

REFERENCE TITLE: state lands; lease provisions

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2334

Introduced by
Representative Cook

AN ACT

AMENDING TITLE 37, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 37-292; RELATING TO LEASE OF STATE LANDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 37, chapter 2, article 4, Arizona Revised
3 Statutes, is amended by adding section 37-292, to read:
4 37-292. Prohibited lease provisions; tender defense;
5 indemnity; liability for injury
6 A. LEASES OF STATE LANDS ENTERED INTO PURSUANT TO THIS CHAPTER MAY
7 NOT CONTAIN PROVISIONS THAT DO ANY OF THE FOLLOWING:
8 1. TENDER DEFENSE OF EITHER OF THE FOLLOWING:
9 (a) A CLAIM OR CAUSE OF ACTION BASED ON AN INJURY TO A PERSON WHO
10 IS ON OR USING STATE LANDS AND TO WHOM PERMISSION TO BE ON OR USE STATE
11 LANDS HAS BEEN GRANTED BY THIS STATE OR ANY AGENCY OF THIS STATE,
12 INCLUDING PERMISSION TO BE ON OR USE STATE LANDS AS A CONTRACTED THIRD
13 PARTY.
14 (b) A CLAIM OR CAUSE OF ACTION ARISING UNDER STATE OR FEDERAL
15 ENVIRONMENTAL LAWS.
16 2. REQUIRE INDEMNIFICATION IN ANY FORM, INCLUDING FOR DAMAGES,
17 PENALTIES, COSTS, CHARGES AND EXPENSES AND ATTORNEY FEES AND COSTS FROM A
18 LESSEE OR THE LESSEE'S EMPLOYEES OR AGENTS.
19 3. OTHERWISE ASSIGN LIABILITY TO A LESSEE FOR THE CLAIMS OR CAUSES
20 OF ACTION PRESCRIBED IN PARAGRAPHS 1 AND 2 OF THIS SUBSECTION.
21 B. LIABILITY FOR AN INJURY TO A PERSON WHO IS ON OR USING STATE
22 LANDS AND TO WHOM PERMISSION TO BE ON OR USE STATE LANDS HAS BEEN GRANTED
23 BY THIS STATE OR ANY AGENCY OF THIS STATE, INCLUDING PERMISSION TO BE ON
24 OR USE STATE LANDS AS A CONTRACTED THIRD PARTY, SHALL BE DETERMINED
25 PURSUANT TO SECTION 33-1551 OR THE APPLICABLE STATE OR FEDERAL LAW.