

REFERENCE TITLE: municipalities; contracts; prohibited provisions

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2854

Introduced by
Representative Kolodin

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-500.50; RELATING TO MUNICIPAL CONTRACTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.50, to read:
4 9-500.50. Municipal contracts; prohibited provisions;
5 nullification
6 A CONTRACT ENTERED INTO BETWEEN A MUNICIPALITY AND A POLITICAL
7 SUBDIVISION OR AGENCY OF THIS STATE IS VOID IF EITHER PARTY PROVES ALL OF
8 THE FOLLOWING:
9 1. THE CONTRACT REQUIRES THE DEVELOPMENT OF INFRASTRUCTURE THAT:
10 (a) IS LOCATED ON STATE TRUST LAND OUTSIDE OF MUNICIPAL BOUNDARIES.
11 (b) WILL FALL OUT OF THE STATE LAND TRUST FOR THE BENEFIT OF ONE OR
12 MORE PRIVATE DEVELOPERS DURING OR AFTER THE END OF THE CONTRACT TERM.
13 2. THE NULLIFICATION OF THE CONTRACT IS:
14 (a) JUSTIFIED BY A SIGNIFICANT AND LEGITIMATE PUBLIC PURPOSE.
15 (b) APPROPRIATE FOR FURTHERING THE PUBLIC PURPOSE.
16 Sec. 2. Retroactivity
17 This act applies retroactively to from and after June 30, 2004.
18 Sec. 3. Legislative intent
19 A. The legislature seeking to ensure the highest and best use of
20 state trust land for the benefit of the trust beneficiaries is a
21 significant and legitimate public purpose.
22 B. The legislature seeking to undo a failure of state or municipal
23 conflict of interest laws, abuse of power or misuse of public monies for
24 personal financial or pecuniary gain is a significant and legitimate
25 public purpose.
26 C. The adoption of this legislation and retroactive effective date
27 nullifying the contracts that meet the elements outlined in section
28 9-500.50, Arizona Revised Statutes, as added by this act, is appropriate
29 for furthering the public purpose justifying the adoption of this act.