

PROPOSED
SENATE AMENDMENTS TO S.B. 1278
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 37-101, Arizona Revised Statutes, is amended to
3 read:

4 37-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Agricultural lands" means lands ~~which~~ THAT are used or can be
7 used principally for:

8 (a) Raising crops, fruits, grains and similar farm products.

9 (b) Algaculture. For the purposes of this subdivision "algaculture"
10 means the controlled propagation, growth and harvest of algae.

11 2. "Amortized value" means the value for improvements established
12 pursuant to section 37-281.02, subsection G.

13 3. "Commercial lands" means lands ~~which~~ THAT can be used principally
14 for business, institutional, religious, charitable, governmental or
15 recreational purposes, or any general purpose other than agricultural,
16 grazing, mining, oil, homesite or rights-of-way.

17 4. "Commissioner" means the state land commissioner.

18 5. "Community identity package" means a design theme including such
19 elements as architecture, landscape, lighting, street furniture, walls and
20 signage.

21 6. "Department" means the state land department.

22 7. "Grazing lands" means lands ~~which~~ THAT can be used only for the
23 ranging of livestock.

1 8. "Holding lease" means a commercial lease issued solely to grant a
2 limited use leasehold interest in state land in anticipation of future
3 development.

4 9. "Homesite lands" means lands ~~which~~ THAT are suitable for
5 residential purposes.

6 10. "Improvements" means anything permanent in character ~~which~~ THAT
7 is the result of labor or capital expended by the lessee or ~~his~~ THE
8 LESSEE'S predecessors in interest on state land in its reclamation or
9 development, and the appropriation of water ~~thereon~~ ON THE STATE LAND, and
10 ~~which~~ THAT has enhanced the value of the land.

11 11. "Infrastructure" means facilities or amenities, such as streets,
12 utilities, landscaping and open space, ~~which~~ THAT are constructed or
13 located on state lands and ~~which~~ THAT are intended to benefit more than the
14 land on which they are immediately located by enhancing the development
15 potential and value of the state lands impacted by the facility or
16 amenities.

17 12. "Leapfrog development" means the development of lands in a
18 manner requiring the extension of public facilities and services from their
19 existing terminal point through intervening undeveloped areas that are
20 scheduled for development at a later time, according to the plans of the
21 local governing body having jurisdiction for the area and ~~which~~ THAT is
22 responsible for the provision of these facilities and services.

23 13. "Leased school or university land" means school or university
24 land for which a lease has been issued by ~~the~~ THIS state, or the territory
25 of Arizona, under which the lessee retains rights.

26 14. "Master developer" means a person who assumes, as a condition of
27 a land disposition, the responsibilities prescribed by the department for
28 infrastructure or community identity package amenities, or both, or for
29 implementing a development plan containing a master plan area.

30 15. "Participation contract" means a contract arising out of a sale
31 together with other rights and obligations in trust lands whereby the

1 department receives a share of the revenues generated by subsequent sales
2 or leases.

3 16. "Section of land" means an area of land consisting of six
4 hundred forty acres.

5 17. "State lands":

6 (a) Means any land owned or held in trust, or otherwise, by ~~the~~ THIS
7 state, including leased school or university land.

8 (b) DOES NOT INCLUDE LANDS THAT ARE NOT HELD IN TRUST AND THAT ARE
9 ACQUIRED AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION.

10 18. "Sublease" means an agreement in which the lessee relinquishes
11 control of the leased land to another party for the purposes authorized in
12 the lease.

13 19. "Urban lands" means any state lands ~~which~~ THAT are adjoining
14 existing commercially or homesite developed lands and ~~which~~ THAT are
15 either:

16 (a) Within the corporate boundaries of a city or town.

17 (b) Adjacent to the corporate boundaries of a city or town.

18 (c) Lands for which the designation as urban lands is requested
19 pursuant to section 37-331.01.

20 20. "Urban sprawl" means the development of lands in a manner
21 requiring the extension of public facilities and services on the periphery
22 of an existing urbanized area where such extension is not provided for in
23 the existing plans of the local governing body having the responsibility
24 for the provision of these facilities and services to the lands in
25 question.

26 Sec. 2. Title 41, chapter 4, Arizona Revised Statutes, is amended by
27 adding article 8, to read:

28 ARTICLE 8. DEPARTMENT OF NATURAL RESOURCES

29 41-811. Definitions

30 FOR THE PURPOSES OF THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE
31 REQUIRES:

1 1. "COMMISSION" MEANS THE COMMISSION ON NATURAL RESOURCES
2 ESTABLISHED PURSUANT TO SECTION 41-812.

3 2. "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

4 3. "DIRECTOR" MEANS THE EXECUTIVE OFFICER OF THE DEPARTMENT OF
5 NATURAL RESOURCES WHO IS APPOINTED BY THE COMMISSION PURSUANT TO
6 SECTION 41-812.

7 4. "STATE LANDS":

8 (a) MEANS ALL LANDS THAT ARE OWNED BY THIS STATE THAT ARE NOT STATE
9 TRUST LANDS AND THAT ARE ACQUIRED AFTER THE EFFECTIVE DATE OF THIS SECTION.

10 (b) DOES NOT INCLUDE LANDS ACQUIRED BY:

11 (i) A UNIVERSITY UNDER THE ARIZONA BOARD OF REGENTS.

12 (ii) THE DEPARTMENT OF TRANSPORTATION.

13 41-812. Commission on natural resources; appointment; removal;

14 meetings

15 A. THE LAWS OF THIS STATE RELATING TO NATURAL RESOURCES SHALL BE
16 ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES. CONTROL OF THE
17 DEPARTMENT IS VESTED IN THE COMMISSION ON NATURAL RESOURCES. THE COMMISSION
18 IS ESTABLISHED AND SHALL APPOINT A DIRECTOR TO ASSIST IN FULFILLING THE
19 PURPOSES OF THIS ARTICLE. THE COMMISSION SHALL CONSIST OF FIVE MEMBERS
20 APPOINTED AS PROVIDED IN SUBSECTION B OF THIS SECTION. APPOINTMENTS SHALL
21 BE FOR A TERM OF FIVE YEARS AND EXPIRE ON THE THIRD MONDAY IN JANUARY OF
22 THE APPROPRIATE YEAR.

23 B. THE COMMISSION SHALL CONSIST OF THE FOLLOWING MEMBERS:

24 1. TWO MEMBERS WHO ARE APPOINTED BY THE GOVERNOR FROM A LIST OF SIX
25 NAMES THE PRESIDENT OF THE SENATE PROVIDES TO THE GOVERNOR.

26 2. TWO MEMBERS WHO ARE APPOINTED BY THE GOVERNOR FROM A LIST OF SIX
27 NAMES THE SPEAKER OF THE HOUSE OF REPRESENTATIVES PROVIDES TO THE GOVERNOR.

28 3. ONE MEMBER WHO IS APPOINTED BY THE GOVERNOR.

29 C. THE GOVERNOR, AFTER PUBLIC HEARING, MAY REMOVE A MEMBER FOR
30 INEFFICIENCY, NEGLECT OF DUTY OR MISCONDUCT IN OFFICE. ON REMOVAL OF A
31 MEMBER, THE GOVERNOR SHALL FILE IN THE OFFICE OF THE SECRETARY OF STATE A

1 COMPLETE STATEMENT OF ALL CHARGES MADE AGAINST THE MEMBER AND THE FINDINGS
2 ON THOSE CHARGES, TOGETHER WITH A COMPLETE RECORD OF THE PROCEEDINGS.

3 D. EACH MEMBER OF THE COMMISSION, WHILE ATTENDING GENERAL OR
4 SPECIFIC MEETINGS OF THE COMMISSION OR WHILE PERFORMING OFFICIAL DUTIES FOR
5 THE COMMISSION, SHALL RECEIVE COMPENSATION AS DETERMINED PURSUANT TO
6 SECTION 38-611. A COMMISSION MEMBER WHO IS OTHERWISE EMPLOYED AS A PUBLIC
7 OFFICER MAY NOT RECEIVE SUCH PAYMENT IF IT IS PROHIBITED BY LAW.
8 COMPENSATION AND EXPENSES SHALL BE PAID FROM THE STATE GENERAL FUND.

9 E. THE COMMISSION SHALL HAVE ITS PRINCIPAL OFFICE AT THE STATE
10 CAPITOL BUT MEETINGS MAY BE HELD AT ANY TIME OR PLACE WITHIN THIS STATE.
11 THE COMMISSION SHALL MEET AT LEAST ONCE QUARTERLY. MEETINGS MAY BE HELD AT
12 THE CALL OF THE CHAIRPERSON OR MAJORITY OF THE COMMISSION. A MAJORITY OF
13 THE COMMISSION SHALL CONSTITUTE A QUORUM TO TRANSACT BUSINESS.

14 41-813. Department of natural resources: establishment: land
15 acquisition and management: powers and duties:
16 definition

17 A. THE DEPARTMENT OF NATURAL RESOURCES IS ESTABLISHED.

18 B. NOTWITHSTANDING ANY OTHER LAW, INCLUDING SECTIONS 37-104 AND
19 37-203, THE DEPARTMENT SHALL OVERSEE THE ACQUISITION AND MANAGEMENT OF ALL
20 STATE LANDS. THE DEPARTMENT MAY HOLD OR CONVEY STATE LANDS AS OTHERWISE
21 PROVIDED BY THE LAWS OF THIS STATE. THE DEPARTMENT MAY OPEN STATE LANDS FOR
22 RECREATION, AGRICULTURE, RESOURCE EXTRACTION OR FOR OTHER PURPOSES AS
23 DETERMINED BY THE DEPARTMENT.

24 C. THE DEPARTMENT SHALL HAVE THE RIGHT OF FIRST REFUSAL TO PURCHASE
25 PRIVATE REAL PROPERTY THAT THE FEDERAL GOVERNMENT IS CONTRACTING TO ACQUIRE
26 THROUGH A SALE, GIFT OR GRANT OR ANY OTHER TRANSFER OF AN OWNERSHIP
27 INTEREST. ANY PRIVATE REAL PROPERTY OWNER THAT RECEIVES A PROPOSED
28 CONTRACT OR HAS REAL PROPERTY UNDER CONTRACT PURSUANT TO THIS SUBSECTION
29 SHALL FORWARD THE CONTRACT OR PROPOSED CONTRACT TO THE DEPARTMENT. IF THE
30 DEPARTMENT CHOOSES NOT TO EXERCISE THE RIGHT OF FIRST REFUSAL, THE RIGHT IS
31 PERMANENTLY EXTINGUISHED FOR THE PRIVATE REAL PROPERTY. IF THE
32 DEPARTMENT'S RIGHT OF FIRST REFUSAL IS EXTINGUISHED, THE PRIVATE REAL

1 PROPERTY OWNER IS EXEMPT FROM THE REQUIREMENT TO PROVIDE NOTICE TO THE
2 DEPARTMENT AS OTHERWISE PROVIDED BY THIS SUBSECTION.

3 D. NOTWITHSTANDING ANY OTHER LAW, THE DIRECTOR MAY ISSUE, DENY OR
4 MODIFY ANY PERMIT OR PERMITTING DECISION MADE BY AN AGENCY OF THIS STATE
5 REGARDING THE EXTRACTION OF NATURAL RESOURCES.

6 E. FOR THE PURPOSES OF THIS SECTION, "AGENCY" HAS THE SAME MEANING
7 PRESCRIBED IN SECTION 41-1001."

8 Amend title to conform

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C: CT