

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

# HOUSE BILL 2313

AN ACT

AMENDING TITLE 12, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-1114.01; RELATING TO EMINENT DOMAIN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 12, chapter 8, article 2, Arizona Revised Statutes,  
3 is amended by adding section 12-1114.01, to read:  
4 12-1114.01. Property of the United States subject to  
5 condemnation; duty of attorney general to file  
6 action; exclusions  
7 A. PROPERTY THAT MAY BE TAKEN UNDER THIS ARTICLE INCLUDES PROPERTY  
8 POSSESSED BY THE UNITED STATES GOVERNMENT UNLESS THE PROPERTY WAS ACQUIRED BY  
9 THE FEDERAL GOVERNMENT WITH THE CONSENT OF THE LEGISLATURE PURSUANT TO  
10 ARTICLE I, SECTION 8, CLAUSE 17, CONSTITUTION OF THE UNITED STATES.  
11 B. THIS STATE SHALL BE THE PLAINTIFF DESCRIBED IN THIS ARTICLE IN AN  
12 ACTION TO CONDEMN PROPERTY DESCRIBED IN SUBSECTION A. THIS STATE IS NOT  
13 RESPONSIBLE FOR LEGAL ACTIONS FILED BY OTHER PERSONS OR ENTITIES.  
14 C. THE ATTORNEY GENERAL SHALL FILE EMINENT DOMAIN ACTIONS WITH THE  
15 CONSENT OF THE UNITED STATES GOVERNMENT ON PROPERTY DESCRIBED IN  
16 SUBSECTION A:  
17 1. THAT FACILITATE THIS STATE'S ABILITY TO MANAGE, OR PROVIDE ACCESS  
18 TO, OR INCREASE THE PROFITABILITY OF, THE LANDS OWNED OR HELD IN TRUST BY  
19 THIS STATE FOR THE BENEFIT OF PUBLIC SCHOOLS AND OTHER INSTITUTIONS OF THIS  
20 STATE CONSISTENT WITH THIS STATE'S FIDUCIARY RESPONSIBILITIES TOWARD THE  
21 BENEFICIARIES OF THE TRUST LANDS.  
22 2. FOR A PUBLIC USE THAT INCREASES THE ABILITY OF THIS STATE TO  
23 GENERATE REVENUE.  
24 D. THIS SECTION DOES NOT APPLY WITH RESPECT TO:  
25 1. PROPERTY HELD BY THE UNITED STATES FOR THE BENEFIT, INCLUDING WATER  
26 RIGHTS, OF A FEDERAL RECLAMATION PROJECT OR MANAGED BY A POLITICAL  
27 SUBDIVISION OF THIS STATE, OR SPECIAL TAXING DISTRICT ORGANIZED UNDER  
28 TITLE 48.  
29 2. PROPERTY ON WHICH PERMANENT IMPROVEMENTS ARE CONSTRUCTED OR THAT IS  
30 LEGALLY ENCUMBERED.