

REFERENCE TITLE: military operations; real estate disclosure

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

## **SB 1585**

Introduced by  
Senator Nelson

AN ACT

AMENDING TITLE 32, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2114.02; AMENDING SECTION 32-2183.05, ARIZONA REVISED STATUTES; AMENDING SECTION 33-422, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 244, SECTION 22; AMENDING SECTIONS 33-423 AND 37-102, ARIZONA REVISED STATUTES; RELATING TO MILITARY TRAINING OPERATIONS.

(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 32-2114.02, to read:

4 32-2114.02. Recorded disclosure for land located under a  
5 military operations area

6 A. THE COMMISSIONER SHALL EXECUTE AND RECORD IN THE OFFICE OF THE  
7 COUNTY RECORDER IN EACH COUNTY IN THIS STATE THAT INCLUDES LAND LOCATED UNDER  
8 A MILITARY OPERATIONS AREA AS DELINEATED IN THE MILITARY OPERATIONS AREA MAP  
9 PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO SECTION 37-102 A DOCUMENT,  
10 APPLICABLE TO LAND LOCATED UNDER A MILITARY OPERATIONS AREA AS DELINEATED IN  
11 THE MILITARY OPERATIONS AREA MAP, DISCLOSING THAT THE LAND IS LOCATED UNDER A  
12 MILITARY OPERATIONS AREA.

13 B. IF A MILITARY OPERATIONS AREA CHANGES AND PEOPLE WHO WERE NOTIFIED  
14 PURSUANT TO SUBSECTION A OF THIS SECTION NO LONGER HAVE PROPERTY LOCATED  
15 UNDER A MILITARY OPERATIONS AREA AS DELINEATED IN THE MILITARY OPERATIONS  
16 AREA MAP, THE COMMISSIONER SHALL EXECUTE AND RECORD IN THE OFFICE OF THE  
17 COUNTY RECORDER IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED A DOCUMENT  
18 DISCLOSING THAT THE LAND IS NOT LOCATED UNDER A MILITARY OPERATIONS AREA.

19 C. THE ATTORNEY GENERAL SHALL PREPARE IN RECORDABLE FORM THE DOCUMENTS  
20 THAT ARE EXECUTED AND RECORDED BY THE COMMISSIONER PURSUANT TO THIS SECTION.

21 D. THE DOCUMENTS THAT ARE EXECUTED AND RECORDED BY THE COMMISSIONER  
22 PURSUANT TO THIS SECTION SHALL INCLUDE A LEGAL DESCRIPTION OF THE MILITARY  
23 OPERATIONS AREA AS DELINEATED IN THE MILITARY OPERATIONS AREA MAP.

24 Sec. 2. Section 32-2183.05, Arizona Revised Statutes, is amended to  
25 read:

26 32-2183.05. Military training route disclosure; military  
27 electronics range disclosure; military operations  
28 area disclosure; residential property

29 A. Any public report that is issued after December 31, 2004 pursuant  
30 to section 32-2183 or 32-2195.03 and that is applicable to property located  
31 under a military training route, as delineated in the military training route  
32 map prepared by the state land department pursuant to section 37-102, ~~and~~ any  
33 public report that is issued after December 31, 2008 and that is applicable  
34 to property located in a military electronics range as delineated in the  
35 military electronics range map prepared by the state land department pursuant  
36 to section 37-102, **AND ANY PUBLIC REPORT ISSUED AFTER DECEMBER 31, 2011 THAT**  
37 **IS APPLICABLE TO PROPERTY LOCATED UNDER A MILITARY OPERATIONS AREA AS**  
38 **DELINEATED IN THE MILITARY OPERATIONS AREA MAP PREPARED BY THE STATE LAND**  
39 **DEPARTMENT PURSUANT TO SECTION 37-102** shall include the following statements:

40 1. The property is located under a military training route, **MILITARY**  
41 **OPERATIONS AREA** or in a military electronics range.

42 2. The state land department and the state real estate department  
43 maintain military training route maps, **MILITARY OPERATIONS AREA MAPS** and  
44 military electronics range maps available to the public.

1           3. The military training route map, **MILITARY OPERATIONS AREA MAP** and  
2 military electronics range map are posted on the state real estate  
3 department's website.

4           B. The public report prescribed by subsection A of this section may  
5 contain a disclaimer that the subdivider has no control over **ANY OF THE**  
6 **FOLLOWING:**

7           1. The military training routes as delineated in the military training  
8 route map. ~~or~~

9           2. **THE MILITARY OPERATIONS AREAS AS DELINEATED IN THE MILITARY**  
10 **OPERATIONS AREA MAP.**

11           3. The timing or frequency of flights and associated levels of noise.  
12 ~~and has no control over~~

13           4. The military electronics range and its testing and training  
14 operations.

15           C. For any lot reservation or conditional sale that occurs before the  
16 issuance of a public report, the disclosure statements listed in subsection A  
17 of this section shall be included within the reservation document or  
18 conditional sales contract.

19           D. This section does not require the amendment or reissuance of any  
20 public report issued **OR ANY RESERVATION DOCUMENT OR CONDITIONAL SALES**  
21 **CONTRACT ACCEPTED AS FOLLOWS:**

22           1. On or before December 31, 2004, ~~that~~ **IF THE REPORT, DOCUMENT OR**  
23 **CONTRACT** is applicable to property located under a military training route,  
24 as delineated in the military training route map prepared by the state land  
25 department pursuant to section 37-102. ~~or~~

26           2. On or before December 31, 2008, ~~that~~ **IF THE REPORT, DOCUMENT OR**  
27 **CONTRACT** is applicable to property located in a military electronics range,  
28 as delineated in the military electronics range map prepared by the state  
29 land department pursuant to section 37-102. ~~or the amendment or reissuance~~  
30 ~~of any reservation document or conditional sales contract accepted on or~~  
31 ~~before December 31, 2004 or on or before December 31, 2008.~~

32           3. **ON OR BEFORE DECEMBER 31, 2011, IF THE REPORT, DOCUMENT OR CONTRACT**  
33 **IS APPLICABLE TO PROPERTY LOCATED UNDER A MILITARY OPERATIONS AREA, AS**  
34 **DELINEATED IN THE MILITARY OPERATIONS AREA MAP PREPARED BY THE STATE LAND**  
35 **DEPARTMENT PURSUANT TO SECTION 37-102.**

36           E. Notwithstanding any other law, if the public report complies with  
37 subsection A of this section, a subdivider is not liable to any person or  
38 governmental entity for any act or failure to act in connection with the  
39 disclosure of **ANY OF THE FOLLOWING:**

40           1. A military training route as delineated in the military training  
41 route map. ~~or~~

42           2. A military electronics range as delineated in the military  
43 electronics range map.

44           3. **A MILITARY OPERATIONS AREA AS DELINEATED IN THE MILITARY OPERATIONS**  
45 **AREA MAP.**

1 F. This section shall not be construed to require a public report  
2 issued sixty or fewer days prior to the filing of the military electronics  
3 range map prepared pursuant to section 37-102 to meet the military  
4 electronics range notification requirements of this section.

5 G. A public report issued sixty-one or more days after the filing of  
6 the military electronics range map prepared pursuant to section 37-102 shall  
7 meet all of the requirements of subsection A of this section.

8 Sec. 3. Section 33-422, Arizona Revised Statutes, as amended by Laws,  
9 2010, chapter 244, section 22, is amended to read:

10 33-422. Land divisions; recording; disclosure affidavit

11 A. A seller of five or fewer parcels of land, other than subdivided  
12 land, in an unincorporated area of a county and any subsequent seller of such  
13 a parcel shall furnish a written affidavit of disclosure to the buyer, at  
14 least seven days before the transfer of the property, and the buyer shall  
15 acknowledge receipt of the affidavit.

16 B. The affidavit must be written in twelve point type.

17 C. No release or waiver of a seller's liability arising out of any  
18 omission or misrepresentation contained in an affidavit of disclosure is  
19 valid or binding on the buyer.

20 D. The buyer has the right to rescind the sales transaction for a  
21 period of five days after the affidavit of disclosure is furnished to the  
22 buyer.

23 E. The seller shall record the executed affidavit of disclosure at the  
24 same time that the deed is recorded. The county recorder is not required to  
25 verify the accuracy of any statement in the affidavit of disclosure. A  
26 subsequently recorded affidavit supersedes any previous affidavit.

27 F. The affidavit of disclosure shall meet the requirements of section  
28 11-480 and follow substantially the following form:

29 When recorded mail to:

30 \_\_\_\_\_  
31 \_\_\_\_\_  
32 \_\_\_\_\_  
33 \_\_\_\_\_

34 Affidavit of Disclosure  
35 Pursuant to A.R.S. §33-422

36 I, \_\_\_\_\_ (seller(s))  
37 being duly sworn, hereby make this affidavit of disclosure  
38 relating to the real property situated in the unincorporated  
39 area of:

40 \_\_\_\_\_, County, State of Arizona, located at:

41 \_\_\_\_\_  
42 and legally described as:

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(Legal description attached hereto as exhibit "A")  
(property).

- 1. There  is  is not . . . . legal access to the property, as defined in A.R.S. § 11-831 . . . .  unknown

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. There  is  is not . . . . physical access to the property.  unknown

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. There  is  is not . . . . a statement from a licensed surveyor or engineer available stating whether the property has physical access that is traversable by a two-wheel drive passenger motor vehicle.

- 4. The legal and physical access to the property  is  is not . . . . the same.... unknown  not applicable.

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*If access to the parcel is not traversable by emergency vehicles, the county and emergency service providers may not be held liable for any damages resulting from the inability to traverse the access to provide needed services.*

- 5. The road(s) is/are  publicly maintained  privately maintained  not maintained  not applicable. If applicable, there  is  is not . . . . a recorded road maintenance agreement.

*If the roads are not publicly maintained, it is the responsibility of the property owner(s) to maintain the roads and roads that are not improved to county standards and accepted for maintenance are not the county's responsibility.*

- 6. A portion or all of the property  is  is not located in a FEMA designated regulatory floodplain. If the property is in a floodplain, it may be subject to floodplain regulation.

- 7. The property  is  is not subject to  fissures or  expansive soils.  unknown

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 8. The following services are currently provided to the property:  water  sewer  electric  natural gas  single party telephone  cable television services.

- 9. The property  is  is not . . . . served by a water supply that requires the transportation of water to the property.

- 1 10. The property is served by  a private water company  a  
2 municipal water provider  a private well  a shared well  
3  no well. If served by a shared well, the shared well  is  
4  is not . . . . a public water system, as defined by the safe  
5 drinking water act (42 United States Code § 300f).  
6 *Notice to buyer: If the property is served by a well, a private*  
7 *water company or a municipal water provider the Arizona*  
8 *department of water resources may not have made a water supply*  
9 *determination. For more information about water supply, contact*  
10 *the water provider.*
- 11 11. The property  does have  does not have . . . . an on-site  
12 wastewater treatment facility (i.e., standard septic or  
13 alternative system to treat and dispose of wastewater).  
14  unknown. If applicable: a) The property  will  will  
15 not . . . . require installation of an on-site wastewater  
16 treatment facility; b) The on-site wastewater treatment facility  
17  has  has not been inspected.
- 18 12. The property  has been  has not been . . . . subject to a  
19 percolation test.  unknown.
- 20 13. The property  does  does not . . . . meet the minimum  
21 applicable county zoning requirements of the applicable zoning  
22 designation.
- 23 14. The sale of the property  does  does not . . . meet the  
24 requirements of A.R.S. § 11-831 regarding land divisions. If  
25 those requirements are not met, the property owner may not be able  
26 to obtain a building permit. The seller or property owner shall  
27 disclose each of the deficiencies to the buyer.  
28 Explain: \_\_\_\_\_  
29 \_\_\_\_\_  
30 \_\_\_\_\_
- 31 15. The property  is  is not located in the clear zone of a  
32 military airport or ancillary military facility, as defined in  
33 A.R.S. § 28-8461. (Maps are available at the state real estate  
34 department's website.)
- 35 16. The property  is  is not located in the high noise or  
36 accident potential zone of a military airport or ancillary  
37 military facility, as defined in A.R.S. § 28-8461. (Maps are  
38 available at the state real estate department's website.)
- 39 17. Notice: If the property is located within the territory in the  
40 vicinity of a military airport or ancillary military facility, the  
41 property is required to comply with sound attenuation standards as  
42 prescribed by A.R.S. § 28-8482. (Maps are available at the state  
43 real estate department's website.)
- 44 18. The property  is  is not located under military restricted  
45 airspace.  unknown. (Maps are available at the state real  
46 estate department's website.)

1 19. The property  is  is not located in a military electronics  
2 range as defined in A.R.S. sections 9-500.28 and 11-818.  
3  unknown. (Maps are available at the state real estate  
4 department's website.)

5 20. THE PROPERTY  IS  IS NOT LOCATED UNDER A MILITARY OPERATIONS  
6 AREA.  UNKNOWN. (MAPS ARE AVAILABLE AT THE STATE REAL ESTATE  
7 DEPARTMENT'S WEBSITE).

8 ~~20.~~ 21. Use of the property  is  is not limited in any way  
9 relating to an encumbrance of title due to a lis pendens, a court  
10 order or a state real estate department order or a pending legal  
11 action. If the use of the property is limited due to an  
12 encumbrance of title, the seller or property owner shall disclose  
13 the limitations to the buyer.

14 Explain: \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_

17  
18 This affidavit of disclosure supersedes any previously recorded  
19 affidavit of disclosure.

20 I certify under penalty of perjury that the information  
21 contained in this affidavit is true, complete and correct  
22 according to my best belief and knowledge.

23 Dated this \_\_\_\_\_ (date) day of \_\_\_\_\_ (year) by:  
24 Seller's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_  
25 Seller's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_  
26 State of Arizona )  
27 ) ss.

28 County of \_\_\_\_\_)  
29 Subscribed and sworn before me this \_\_\_\_\_ (date) day of  
30 \_\_\_\_\_ (year) , by \_\_\_\_\_.

31 \_\_\_\_\_  
32 Notary public

33 My commission expires:  
34 \_\_\_\_\_ (date)

35 Buyer(s) hereby acknowledges receipt of a copy of this affidavit  
36 of disclosure this \_\_\_\_\_ (date) day of \_\_\_\_\_ (year)  
37 Buyer's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_  
38 Buyer's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

39 G. For the purposes of this section, seller and subsequent seller do  
40 not include a trustee of a deed of trust who is selling property by a  
41 trustee's sale pursuant to title 33, chapter 6.1 or any officer who is  
42 selling property by execution sale pursuant to title 12, chapter 9 and  
43 title 33, chapter 6. If the seller is a trustee of a subdivision trust as  
44 defined in section 6-801, the disclosure affidavit required by this section  
45 shall be provided by the beneficiary of the subdivision trust.

1           Sec. 4. Section 33-423, Arizona Revised Statutes, is amended to read:  
2           33-423. Disclosure: reports: indemnity: applicability:  
3                                   violation: classification

4           A. A disclosure report pursuant to this section may be provided to the  
5 buyer or seller of real property by a third party as authorized by the buyer  
6 or seller and shall be based on officially adopted and electronically posted  
7 or otherwise readily available governmental maps or information that  
8 discloses whether the real property is subject to one or more of the  
9 following:

10           1. Special flood hazard areas designated by the federal emergency  
11 management agency pursuant to 42 United States Code chapter 50.

12           2. Military airports and ancillary military facilities as defined in  
13 section 28-8461 or as disclosed pursuant to section 28-8484 or 32-2113.

14           3. Military training routes as shown in the map produced pursuant to  
15 section 37-102, **MILITARY OPERATIONS AREAS AS SHOWN IN THE MAP PRODUCED**  
16 **PURSUANT TO SECTION 37-102** and military restricted airspace as shown in the  
17 map produced pursuant to section 37-102.

18           4. Public and private airports that are approved by the federal  
19 aviation administration.

20           5. Expansive soils as shown on maps issued by the natural resource  
21 conservation service or on other officially adopted and readily available  
22 governmental maps.

23           6. Fissures as shown on earth fissure maps issued by the Arizona  
24 geological survey or pursuant to section 27-152.01, paragraph 3.

25           7. Special tax assessment areas or taxing authority and amount of  
26 special assessments in addition to ad valorem taxes as shown in the current  
27 tax records of the applicable county assessor.

28           8. Radon gas potential zones as shown on current maps issued by the  
29 United States environmental protection agency.

30           9. Environmental hazard superfund sites including the sites listed in  
31 the Arizona superfund program list and the water quality assurance revolving  
32 fund registry, or listed by the United States environmental protection agency  
33 including the national priorities list, the comprehensive environmental  
34 response compensation and liability information system database or on maps  
35 issued by the department of environmental quality or equivalent databases of  
36 those sites.

37           10. Any other condition that affects the real property that the buyer  
38 or seller authorizes and the third party provider agrees to provide in a  
39 third party provider disclosure report.

40           B. For any third party provider of information as prescribed by this  
41 section, the following apply:

42           1. A seller or buyer shall not be required to provide the written  
43 disclosure provided by this section to an insurance company, a lender or a  
44 governmental agency.

45           2. The third party provider shall carry errors and omissions insurance  
46 coverage with limits of at least one million dollars per occurrence and in an

1 aggregate of at least ten million dollars. A person who violates this  
2 paragraph is guilty of a class 1 misdemeanor.

3 C. If an action is brought as a result of an error, inaccuracy or  
4 omission in the disclosure made only by a third party provider who provides  
5 information pursuant to subsection A of this section, the third party  
6 provider shall provide a defense against the action, shall indemnify the  
7 buyer or seller who authorized the disclosure report and persons licensed  
8 pursuant to title 32, chapter 20 who represent the buyer or seller for any  
9 judgment rendered and shall reimburse reasonable attorney fees and costs  
10 incurred in defending the action, unless the buyer, seller or agent for the  
11 buyer or seller had knowledge of the error, inaccuracy or omission or the  
12 buyer, seller or agent for the buyer or seller modified the disclosure and  
13 the modification resulted in the error, inaccuracy or omission. Nothing in  
14 this section shall be construed to prohibit a third party provider of  
15 information from agreeing by contract that the third party provider shall  
16 indemnify a person to a greater extent than is required by this section.

17 D. If information that is disclosed pursuant to this section is  
18 subsequently rendered inaccurate as a result of any governmental action, map  
19 revision, changed information or other act or occurrence after the delivery  
20 of the disclosure, no person is liable for the information that was disclosed  
21 unless the person had knowledge of the error, inaccuracy or omission.

22 E. This section shall not be construed to create a cause of action for  
23 the use of maps or other information pursuant to this section. This section  
24 does not apply to the sale of real property by any person pursuant to section  
25 32-2183 or section 32-2195.03, or any affiliate of that person.

26 F. This section does not obligate any person to provide or purchase a  
27 disclosure report that is the subject of this section.

28 G. The listing of a condition in subsection A of this section or in a  
29 third party provider disclosure report does not by itself make that condition  
30 material or immaterial to a particular real estate transaction. The  
31 materiality of any disclosure is governed as otherwise provided by law.

32 Sec. 5. Section 37-102, Arizona Revised Statutes, is amended to read:  
33 37-102. State land department; powers and duties

34 A. The state land department shall administer all laws relating to  
35 lands owned by, belonging to and under the control of the state.

36 B. The department shall have charge and control of all lands owned by  
37 the state, and timber, stone, gravel and other products of such lands, except  
38 lands under the specific use and control of state institutions and the  
39 products of such lands.

40 C. The department, in the name of the state, may commence, prosecute  
41 and defend all actions and proceedings to protect the interest of the state  
42 in lands within the state or the proceeds thereof. Actions shall be  
43 commenced and prosecuted at the request of the department by the attorney  
44 general, a county attorney or a special counsel under the direction of the  
45 attorney general.

1 D. The department shall be the official representative of the state in  
2 any communication between the state and the United States government in all  
3 matters respecting state lands or any interest of the state in or to the  
4 public lands within the state.

5 E. The summons in any action against the state respecting any lands of  
6 the state or the products of such lands and all notices concerning such lands  
7 or products shall be served on the commissioner. Summonses, warrants or  
8 legal notices served on behalf of the department may be served by the  
9 commissioner or the commissioner's deputy, or by the sheriff or a constable  
10 of any county of the state.

11 F. The department shall maintain as a public record in each of its  
12 offices a public docket and index of all matters before the department that  
13 may be subject to appeal to the board of appeals or to the courts and all  
14 sale, exchange and lease transactions subject to bidding by the public. The  
15 department shall list a matter on the public docket immediately after an  
16 application or other request for department action is received by the  
17 department. The department shall include in the public docket every formal  
18 action and decision affecting each matter in question. The department shall  
19 establish by rule a means by which any person may obtain a copy of the public  
20 docket at the current copying cost.

21 G. The department shall reappraise or update its original appraisal of  
22 property to be leased, exchanged or sold if the board of appeals' approval of  
23 the lease or sale occurred more than one hundred eighty days before the  
24 auction.

25 H. To the extent possible, the state land department shall:

26 1. Prepare maps of the ancillary military facilities described in  
27 section 28-8461, paragraph 7, subdivisions (b) and (c).

28 2. Make a map of the ancillary military facility described in section  
29 28-8461, paragraph 7, subdivision (a) available to the public in printed or  
30 electronic format and provide the map in printed or electronic format to the  
31 state real estate department.

32 3. On or before December 25, 2008 and on receipt of proper information  
33 from the military installation commander with responsibility for the military  
34 electronics range, prepare a map of the military electronics range as defined  
35 in section 9-500.28 and make that map available to the public in printed or  
36 electronic format and provide the map in printed or electronic format to the  
37 state real estate department. Within ninety days of receipt of notice of any  
38 change in the boundaries of the military electronics range from the military  
39 installation commander, the state land department shall revise its map and  
40 provide the map to the public and to the state real estate department.

41 I. The state land department shall provide each map and the legal  
42 description of the boundaries of each ancillary military facility described  
43 in section 28-8461, paragraph 7 in electronic format to the state real estate  
44 department. Each map prepared by the state land department pursuant to this  
45 section shall:

1           1. Describe the ancillary military facility, the territory in the  
2 vicinity of the ancillary military facility and the high noise and accident  
3 potential zone, accident potential zone one and accident potential zone two  
4 associated with the ancillary military facility.

5           2. Be submitted to the county in which the ancillary military facility  
6 is located.

7           3. Be made available to the public.

8           J. The state land department shall prepare a military training route  
9 map. The map shall contain military training route numbers in this state  
10 that are used by various United States armed forces. The map shall be dated.

11           K. When preparing the military training route map, the state land  
12 department shall use information contained in the most current department of  
13 defense publication that is entitled "area planning military training routes  
14 for North and South America".

15           L. The military training route map shall be made available to the  
16 public.

17           M. Within ninety days after the department is notified of a change of  
18 a military training route in this state, the department shall prepare a  
19 revised military training route map. The map shall be dated and contain a  
20 statement that the map supersedes all previously dated maps. The state land  
21 department shall send the revised map to the state real estate department  
22 electronically and shall also send an accompanying letter specifying the  
23 military training route changes. The state land department shall send the  
24 revised map and an accompanying letter specifying the military training route  
25 changes to the municipalities affected by the changes and to all counties.

26           N. The department shall submit the military training route map  
27 prepared pursuant to this section to the counties in either an electronic or  
28 a printed format. The format shall be determined by the receiving county.

29           O. The state land department shall provide the legal description of  
30 the boundaries of the military training routes as delineated in the military  
31 training route map to the state real estate department in electronic format.

32           P. The state land department shall prepare a military restricted  
33 airspace map. The map shall contain military restricted airspace in this  
34 state that is used by various United States armed forces. The map shall be  
35 dated.

36           Q. When preparing the military restricted airspace map, the state land  
37 department shall use information contained in the most current department of  
38 transportation publication that is entitled "aeronautical chart".

39           R. The military restricted airspace map shall be made available in  
40 printed or electronic format to the public at the state land department and  
41 at the state real estate department.

42           S. Within ninety days after the department is notified of a change of  
43 military restricted airspace in this state, the department shall prepare a  
44 revised military restricted airspace map. The map shall be dated and contain  
45 a statement that the map supersedes all previously dated maps. The state  
46 land department shall send the revised map to the state real estate

1 department electronically and shall also send an accompanying letter  
2 specifying the military restricted airspace changes. The state land  
3 department shall send the revised map and an accompanying letter specifying  
4 the military restricted airspace changes to the municipalities affected by  
5 the changes and to all counties.

6 T. The department shall submit the military restricted airspace map  
7 prepared pursuant to this section to the counties in either an electronic or  
8 a printed format. The format shall be determined by the receiving county.

9 U. The state land department shall provide the legal description of  
10 the boundaries of the military restricted airspace as delineated in the  
11 military restricted airspace map to the state real estate department in  
12 electronic format.

13 V. THE STATE LAND DEPARTMENT SHALL REQUEST FROM THE UNITED STATES  
14 DEPARTMENT OF DEFENSE MAPPING INFORMATION FOR MILITARY OPERATIONS AREAS. THE  
15 STATE LAND DEPARTMENT SHALL USE THE INFORMATION TO PREPARE A MILITARY  
16 OPERATIONS AREA MAP. THE MILITARY OPERATIONS AREA MAP SHALL BE MADE  
17 AVAILABLE IN PRINTED OR ELECTRONIC FORMAT TO THE PUBLIC AT THE STATE LAND  
18 DEPARTMENT AND AT THE STATE REAL ESTATE DEPARTMENT. WITHIN NINETY DAYS AFTER  
19 THE STATE LAND DEPARTMENT IS NOTIFIED OF A CHANGE OF MILITARY OPERATIONS  
20 AREAS IN THIS STATE, THE STATE LAND DEPARTMENT SHALL PREPARE A REVISED  
21 MILITARY OPERATIONS MAP. THE STATE LAND DEPARTMENT MAY REQUEST INFORMATION  
22 FROM THE UNITED STATES DEPARTMENT OF DEFENSE TO ASSIST THE STATE LAND  
23 DEPARTMENT WITH MAP REVISIONS. THE MAP SHALL BE DATED AND CONTAIN A  
24 STATEMENT THAT THE MAP SUPERSEDES ALL PREVIOUSLY DATED MAPS. THE STATE LAND  
25 DEPARTMENT SHALL SEND THE REVISED MAP TO THE STATE REAL ESTATE DEPARTMENT  
26 ELECTRONICALLY AND SHALL ALSO SEND AN ACCOMPANYING LETTER SPECIFYING THE  
27 MILITARY OPERATIONS AREA CHANGES. THE STATE LAND DEPARTMENT SHALL SEND THE  
28 REVISED MAP AND AN ACCOMPANYING LETTER SPECIFYING THE MILITARY OPERATIONS  
29 AREA CHANGES TO THE MUNICIPALITIES AFFECTED BY THE CHANGES AND TO ALL  
30 COUNTIES. THE STATE LAND DEPARTMENT SHALL PROVIDE THE LEGAL DESCRIPTION OF  
31 THE BOUNDARIES OF THE MILITARY OPERATIONS AREA AS DELINEATED IN THE MILITARY  
32 RESTRICTED AIRSPACE MAP TO THE STATE REAL ESTATE DEPARTMENT IN ELECTRONIC  
33 FORMAT. FOR THE PURPOSES OF THIS SUBSECTION, "MILITARY OPERATIONS AREA"  
34 MEANS AN AREA OF AIRSPACE ESTABLISHED OUTSIDE CLASS A AIRSPACE TO SEPARATE OR  
35 SEGREGATE CERTAIN NONHAZARDOUS MILITARY ACTIVITIES FROM INSTRUMENT FLIGHT  
36 RULES TRAFFIC AND TO IDENTIFY VISUAL FLIGHT RULES TRAFFIC WHERE THESE  
37 ACTIVITIES ARE CONDUCTED.

38 ~~V.~~ W. The department may accept title to and manage real estate,  
39 property rights and related infrastructure acquired pursuant to section  
40 26-262, subsection K for preserving or enhancing military installations in  
41 this state.

42 Sec. 6. Effective date

43 This act is effective from and after September 30, 2011.