

PROPOSED AMENDMENT  
SENATE AMENDMENTS TO S.B. 1258  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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

1 discrepancy, disease or other problem a livestock officer or inspector  
2 employed by the animal services division shall be called on to make a final  
3 inspection and determination. The associate director of the animal services  
4 division shall assign at least one livestock officer or inspector to be on  
5 call from each office operated by the plant services division under this  
6 subsection.

7 Sec. 2. Repeal

8 Title 3, chapter 18, Arizona Revised Statutes, is repealed.

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

10 15-1662. Universities: funds and accounts

11 A. The state treasurer shall maintain the following separate permanent  
12 funds and accounts:

13 1. Universities land fund ESTABLISHED BY SECTION 37-522.  
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 the  
17 universities shall be deposited in the universities land fund as provided in  
18 this section and section 37-522. Monies accruing to the universities under  
19 the laws of the United States pertaining to timber lands shall be deposited  
20 in the universities timber land account established by section 37-482,  
21 subsection B and may be used for the payment of expenditures which the state  
22 land department incurs for the conservation, sale and other administration of  
23 timber or timber products as provided in this section and sections 37-482 and  
24 37-522.

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

31 3. Agricultural and mechanical colleges land fund ESTABLISHED BY  
32 SECTION 37-524. Distributions from the fund pursuant to article X, section  
33 7, Constitution of Arizona, and ~~and~~ monies derived from the lease, sale or  
34 other disposition of lands granted by the United States for the use and  
35 benefit of agricultural and mechanical colleges shall be deposited in the  
36 agricultural and mechanical colleges land fund as provided in this section  
37 and section 37-524.

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

7           5. Military institutes land fund ESTABLISHED PURSUANT TO SECTION  
8 37-525. Distributions from the fund pursuant to article X, section 7,  
9 Constitution of Arizona, and ~~all~~ monies derived from the lease, sale or other  
10 disposition of lands granted by the United States for the use and benefit of  
11 military institutes shall be deposited in the military institutes land fund  
12 as provided in this section and section 37-525.

13           B. The Arizona board of regents shall maintain a separate permanent  
14 fund to be known as the universities fund. All monies other than those  
15 specified in subsection A OF THIS SECTION which are derived from the lease,  
16 sale or other disposition of lands or property which are given by any person  
17 or by law as a trust fund to be administered by the board in conformity with  
18 the terms of the gift shall be deposited in the universities fund. Such  
19 monies shall be invested and administered as designated for the use of the  
20 universities except such monies as are appropriated for specific purposes  
21 from the general fund of this state for the use of the universities.

22           C. The state treasurer shall keep the monies of the land funds  
23 invested in safe interest bearing securities and prudent equity pursuant to  
24 article X, section 7, Constitution of Arizona, and as provided by sections  
25 35-313 and 35-314.01, and monies earned from investment shall be credited to  
26 the funds.

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

31           Sec. 4. Section 37-247, Arizona Revised Statutes, is amended to read:  
32 37-247. Purchaser's default; forfeiture and cancellation of  
33 certificate of purchase; extension of time for  
34 payments

35           A. When a purchaser defaults in a payment of principal or interest, as  
36 provided in the certificate of purchase, or fails to comply with a condition,  
37 covenant or requirement thereof, the certificate shall be declared subject to  
38 forfeiture. Within sixty days after default or failure the department shall

1 give notice of the default or failure by certified mail to the purchaser's  
2 last known address of record in the department.

3 B. If the payment is not made, or the condition, covenant or  
4 requirement is not complied with, within sixty days from the date of notice,  
5 the certificate of purchase and all rights of the purchaser to the land and  
6 improvements thereon may be canceled. In the event of cancellation, the  
7 commissioner shall make a formal order canceling the certificate of purchase  
8 and a copy of the order shall be mailed to the last known post-office address  
9 of the holder of the certificate of purchase. If no appeal is made within  
10 thirty days from the date a copy of the order is mailed to the holder of the  
11 certificate of purchase, the order shall become final and the certificate of  
12 purchase shall be canceled on the records of the department, and the  
13 improvements and all payments made on the purchase price **DEPOSITED IN THE**  
14 **RESPECTIVE PERMANENT FUND UNDER ARTICLE 13 OF THIS CHAPTER** shall be deemed  
15 rental for the land.

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

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

23 2. The commissioner may grant an extension in response to a request  
24 made within sixty days after the date of the default or failure notice  
25 provided in subsection A. An extension under this paragraph begins on the  
26 date of the notice and continues for the period stated in a written notice to  
27 the purchaser.

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

1           Sec. 5. Section 37-521, Arizona Revised Statutes, is amended to read:  
2           37-521. Permanent state school fund; composition; use

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

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

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

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

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

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

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

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

26          1. If there are outstanding state school facilities revenue bonds  
27 pursuant to title 15, chapter 16, article 6, outstanding qualified zone  
28 academy bonds pursuant to title 15, chapter 16, article 7 or outstanding  
29 state school trust revenue bonds issued to correct existing deficiencies  
30 ~~prescribed by section 15-2021~~, the state treasurer and the state land  
31 department shall annually transfer to the state school facilities revenue  
32 bond debt service fund established in section 15-2054, the state school  
33 improvement revenue bond debt service fund established in section 15-2084 and  
34 the state school trust revenue bond debt service fund the amount that is  
35 necessary to pay that fiscal year's debt service on outstanding state school  
36 facilities revenue bonds, qualified zone academy bonds and state school trust  
37 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.



1 disabled miners land fund and the military institutes land fund shall  
2 separately consist of:

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

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

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

9 B. The funds shall be and remain perpetual funds for the benefit and  
10 support of institutions corresponding to the purposes for which the funds are  
11 established, except as otherwise provided in the enabling act and section  
12 37-295 and distributions from the funds pursuant to article X, section 7,  
13 Constitution of Arizona, together with the monies derived from the rental of  
14 the lands and property, ~~shall~~ shall be used. Monies in the state charitable,  
15 penal and reformatory institutions land fund are subject to legislative  
16 appropriation.

17 Sec. 10. Title 37, chapter 2, article 13, Arizona Revised Statutes, is  
18 amended by adding section 37-527, to read:

19 37-527. Trust land management fund

20 A. THE TRUST LAND MANAGEMENT FUND IS ESTABLISHED. THE FUND CONSISTS  
21 OF UP TO TEN PER CENT OF THE ANNUAL PROCEEDS OF:

22 1. EACH BENEFICIARY'S TRUST LANDS GRANTED TO THIS STATE BY THE UNITED  
23 STATES.

24 2. ALL SALES OF TIMBER, MINERAL, GRAVEL OR OTHER NATURAL PRODUCTS OR  
25 PROPERTY FROM EACH BENEFICIARY'S TRUST LANDS GRANTED TO THIS STATE BY THE  
26 UNITED STATES.

27 B. THE COMMISSIONER SHALL DETERMINE THE PERCENTAGE OF TRUST LAND  
28 PROCEEDS TO BE DEPOSITED IN THE FUND EACH FISCAL YEAR. THE PERCENTAGE SHALL  
29 BE THE SAME FOR ALL BENEFICIARIES. THE COMMISSIONER SHALL NOTIFY THE JOINT  
30 LEGISLATIVE BUDGET COMMITTEE AND THE GOVERNOR'S OFFICE OF STRATEGIC PLANNING  
31 AND BUDGETING OF THE DETERMINATION ON OR BEFORE SEPTEMBER 1 OF THE PRECEDING  
32 FISCAL YEAR.

33 C. THE MONIES IN THE FUND:

34 1. ARE SUBJECT TO LEGISLATIVE APPROPRIATION.

35 2. SHALL BE USED EXCLUSIVELY TO MANAGE TRUST LANDS AS PRESCRIBED BY  
36 LAW.

37 D. THE COMMISSIONER SHALL ADMINISTER THE FUND. ON NOTICE FROM THE  
38 COMMISSIONER, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND



1 AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE  
2 CREDITED TO THE FUND.

3 E. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190  
4 RELATING TO LAPSING OF APPROPRIATIONS, BUT IF THE BALANCE IN THE FUND AT THE  
5 END OF ANY FISCAL YEAR EXCEEDS TWO TIMES THE BUDGET OF THE DEPARTMENT FOR THE  
6 MANAGEMENT OF TRUST LANDS FOR THE NEXT FISCAL YEAR, THE EXCESS AMOUNT SHALL  
7 BE CREDITED PROPORTIONATELY TO THE SEVERAL PERMANENT FUNDS BASED ON THE LAST  
8 FISCAL YEAR'S DEPOSITS.

9 F. THIS SECTION DOES NOT PREVENT THE LEGISLATURE FROM APPROPRIATING  
10 STATE GENERAL FUND MONIES FOR THE PURPOSES DESCRIBED IN THIS SECTION.

11 Sec. 11. Section 41-511.23, Arizona Revised Statutes, is amended to  
12 read:

13 41-511.23. Conservation acquisition board; land conservation  
14 fund; conservation donation and public conservation  
15 accounts; livestock and crop conservation fund

16 A. The conservation acquisition board is established, as an advisory  
17 body to the Arizona state parks board, consisting of the following members  
18 who are appointed by the governor, at least one of whom shall be experienced  
19 in soliciting money from private sources:

- 20 1. One state land lessee.
- 21 2. One member who is qualified by experience in managing large  
22 holdings of private land for income production or conservation purposes.
- 23 3. One member of the state bar of Arizona who is experienced in the  
24 practice of private real estate law.
- 25 4. One real estate appraiser who is licensed or certified under title  
26 32, chapter 36.
- 27 5. One member who is qualified by experience in marketing real estate.
- 28 6. One representative of a conservation organization.
- 29 7. One representative of a state public educational institution.

30 B. The governor shall designate a presiding member of the board. The  
31 term of office is five years except that initial members shall assign  
32 themselves by lot to terms of one, two, three, two members for four and two  
33 members for five years in office.

34 C. The conservation acquisition board shall:

- 35 1. Solicit donations to the conservation donation account.
- 36 2. Consult with entities such as private land trusts, state land  
37 lessees, the state land department, the Arizona state parks board and others

1 to identify conservation areas that are reclassified pursuant to section  
2 37-312 and that are suitable for funding.

3 3. Recommend to the Arizona state parks board appropriate grants from  
4 the land conservation fund.

5 D. The land conservation fund is established consisting of the  
6 following accounts:

7 1. The conservation donation account consisting of monies received as  
8 donations. Donations to the account are subject to any lawful conditions the  
9 donor may prescribe, including any conditions on the use of the money or  
10 reversion to the donor. Monies in the account are exempt from the provisions  
11 of section 35-190 relating to lapsing of appropriations.

12 2. The public conservation account consisting of monies appropriated  
13 to the account from the state general fund and monies from any other  
14 designated source. In fiscal years 2000-2001 through 2010-2011, the sum of  
15 twenty million dollars is appropriated each fiscal year from the state  
16 general fund to the public conservation account in the land conservation fund  
17 for the purposes of this section. Monies in the account are appropriated for  
18 the purposes of this section, and the Arizona state parks board may spend  
19 monies in the account without further legislative authorization. Each  
20 expenditure of monies from the public conservation account for purposes  
21 listed under subsection G, paragraph 2 of this section shall be matched by an  
22 equal expenditure of monies from the conservation donation account or from  
23 other private or governmental sources.

24 E. If the legislature fails to appropriate monies to the public  
25 conservation account in a fiscal year, and if there are no other monies in  
26 the public conservation account, the Arizona state parks board may either  
27 grant nothing from the fund in that year or, on recommendation by the  
28 conservation acquisition board, may grant available monies in the  
29 conservation donation account for purposes authorized in subsection G of this  
30 section.

31 F. The monies in the fund are exempt from the provisions of section  
32 35-190 relating to lapsing of appropriations.

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

35 1. A total of two million dollars each fiscal year to the livestock  
36 and crop conservation fund. The fund is established for the purposes of this  
37 paragraph. Monies in the fund are continuously appropriated to the Arizona  
38 department of agriculture for the exclusive purpose of granting monies to

1 individual landowners and grazing and agricultural lessees of state or  
2 federal land who contract with the Arizona department of agriculture to  
3 implement conservation based management alternatives using livestock or crop  
4 production practices, or reduce livestock or crop production, to provide  
5 wildlife habitat or other public benefits that preserve open space and for  
6 administrative expenses as provided by this paragraph. The department shall  
7 administer the fund. On notice from the director of the department, the  
8 state treasurer shall invest and divest monies in the fund as provided by  
9 section 35-313, and monies earned from investment shall be credited to the  
10 fund. Monies in the fund are exempt from the provisions of section 35-190  
11 relating to lapsing of appropriations. For the purposes of granting monies  
12 from the fund pursuant to this paragraph, the department:

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

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

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

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

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

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

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

35 (h) Shall prepare a report of the disposition of monies appropriated  
36 to the fund each fiscal year and provide a copy of the report to the  
37 governor, to the Arizona state parks board and to any person who requests a  
38 copy.

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

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

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

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

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

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

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

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

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

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

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

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

4           3. The Arizona state parks board may adopt rules to establish  
5 qualifications of nonprofit organizations for purposes of applying for and  
6 receiving money granted.

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

11           I. The Arizona state parks board shall administer the land  
12 conservation fund. On notice from the board, the state treasurer shall  
13 invest and divest monies in either account in the fund as provided by section  
14 35-313, and monies earned from investments shall be credited to a separate  
15 administration account to pay the board's expenses of administering the land  
16 conservation and acquisition program under subsection G, paragraph 2 of this  
17 section, which shall not exceed five per cent of the amount deposited in the  
18 public conservation account in any fiscal year or five hundred thousand  
19 dollars, whichever is less. ~~Any unobligated amount remaining in the~~

20 ~~administration account at the end of the fiscal year shall be credited to the~~  
21 ~~public conservation account for purposes of subsection D of this section.~~

22 INVESTMENT EARNINGS IN EXCESS OF FIVE HUNDRED THOUSAND DOLLARS ARE  
23 APPROPRIATED TO THE ARIZONA STATE PARKS BOARD FOR THE PURPOSE OF OPERATING  
24 STATE PARKS.

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

29           Sec. 12. Section 45-2473, Arizona Revised Statutes, is amended to  
30 read:

31           45-2473. Arizona water banking authority; interstate water  
32 banking; accounting

33           A. For each year during which the Arizona water banking authority is  
34 owed or receives monies pursuant to an interstate water banking agreement  
35 with the state of Nevada, or any agency or political subdivision of the state  
36 of Nevada, including the southern Nevada water authority, the Arizona water  
37 banking authority shall provide a full report to the joint legislative budget  
38 committee that accounts for all of the monies received through the interstate

1 water banking agreement and shall account for all disbursements made with  
2 those monies, including monies used to purchase or store water or otherwise  
3 fulfill contractual obligations with the state of Nevada under that  
4 agreement. The Arizona water banking authority shall include in these  
5 reports any prepaid monies to the central Arizona project, any monies  
6 received under the agreement that are placed in an account with the state  
7 treasurer and any contract that obligates the Arizona water banking authority  
8 to pay or disburse these monies to any other entity, including the central  
9 Arizona project.

10 B. The Arizona water banking authority shall submit the report  
11 prescribed in subsection A **OF THIS SECTION** to the joint legislative budget  
12 committee on or before October 1 following the fiscal year for which the  
13 report is made. ~~The report submitted on or before October 1, 2006 shall~~  
14 ~~contain the information for both fiscal years 2004-2005 and 2005-2006.~~

15 C. **PURSUANT TO SECTION 35-115, THE BUDGET REQUEST FOR THE DEPARTMENT**  
16 **OF WATER RESOURCES SHALL INCLUDE A SEPARATE ACCOUNTING OF THE NEVADA**  
17 **INTERSTATE WATER BANKING SUBACCOUNT. THIS INFORMATION SHALL APPEAR IN THE**  
18 **SAME FORMAT AND DETAIL AS REQUIRED FOR THE ARIZONA WATER BANKING FUND.**

19 ~~C.~~ D. The Arizona water banking authority shall not spend, encumber,  
20 lend or in any other way use the monies received pursuant to the interstate  
21 water banking agreement except to pay the costs directly incurred in meeting  
22 the Arizona water banking authority's obligations pursuant to the agreement  
23 and section 45-2425.

24 Sec. 13. Laws 2009, first special session, chapter 3, section 5 is  
25 amended to read:

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

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

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

1 C. ANY MONIES TRANSFERRED FROM THE ARIZONA STATE PARKS BOARD HERITAGE  
2 FUND ESTABLISHED BY SECTION 41-502, ARIZONA REVISED STATUTES, TO THE FIRE  
3 SUPPRESSION REVOLVING FUND ESTABLISHED BY SECTION 37-623.02, ARIZONA REVISED  
4 STATUTES, THAT REMAIN UNOBLIGATED AT THE END OF FISCAL YEAR 2008-2009 REVERT  
5 TO THE ARIZONA STATE PARKS BOARD HERITAGE FUND.

6 Sec. 14. Transfer of monies; fire suppression; 2009-2010

7 A. Notwithstanding section 37-623.02, subsection D, paragraph 1,  
8 Arizona Revised Statutes, the sum of \$3,000,000 is transferred from the  
9 Arizona state parks board heritage fund established by section 41-502,  
10 Arizona Revised Statutes, to the fire suppression revolving fund established  
11 by section 37-623.02, Arizona Revised Statutes, on the effective date of this  
12 act.

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

17 C. Any monies transferred from the Arizona state parks board heritage  
18 fund established by section 41-502, Arizona Revised Statutes, to the fire  
19 suppression revolving fund established by section 37-623.02, Arizona Revised  
20 Statutes, that remain unobligated at the end of fiscal year 2009-2010 revert  
21 to the Arizona state parks board heritage fund.

22 Sec. 15. Arizona water protection fund; use

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

27 Sec. 16. Off-highway vehicle recreation fund; use

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

32 Sec. 17. Arizona state parks board; availability of monies

33 Notwithstanding section 41-511.11, Arizona Revised Statutes, or any  
34 other law, all state parks enhancement fund monies are available in fiscal  
35 year 2009-2010 for the operation of state parks as appropriated by the  
36 legislature in the general appropriations act or for capital needs as  
37 determined by the Arizona state parks board with the prior approval of the  
38 joint committee on capital review to acquire and develop real property and

1 improvements as state parks consistent with the purposes and objectives  
2 prescribed in section 41-511.03, Arizona Revised Statutes.

3 Sec. 18. Underground storage tank assurance account; transfer  
4 of monies; uses

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

11 Sec. 19. State land department; appropriation; reversion

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

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

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

21 Sec. 20. Sanitary districts; cities and towns; loan agreements

22 A. Notwithstanding section 48-2011.01, Arizona Revised Statutes,  
23 during fiscal year 2009-2010, a sanitary district with a population of less  
24 than fifty thousand persons may enter into a financial assistance loan  
25 repayment agreement with the water infrastructure financing authority without  
26 submitting the question of entering and performing the financial assistance  
27 loan repayment agreement to the qualified electors of the district if the  
28 agreement is financed with funding made available to the water infrastructure  
29 finance authority of Arizona under division A of title VII of the American  
30 recovery and reinvestment act of 2009.

31 B. Notwithstanding section 9-571, Arizona Revised Statutes, during  
32 fiscal year 2009-2010, a city or town of any size may enter into a financial  
33 assistance loan repayment agreement with the water infrastructure financing  
34 authority without submitting the question of entering and performing the  
35 financial assistance loan repayment agreement to the qualified electors of  
36 the city or town if the agreement is financed with funding made available to  
37 the water infrastructure finance authority of Arizona under division A of  
38 title VII of the American recovery and reinvestment act of 2009.



1           Sec. 21. Reporting; trust land management fund

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

8           Sec. 22. Conforming legislation

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

12 Amend title to conform

RUSSELL PEARCE

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