

REFERENCE TITLE: eminent domain on federal property.

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

## **SB 1546**

Introduced by  
Senator Melvin

AN ACT

AMENDING TITLE 12, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-1114.01; RELATING TO EMINENT DOMAIN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 12, chapter 8, article 2, Arizona Revised Statutes,  
3 is amended by adding section 12-1114.01, to read:

4 12-1114.01. Property of the United States subject to  
5 condemnation; duty of attorney general to file  
6 action

7 A. PROPERTY THAT MAY BE TAKEN UNDER THIS ARTICLE INCLUDES PROPERTY  
8 POSSESSED BY THE UNITED STATES GOVERNMENT UNLESS THE PROPERTY WAS ACQUIRED BY  
9 THE FEDERAL GOVERNMENT WITH THE CONSENT OF THE LEGISLATURE PURSUANT TO  
10 ARTICLE I, SECTION 8, CLAUSE 17, CONSTITUTION OF THE UNITED STATES.

11 B. THIS STATE SHALL BE THE PLAINTIFF DESCRIBED IN THIS ARTICLE IN AN  
12 ACTION TO CONDEMN PROPERTY DESCRIBED IN SUBSECTION A.

13 C. THE ATTORNEY GENERAL SHALL FILE EMINENT DOMAIN ACTIONS ON PROPERTY  
14 POSSESSED BY THE UNITED STATES GOVERNMENT DESCRIBED IN SUBSECTION A:

15 1. THAT FACILITATE THIS STATE'S ABILITY TO MANAGE, OR PROVIDE ACCESS  
16 TO, OR INCREASE THE PROFITABILITY OF, THE LANDS OWNED OR HELD IN TRUST BY  
17 THIS STATE FOR THE BENEFIT OF PUBLIC SCHOOLS AND OTHER INSTITUTIONS OF THIS  
18 STATE CONSISTENT WITH THIS STATE'S FIDUCIARY RESPONSIBILITIES TOWARD THE  
19 BENEFICIARIES OF THE TRUST LANDS.

20 2. FOR A PUBLIC USE THAT INCREASES THE ABILITY OF THIS STATE TO  
21 GENERATE REVENUE.