

REFERENCE TITLE: government land; restoring private land

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1319

Introduced by
Senator Griffin; Representatives Gowan, Judd; Senators Allen, Antenori,
Gould, Melvin, Pierce S, Shooter, Yarbrough

AN ACT

AMENDING TITLE 37, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2;
RELATING TO PUBLIC AND PRIVATE LANDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 37, chapter 4, Arizona Revised Statutes, is amended
3 by adding article 2, to read:

4 ARTICLE 2. PRIVATE LANDS PRESERVATION

5 37-821. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "AGENCY OR INSTRUMENTALITY" MEANS ANY DEPARTMENT, COMMISSION,
8 BOARD, INSTITUTION OR OTHER BUDGETARY UNIT OF GOVERNMENT.

9 2. "GOVERNMENT PURCHASER" INCLUDES ANY AGENCY OR INSTRUMENTALITY OF
10 THIS STATE, A COUNTY, CITY, CHARTER CITY OR TOWN.

11 37-822. Finding of statewide concern; preemption of city
12 charter

13 THE OWNERSHIP OF REAL PROPERTY BY GOVERNMENT ENTITIES, WHICH CAUSES THE
14 REMOVAL OF REAL PROPERTY FROM THE TAX ROLLS THEREBY REDUCING THE TAXING AND
15 BONDING CAPACITY OF ALL POLITICAL SUBDIVISIONS IN WHICH THE PROPERTY IS
16 LOCATED, IS AN ISSUE OF STATEWIDE CONCERN THAT REQUIRES REGULATION BY THIS
17 STATE, NOTWITHSTANDING ANY PROVISIONS OF A CITY CHARTER.

18 37-823. Requirements for government acquisition of private real
19 property

20 IF A GOVERNMENT PURCHASER PURCHASES, ACQUIRES AN OPTION TO PURCHASE OR
21 FILES AN ACTION TO CONDEMN PRIVATELY OWNED REAL PROPERTY, THE GOVERNMENT
22 PURCHASER SHALL DISPOSE OF REAL PROPERTY IT OWNS IN A MANNER CONSISTENT WITH
23 THE REQUIREMENTS AND CONDITIONS PRESCRIBED BY SECTION 37-824.

24 37-824. Disposition of public land on acquiring private land

25 A. IF ANY AGENCY OR INSTRUMENTALITY OF THIS STATE PURCHASES, ACQUIRES
26 AN OPTION TO PURCHASE OR FILES AN ACTION TO CONDEMN PRIVATELY OWNED REAL
27 PROPERTY, THE AGENCY OR INSTRUMENTALITY SHALL NOTIFY THE STATE LAND
28 COMMISSIONER OF THE LOCATION, ACREAGE AND VALUATION OF THE PROPERTY ACQUIRED
29 AND THE TERMS OF THE TRANSACTION.

30 B. IF A GOVERNMENT ACQUISITION OF PRIVATELY OWNED REAL PROPERTY WILL
31 RESULT IN A NET LOSS IN ANY COUNTY OF PRIVATELY OWNED REAL PROPERTY, AS
32 MEASURED BY APPRAISED VALUE, THE GOVERNMENT PURCHASER, AND IN THE CASE OF
33 THIS STATE, THE STATE LAND COMMISSIONER, SHALL DISPOSE OF LANDS OWNED BY THE
34 GOVERNMENT PURCHASER AS FOLLOWS:

35 1. THE REAL PROPERTY TO BE DISPOSED OF MUST BE LOCATED:

36 (a) WITHIN THE EXTERIOR BOUNDARIES OF THE GOVERNMENT PURCHASER.

37 (b) IN THE CASE OF THIS STATE, IN THE SAME COUNTY AS THE PRIVATE
38 PROPERTY BEING ACQUIRED.

39 2. THE REAL PROPERTY MAY BE DISPOSED OF IN ANY LAWFUL MANNER.

40 3. THE REAL PROPERTY TO BE DISPOSED OF MUST HAVE AN APPRAISED VALUE
41 EQUIVALENT TO THE PRIVATE PROPERTY BEING ACQUIRED.

42 4. THE REAL PROPERTY MAY BE CONVEYED TO ONE OR MORE PRIVATE PARTIES.

1 37-825. Requirements for voluntary conveyance of private land
2 to government ownership

3 A. A PRIVATE PARTY SHALL NOT VOLUNTARILY CONVEY REAL PROPERTY TO ANY
4 AGENCY OF THE UNITED STATES GOVERNMENT, AN INDIAN TRIBE, NATION, BAND OR
5 COMMUNITY, THIS STATE, A COUNTY, CITY, CHARTER CITY OR TOWN UNLESS, AS A
6 CONDITION OF THE CONVEYANCE, THE GOVERNMENT AGENCY, INSTRUMENTALITY, TRIBE,
7 NATION, BAND OR COMMUNITY OR OTHER GOVERNMENT PURCHASER AGREES IN WRITING TO
8 CONVEY REAL PROPERTY TO ONE OR MORE PRIVATE PARTIES AS REQUIRED BY SECTION
9 37-823.

10 B. A CONVEYANCE OF REAL PROPERTY IN VIOLATION OF THIS SECTION IS VOID.
11 THE COUNTY RECORDER SHALL REFUSE TO RECORD ANY SUCH CONVEYANCE, AND THE
12 COUNTY ASSESSOR SHALL NOT CHANGE THE OWNERSHIP OF THE PROPERTY FOR THE
13 PURPOSES OF THE TAX ROLL.

14 C. THIS STATE AND THE COUNTY IN WHICH THE CONVEYED PROPERTY IS LOCATED
15 ARE REAL PARTIES IN INTEREST AND EITHER MAY TAKE LEGAL ACTION TO ENFORCE THE
16 AGREEMENT TO CONVEY GOVERNMENT PROPERTY. COVENANTS AND CONDITIONS RUNNING
17 WITH THE PROPERTY ARE EVIDENCE OF THE PURPOSE FOR WHICH THE PROPERTY IS
18 CONVEYED.