

REFERENCE TITLE: county land commissioner; state lands

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2913

Introduced by
Representatives Biasiucci: Carter P, Diaz, Gillette, Lopez, Marshall,
Martinez, Way, Wilmeth

AN ACT

AMENDING SECTIONS 11-401, 11-404 AND 11-419, ARIZONA REVISED STATUTES;
AMENDING TITLE 11, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
8; AMENDING SECTIONS 37-101 AND 37-131, ARIZONA REVISED STATUTES; RELATING
TO 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 11-401, Arizona Revised Statutes, is amended to
3 read:

4 11-401. Enumeration of officers

5 A. The officers of the county are:

- 6 1. Sheriff.
- 7 2. Recorder.
- 8 3. Treasurer.
- 9 4. School superintendent.
- 10 5. County attorney.
- 11 6. Assessor.
- 12 7. Supervisors.
- 13 8. Clerk of the board of supervisors.
- 14 9. Tax collector.

15 10. LAND COMMISSIONER.

16 B. The county treasurer shall be ex officio tax collector.

17 Sec. 2. Section 11-404, Arizona Revised Statutes, is amended to
18 read:

19 11-404. Residence of county officers

20 The following officers shall reside within the county:

- 21 1. Judge of the superior court.
- 22 2. Treasurer and ex officio tax collector.
- 23 3. Clerk of the board of supervisors.
- 24 4. Sheriff.
- 25 5. Assessor.
- 26 6. County attorney.
- 27 7. Recorder.
- 28 8. School superintendent.
- 29 9. Public defender.

30 10. LAND COMMISSIONER.

31 Sec. 3. Section 11-419, Arizona Revised Statutes, is amended to
32 read:

33 11-419. County salaries

34 A. In counties having a population of five hundred thousand or more
35 persons, the following annual salaries shall be paid to county officers:

	Annual Salary Through December 31, 2024	Annual Salary Beginning January 1, 2025
<u>Officer</u>		
Attorney	\$123,678	\$143,678
Assessor	76,600	96,600
<u>LAND COMMISSIONER</u>		<u>96,600</u>
Recorder	76,600	96,600
Sheriff	100,824	120,824
Superintendent of schools	76,600	96,600

1 Supervisor 76,600 96,600
 2 Treasurer 76,600 96,600
 3 B. In counties having a population of less than five hundred
 4 thousand persons, the following annual salaries shall be paid to county
 5 officers:

	Annual Salary Through December 31, 2024	Annual Salary Beginning January 1, 2025
6 Officer		
7 Attorney	\$123,678	\$143,678
8 Assessor	63,800	83,800
9 LAND COMMISSIONER		83,800
10 Recorder	63,800	83,800
11 Sheriff	100,824	120,824
12 Superintendent		
13 of schools	63,800	83,800
14 Supervisor	63,800	83,800
15 Treasurer	63,800	83,800

16 C. Each of the officers named in subsections A and B of this
 17 section, other than the board of supervisors and the county attorney, may
 18 appoint a chief deputy who shall receive an annual salary agreed on by the
 19 board of supervisors and the officer appointing the deputy.

20 D. The county attorney shall devote full time to the county
 21 attorney's official duties and shall not engage in the private practice of
 22 law. The county attorney shall appoint a chief deputy who shall receive
 23 an annual salary agreed on by the board of supervisors and the officer
 24 appointing the chief deputy.

25 E. In any county included under subsection B of this section, a
 26 chief deputy county attorney shall not be appointed unless authorized by
 27 the board of supervisors who may authorize or prohibit the chief deputy
 28 from engaging in the private practice of law. The annual salary of the
 29 chief deputy shall be in an amount agreed on by the county attorney and
 30 the board of supervisors.

31 F. In case of a vacancy in office of any elected county officer
 32 included in subsections A and B of this section, the salary of the person
 33 appointed to fill such vacancy shall be the same for the balance of the
 34 unexpired term as that being paid the previous officeholder.

35 G. THE LEGISLATURE SHALL APPROPRIATE MONIES EACH FISCAL YEAR FROM
 36 THE STATE GENERAL FUND TO EACH COUNTY TO PAY THE SALARY OF THE COUNTY LAND
 37 COMMISSIONER PURSUANT TO SUBSECTIONS A AND B OF THIS SECTION.

38 Sec. 4. Title 11, chapter 3, Arizona Revised Statutes, is amended
 39 by adding article 8, to read:

40 ARTICLE 8. COUNTY LAND COMMISSIONER

41 11-551. Duties; definition

42 A. THE COUNTY LAND COMMISSIONER IS THE MANAGER OF STATE LANDS IN
 43 THE COUNTY.

B. NOTWITHSTANDING ANY OTHER LAW, THE COUNTY LAND COMMISSIONER SHALL DETERMINE ALL OF THE FOLLOWING FOR STATE LANDS IN THE COUNTY:

1. WHETHER TO ISSUE A LEASE OR RENEW A LEASE AS PRESCRIBED IN TITLE 37.

2. WHETHER TO ISSUE A RIGHT-OF-WAY OR RENEW A RIGHT-OF-WAY AS PRESCRIBED IN TITLE 37.

3. WHETHER TO PLACE A PARCEL UP FOR PUBLIC AUCTION AS PRESCRIBED IN TITLE 37.

4. THE TERMS AND CONDITIONS OF ANY CONVEYANCE, INCLUDING THE DISPOSITION OF NATURAL PRODUCT.

5. HOW TO RESOLVE CONFLICTING INTERESTS BETWEEN CONFLICTING LAND USES.

6. THE HIGHEST AND BEST BID FOR, HIGHEST AND BEST USE FOR AND IN THE BEST INTEREST OF THE STATE LAND TRUST.

7. THE BEST MANAGEMENT PRACTICE FOR ANY PARCEL OR SUBSURFACE RIGHT.

8. THE MARKETING OR ZONING OF ANY PARCEL BEFORE PUBLIC AUCTION.

C. FOR THE PURPOSES OF THIS SECTION, "STATE LANDS" HAS THE SAME MEANING PRESCRIBED IN SECTION 37-101.

Sec. 5. Section 37-101, Arizona Revised Statutes, is amended to read:

37-101. Definitions

In this title, unless the context otherwise requires:

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

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

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

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

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

4. "COMMISSION" MEANS THE STATE LAND COMMISSION.

~~4.~~ 5. "Commissioner" means the ~~state land commissioner~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT.

~~5.~~ 6. "Community identity package" means a design theme including such elements as architecture, landscape, lighting, street furniture, walls and signage.

7. "COUNTY LAND COMMISSIONER" MEANS A MEMBER OF THE STATE LAND COMMISSION ESTABLISHED BY SECTION 37-131.

~~6.~~ 8. "Department" means the state land department.

~~7.~~ 9. "Grazing lands" means lands ~~which~~ THAT can be used only for the ranging of livestock.

~~8.~~ 10. "Holding lease" means a commercial lease issued solely to grant a limited use leasehold interest in state land in anticipation of future development.

~~9.~~ 11. "Homesite lands" means lands ~~which~~ THAT are suitable for residential purposes.

~~10.~~ 12. "Improvements" means anything permanent in character which is the result of labor or capital expended by the lessee or ~~his~~ THE LESSEE'S predecessors in interest on state land in its reclamation or development, and the appropriation of water ~~thereon~~, ON THAT STATE LAND and ~~which~~ THAT has enhanced the value of the land.

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

~~12.~~ 14. "Leapfrog development" means the development of lands in a manner requiring the extension of public facilities and services from their existing terminal point through intervening undeveloped areas that are scheduled for development at a later time, according to the plans of the local governing body having jurisdiction for the area and ~~which~~ THAT is responsible for the provision of these facilities and services.

~~13.~~ 15. "Leased school or university land" means school or university land for which a lease has been issued by ~~the~~ THIS state, or the territory of Arizona, under which the lessee retains rights.

~~14.~~ 16. "Master developer" means a person who assumes, as a condition of a land disposition, the responsibilities prescribed by the department for infrastructure or community identity package amenities, or both, or for implementing a development plan containing a master plan area.

~~15.~~ 17. "Participation contract" means a contract arising out of a sale together with other rights and obligations in trust lands whereby the department receives a share of the revenues generated by subsequent sales or leases.

~~16.~~ 18. "Section of land" means an area of land consisting of six hundred forty acres.

~~17.~~ 19. "State lands" means any land owned or held in trust, or otherwise, by ~~the~~ THIS state, including leased school or university land.

~~18.~~ 20. "Sublease" means an agreement in which the lessee relinquishes control of the leased land to another party for the purposes authorized in the lease.

~~19.~~ 21. "Urban lands" means any state lands ~~which~~ THAT are adjoining existing commercially or homesite developed lands and which are either:

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

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

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

4 ~~20.~~ 22. "Urban sprawl" means the development of lands in a manner
5 requiring the extension of public facilities and services on the periphery
6 of an existing urbanized area where such extension is not provided for in
7 the existing plans of the local governing body having the responsibility
8 for the provision of these facilities and services to the lands in
9 question.

10 Sec. 6. Section 37-131, Arizona Revised Statutes, is amended to
11 read:

12 37-131. State land commission; appointment; term;
13 compensation; executive director; duties

14 A. ~~There shall be a~~ THE state land ~~commissioner who~~ COMMISSION IS
15 ESTABLISHED CONSISTING OF THE COUNTY LAND COMMISSIONER FROM EACH COUNTY.
16 THE COMMISSIONER shall be the executive officer of the ~~state land~~
17 department.

18 B. ~~The~~ EACH COUNTY LAND commissioner shall be ~~appointed by the~~
19 ~~governor pursuant to section 38-211 and shall serve at the pleasure of the~~
20 ~~governor~~ ELECTED IN THE MANNER PRESCRIBED FOR COUNTY OFFICES PURSUANT TO
21 ARTICLE XII, CONSTITUTION OF ARIZONA.

22 C. ~~The~~ EACH COUNTY LAND commissioner shall receive compensation as
23 determined pursuant to section ~~38-611~~ 11-419.

24 D. COUNTY LAND COMMISSIONERS SHALL SERVE FOR THE SAME TERM AS THE
25 COUNTY OFFICERS PRESCRIBED IN ARTICLE XII, SECTION 3, CONSTITUTION OF
26 ARIZONA.

27 E. NOTWITHSTANDING ANY OTHER LAW, EACH COUNTY LAND COMMISSIONER
28 SHALL HAVE AUTHORITY OF STATE LANDS LOCATED IN THE COUNTY OF THE COUNTY
29 LAND COMMISSIONER.

30 F. THE COMMISSION SHALL:

31 1. HIRE AN EXECUTIVE DIRECTOR OF THE DEPARTMENT WHO SHALL BE
32 COMPENSATED PURSUANT TO SECTION 38-611 AND SHALL SERVE AT THE PLEASURE OF
33 THE COMMISSIONER.

34 2. DECIDE WHETHER TO INITIATE RULEMAKING PROCEDURES.

35 3. DECIDE WHETHER TO SEND A NOTICE OF PROPOSED RULEMAKING TO THE
36 SECRETARY OF STATE.

37 4. DECIDE WHETHER TO SEND A NOTICE OF SUPPLEMENTAL RULEMAKING TO
38 THE SECRETARY OF STATE.

39 5. DECIDE WHETHER TO SEND A NOTICE OF FINAL RULEMAKING TO THE
40 SECRETARY OF STATE.

41 6. DECIDE WHETHER TO ADOPT, AMEND OR RESCIND ANY SUBSTANTIVE POLICY
42 STATEMENT.

43 7. DECIDE WHETHER TO INITIATE LEGAL ACTION OR LITIGATION AGAINST AN
44 APPLICANT, LESSEE OR OTHER PARTY.

1 8. OVERSEE AND APPROVE, AT THE COMMISSION'S DISCRETION, THE
2 DEPARTMENT'S INTERACTIONS WITH THE FOLLOWING:

- 3 (a) THE GOVERNOR'S REGULATORY REVIEW COUNCIL.
4 (b) THE OFFICE OF ADMINISTRATIVE HEARINGS.
5 (c) THE LEGISLATURE.

6 9. ELECT A CHAIRPERSON AND VICE CHAIRPERSON, WHO SHALL SERVE AS THE
7 CHAIRPERSON IN THE CHAIRPERSON'S ABSENCE. THE CHAIRPERSON SHALL SET THE
8 AGENDA FOR EACH COMMISSION MEETING.

9 10. HOLD AT LEAST ONE PUBLIC MEETING EACH YEAR. THE CHAIRPERSON
10 MAY HOLD ADDITIONAL MEETINGS AS THE CHAIRPERSON DEEMS NECESSARY. A COUNTY
11 LAND COMMISSIONER MAY REQUEST THAT THE CHAIRPERSON CALL A PUBLIC MEETING
12 OR PLACE AN ITEM WITHIN THE PURVIEW OF THE COMMISSION ON THE NEXT PUBLIC
13 MEETING AGENDA.

14 G. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL:

- 15 1. MAINTAIN AUTHORITY OVER ALL STAFF OF THE DEPARTMENT.
16 2. KEEP MINUTES OF ANY COMMISSION MEETING.

17 3. FULFIL THE DIRECTIVES OF THE COMMISSION, INCLUDING ANY COUNTY
18 LAND COMMISSIONER'S DETERMINATION OF THE HIGHEST AND BEST USE OF STATE
19 LAND IN THE COUNTY LAND COMMISSIONER'S JURISDICTION. NOTWITHSTANDING ANY
20 OTHER LAW, THE EXECUTIVE DIRECTOR SHALL HAVE NO AUTHORITY TO DECIDE THE
21 HIGHEST AND BEST BID, HIGHEST AND BEST USE OF STATE LANDS OR WHAT IS IN
22 THE BEST INTEREST OF THE STATE LAND TRUST.

23 Sec. 7. Elections

24 The county recorder of each county shall facilitate the election of
25 a county land commissioner in the 2028 general election. The state land
26 commissioner may serve only until the state land commission is sworn into
27 office.

28 Sec. 8. Conforming legislation

29 The legislative council staff shall prepare proposed legislation
30 conforming the Arizona Revised Statutes to the provisions of this act for
31 consideration in the fifty-eighth legislature, first regular session.