

House Engrossed Senate Bill

state land auctions; electronic means

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1079

AN ACT

AMENDING SECTIONS 37-236, 37-237 AND 37-238, ARIZONA REVISED STATUTES;
RELATING TO THE SALE 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. Section 37-236, Arizona Revised Statutes, is amended to
3 read:

4 37-236. Order by department of sale of lands; sale at
5 auction; electronic means; cancellation of sale;
6 appeal; exception

7 A. ~~Upon~~ ON completion of the appraisal, if the department
8 determines that the interests of ~~the~~ THIS state will not be prejudiced by
9 sale of the land, or when application for purchase was made by the lessee
10 of agricultural land entitled to compensation for improvements on the land
11 appraised, within sixty days after the time for taking an appeal expires
12 and no appeal is taken, or if an appeal is taken and the decision is
13 against appellant, within sixty days after the decision is received, the
14 department shall order the sale of the lands to the highest and best
15 bidder ~~therefor~~ at public auction held at the county seat of the county
16 ~~wherein~~ IN WHICH the land or the major portion ~~thereof~~ OF THE LAND is
17 located, and the department shall give notice of the sale by
18 advertisement.

19 B. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY ACCEPT BIDS
20 OFFERED THROUGH ELECTRONIC MEANS DURING A PUBLIC AUCTION. IF THE
21 DEPARTMENT ACCEPTS BIDS OFFERED THROUGH ELECTRONIC MEANS, THE DEPARTMENT
22 IS NOT LIABLE FOR EITHER:

23 1. THE FAILURE OF A PERSON'S ELECTRONIC MEANS THAT PREVENTS THE
24 PERSON FROM PARTICIPATING IN THE AUCTION.

25 2. THE FAILURE OF THE ELECTRONIC MEANS THE DEPARTMENT OPERATES THAT
26 IS CAUSED BY AN ACT OF GOD OR OF NATURE, A SUPERIOR OR OVERPOWERING FORCE
27 OR AN EVENT OR EFFECT THAT CANNOT BE REASONABLY ANTICIPATED OR CONTROLLED
28 DURING OR DIRECTLY PRECEDING THE PUBLIC AUCTION THAT PREVENTS A PERSON
29 FROM PARTICIPATING IN THE PUBLIC AUCTION.

30 ~~B. C.~~ C. If the commissioner receives information ~~which~~ THAT
31 indicates a change in the circumstances regarding the benefits to the
32 trust but ~~prior to~~ BEFORE the acceptance of a final bid at the public
33 auction, the commissioner may cancel the sale proceedings.

34 ~~C. D.~~ D. A person adversely affected by a decision to terminate a
35 sale pursuant to subsection ~~B. C~~ of this section may appeal such decision
36 to the board of appeals pursuant to section 37-215, EXCEPT A PERSON MAY
37 NOT FILE AN APPEAL ON THE BASIS OF AN ELECTRONIC MEANS FAILURE FOR WHICH
38 THE DEPARTMENT IS NOT LIABLE AS PRESCRIBED IN SUBSECTION B OF THIS
39 SECTION.

40 Sec. 2. Section 37-237, Arizona Revised Statutes, is amended to
41 read:

42 37-237. Notice required for sale of lands or lands and
43 improvements; publication; electronic means

44 Notice of sales of state lands shall be by advertisement, stating
45 the time, place and terms of the sale and a full description of the

1 land. The notice shall be published once each week for not less than ten
2 successive weeks in a newspaper of general circulation published regularly
3 at the state capital, and in a newspaper of like circulation regularly
4 published nearest the location of the lands to be sold. If the notice is
5 for the sale of lands and improvements, the advertisement shall also state
6 the appraised value of the improvements, the name of the owner thereof and
7 the terms ~~अपण~~ ON which compensation therefor shall be made. IF THE
8 DEPARTMENT ACCEPTS BIDS THROUGH ELECTRONIC MEANS, THE DEPARTMENT SHALL
9 INCLUDE IN THE NOTICE A LINK OR OTHER INSTRUCTIONS TO ACCESS THE
10 ELECTRONIC MEANS THROUGH WHICH A PERSON CAN OFFER BIDS DURING THE PUBLIC
11 AUCTION.

12 Sec. 3. Section 37-238, Arizona Revised Statutes, is amended to
13 read:

14 37-238. Procedure for sale; report of sale; posting

15 A. A representative of the state land department shall attend at
16 the time and place fixed for the sale and proceed by first announcing
17 information relevant to the sale sufficient, in the representative's
18 judgment, to begin the bidding process, then calling for bids and selling
19 the lands for the highest and best bid.

20 B. THE DEPARTMENT SHALL ADOPT RULES TO PRESCRIBE THE PROCEDURE,
21 METHOD AND MEANS FOR THE SALE OF STATE LANDS PURSUANT TO THIS CHAPTER,
22 INCLUDING RULES FOR THE FOLLOWING:

- 23 1. THE SALE OF STATE LANDS THROUGH ELECTRONIC MEANS.
- 24 2. A REQUIREMENT THAT ANY LOCATION WHERE STATE LANDS ARE AUCTIONED
25 ONLINE INCLUDES INTERNET ACCESS.
- 26 3. A METHOD FOR PERSONS TO PROVE THE PERSON HAS SUFFICIENT MONIES
27 TO BID FOR A PARCEL BEFORE A PUBLIC AUCTION.
- 28 4. REASONABLE QUALIFICATIONS AND PROCEDURES TO ENSURE A PERSON IS
29 LEGALLY ELIGIBLE TO BID.

30 ~~B.~~ C. The department shall prepare a written report of the sale
31 AND POST THE REPORT ON THE DEPARTMENT'S WEBSITE.

32 ~~C.~~ D. The sale may be adjourned from day to day, or the department
33 may dissolve the sale and readvertise the lands.

34 Sec. 4. Applicability

35 The state land department may conduct online auctions for the sale
36 of state lands only after rules are adopted pursuant to this act.