



Bill Number: S.B. 1410

Nelson Floor Amendment

Reference to: printed bill

Amendment drafted by: Legislative Council – Dave Thomas

FLOOR AMENDMENT EXPLANATION

The Nelson Floor amendment will be offered as a substitute to the NRIPD Committee amendment and incorporates the provisions of the Committee amendment.

S.B. 1410, as amended in Committee:

Revises the procedure currently outlined in statute for trust land to be exchanged for land owned by other government entities. The purpose of the exchange must be related to either the proper management or protection of state lands; or to encourage compatible use of land near military facilities. The bill modifies the application process for the State Land Commissioner to review and evaluate proposed exchanges and requires appraisals, analyses, notice to the public and at least two public hearings.

Each proposed exchange requires voter approval at the next regular general election.

As a substitute to the NRIPD amendment, the Nelson Floor adds the following provisions:

Eliminates the State Trust Land Review Committee, created in the bill, consisting of legislators and Governor appointees.

Modifies language that outlines the reasons for land to be exchanged in order to conform to language in SCR 1047.

Modifies the land exchange process in the following manner:

- a) Requires a complete and correct application to be submitted to the Land Department in order to begin the notice and public hearing process. A “complete and correct application” must include two independent appraisals, two independent analyses and any required fees must have been paid.
- b) Allows the Commissioner to require the applicant to pay for the cost of the analyses and appraisals. The analyses must also consider the impact of any proposed exchange on military facilities.

Amendment explanation prepared by Kathi Knox

3/18/2010

- c) Requires advance notice of public hearings on proposed exchanges to be provided to military facilities. The facilities have to provide contact information to the Department.**
- d) Provides the Land Commissioner up to 60 days (rather than 30 days) to make a decision on whether an exchange is in the best interest of the trust.**

Clarifies that the exchange process applies only to trust lands, not to other land managed by the Land Department.

States the current obligation of the Land Commissioner to manage trust land “in the best interest of the trust” is not diminished.

Eliminates the requirement to provide a report containing details of the proposed exchange to the Selection Board and instead, requires a copy to be provided to the President of the Senate and Speaker of the House of Representatives.

Reinserts stricken language that allows land in adjacent counties to be exchanged under specific conditions.

Incorporates the provisions of the NRIPD amendment.

NELSON FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1410
(Reference to printed bill)

- 1 Page 1, Line 4, after the semicolon strike remainder of line
2 Line 5, strike "committee:"; after "exceptions" insert ";definition"
3 Strike lines 6 through 17
4 Reletter to conform
5 Line 18, strike "TRUST"
6 Line 19, strike "OTHER"
7 Line 20, strike "control,"; after "or" insert "CONVERSION TO"
8 Line 22, after "~~board,~~" strike remainder of line
9 Line 23, strike "near military airports"
10 Line 24, after "~~airports~~" insert "OR TO ASSIST IN PRESERVING AND PROTECTING
11 MILITARY FACILITIES IN THIS STATE"
12 Line 30, strike "~~C~~ D" insert "C"; strike "7" insert "6"
13 Line 36, strike ", age and residence" insert ", MAILING ADDRESS, TELEPHONE
14 NUMBER AND RELEVANT AFFILIATION, IF ANY,"
15 Page 2, line 2, after "~~upon~~" insert "ON DETERMINING THAT THE APPLICATION IS
16 COMPLETE AND CORRECT, INCLUDING PAYMENT OF THE REQUIRED FEES, AND"
17 Line 5, after "to" strike remainder of line
18 Line 6, strike "the department shall also notify and provide the report to"
19 insert "THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF
20 REPRESENTATIVES AND"
21 Strike lines 11 through 19
22 Renumber to conform
23 Line 25, after "~~appraisal.~~" strike remainder of line
24 Strike line 26
25 Line 35, after "ON" insert "MILITARY FACILITIES,"

1 Page 2, between lines 35 and 36, insert:

2 "3. THE COMMISSIONER MAY REQUIRE THE APPLICANT TO PAY THE COST OF THE
3 INDEPENDENT APPRAISALS AND ANALYSES REQUIRED BY THIS SUBSECTION."

4 Renumber to conform

5 Page 3, line 2, strike the period

6 Strike lines 3 through 9, insert ", EXCEPT THAT lands in adjoining counties more
7 than three miles outside the corporate boundaries of incorporated cities and
8 towns having a population of ten thousand people or less and lands in
9 adjoining counties but more than five miles outside the corporate boundaries
10 of incorporated cities and towns having a population in excess of ten
11 thousand people may be exchanged to facilitate consolidating land ownership
12 if the boards of supervisors of the counties in which the lands are to be
13 exchanged give their prior approval."

14 Line 11, strike "and selection board"

15 Line 13, strike "~~;~~" insert ", THE MILITARY AFFAIRS COMMISSION ESTABLISHED BY
16 SECTION 41-1512, EACH MILITARY FACILITY AT THE ADDRESS ON RECORD AT THE
17 DEPARTMENT"; after "and" insert "TO"; after "are" strike remainder of line

18 Line 14, strike "by the exchange" insert "TO BE EXCHANGED AND ON STATE LANDS
19 THAT ARE ADJACENT TO THE LANDS TO BE EXCHANGED"

20 Line 20, after "9." insert "AFTER DETERMINING THAT THE APPLICATION IS COMPLETE
21 AND CORRECT AND ALL REQUIRED PAYMENTS, APPRAISALS AND ANALYSES HAVE BEEN
22 COMPLETED,"; strike "all" insert "THE"; strike "exchanges" insert "EXCHANGE"

23 Line 30, strike "CAPITOL" insert "CAPITAL"

24 Line 34, strike "protest" insert "COMMENT ON"

25 Line 35, strike "AT LEAST FIFTEEN" insert "WITHIN SIXTY"

26 Line 36, after "AND" strike remainder of line

27 Line 37, strike "IN THE BEST INTEREST OF THE TRUST" insert "ISSUE A WRITTEN
28 FINDING RECOMMENDING EITHER THAT THE EXCHANGE BE DENIED OR APPROVED"

29 Line 38, strike "AND" insert a comma; after "REPRESENTATIVES" insert "AND THE
30 SECRETARY OF STATE"

31 Line 40, after "STATE" strike remainder of line

32 Line 41, strike "EXCHANGE TO THE QUALIFIED ELECTORS BY CONCURRENT RESOLUTION"

1 Page 3, line 42, after "REFERENDUM" insert "SUBMITTED AND CONDUCTED"

2 Page 4, between lines 4 and 5, insert:

3 "F. THIS SECTION APPLIES WITH RESPECT TO THE EXCHANGE OF LANDS HELD IN
4 TRUST BY THIS STATE PURSUANT TO THE ENABLING ACT AND THE CONSTITUTION OF
5 ARIZONA AND DOES NOT APPLY WITH RESPECT TO ANY OTHER STATE LAND UNDER THE
6 JURISDICTION OF THE DEPARTMENT OR THE COMMISSIONER.

7 G. THE PROVISIONS OF THIS SECTION DO NOT DIMINISH OR OTHERWISE AFFECT
8 THE COMMISSIONER'S FIDUCIARY RESPONSIBILITIES WITH RESPECT TO LANDS HELD IN
9 TRUST BY THIS STATE AS PROVIDED BY THE ENABLING ACT AND THE CONSTITUTION OF
10 ARIZONA.

11 H. FOR THE PURPOSES OF THIS SECTION, "MILITARY FACILITIES" INCLUDE:

12 1. MILITARY AIRPORTS, ANCILLARY MILITARY FACILITIES, MILITARY TRAINING
13 ROUTES, HIGH NOISE OR ACCIDENT POTENTIAL ZONES AND TERRITORY IN THE VICINITY
14 AS DEFINED IN SECTION 28-8461.

15 2. MILITARY RESERVATIONS OR OTHER REAL PROPERTY OWNED BY, LEASED TO,
16 DESIGNATED FOR, RESERVED TO OR UNDER THE JURISDICTION OF AN ACTIVE UNIT OF
17 THE UNIFORMED SERVICES OF THE UNITED STATES OR ANY RESERVE OR NATIONAL GUARD
18 COMPONENT OF THE UNIFORMED SERVICES OF THE UNITED STATES.

19 3. MILITARY ELECTRONICS RANGES AS DEFINED IN SECTION 9-500.28.

20 4. MILITARY RESTRICTED AIRSPACE IDENTIFIED PURSUANT TO SECTION 37-102.

21 5. THE BARRY M. GOLDWATER RANGE AS DESCRIBED IN SECTION 37-620,
22 SUBSECTION D, PARAGRAPH 3."

23 Amend title to conform

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