

House Engrossed

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2508

AN ACT

AMENDING SECTION 37-1121, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 37-1121, Arizona Revised Statutes, is amended to
3 read:

4 37-1121. Arizona navigable stream adjudication commission

5 A. The Arizona navigable stream adjudication commission is established
6 through June 30, ~~2016~~ 2020 as a separate agency and independent of the state
7 land department. The commission consists of five persons, not more than
8 three of whom ~~shall be of~~ ARE FROM the same political party, who are
9 appointed by the governor pursuant to section 38-211. The terms of office of
10 members of the commission end on July 1, ~~2016~~ 2020. Persons who are
11 appointed to the commission must be well-informed on issues relating to
12 rivers and streams in this state. The commission shall select a presiding
13 officer from among its members.

14 B. Members of the commission are public officers for purposes of title
15 38, chapter 3, article 8 and title 38, chapter 3.1. A person who has
16 advocated for or expressed a desire that a watercourse in this state be
17 determined to have been navigable or nonnavigable may not serve as a
18 commission member. A commission member who is a witness, gives evidence or
19 makes statements of personal knowledge of the characteristics of navigability
20 of a watercourse for the commission's consideration shall not participate as
21 a commission member in proceedings relating to that watercourse. A
22 commission member shall not:

23 1. Have any bias regarding the possible navigability of any
24 watercourse.

25 2. Own, obtain a significant portion of income from or claim any
26 ownership or possessory interest in lands affected by this chapter.

27 3. Directly or indirectly receive a significant portion of income from
28 a person who claims an ownership or possessory interest in lands affected by
29 this chapter or from a person who obtains a significant portion of income
30 from such lands nor have been employed by such persons within two years
31 before, or be employed by such persons within two years after, the commission
32 member's term of office.

33 C. Funding for the commission and its necessary and reasonable
34 expenses, including contracting for private services, shall be provided from
35 ~~such~~ legislative appropriations as may be necessary to permit the commission
36 to fulfill its responsibilities. All unexpended AND UNENCUMBERED monies
37 appropriated to the commission revert to the state general fund on July 1,
38 ~~2016~~ 2020.

39 D. The governor, on good cause shown, may remove a member for neglect
40 of duty or misconduct or malfeasance in office. On removal, the governor
41 shall file with the secretary of state a complete statement of all charges
42 made against the member, the governor's findings and a complete record of the
43 disciplinary proceedings conducted with respect to the removal.

44 E. Members are eligible to receive compensation pursuant to section
45 38-611 for service on the commission, unless a member who is otherwise

1 employed as a public officer is prohibited from receiving additional
2 compensation.

3 F. The commission shall maintain its principal office at the state
4 capital but may hold meetings or hearings any place in this state. The
5 commission shall meet at least once each calendar quarter, except that if the
6 commission has completed all inquiries and hearings required under this
7 chapter, the commission ~~shall not be~~ IS NOT required to meet. The presiding
8 officer or a majority of the members may call additional meetings. On
9 termination, the commission shall transmit all of its records to the
10 secretary of state.

11 G. In the event of a vacancy on the commission, the governor may
12 appoint a replacement member pursuant to section 38-211.

13 H. Notwithstanding section 41-192, the attorney general shall not
14 advise or represent the commission.

15 I. For the purposes of subsection B of this section, "significant
16 portion of income" means ten ~~per-cent~~ PERCENT or more of gross personal
17 income for a calendar year.