

REFERENCE TITLE: public lands; management department; committee

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2547

Introduced by
Representatives Finchem: Allen J, Barto, Biasiucci, Blackman, Bolick,
Campbell, Carroll, Cobb, Cook, Dunn, Fillmore, Grantham, Griffin,
Kavanagh, Kern, Lawrence, Osborne, Payne, Petersen, Roberts, Shope,
Thorpe, Toma, Weninger, Senators Allen S, Borrelli, Farnsworth D, Gowan,
Kerr, Leach, Livingston

AN ACT

AMENDING TITLE 37, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 10;
AMENDING TITLE 41, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-1293; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA
REVISED STATUTES, BY ADDING SECTION 41-3026.04; RELATING TO PUBLIC LAND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 37, Arizona Revised Statutes, is amended by adding
3 chapter 10, to read:

4 CHAPTER 10

5 ARIZONA DEPARTMENT OF PUBLIC LAND MANAGEMENT

6 ARTICLE 1. GENERAL PROVISIONS

7 37-1601. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF PUBLIC LAND
10 MANAGEMENT.

11 2. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

12 3. "PUBLIC LAND" MEANS PUBLIC LANDS AS DEFINED IN SECTION 37-901
13 THAT ARE SUBJECT TO AN AGREEMENT BETWEEN THIS STATE AND THE UNITED STATES
14 DEPARTMENT OF THE INTERIOR OR ANOTHER FEDERAL AGENCY FOR THIS STATE TO
15 MANAGE.

16 37-1602. Arizona department of public land management;
17 director; appointment; qualifications

18 A. THE ARIZONA DEPARTMENT OF PUBLIC LAND MANAGEMENT IS ESTABLISHED
19 TO PROVIDE FOR PUBLIC LAND MANAGEMENT BY THIS STATE.

20 B. THE GOVERNOR SHALL APPOINT A DIRECTOR OF THE DEPARTMENT PURSUANT
21 TO SECTION 38-211. THE DIRECTOR SERVES AT THE PLEASURE OF THE GOVERNOR.

22 C. THE DIRECTOR SHALL HAVE THE NECESSARY ADMINISTRATIVE AND
23 PROFESSIONAL ABILITY THROUGH EDUCATION AND EXPERIENCE TO EFFICIENTLY AND
24 EFFECTIVELY MANAGE THE DEPARTMENT.

25 D. THE DIRECTOR SHALL RECEIVE COMPENSATION AS DETERMINED PURSUANT
26 TO SECTION 38-611.

27 37-1603. Powers and duties

28 A. THE DIRECTOR AND THE DEPARTMENT SHALL:

29 1. EXERCISE AND PERFORM ALL POWERS AND DUTIES VESTED IN OR IMPOSED
30 ON THE DEPARTMENT.

31 2. ADOPT RULES NECESSARY TO DISCHARGE THE POWERS AND DUTIES OF THE
32 DEPARTMENT.

33 3. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, EMPLOY, DETERMINE THE
34 TERMS AND CONDITIONS OF EMPLOYMENT OF AND PRESCRIBE THE DUTIES AND POWERS
35 OF ADMINISTRATIVE, PROFESSIONAL, TECHNICAL, SECRETARIAL, CLERICAL AND
36 OTHER PERSONS AS MAY BE NECESSARY TO PERFORM THE DEPARTMENT'S DUTIES. THE
37 COMPENSATION OF DEPARTMENT EMPLOYEES SHALL BE AS DETERMINED PURSUANT TO
38 SECTION 38-611.

39 4. CONTRACT FOR THE SERVICES OF OUTSIDE ADVISORS, CONSULTANTS AND
40 AIDES AS MAY BE REASONABLY NECESSARY.

41 5. PERFORM ALL MANAGEMENT AND ADMINISTRATIVE FUNCTIONS ASSIGNED OR
42 DELEGATED TO THIS STATE BY THE UNITED STATES RELATING TO MANAGING PUBLIC
43 LAND PURSUANT TO ANY AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE
44 INTERIOR OR ANOTHER FEDERAL AGENCY.

1 6. PROVIDE MANAGEMENT POLICIES AND PROGRAMS FOR THE USES OF PUBLIC
2 LAND AS PRESCRIBED IN SECTION 37-1604.

3 7. CONSULT WITH OTHER STATE AGENCIES THAT HAVE MANAGEMENT
4 RESPONSIBILITY OVER NATURAL RESOURCES IN THIS STATE THAT MAY BE IMPACTED
5 BY MANAGEMENT DECISIONS AND ACTIONS ON PUBLIC LAND, INCLUDING THE STATE
6 LAND DEPARTMENT, THE ARIZONA DEPARTMENT OF FORESTRY AND FIRE MANAGEMENT,
7 THE ARIZONA DEPARTMENT OF AGRICULTURE AND THE ARIZONA GAME AND FISH
8 DEPARTMENT.

9 8. PARTNER WITH STATE AGENCIES, CITIES, TOWNS, COUNTIES OR OTHER
10 POLITICAL SUBDIVISIONS OF THIS STATE TO PREPARE COORDINATED PUBLIC LAND
11 POLICIES.

12 B. THE DIRECTOR MAY:

13 1. FURNISH TECHNICAL ADVICE TO THE PEOPLE OF THIS STATE ON PUBLIC
14 LAND POLICIES AND LAND MANAGEMENT MATTERS.

15 2. DO ALL OTHER ACTS NECESSARY TO TAKE ADVANTAGE OF AND CARRY OUT
16 THE PROVISIONS OF ANY AGREEMENT WITH THE FEDERAL GOVERNMENT RELATING TO
17 MANAGING PUBLIC LAND.

18 37-1604. Public land management; uses

19 A. THE DEPARTMENT SHALL MANAGE EACH PARCEL OF PUBLIC LAND IN THIS
20 STATE TO PROMOTE THE FOLLOWING USES:

21 1. DOMESTIC LIVESTOCK GRAZING.

22 2. FISH AND WILDLIFE DEVELOPMENT AND UTILIZATION, INCLUDING
23 HUNTING, FISHING AND TRAPPING.

24 3. MINERAL EXPLORATION AND PRODUCTION.

25 4. RIGHTS-OF-WAY.

26 5. OUTDOOR RECREATION.

27 6. TIMBER PRODUCTION.

28 7. WILDERNESS CONSERVATION.

29 B. THE DIRECTOR, SUBJECT TO PERIODIC REVIEW BY THE JOINT
30 LEGISLATIVE COMMITTEE ON PUBLIC LAND MANAGEMENT ESTABLISHED BY SECTION
31 41-1293, MAY ESTABLISH PROGRAMS TO CONDUCT PROJECTS, PLANNING, PERMITTING,
32 LEASING, CONTRACTING AND OTHER ACTIVITIES ON PUBLIC LAND.

33 37-1605. Applications and fees for use permits and leases

34 THE DIRECTOR MAY ESTABLISH BY RULE APPLICATIONS AND FEES FOR PERMITS
35 AND LEASES RELATED TO PUBLIC LAND USES PRESCRIBED IN SECTION 37-1604. THE
36 DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ALL FEES
37 RECEIVED PURSUANT TO THIS SECTION IN THE PUBLIC LAND MANAGEMENT FUND
38 ESTABLISHED BY SECTION 37-1606.

39 37-1606. Public land management fund

40 A. THE PUBLIC LAND MANAGEMENT FUND IS ESTABLISHED CONSISTING OF
41 MONIES DEPOSITED PURSUANT TO THIS CHAPTER. THE DIRECTOR SHALL ADMINISTER
42 THE FUND AND USE THE MONIES IN THE FUND TO IMPLEMENT THIS CHAPTER. MONIES
43 IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

1 B. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST
2 AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES
3 EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

4 C. THE DIRECTOR MAY ACCEPT AND SPEND FEDERAL MONIES AND PRIVATE
5 GRANTS, GIFTS, CONTRIBUTIONS AND DEVICES TO ASSIST IN CARRYING OUT THE
6 PURPOSES OF THIS CHAPTER. THESE MONIES DO NOT REVERT TO THE STATE GENERAL
7 FUND AT THE END OF THE FISCAL YEAR.

8 Sec. 2. Title 41, chapter 7, article 12, Arizona Revised Statutes,
9 is amended by adding section 41-1293, to read:

10 41-1293. Joint legislative committee on public land
11 management; committee termination

12 A. THE JOINT LEGISLATIVE COMMITTEE ON PUBLIC LAND MANAGEMENT IS
13 ESTABLISHED CONSISTING OF THE FOLLOWING EIGHT MEMBERS:

14 1. THREE MEMBERS OF THE SENATE WHO ARE APPOINTED BY THE PRESIDENT
15 OF THE SENATE, NOT MORE THAN TWO OF WHOM ARE FROM THE SAME POLITICAL
16 PARTY. THE PRESIDENT OF THE SENATE SHALL DESIGNATE ONE MEMBER AS
17 COCHAIRPERSON.

18 2. FIVE MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO ARE APPOINTED
19 BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, NOT MORE THAN FOUR OF WHOM
20 ARE FROM THE SAME POLITICAL PARTY. THE SPEAKER OF THE HOUSE OF
21 REPRESENTATIVES SHALL DESIGNATE ONE MEMBER AS COCHAIRPERSON.

22 B. THE COMMITTEE SHALL:

23 1. CONVENE AT LEAST EIGHT TIMES EACH YEAR.

24 2. STUDY AND MAKE RECOMMENDATIONS ON THE FOLLOWING:

25 (a) THE MANAGEMENT OF PUBLIC LAND BY THIS STATE.

26 (b) THIS STATE'S SOVEREIGN RIGHT TO PROTECT THE HEALTH, SAFETY AND
27 WELFARE OF ITS CITIZENS AS IT RELATES TO PUBLIC LAND.

28 (c) THE APPROPRIATE DESIGNATION OF PUBLIC LAND THAT IS MANAGED BY
29 THIS STATE, INCLUDING STEWARDSHIP OF THE LAND AND APPROPRIATE USES OF THE
30 LAND.

31 (d) THE USE OF MONIES RECEIVED BY THIS STATE FROM THE PUBLIC LAND
32 THAT IS MANAGED BY THIS STATE.

33 3. COORDINATE WITH AND REPORT ON THE EFFORTS OF THE EXECUTIVE
34 BRANCH, COUNTIES AND POLITICAL SUBDIVISIONS OF THIS STATE, THE
35 CONGRESSIONAL DELEGATION OF THIS STATE, GOVERNORS OF OTHER WESTERN STATES,
36 OTHER STATES AND OTHER STAKEHOLDERS CONCERNING THE MANAGEMENT OF PUBLIC
37 LAND BY THIS STATE.

38 4. RECEIVE REPORTS FROM AND MAKE RECOMMENDATIONS TO THE ATTORNEY
39 GENERAL AND OTHER STAKEHOLDERS THAT ARE INVOLVED IN LITIGATION ON BEHALF
40 OF THIS STATE'S INTEREST IN PUBLIC LAND THAT IS MANAGED BY THIS STATE
41 REGARDING:

42 (a) PREPARING FOR POTENTIAL LITIGATION.

43 (b) SELECTING OUTSIDE LEGAL COUNSEL.

44 (c) DEVELOPING A LEGAL STRATEGY TO MANAGE PUBLIC LAND.

1 (d) USING MONIES APPROPRIATED BY THE LEGISLATURE TO SECURE THE
2 MANAGEMENT OF PUBLIC LAND BY THIS STATE.

3 C. THE JOINT LEGISLATIVE COMMITTEE ON PUBLIC LAND MANAGEMENT HAS
4 THE POWERS CONFERRED BY LAW ON LEGISLATIVE COMMITTEES.

5 D. THE LEGISLATURE SHALL PROVIDE STAFF ASSISTANCE TO THE COMMITTEE
6 AS DIRECTED BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
7 REPRESENTATIVES.

8 E. THE JOINT LEGISLATIVE COMMITTEE ON PUBLIC LAND MANAGEMENT SHALL
9 REPORT TO THE SENATE COMMITTEE ON NATURAL RESOURCES AND ENERGY, OR ITS
10 SUCCESSOR COMMITTEE, AND THE HOUSE OF REPRESENTATIVES COMMITTEE ON FEDERAL
11 RELATIONS, OR ITS SUCCESSOR COMMITTEE, ON OR BEFORE NOVEMBER 30 OF EACH
12 YEAR.

13 F. THE COMMITTEE ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2027
14 PURSUANT TO SECTION 41-3103.

15 Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes,
16 is amended by adding section 41-3026.04, to read:

17 41-3026.04. Arizona department of public land management;
18 termination July 1, 2026

19 A. THE ARIZONA DEPARTMENT OF PUBLIC LAND MANAGEMENT TERMINATES ON
20 JULY 1, 2026.

21 B. TITLE 37, CHAPTER 10 AND THIS SECTION ARE REPEALED ON JANUARY 1,
22 2027.

23 Sec. 4. Conditional enactment; notice

24 A. Title 37, chapter 10, Arizona Revised Statutes, as added by this
25 act, and section 41-3026.04, Arizona Revised Statutes, as added by this
26 act, do not become effective unless on or before December 31, 2023 the
27 governor of this state, or the governor's designee, enters into an
28 agreement with the United States department of the interior or another
29 federal agency relating to the management of public land by this state.

30 B. The governor shall notify in writing the director of the Arizona
31 legislative council on or before January 31, 2024 either:

- 32 1. Of the date on which the condition was met.
33 2. That the condition was not met.