AN ACT

AMENDING SECTION 41-511.23, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO PUBLIC CONSERVATION MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Subject to the requirements of article IV, part 1, section 1, Constitution of Arizona, section 41-511.23, Arizona Revised Statutes, is amended to read:

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

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

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

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

C. The conservation acquisition board shall:

1. Solicit donations to the conservation donation account.
2. Consult with entities such as private land trusts, state land lessees, the state land department, the Arizona state parks board and others to identify conservation areas that are reclassified pursuant to section 37-312 and that are suitable for funding.
3. Recommend to the Arizona state parks board appropriate grants from the land conservation fund.

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

1. The conservation donation account consisting of monies received as donations. Donations to the account are subject to any lawful conditions the donor may prescribe, including any conditions on the use of the money or reversion to the donor. Monies in the account are exempt from the provisions of section 35-190 relating to lapsing of appropriations.
2. The public conservation account consisting of monies appropriated to the account from the state general fund and monies from any other designated source. In fiscal years 2000-2001 through 2010-2011 2012-2013, the sum of twenty million dollars is appropriated each fiscal year from the
state general fund to the public conservation account in the land
conservation fund for the purposes of this section. Monies in the account
are appropriated for the purposes of this section, and the Arizona state
parks board may spend monies in the account without further legislative
authorization. Each expenditure of monies from the public conservation
account for purposes listed under subsection G, paragraph 2 of this section
shall be matched by an equal expenditure of monies from the conservation
donation account or from other private or governmental sources.

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

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

G. Monies in the public conservation account, with matching monies
from the conservation donation account, are appropriated as follows:
1. A total of two million dollars each fiscal year to the livestock
and crop conservation fund. The fund is established for the purposes of this
paragraph. Monies in the fund are continuously appropriated to the Arizona
department of agriculture for the exclusive purpose of granting monies to
individual landowners and grazing and agricultural lessees of state or
federal land who contract with the Arizona department of agriculture to
implement conservation based management alternatives using livestock or crop
production practices, or reduce livestock or crop production, to provide
wildlife habitat or other public benefits that preserve open space and for
administrative expenses as provided by this paragraph. The department shall
administer the fund. On notice from the director of the department, the
state treasurer shall invest and divest monies in the fund as provided by
section 35-313, and monies earned from investment shall be credited to the
fund. Monies in the fund are exempt from the provisions of section 35-190
relating to lapsing of appropriations. For the purposes of granting monies
from the fund pursuant to this paragraph, the department:
   (a) Shall develop guidelines and criteria for implementation of this
   program that shall include requiring as part of the application a letter
describing the intended use for the grant money.
   (b) Shall give priority to lessees of state or federal land who reduce
livestock production to provide public benefits such as wildlife species
conservation or wildlife habitat.
   (c) Shall not grant more than fifty per cent of the monies in the fund
with respect to land in one county in any fiscal year.
(d) Is exempt from chapter 6 of this title with respect to adopting rules, except that the department shall provide for public notice and sixty days for public comment on the annual grant guidelines and criteria, including public hearings.

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

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

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

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

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

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

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

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

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

(iii) The purchase of the development rights shall not result in cancellation or modification of the current lease.
(iv) The purchase of the development rights shall not affect the existing lessee’s current economic use of the land and rights pursuant to title 37, chapter 2, article 4.2.

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

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

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

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

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

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

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

I. The Arizona state parks board shall administer the land conservation fund. On notice from the board, the state treasurer shall invest and divest monies in either account in the fund as provided by section 35-313, and monies earned from investments shall be credited to a separate administration account to pay the board’s expenses of administering the land conservation and acquisition program under subsection G, paragraph 2 of this section, which shall not exceed five per cent of the amount deposited in the public conservation account in any fiscal year or five hundred thousand dollars, whichever is less. Investment earnings in excess of five hundred thousand dollars are appropriated to the Arizona state parks board for the purpose of operating state parks.

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

Sec. 2. Transfer of monies; appropriation; land conservation fund

Subject to the requirements of article IV, part 1, section 1, Constitution of Arizona, notwithstanding section 41-511.23, subsection D, paragraph 2 and subsection G, paragraphs 1 and 2, Arizona Revised Statutes, the following amounts are transferred or appropriated from the fiscal year 2008-2009 and 2009-2010 appropriations for the public conservation account of the land conservation fund as follows:
1. The sum of $35,000,000 is transferred in fiscal year 2009-2010 to the Arizona state parks board for operations, maintenance and capital development.

2. In addition to any other appropriation, the sum of $4,000,000 is appropriated in fiscal year 2009-2010 to the Arizona historical society for the operations and maintenance of the major museums maintained by the Arizona historical society.

3. In addition to any other appropriation, the sum of $1,000,000 is appropriated in fiscal year 2009-2010 to the Prescott historical society of Arizona for operations and maintenance.

Sec. 3. Requirements for enactment; three-fourths vote

Pursuant to article IV, part 1, section 1, Constitution of Arizona, section 41-511.23, Arizona Revised Statutes, as amended by this act, and section 2 of this act, relating to transfer and appropriation of monies, are effective only on the affirmative vote of at least three-fourths of the members of each house of the legislature.

Sec. 4. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.