. A conservation element for the conservation, development and
37 utilization of natural resources, including forests, soils, rivers and other
38 waters, harbors, fisheries, wildlife, minerals and other natural resources.
39 The conservation element may also cover:

40 (a) The reclamation of land.

41 (b) Flood control.

42 (c) Prevention and control of the pollution of streams and other
43 waters.

44 (d) Regulation of the use of land in stream channels and other areas
45 required for the accomplishment of the conservation plan.

- 1 (e) Prevention, control and correction of the erosion of soils,
2 beaches and shores.
- 3 (f) Protection of watersheds.
- 4 2. A recreation element showing a comprehensive system of areas and
5 public sites for recreation, including the following and, if practicable,
6 their locations and proposed development:
- 7 (a) Natural reservations.
8 (b) Parks.
9 (c) Parkways and scenic drives.
10 (d) Beaches.
11 (e) Playgrounds and playfields.
12 (f) Open space.
13 (g) Bicycle routes.
14 (h) Other recreation areas.
- 15 3. The circulation element provided for in subsection C, paragraph 2
16 of this section shall also include for cities of fifty thousand persons or
17 more and may include for cities of less than fifty thousand persons
18 recommendations concerning parking facilities, building setback requirements
19 and the delineations of such systems on the land, a system of street naming
20 and house and building numbering and other matters as may be related to the
21 improvement of circulation of traffic. The circulation element may also
22 include:
- 23 (a) A transportation element showing a comprehensive transportation
24 system, including locations of rights-of-way, terminals, viaducts and grade
25 separations. This element of the plan may also include port, harbor,
26 aviation and related facilities.
- 27 (b) A transit element showing a proposed system of rail or transit
28 lines or other mode of transportation as may be appropriate.
- 29 4. A public services and facilities element showing general plans for
30 police, fire, emergency services, sewage, refuse disposal, drainage, local
31 utilities, rights-of-way, easements and facilities for them.
- 32 5. A public buildings element showing locations of civic and community
33 centers, public schools, libraries, police and fire stations and other public
34 buildings.
- 35 6. A housing element consisting of standards and programs for the
36 elimination of substandard dwelling conditions, for the improvement of
37 housing quality, variety and affordability and for provision of adequate
38 sites for housing. This element shall contain an identification and analysis
39 of existing and forecasted housing needs. This element shall be designed to
40 make equal provision for the housing needs of all segments of the community
41 regardless of race, color, creed or economic level.
- 42 7. A conservation, rehabilitation and redevelopment element consisting
43 of plans and programs for:
- 44 (a) The elimination of slums and blighted areas.

- 1 (b) Community redevelopment, including housing sites, business and
2 industrial sites and public building sites.
- 3 (c) Neighborhood preservation and revitalization.
- 4 (d) Other purposes authorized by law.
- 5 8. A safety element for the protection of the community from natural
6 and artificial hazards including features necessary for such protection as
7 evacuation routes, peak load water supply requirements, minimum road widths
8 according to function, clearances around structures and geologic hazard
9 mapping in areas of known geologic hazards.
- 10 9. A bicycling element consisting of proposed bicycle facilities such
11 as bicycle routes, bicycle parking areas and designated bicycle street
12 crossing areas.
- 13 F. The water resources element of the general plan does not require:
- 14 1. New independent hydrogeologic studies.
- 15 2. The city or town to be a water service provider.
- 16 G. The land use element of a general plan of a city with a population
17 of more than one million persons shall include protections from encroaching
18 development for any shooting range that is owned by this state and that is
19 located within or adjacent to the exterior municipal boundaries on or before
20 January 1, 2004. The general plan shall establish land use categories within
21 at least one-half mile from the exterior boundaries of the shooting range
22 that are consistent with the continued existence of the shooting range and
23 that exclude incompatible uses such as residences, schools, hotels, motels,
24 hospitals or churches except that land zoned to permit these incompatible
25 uses on ~~the effective date of this amendment to this section~~ **AUGUST 25, 2004**
26 are exempt from this exclusion. For the purposes of this subsection,
27 "shooting range" means a permanently located and improved area that is
28 designed and operated for the use of rifles, shotguns, pistols, silhouettes,
29 skeet, trap, black powder or any other similar sport shooting in an outdoor
30 environment. Shooting range does not include:
- 31 1. Any area for the exclusive use of archery or air guns.
- 32 2. An enclosed indoor facility that is designed to offer a totally
33 controlled shooting environment and that includes impenetrable walls, floor
34 and ceiling, adequate ventilation, lighting systems and acoustical treatment
35 for sound attenuation suitable for the range's approved use.
- 36 3. A national guard facility located in a city or town with a
37 population of more than one million persons.
- 38 4. A facility that was not owned by this state before January 1, 2002.
- 39 H. The policies and strategies to be developed under these elements
40 shall be designed to have community-wide applicability and this section does
41 not authorize the imposition of dedications, exactions, fees or other
42 requirements that are not otherwise authorized by law.

1 and general welfare of the public. Such comprehensive plan may include but
2 not be limited to, among other things, studies and recommendations relative
3 to the location, character and extent of highways, railroads, bus and other
4 transportation routes, bicycle facilities, bridges, public buildings, public
5 services, schools, parks, open space, housing quality, variety and
6 affordability, parkways, hiking and riding trails, airports, forests,
7 wildlife areas, dams, projects affecting conservation of natural resources,
8 air quality, water quality and floodplain zoning. For counties with
9 territory in the vicinity of a military airport or ancillary military
10 facility as defined in section 28-8461, the commission shall also consider
11 military airport or ancillary military facility operations and, on or before
12 December 31, 2005, shall identify the boundaries of any high noise or
13 accident potential zone as defined in section 28-8461 in its comprehensive
14 plan for purposes of planning land uses in the high noise or accident
15 potential zone that are compatible with the operation of the military airport
16 or ancillary military facility pursuant to section 28-8481, subsection J.
17 FOR COUNTIES IN WHICH THE BARRY M. GOLDWATER RANGE-WEST, AS DEFINED IN
18 SECTION 11-827, IS LOCATED, THE COMMISSION SHALL ALSO CONSIDER MILITARY RANGE
19 OPERATIONS AND, ON OR BEFORE DECEMBER 31, 2006, SHALL IDENTIFY THE BOUNDARIES
20 OF THE RANGE IN ITS COMPREHENSIVE PLAN FOR THE PURPOSES OF PLANNING LAND USES
21 THAT ARE COMPATIBLE WITH THE OPERATION OF THE MILITARY RANGE OPERATIONS
22 PURSUANT TO SECTION 11-827. Such comprehensive plan shall be a public
23 record, but its purpose and effect shall be primarily as an aid to the county
24 planning and zoning commission in the performance of its duties.

25 C. After considering any recommendations from the review required
26 under subsection H of this section, the planning commission shall hold at
27 least one public hearing. Notice of the time and place of a hearing and
28 availability of studies and summaries related to the hearing shall be given
29 at least fifteen and not more than thirty calendar days before the hearing
30 by:

31 1. Publication at least once in a newspaper of general circulation in
32 the county.

33 2. Such other manner in addition to publication as the county may deem
34 necessary or desirable.

35 D. The board shall adopt a comprehensive plan and subsequently amend
36 or extend the adopted plan as provided by article 2 of this chapter. Before
37 the adoption, amendment or extension of the plan, the board shall hold at
38 least one public hearing on the plan.

39 E. The board of supervisors shall:

40 1. Adopt written procedures to provide effective, early and continuous
41 public participation in the development and major amendment of comprehensive
42 plans from all geographic, ethnic and economic areas of the county. The
43 procedures shall provide for:

44 (a) The broad dissemination of proposals and alternatives.

45 (b) The opportunity for written comments.

1 (c) Public hearings after effective notice.

2 (d) Open discussions, communications programs and information
3 services.

4 (e) Consideration of public comments.

5 2. Consult with, advise and provide an opportunity for official
6 comment by public officials and agencies, municipalities, school districts,
7 associations of governments, public land management agencies, the military
8 airport if the county's area of jurisdiction includes territory in the
9 vicinity of a military airport or ancillary military facility as defined in
10 section 28-8461, other appropriate government jurisdictions, public utility
11 companies, civic, educational, professional and other organizations, property
12 owners and citizens generally to secure the maximum coordination of plans and
13 to indicate properly located sites for all public purposes on the plan.

14 3. In counties having a population of less than four hundred thousand
15 persons, receive petitions to form a rural planning area that are signed by
16 persons who own real property in any specific portion of the county outside
17 the corporate boundaries of any cities and towns. The petitions must be
18 signed by owners of a majority of the acres of real property in the proposed
19 planning area. Participation in the rural planning area is voluntary, and
20 any person may withdraw real property owned by the person from the planning
21 area. The board of supervisors shall encourage voluntary participation in
22 the planning area and shall aid the planning areas in providing a sound
23 factual and policy basis for planning. The recommendations of rural planning
24 areas shall emphasize voluntary, nonregulatory incentives for compliance and
25 accommodation of continuing traditional rural and agricultural
26 enterprises. Rural planning areas shall transmit their recommendations to
27 the board of supervisors for its consideration for inclusion in the county
28 comprehensive plan.

29 F. In any county having a population of less than four hundred
30 thousand persons, any cities and towns and the county sharing a
31 multijurisdictional area with a combined population of more than fifty
32 thousand but less than one hundred thousand persons, according to the most
33 recent department of economic security estimates, may voluntarily form rural
34 planning zones to develop coordinated and comprehensive regional plans.

35 G. The commission shall confer with the state land department and the
36 governing bodies and planning commissions of cities and towns in the county
37 for the purpose of guiding and accomplishing a coordinated, adjusted and
38 harmonious development of the county, of zoning districts, of urban growth
39 and of public improvements and utilities which do not begin and terminate
40 within the boundaries of any single city or town and which will, in
41 accordance with the present and future needs of the county, best promote with
42 efficiency and economy the health, safety, morals, order, convenience or
43 general welfare of the public.

44 H. At least sixty days before the comprehensive plan or an element or
45 major amendment of a comprehensive plan is noticed pursuant to subsection C

1 of this section, the commission shall transmit the proposal to the board of
2 supervisors and submit a copy for review and further comment to:

- 3 1. Each municipality in the county.
- 4 2. Each other county that is contiguous to the county.
- 5 3. The regional planning agency in the county.
- 6 4. The department of commerce or any other state agency that is
7 subsequently designated as the general planning agency for this state.
- 8 5. The department of water resources for review and comment on the
9 water resources element, if a water resources element is required.
- 10 6. If the comprehensive plan or an element or amendment of the
11 comprehensive plan is applicable to territory in the vicinity of a military
12 airport or ancillary military facility as defined in section 28-8461, the
13 military airport.
- 14 7. If the comprehensive plan or an element or major amendment of the
15 comprehensive plan is applicable to property in the high noise or accident
16 potential zone of a military airport or ancillary military facility as
17 defined in section 28-8461, the attorney general. For the purposes of this
18 paragraph, "major amendment" means a substantial alteration of the county's
19 land use mixture or balance as established in the county's existing
20 comprehensive plan land use element for that area of the county.
- 21 8. Any person or entity that requests in writing to receive a review
22 copy of the proposal.

23 I. If a county's area of jurisdiction includes land in a high noise or
24 accident potential zone as defined in section 28-8461, in order to facilitate
25 development in the high noise or accident potential zone that conforms to the
26 compatible uses prescribed in section 28-8481, subsection J, the county may
27 approve the transfer of development rights and enter into intergovernmental
28 agreements with any city or town or other county.

29 Sec. 4. Title 11, chapter 6, article 2, Arizona Revised Statutes, is
30 amended by adding section 11-827, to read:

31 11-827. Barry M. Goldwater range-west; residential densities;
32 buffer area; definition

33 A. NOTWITHSTANDING ANY OTHER LAW, RESIDENTIAL DENSITIES IN YUMA COUNTY
34 ARE SUBJECT TO THE FOLLOWING LIMITATIONS AND REQUIREMENTS:

- 35 1. WITHIN ONE-HALF MILE OF THE BARRY M. GOLDWATER RANGE-WEST THAT IS
36 EAST OF THE GILA MOUNTAINS AND SOUTH OF COUNTY 17TH STREET ON THE WESTERN
37 BOUNDARY OF THE RANGE, THE RESIDENTIAL DENSITY SHALL NOT EXCEED ONE DWELLING
38 UNIT PER FIVE ACRE PARCEL OR LOT.
- 39 2. FROM WITHIN ONE-HALF MILE TO ONE MILE OF THE BARRY M. GOLDWATER
40 RANGE-WEST THAT IS EAST OF THE GILA MOUNTAINS AND SOUTH OF COUNTY 17TH STREET
41 ON THE WESTERN BOUNDARY OF THE RANGE, THE RESIDENTIAL DENSITY SHALL NOT
42 EXCEED ONE DWELLING UNIT PER TWO ACRE PARCEL OR LOT.

1 3. WITHIN ONE MILE OF THE BARRY M. GOLDWATER RANGE-WEST THAT IS WEST
2 OF THE GILA MOUNTAINS AND NORTH OF COUNTY 17TH STREET ON THE WESTERN BOUNDARY
3 OF THE RANGE, THE RESIDENTIAL DENSITY SHALL NOT EXCEED ONE DWELLING UNIT PER
4 TWO ACRE PARCEL OR LOT.

5 4. THE COUNTY MAY AMEND ITS LAND USE CLASSIFICATIONS WITHIN THREE
6 MILES OF THE BARRY M. GOLDWATER RANGE-WEST TO INCREASE RESIDENTIAL DENSITY
7 ONLY AFTER CONSIDERATION OF THE IMPACT AND POTENTIAL CONFLICT WITH THE
8 MISSION OF THE RANGE.

9 5. IF THE COUNTY AND THE MILITARY FACILITY, WHICH IS CHARGED WITH
10 MANAGEMENT OF THE BARRY M. GOLDWATER RANGE-WEST, MUTUALLY AGREE THAT AN
11 INDIVIDUAL USE IS COMPATIBLE AND CONSISTENT WITH THE MISSION OF THE RANGE,
12 THE USE SHALL BE DEEMED TO COMPLY WITH THIS SUBSECTION.

13 B. FOR THE PURPOSES OF THIS SECTION, "BARRY M. GOLDWATER RANGE-WEST"
14 MEANS PUBLIC LANDS IN YUMA COUNTY THAT ARE WITHDRAWN AND RESERVED FOR THE USE
15 OF THE SECRETARY OF THE NAVY BY PUBLIC LAW 106-65, SECTION 3031(a).

16 Sec. 5. Title 32, chapter 20, article 1, Arizona Revised Statutes, is
17 amended by adding section 32-2116.01, to read:

18 32-2116.01. Barry M. Goldwater range-west map; collaboration
19 with state land department; definition

20 A. THE STATE REAL ESTATE DEPARTMENT SHALL:

21 1. COLLABORATE WITH THE STATE LAND DEPARTMENT TO PREPARE A MAP OF THE
22 BARRY M. GOLDWATER RANGE-WEST AS PROVIDED BY SECTION 37-177.

23 2. MAKE THE MAP AVAILABLE TO THE PUBLIC IN PRINTED OR ELECTRONIC
24 FORMAT.

25 B. FOR THE PURPOSES OF THIS SECTION, "BARRY M. GOLDWATER RANGE-WEST"
26 MEANS PUBLIC LANDS IN YUMA COUNTY THAT ARE WITHDRAWN AND RESERVED FOR THE USE
27 OF THE SECRETARY OF THE NAVY BY PUBLIC LAW 106-65, SECTION 3031(a).

28 Sec. 6. Title 37, chapter 1.2, article 1, Arizona Revised Statutes, is
29 amended by adding section 37-177, to read:

30 37-177. Barry M. Goldwater range-west map; collaboration with
31 state real estate department; definition

32 A. THE STATE LAND DEPARTMENT SHALL:

33 1. COLLABORATE WITH THE STATE REAL ESTATE DEPARTMENT TO PREPARE A MAP
34 OF THE BARRY M. GOLDWATER RANGE-WEST AS PROVIDED BY SECTION 32-2116.01.

35 2. PROVIDE TO THE STATE REAL ESTATE DEPARTMENT THE LEGAL DESCRIPTION
36 OF THE BOUNDARIES OF THE RANGE IN ELECTRONIC FORMAT.

37 3. MAKE THE MAP AVAILABLE TO THE PUBLIC IN PRINTED OR ELECTRONIC
38 FORMAT.

39 4. SUBMIT THE MAP TO YUMA COUNTY IN PRINTED OR ELECTRONIC FORMAT AS
40 DETERMINED BY THE COUNTY.

41 B. FOR THE PURPOSES OF THIS SECTION, "BARRY M. GOLDWATER RANGE-WEST"
42 MEANS PUBLIC LANDS IN YUMA COUNTY THAT ARE WITHDRAWN AND RESERVED FOR THE USE
43 OF THE SECRETARY OF THE NAVY BY PUBLIC LAW 106-65, SECTION 3031(a).

1 Sec. 7. Section 37-620, Arizona Revised Statutes, is amended to read:
2 37-620. Vesting of concurrent criminal jurisdiction in the
3 United States over certain lands and areas

4 A. Concurrent criminal jurisdiction over any lands in the state
5 heretofore reserved from public domain or acquired by the United States as
6 identified in subsection D, and any additions made to such lands, is hereby
7 vested in the United States upon completion of the conditions set forth in
8 subsection B, except that the jurisdiction of the state over such lands shall
9 continue.

10 B. Concurrent criminal jurisdiction shall vest as to the lands in each
11 area identified in subsection D when the United States submits to the
12 governor of the state a formal written request for concurrent criminal
13 jurisdiction accompanied by a satisfactory legal description and plat of such
14 area, and upon approval by the governor granting concurrent jurisdiction such
15 legal description and plat shall be filed by the governor with the county
16 recorder of each county in which the land is situated. The state may
17 withdraw jurisdiction over any land or area three years after written
18 notification by the governor to the secretary of the interior.

19 C. The concurrent criminal jurisdiction hereby vested shall continue
20 only as long as the United States continues to own or control the lands
21 within such areas. In the case of any lands included within the boundaries
22 of the areas set forth in subsection D which are not owned or controlled by
23 the United States, the jurisdiction shall not change by operation of this
24 section.

25 D. The lands subject to this section are all those lands which are
26 owned or controlled by the United States and which are now or hereafter
27 included within the exterior boundaries of:

- 28 1. The national park service lands consisting of:
29 (a) Canyon de Chelly national monument.
30 (b) Casa Grande Ruins national monument.
31 (c) Chiricahua national monument.
32 (d) Coronado national memorial.
33 (e) Fort Bowie national historic site.
34 (f) Glen Canyon national recreation area.
35 (g) Grand Canyon national park.
36 (h) Hohokam Pima national monument.
37 (i) Hubbell Trading Post national historic site.
38 (j) Lake Mead national recreation area.
39 (k) Montezuma Castle national monument.
40 (l) Navajo national monument.
41 (m) Organ Pipe Cactus national monument.
42 (n) Petrified Forest national park.
43 (o) Pipe Spring national monument.
44 (p) Saguaro national monument.
45 (q) Sunset Crater national monument.

- 1 (r) Tonto national monument.
- 2 (s) Tumacacori national monument.
- 3 (t) Tuzigoot national monument.
- 4 (u) Walnut Canyon national monument.
- 5 (v) Wupatki national monument.

6 2. Those lands administered by the bureau of reclamation or its
7 successor agency of the department of the interior, consisting of:

- 8 (a) Davis dam.
- 9 (b) Glen Canyon dam.
- 10 (c) Hoover dam.
- 11 (d) Imperial dam.
- 12 (e) Laguna dam.
- 13 (f) Parker dam.

14 3. LANDS ADMINISTERED BY THE DEPARTMENT OF DEFENSE OR ITS SUCCESSOR
15 LAND MANAGEMENT AGENCY CONSISTING OF THE BARRY M. GOLDWATER RANGE.

16 Sec. 8. Section 41-1512.01, Arizona Revised Statutes, is amended to
17 read:

18 41-1512.01. Military installation fund; report; definition

19 A. The military installation fund is established consisting of
20 revenues made available to the fund from any lawful source. The department
21 of commerce shall administer the fund. On notice from the department, the
22 state treasurer shall invest and divest monies in the fund as provided by
23 section 35-313, and monies earned from investment shall be credited to the
24 fund. The fund is exempt from the provisions of section 35-190 relating to
25 lapsing of appropriations.

26 B. Monies in the fund are continuously appropriated for the purposes
27 of this section.

28 C. The department, in conjunction with the military affairs commission
29 established by section 41-1512, shall adopt by rule procedures for receiving
30 and evaluating applications. If applications for monies exceed the amount
31 available in the fund, the department may request applicants to reduce the
32 amount of the applications or deny or award reduced amounts.

33 D. The department shall receive each application for fund monies and
34 shall forward each application to the military affairs commission. The
35 military affairs commission shall review each application and recommend to
36 the department both of the following:

- 37 1. Each applicant that should be awarded monies from the fund.
- 38 2. The dollar amount that each applicant listed pursuant to paragraph
39 1 of this subsection should be awarded from the fund.

40 E. The department shall consider the military affairs commission's
41 recommendations and shall decide how the monies in the fund shall be awarded
42 among the applicants. The department, after reviewing the recommendations by
43 the military affairs commission, shall make the monies in the fund available
44 for the purpose of military installation preservation and enhancement

1 projects. Except as provided in subsection F of this section, after the
2 department makes an award decision the department shall award the monies.

3 F. If the department does not comply with the military affairs
4 commission's recommendation for the awards, within five days after the
5 department's decision the department shall report in writing to the president
6 of the senate, the speaker of the house of representatives and the
7 governor. The report shall include the award decision of the department and
8 the recommendation of the military affairs commission. The department shall
9 not distribute monies from the fund to the applicants for at least sixty days
10 after the report is received.

11 G. The department shall award:

12 1. Eighty per cent of the monies in the fund for the following
13 purposes, except that up to twenty per cent of this amount may be awarded to
14 cities, towns and counties for the purpose of acquiring private land for the
15 purposes prescribed in paragraph 2 of this subsection:

16 (a) Acquisition of private property for the purpose of preserving a
17 military installation.

18 (b) Acquisition of real estate and rights to real estate and otherwise
19 preserving real estate from development or mitigating impacts on development
20 in high noise or accident potential zones as defined in section 28-8461 and
21 in areas as required to support a military installation.

22 (c) Acquisition of real estate, property rights and related
23 infrastructure that is vital to the preservation or enhancement of a military
24 installation.

25 2. Twenty per cent of the monies in the fund to cities, towns and
26 counties for military installation preservation and enhancement projects.

27 H. The legislature shall review the distribution formula prescribed in
28 subsection G of this section at least once every four years.

29 I. Monies in the fund may be awarded for debt service on bonds issued
30 by a political subdivision for the purpose of acquisition of private property
31 for the purpose of preserving:

32 1. A military airport or ancillary military facility as defined in
33 section 28-8461 if the land acquisition occurs after December 31, 2004.

34 2. THE BARRY M. GOLDWATER RANGE-WEST IF THE LAND ACQUISITION OCCURS
35 AFTER DECEMBER 31, 2006. FOR THE PURPOSES OF THIS PARAGRAPH, "BARRY M.
36 GOLDWATER RANGE-WEST" MEANS PUBLIC LANDS IN YUMA COUNTY THAT ARE WITHDRAWN
37 AND RESERVED FOR THE USE OF THE SECRETARY OF THE NAVY BY PUBLIC LAW 106-65,
38 SECTION 3031(a).

39 J. The department shall annually report the awards made pursuant to
40 this section. The report shall be in writing and shall be sent to the
41 president of the senate, the speaker of the house of representatives and the
42 governor.

43 K. For the purposes of this section, "military installation" has the
44 same meaning prescribed in section 41-1512.