

House Engrossed  
state lands; lease provisions

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HOUSE BILL 2334

AN ACT

AMENDING TITLE 37, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 37-292; RELATING TO LEASE OF STATE 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 2, article 4, Arizona Revised  
3 Statutes, is amended by adding section 37-292, to read:  
4 37-292. Prohibited lease provisions; tender defense;  
5 indemnity; liability for injury  
6 A. LEASES OF STATE LANDS ENTERED INTO PURSUANT TO THIS CHAPTER THAT  
7 PROVIDE CONTINUED PUBLIC ACCESS TO THE LEASED LANDS MAY NOT CONTAIN  
8 PROVISIONS THAT DO ANY OF THE FOLLOWING:  
9 1. TENDER DEFENSE OF EITHER OF THE FOLLOWING:  
10 (a) A CLAIM OR CAUSE OF ACTION BASED ON AN INJURY TO A PERSON WHO  
11 IS ON OR USING STATE LANDS AND TO WHOM PERMISSION TO BE ON OR USE STATE  
12 LANDS HAS BEEN GRANTED BY THIS STATE OR ANY AGENCY OF THIS STATE,  
13 INCLUDING PERMISSION TO BE ON OR USE STATE LANDS AS A CONTRACTED THIRD  
14 PARTY.  
15 (b) A CLAIM OR CAUSE OF ACTION ARISING UNDER STATE OR FEDERAL  
16 ENVIRONMENTAL LAWS.  
17 2. REQUIRE INDEMNIFICATION IN ANY FORM, INCLUDING FOR DAMAGES,  
18 PENALTIES, COSTS, CHARGES AND EXPENSES AND ATTORNEY FEES AND COSTS FROM A  
19 LESSEE OR THE LESSEE'S EMPLOYEES OR AGENTS.  
20 3. OTHERWISE ASSIGN LIABILITY TO A LESSEE FOR THE CLAIMS OR CAUSES  
21 OF ACTION PRESCRIBED IN PARAGRAPHS 1 AND 2 OF THIS SUBSECTION.  
22 B. LIABILITY FOR AN INJURY TO A PERSON WHO IS ON OR USING STATE  
23 LANDS AND TO WHOM PERMISSION TO BE ON OR USE STATE LANDS HAS BEEN GRANTED  
24 BY THIS STATE OR ANY AGENCY OF THIS STATE, INCLUDING PERMISSION TO BE ON  
25 OR USE STATE LANDS AS A CONTRACTED THIRD PARTY, SHALL BE DETERMINED  
26 PURSUANT TO SECTION 33-1551 OR THE APPLICABLE STATE OR FEDERAL LAW.