

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 26**  
**HOUSE BILL 2009**

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  
6 established through June 30, ~~2020~~ 2024 as a separate agency and  
7 independent of the state land department. The commission consists of five  
8 persons, not more than three of whom are from the same political party,  
9 who are appointed by the governor pursuant to section 38-211. The terms  
10 of office of members of the commission end on July 1, ~~2020~~ 2024. Persons  
11 who are appointed to the commission must be well-informed on issues  
12 relating to rivers and streams in this state. The commission shall select  
13 a presiding officer from among its members.

14 B. Members of the commission are public officers for THE purposes  
15 of title 38, chapter 3, article 8 and title 38, chapter 3.1. A person who  
16 has advocated for or expressed a desire that a watercourse in this state  
17 be determined to have been navigable or nonnavigable may not serve as a  
18 commission member. A commission member who is a witness, gives evidence  
19 or makes statements of personal knowledge of the characteristics of  
20 navigability of a watercourse for the commission's consideration shall not  
21 participate as a commission member in proceedings relating to that  
22 watercourse. A 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  
28 from a person who claims an ownership or possessory interest in lands  
29 affected by this chapter or from a person who obtains a significant  
30 portion of income from such lands ~~nor~~ OR SHALL NOT have been employed by  
31 such persons within two years before, ~~or~~ or be employed by such persons  
32 within two years after, ~~the~~ the commission 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  
35 from legislative appropriations as may be necessary ~~to permit~~ FOR the  
36 commission to fulfill its responsibilities. All unexpended and  
37 unencumbered monies appropriated to the commission revert to the state  
38 general fund on July 1, ~~2020~~ 2024.

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

1 E. Members are eligible to receive compensation pursuant to section  
2 38-611 for service on the commission, unless a member who is otherwise  
3 employed as a public officer is prohibited from receiving additional  
4 compensation.

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

13 G. ~~In the event of~~ IF a vacancy OCCURS on the commission, the  
14 governor may appoint a replacement member pursuant to section 38-211.

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

17 I. For the purposes of subsection B of this section, "significant  
18 portion of income" means ten percent or more of gross personal income for  
19 a calendar year.

APPROVED BY THE GOVERNOR MARCH 22, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 2019.