

REFERENCE TITLE: 2009-2010 budget reconciliation; environment

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2642

Introduced by
Representatives Adams: Kavanagh, McComish, Tobin, Yarbrough (with
permission of Committee on Rules)

AN ACT

AMENDING SECTION 3-1332, ARIZONA REVISED STATUTES; REPEALING TITLE 3, CHAPTER 18, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-1662, 37-247, 37-521, 37-522, 37-523, 37-524 AND 37-525, ARIZONA REVISED STATUTES; AMENDING TITLE 37, CHAPTER 2, ARTICLE 13, ARIZONA REVISED STATUTES, BY ADDING SECTION 37-527; AMENDING SECTION 41-511.23, ARIZONA REVISED STATUTES; AMENDING LAWS 2009, FIRST SPECIAL SESSION, CHAPTER 3, SECTION 5; PRESCRIBING EXPENDITURE AUTHORITY; MAKING APPROPRIATIONS; RELATING TO ENVIRONMENT BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 3-1332, Arizona Revised Statutes, is amended to
3 read:

4 3-1332. Method, place and time of inspecting livestock

5 A. Livestock officers and inspectors shall inspect livestock, other
6 than equine and livestock subject to authorized self-inspection, for health,
7 marks and brands at loading stations, at places of exit from the state and at
8 places where livestock are gathered to be sold, slaughtered, transported,
9 conveyed, shipped or driven from their range for any purpose whatever except
10 when livestock are being moved from pasture to a destination in this state
11 and no change of ownership, slaughter or other disposition is involved and
12 the owner is utilizing self-inspection approved by the division under section
13 3-1203. Livestock officers and inspectors need not inspect outgoing
14 livestock from feed lots, dairies and producers utilizing self-inspection
15 pursuant to section 3-1203 but may conduct periodic inspections to ascertain
16 compliance with this article.

17 B. Feed lots, dairies and producers utilizing self-inspection approved
18 by the division under section 3-1203 shall comply with the applicable
19 provisions of this section and procedures established by the division.

20 C. Brand inspections shall be made by daylight and in a manner that
21 enables the livestock officer or inspector personally to see, inspect and
22 record each and every mark and brand. Inspections of livestock for health at
23 a slaughterhouse may be made by other than daylight if adequate artificial
24 light is provided.

25 D. Upon being advised that livestock is subject to inspection,
26 livestock officers and inspectors shall arrange for the inspection of the
27 livestock and inspect such livestock within ~~twelve~~ FORTY-EIGHT hours.

28 E. The animal services division, the plant services division and the
29 office of inspections shall cooperate to provide livestock inspections at
30 border inspection stations or department offices and to train appropriate
31 personnel to perform these inspections. Employees of the plant services
32 division acting under this subsection do not have enforcement powers
33 otherwise granted to livestock officers. In the case of an apparent
34 discrepancy, disease or other problem a livestock officer or inspector
35 employed by the animal services division shall be called on to make a final
36 inspection and determination. The associate director of the animal services
37 division shall assign at least one livestock officer or inspector to be on
38 call from each office operated by the plant services division under this
39 subsection.

40 Sec. 2. Repeal

41 Title 3, chapter 18, Arizona Revised Statutes, is repealed.

42 Sec. 3. Section 15-1662, Arizona Revised Statutes, is amended to read:

43 15-1662. Universities; funds and accounts

44 A. The state treasurer shall maintain the following separate permanent
45 funds and accounts:

1 1. Universities land fund ESTABLISHED BY SECTION 37-522.
2 Distributions from the fund pursuant to article X, section 7, Constitution of
3 Arizona, and ~~and~~ monies derived from the lease, sale or other disposition of
4 lands granted by the United States for the use and benefit of the
5 universities shall be deposited in the universities land fund as provided in
6 this section and section 37-522. Monies accruing to the universities under
7 the laws of the United States pertaining to timber lands shall be deposited
8 in the universities timber land account established by section 37-482,
9 subsection B and may be used for the payment of expenditures which the state
10 land department incurs for the conservation, sale and other administration of
11 timber or timber products as provided in this section and sections 37-482 and
12 37-522.

13 2. Normal schools land fund ESTABLISHED BY SECTION 37-523.
14 Distributions from the fund pursuant to article X, section 7, Constitution of
15 Arizona, and ~~and~~ monies derived from the lease, sale or other disposition of
16 lands granted by the United States for the use and benefit of normal schools
17 shall be deposited in the normal schools land fund as provided in this
18 section and section 37-523.

19 3. Agricultural and mechanical colleges land fund ESTABLISHED BY
20 SECTION 37-524. Distributions from the fund pursuant to article X, section
21 7, Constitution of Arizona, and ~~and~~ monies derived from the lease, sale or
22 other disposition of lands granted by the United States for the use and
23 benefit of agricultural and mechanical colleges shall be deposited in the
24 agricultural and mechanical colleges land fund as provided in this section
25 and section 37-524.

26 4. School of mines land fund ESTABLISHED BY SECTION 37-524.
27 Distributions from the fund pursuant to article X, section 7, Constitution of
28 Arizona, and ~~and~~ monies derived from the lease, sale or other disposition of
29 lands granted by the United States for the use and benefit of schools of
30 mines shall be deposited in the school of mines land fund as provided in this
31 section and section 37-524.

32 5. Military institutes land fund ESTABLISHED PURSUANT TO SECTION
33 37-525. Distributions from the fund pursuant to article X, section 7,
34 Constitution of Arizona, and ~~and~~ monies derived from the lease, sale or other
35 disposition of lands granted by the United States for the use and benefit of
36 military institutes shall be deposited in the military institutes land fund
37 as provided in this section and section 37-525.

38 B. The Arizona board of regents shall maintain a separate permanent
39 fund to be known as the universities fund. All monies other than those
40 specified in subsection A OF THIS SECTION which are derived from the lease,
41 sale or other disposition of lands or property which are given by any person
42 or by law as a trust fund to be administered by the board in conformity with
43 the terms of the gift shall be deposited in the universities fund. Such
44 monies shall be invested and administered as designated for the use of the

1 universities except such monies as are appropriated for specific purposes
2 from the general fund of this state for the use of the universities.

3 C. The state treasurer shall keep the monies of the land funds
4 invested in safe interest bearing securities and prudent equity pursuant to
5 article X, section 7, Constitution of Arizona, and as provided by sections
6 35-313 and 35-314.01, and monies earned from investment shall be credited to
7 the funds.

8 D. Monies shall not be taken from one fund or deposited in any other
9 fund nor shall any fund or the income from the fund be taken or expended for
10 any object other than ~~that of~~ AS PROVIDED BY SECTION 37-527 OR AS PROVIDED BY
11 the original gift or appropriation.

12 Sec. 4. Section 37-247, Arizona Revised Statutes, is amended to read:
13 37-247. Purchaser's default; forfeiture and cancellation of
14 certificate of purchase; extension of time for
15 payments

16 A. When a purchaser defaults in a payment of principal or interest, as
17 provided in the certificate of purchase, or fails to comply with a condition,
18 covenant or requirement thereof, the certificate shall be declared subject to
19 forfeiture. Within sixty days after default or failure the department shall
20 give notice of the default or failure by certified mail to the purchaser's
21 last known address of record in the department.

22 B. If the payment is not made, or the condition, covenant or
23 requirement is not complied with, within sixty days from the date of notice,
24 the certificate of purchase and all rights of the purchaser to the land and
25 improvements thereon may be canceled. In the event of cancellation, the
26 commissioner shall make a formal order canceling the certificate of purchase
27 and a copy of the order shall be mailed to the last known post-office address
28 of the holder of the certificate of purchase. If no appeal is made within
29 thirty days from the date a copy of the order is mailed to the holder of the
30 certificate of purchase, the order shall become final and the certificate of
31 purchase shall be canceled on the records of the department, and the
32 improvements and all payments made on the purchase price DEPOSITED IN THE
33 RESPECTIVE PERMANENT FUND UNDER ARTICLE 13 OF THIS CHAPTER shall be deemed
34 rental for the land.

35 C. On the purchaser's written request, the commissioner may extend the
36 time for payment of the amount delinquent for a period of not more than five
37 years on terms that the commissioner considers to be appropriate as follows:

38 1. The commissioner may grant an extension in response to a request
39 made within sixty days before the due date of the payment. An extension
40 under this paragraph begins on the date the payment was due and continues for
41 the period stated in a written notice to the purchaser.

42 2. The commissioner may grant an extension in response to a request
43 made within sixty days after the date of the default or failure notice
44 provided in subsection A. An extension under this paragraph begins on the

1 date of the notice and continues for the period stated in a written notice to
2 the purchaser.

3 3. If the department does not act on a request for extension within
4 thirty days after receiving the request, the request is considered to be
5 denied. If the purchaser fails during the period of the extension to
6 complete all delinquent payments, including principal and interest, the
7 certificate of purchase shall automatically be canceled and noted on the
8 records of the department.

9 Sec. 5. Section 37-521, Arizona Revised Statutes, is amended to read:

10 37-521. Permanent state school fund; composition; use

11 A. AFTER ANY APPROPRIATION PURSUANT TO SECTION 37-527, the permanent
12 state school fund shall consist of:

13 1. The proceeds of all lands granted to the state by the United States
14 for the support of common schools.

15 2. All property which accrues to the state by escheat or forfeiture.

16 3. All property donated for the benefit of the common schools, unless
17 the terms of the donation otherwise provide.

18 4. All unclaimed shares and dividends of any corporation incorporated
19 under the laws of this state.

20 5. The proceeds of sale of timber, mineral, gravel or other natural
21 products or property from school lands and state lands other than those
22 granted for specific purposes.

23 6. The residue of the lands granted for payment of the bonds and
24 accrued interest issued by Maricopa, Pima, Yavapai and Coconino counties,
25 after the purpose of the grant has been satisfied, and the five per cent of
26 the proceeds of sales of public lands lying within this state sold by the
27 United States subsequent to admission of this state into the union, as
28 granted by the enabling act.

29 B. The fund shall be and remain a perpetual fund and distributions
30 from the fund pursuant to article X, section 7, Constitution of Arizona, plus
31 monies derived from the rental of the lands and property, interest and
32 accrued rent for that year credited pursuant to section 37-295 and interest
33 paid on installment sales, shall be used as follows:

34 1. If there are outstanding state school facilities revenue bonds
35 pursuant to title 15, chapter 16, article 6, outstanding qualified zone
36 academy bonds pursuant to title 15, chapter 16, article 7 or outstanding
37 state school trust revenue bonds issued to correct existing deficiencies
38 ~~prescribed by section 15-2021~~, the state treasurer and the state land
39 department shall annually transfer to the state school facilities revenue
40 bond debt service fund established in section 15-2054, the state school
41 improvement revenue bond debt service fund established in section 15-2084 and
42 the state school trust revenue bond debt service fund the amount that is
43 necessary to pay that fiscal year's debt service on outstanding state school
44 facilities revenue bonds, qualified zone academy bonds and state school trust
45 revenue bonds, before transferring amounts for any other uses.

1 2. If there are no outstanding state school facilities revenue bonds
2 pursuant to title 15, chapter 16, article 6 or if the amount of monies
3 available under this subsection exceeds the amount required under paragraph 1
4 of this subsection, the monies are subject to legislative appropriation to
5 the new school facilities fund established by section 15-2041.

6 3. If the amount of monies available under this subsection exceeds the
7 amount required under paragraphs 1 and 2 of this subsection, the legislature
8 may annually appropriate an amount to be used as provided in section 15-971,
9 subsection H, except that the amount appropriated may not exceed the amount
10 appropriated from the permanent state school fund and from the rent and
11 interest paid on installment sales for this purpose in fiscal year 2000-2001.

12 4. Notwithstanding paragraphs 1, 2 and 3 of this subsection, from and
13 after June 30, 2001, any expendable earnings under this subsection that
14 exceed the fiscal year 2000-2001 expendable earnings shall be deposited in
15 the classroom site fund established by section 15-977.

16 Sec. 6. Section 37-522, Arizona Revised Statutes, is amended to read:

17 37-522. Universities land fund; composition; use

18 A. **AFTER ANY APPROPRIATION PURSUANT TO SECTION 37-527**, the
19 universities land fund shall consist of:

20 1. The proceeds of all lands granted to the state by the United States
21 for university purposes.

22 2. All property donated by individuals for university purposes, unless
23 the terms of the donation otherwise provide.

24 3. The sale of timber, mineral, gravel or other natural products or
25 property from lands granted or given for university purposes.

26 B. The fund is and shall remain a perpetual fund for the benefit and
27 support of the universities of this state and distributions from the fund
28 pursuant to article X, section 7, Constitution of Arizona, together with the
29 monies derived from the sales of timber or timber products and the rental of
30 the lands and property, including interest and accrued rent for that year
31 credited pursuant to section 37-295, shall be used.

32 Sec. 7. Section 37-523, Arizona Revised Statutes, is amended to read:

33 37-523. Normal schools land fund; composition; use

34 A. **AFTER ANY APPROPRIATION PURSUANT TO SECTION 37-527**, the normal
35 schools land fund shall consist of:

36 1. The proceeds of all lands granted to the state by the United States
37 for normal schools for the purpose of training teachers.

38 2. All property donated for normal schools, teacher colleges or
39 colleges of education for the purpose of training teachers, unless the terms
40 of the donation otherwise provide.

41 3. The sale of timber, mineral, gravel or other natural products of
42 property granted or donated for such purposes.

43 B. The fund shall be and remain a perpetual fund for the benefit and
44 support equally of the universities for the purpose of training teachers and
45 distributions from the fund pursuant to article X, section 7, Constitution of

1 Arizona, together with the monies derived from the rental of the lands and
2 property, including interest and accrued rent for that year credited pursuant
3 to section 37-295, shall be used.

4 Sec. 8. Section 37-524, Arizona Revised Statutes, is amended to read:

5 37-524. Agricultural and mechanical colleges land fund and
6 school of mines land fund; composition; use

7 A. AFTER ANY APPROPRIATION PURSUANT TO SECTION 37-527, the
8 agricultural and mechanical colleges land fund, and the school of mines land
9 fund, shall separately consist of the proceeds of:

10 1. All lands granted to the state by the United States for the
11 respective purposes named.

12 2. All property donated by individuals for like purposes, unless the
13 terms of the donation otherwise provide.

14 3. The sale of timber, mineral, gravel or other natural products or
15 property from lands granted or donated for such purposes.

16 B. The funds provided for in this section shall be and remain
17 perpetual funds for the benefit and support of the agricultural and
18 mechanical colleges and the schools of mines at the universities and
19 distributions from the funds pursuant to article X, section 7, Constitution
20 of Arizona, together with the money derived from the rental of the lands and
21 property, including interest and accrued rent for that year credited pursuant
22 to section 37-295, shall be used.

23 Sec. 9. Section 37-525, Arizona Revised Statutes, is amended to read:

24 37-525. Other land funds; composition; use

25 A. AFTER ANY APPROPRIATION PURSUANT TO SECTION 37-527, the
26 legislative, executive and judicial public buildings land fund, the
27 penitentiary land fund, the Arizona state hospital land fund, the state
28 charitable, penal and reformatory institutions land fund, the schools and
29 asylum for the deaf, dumb and blind land fund, the miners' hospital for
30 disabled miners land fund and the military institutes land fund shall
31 separately consist of:

32 1. The proceeds of all lands granted to this state by the United
33 States for the respective purposes named.

34 2. All property donated by individuals for like purposes, unless the
35 terms of the donation otherwise provide.

36 3. The sale of timber, mineral, gravel or other natural products or
37 property from lands granted or donated for such purposes.

38 B. The funds shall be and remain perpetual funds for the benefit and
39 support of institutions corresponding to the purposes for which the funds are
40 established, except as otherwise provided in the enabling act and section
41 37-295 and distributions from the funds pursuant to article X, section 7,
42 Constitution of Arizona, together with the monies derived from the rental of
43 the lands and property, shall be used. Monies in the state charitable,
44 penal and reformatory institutions land fund are subject to legislative
45 appropriation.

1 3. One member of the state bar of Arizona who is experienced in the
2 practice of private real estate law.
3 4. One real estate appraiser who is licensed or certified under title
4 32, chapter 36.
5 5. One member who is qualified by experience in marketing real estate.
6 6. One representative of a conservation organization.
7 7. One representative of a state public educational institution.
8 B. The governor shall designate a presiding member of the board. The
9 term of office is five years except that initial members shall assign
10 themselves by lot to terms of one, two, three, two members for four and two
11 members for five years in office.
12 C. The conservation acquisition board shall:
13 1. Solicit donations to the conservation donation account.
14 2. Consult with entities such as private land trusts, state land
15 lessees, the state land department, the Arizona state parks board and others
16 to identify conservation areas that are reclassified pursuant to section
17 37-312 and that are suitable for funding.
18 3. Recommend to the Arizona state parks board appropriate grants from
19 the land conservation fund.
20 D. The land conservation fund is established consisting of the
21 following accounts:
22 1. The conservation donation account consisting of monies received as
23 donations. Donations to the account are subject to any lawful conditions the
24 donor may prescribe, including any conditions on the use of the money or
25 reversion to the donor. Monies in the account are exempt from the provisions
26 of section 35-190 relating to lapsing of appropriations.
27 2. The public conservation account consisting of monies appropriated
28 to the account from the state general fund and monies from any other
29 designated source. In fiscal years 2000-2001 through 2010-2011, the sum of
30 twenty million dollars is appropriated each fiscal year from the state
31 general fund to the public conservation account in the land conservation fund
32 for the purposes of this section. Monies in the account are appropriated for
33 the purposes of this section, and the Arizona state parks board may spend
34 monies in the account without further legislative authorization. Each
35 expenditure of monies from the public conservation account for purposes
36 listed under subsection G, paragraph 2 of this section shall be matched by an
37 equal expenditure of monies from the conservation donation account or from
38 other private or governmental sources.
39 E. If the legislature fails to appropriate monies to the public
40 conservation account in a fiscal year, and if there are no other monies in
41 the public conservation account, the Arizona state parks board may either
42 grant nothing from the fund in that year or, on recommendation by the
43 conservation acquisition board, may grant available monies in the
44 conservation donation account for purposes authorized in subsection G of this
45 section.

1 F. The monies in the fund are exempt from the provisions of section
2 35-190 relating to lapsing of appropriations.

3 G. Monies in the public conservation account, with matching monies
4 from the conservation donation account, are appropriated as follows:

5 1. A total of two million dollars each fiscal year to the livestock
6 and crop conservation fund. The fund is established for the purposes of this
7 paragraph. Monies in the fund are continuously appropriated to the Arizona
8 department of agriculture for the exclusive purpose of granting monies to
9 individual landowners and grazing and agricultural lessees of state or
10 federal land who contract with the Arizona department of agriculture to
11 implement conservation based management alternatives using livestock or crop
12 production practices, or reduce livestock or crop production, to provide
13 wildlife habitat or other public benefits that preserve open space and for
14 administrative expenses as provided by this paragraph. The department shall
15 administer the fund. On notice from the director of the department, the
16 state treasurer shall invest and divest monies in the fund as provided by
17 section 35-313, and monies earned from investment shall be credited to the
18 fund. Monies in the fund are exempt from the provisions of section 35-190
19 relating to lapsing of appropriations. For the purposes of granting monies
20 from the fund pursuant to this paragraph, the department:

21 (a) Shall develop guidelines and criteria for implementation of this
22 program that shall include requiring as part of the application a letter
23 describing the intended use for the grant money.

24 (b) Shall give priority to lessees of state or federal land who reduce
25 livestock production to provide public benefits such as wildlife species
26 conservation or wildlife habitat.

27 (c) Shall not grant more than fifty per cent of the monies in the fund
28 with respect to land in one county in any fiscal year.

29 (d) Is exempt from chapter 6 of this title with respect to adopting
30 rules, except that the department shall provide for public notice and sixty
31 days for public comment on the annual grant guidelines and criteria,
32 including public hearings.

33 (e) Shall award all grants pursuant to chapter 24, article 1 of this
34 title.

35 (f) Shall require each grantee to submit to the department, within
36 twelve months after receiving the grant, a written report detailing how grant
37 monies were used to achieve the project described in the letter submitted as
38 part of the application. If the project is longer than one year, a written
39 report shall be submitted to the department on an annual basis until the
40 project is complete.

41 (g) May use not more than ten per cent of the monies appropriated to
42 the fund in any fiscal year for the purposes of administering the program.

43 (h) Shall prepare a report of the disposition of monies appropriated
44 to the fund each fiscal year and provide a copy of the report to the

1 governor, to the Arizona state parks board and to any person who requests a
2 copy.

3 2. The remainder of the monies to the Arizona state parks board for
4 the exclusive purpose of granting monies to the state or any of its political
5 subdivisions, or to a nonprofit organization that is exempt from federal
6 income taxation under section 501(c) of the internal revenue code and that
7 has the purpose of preserving open space, for the following purposes only:

8 (a) To purchase or lease state trust lands that are classified as
9 suitable for conservation purposes pursuant to title 37, chapter 2, article
10 4.2. A grant of money under this subdivision to a nonprofit organization is
11 conditioned on the organization providing reasonable public access to any
12 land that is wholly or partly purchased with that money. The organization
13 shall agree with the Arizona state parks board that it will impose a
14 restrictive covenant, running with the title to the land, granting such
15 access and providing for reversion to this state of any interest in the
16 property acquired with money granted under this subdivision on the failure to
17 comply with the terms of the covenant. The Arizona state parks board and the
18 state land commissioner have standing to either enforce the covenant or
19 recover the amount of the grant from the current owner, with interest from
20 the date the grant was awarded to the nonprofit organization.

21 (b) To purchase the development rights of state trust lands throughout
22 this state under the following conditions:

23 (i) The development rights shall be sold at public auction as provided
24 in section 37-258.01.

25 (ii) The lessee of the state trust land at the time the development
26 rights are purchased shall be notified of the purchase in writing.

27 (iii) The purchase of the development rights shall not result in
28 cancellation or modification of the current lease.

29 (iv) The purchase of the development rights shall not affect the
30 existing lessee's current economic use of the land and rights pursuant to
31 title 37, chapter 2, article 4.2.

32 (v) As a condition of the sale of the development rights, the
33 purchaser shall agree in perpetuity not to exercise the development rights
34 and that the land shall remain as open space.

35 (vi) The state trust land shall retain any other rights and attributes
36 as prescribed by law at the time of the purchase.

37 H. For the purposes of subsection G, paragraph 2 of this section:

38 1. The Arizona state parks board shall not grant more than fifty per
39 cent of the monies with respect to land in one county in any fiscal year.

40 2. A grant of money is valid for eighteen months and may be extended
41 one time for twelve additional months if a required public auction has not
42 been held.

43 3. The Arizona state parks board may adopt rules to establish
44 qualifications of nonprofit organizations for purposes of applying for and
45 receiving money granted.

1 4. The owner of property that is wholly or partly acquired with money
2 granted shall not restrict or unreasonably limit access to private lands.
3 Any sale of land with money granted shall include a condition requiring that
4 permanent access to private lands be allowed.

5 I. The Arizona state parks board shall administer the land
6 conservation fund. On notice from the board, the state treasurer shall
7 invest and divest monies in either account in the fund as provided by section
8 35-313, and monies earned from investments shall be credited to a separate
9 administration account to pay the board's expenses of administering the land
10 conservation and acquisition program under subsection G, paragraph 2 of this
11 section, which shall not exceed five per cent of the amount deposited in the
12 public conservation account in any fiscal year or five hundred thousand
13 dollars, whichever is less. ~~Any unobligated amount remaining in the
14 administration account at the end of the fiscal year shall be credited to the
15 public conservation account for purposes of subsection D of this section.~~
16 INVESTMENT EARNINGS IN EXCESS OF FIVE HUNDRED THOUSAND DOLLARS ARE
17 APPROPRIATED TO THE ARIZONA STATE PARKS BOARD FOR THE PURPOSE OF OPERATING
18 STATE PARKS.

19 J. Members of the conservation acquisition board may be reimbursed for
20 travel and lodging expenses and per diem subsistence allowances incurred
21 while on public business for the board. Reimbursement amounts shall not
22 exceed those allowed under title 38, chapter 4, article 2.

23 Sec. 12. Laws 2009, first special session, chapter 3, section 5 is
24 amended to read:

25 Sec. 5. Transfer of monies; fire suppression; 2008-2009

26 A. Notwithstanding section 37-623.02, subsection D, paragraph 1,
27 Arizona Revised Statutes, the sum of \$3,000,000 is transferred from the
28 Arizona state parks board heritage fund established by section 41-502,
29 Arizona Revised Statutes, to the fire suppression revolving fund established
30 by section 37-623.02, Arizona Revised Statutes, on ~~the effective date of this~~
31 ~~act~~ JANUARY 31, 2009.

32 B. The monies transferred under subsection A of this section are in
33 lieu of any other monies that are made available from the state general fund
34 for fiscal year 2008-2009 for fire suppression by the state forester for the
35 purposes of section 37-623.02, Arizona Revised Statutes. The state forester
36 shall reimburse to the state general fund any amounts transferred from the
37 state general fund in fiscal year 2008-2009.

38 C. ANY MONIES TRANSFERRED FROM THE ARIZONA STATE PARKS BOARD HERITAGE
39 FUND ESTABLISHED BY SECTION 41-502, ARIZONA REVISED STATUTES, TO THE FIRE
40 SUPPRESSION REVOLVING FUND ESTABLISHED BY SECTION 37-623.02, ARIZONA REVISED
41 STATUTES, THAT REMAIN UNSPENT AT THE END OF FISCAL YEAR 2008-2009 REVERT TO
42 THE ARIZONA STATE PARKS BOARD HERITAGE FUND.

43 Sec. 13. Transfer of monies; fire suppression; 2009-2010

44 A. Notwithstanding section 37-623.02, subsection D, paragraph 1,
45 Arizona Revised Statutes, the sum of \$3,000,000 is transferred from the

1 Arizona state parks board heritage fund established by section 41-502,
2 Arizona Revised Statutes, to the fire suppression revolving fund established
3 by section 37-623.02, Arizona Revised Statutes, on the effective date of this
4 act.

5 B. The monies transferred under subsection A of this section are in
6 lieu of any other monies that are made available from the state general fund
7 for fiscal year 2009-2010 for fire suppression by the state forester for the
8 purposes of section 37-623.02, Arizona Revised Statutes.

9 C. Any monies transferred from the Arizona state parks board heritage
10 fund established by section 41-502, Arizona Revised Statutes, to the fire
11 suppression revolving fund established by section 37-623.02, Arizona Revised
12 Statutes, that remain unspent at the end of fiscal year 2009-2010 revert to
13 the Arizona state parks board heritage fund.

14 Sec. 14. Arizona water protection fund; use

15 Notwithstanding section 45-2112, subsection B, Arizona Revised
16 Statutes, the annual appropriation from the state general fund to the Arizona
17 water protection fund for fiscal year 2009-2010 shall be as specified in the
18 general appropriations act.

19 Sec. 15. Off-highway vehicle recreation fund; use

20 Notwithstanding section 28-1176, Arizona Revised Statutes, the Arizona
21 state parks board may spend up to \$692,100 from the Arizona state parks board
22 portion of the off-highway vehicle recreation fund in fiscal year 2009-2010
23 for parks board operating expenses.

24 Sec. 16. Arizona state parks board; availability of monies

25 Notwithstanding section 41-511.11, Arizona Revised Statutes, or any
26 other law, all state parks enhancement fund monies are available in fiscal
27 year 2009-2010 for the operation of state parks as appropriated by the
28 legislature in the general appropriations act or for capital needs as
29 determined by the Arizona state parks board with the prior approval of the
30 joint committee on capital review to acquire and develop real property and
31 improvements as state parks consistent with the purposes and objectives
32 prescribed in section 41-511.03, Arizona Revised Statutes.

33 Sec. 17. Underground storage tank assurance account; transfer
34 of monies; uses

35 Notwithstanding any other law, the administrative cap established in
36 section 49-1051, subsection B, paragraphs 2 and 3, Arizona Revised Statutes,
37 is suspended for fiscal year 2009-2010, and the department of environmental
38 quality may transfer \$6,531,000 from the assurance account of the underground
39 storage tank revolving fund for administrative costs of the underground
40 storage tank leak prevention program and for the used oil program.

41 Sec. 18. State land department; appropriation; reversion

42 A. The sum of \$9,773,500 is appropriated in fiscal year 2009-2010 from
43 the trust land management fund established by section 37-527, Arizona Revised
44 Statutes, as added by this act, to the state land department for the purpose
45 of managing the state land trust.

1 B. On or before October 1, 2009, the state land department shall
2 transfer the sum of \$3,819,700 to the state general fund.

3 C. In addition to the amount specified in subsection B of this
4 section, on or before June 30, 2010, the state land department shall transfer
5 the sum \$3,257,800 to the state general fund.

6 Sec. 19. Reporting: trust land management fund

7 Notwithstanding section 37-527, subsection B, Arizona Revised Statutes,
8 as added by this act, within thirty days after the effective date of this act
9 the state land commissioner shall notify the joint legislative budget
10 committee and the governor's office of strategic planning and budgeting of
11 the percentage of trust land proceeds to be deposited in the trust land
12 management fund.

13 Sec. 20. Conforming legislation

14 The legislative council staff shall prepare proposed legislation
15 conforming the Arizona Revised Statutes to the provisions of this act for
16 consideration in the forty-ninth legislature, second regular session.