

House Engrossed

navigable stream adjudication commission; extension

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

CHAPTER 76

HOUSE BILL 2443

AN ACT

AMENDING SECTION 37-1121, ARIZONA REVISED STATUTES; RELATING TO THE
ARIZONA NAVIGABLE STREAM ADJUDICATION COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 37-1121, Arizona Revised Statutes, is amended to
3 read:

4 37-1121. Arizona navigable stream adjudication commission

5 A. The Arizona navigable stream adjudication commission is
6 established through June 30, ~~2024~~ 2028 as a separate agency and
7 independent of the state land department. The commission consists of five
8 persons, not more than three of whom are from the same political party,
9 who are appointed by the governor pursuant to section 38-211. The terms
10 of office of members of the commission end on July 1, ~~2024~~ 2028. Persons
11 who are appointed to the commission must be well-informed on issues
12 relating to rivers and streams in this state. The commission shall select
13 a presiding officer from among its members.

14 B. Members of the commission are public officers for the purposes
15 of title 38, chapter 3, article 8 and title 38, chapter 3.1. A person who
16 has advocated for or expressed a desire that a watercourse in this state
17 be determined to have been navigable or nonnavigable may not serve as a
18 commission member. A commission member who is a witness, gives evidence
19 or makes statements of personal knowledge of the characteristics of
20 navigability of a watercourse for the commission's consideration shall not
21 participate as a commission member in proceedings relating to that
22 watercourse. A commission member shall not:

23 1. Have any bias regarding the possible navigability of any
24 watercourse.

25 2. Own, obtain a significant portion of income from or claim any
26 ownership or possessory interest in lands affected by this chapter.

27 3. Directly or indirectly receive a significant portion of income
28 from a person who claims an ownership or possessory interest in lands
29 affected by this chapter or from a person who obtains a significant
30 portion of income from such lands or shall not have been employed by such
31 persons within two years before or be employed by such persons within two
32 years after the commission member's term of office.

33 C. Funding for the commission and its necessary and reasonable
34 expenses, including contracting for private services, shall be provided
35 from legislative appropriations as may be necessary for the commission to
36 fulfill its responsibilities. All unexpended and unencumbered monies
37 appropriated to the commission revert to the state general fund on July 1,
38 ~~2024~~ 2028.

39 D. The governor, on good cause shown, may remove a member for
40 neglect of duty or misconduct or malfeasance in office. On removal, the
41 governor shall file with the secretary of state a complete statement of
42 all charges made against the member, the governor's findings and a
43 complete record of the disciplinary proceedings conducted with respect to
44 the removal.

1 E. Members are eligible to receive compensation pursuant to section
2 38-611 for service on the commission, unless a member who is otherwise
3 employed as a public officer is prohibited from receiving additional
4 compensation.

5 F. The commission shall maintain its principal office at the state
6 capital but may hold meetings or hearings any place in this state. The
7 commission shall meet at least once each calendar quarter, except that if
8 the commission has completed all inquiries and hearings required under
9 this chapter, the commission is not required to meet. The presiding
10 officer or a majority of the members may call additional meetings. On
11 termination, the commission shall transmit all of its records to the
12 secretary of state.

13 G. If a vacancy occurs on the commission, the governor may appoint
14 a replacement member pursuant to section 38-211.

15 H. Notwithstanding section 41-192, the attorney general shall not
16 advise or represent the commission.

17 I. For the purposes of subsection B of this section, "significant
18 portion of income" means ten percent or more of gross personal income for
19 a calendar year.

APPROVED BY THE GOVERNOR APRIL 18, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2023.