



Legislative Summary

Legislative Wrap-Up

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The 2008 Legislative Summary is a cursory review of the happening at the Capitol and is intended to be used as a tool to measure the success of the Arizona State Land Department (Department) in conveying its message to Arizona's Legislature. The legislative summaries and data below will further guide the Department as a new legislative session dawns.

The 48th Second Regular session adjourned Sine Die on Friday, June 27, 2008 at 10:09 p.m. The legislative session bode well for the Department which successfully passed all officially supported legislation and defeated all formally opposed measures. The newly established Arizona State Land Government Affairs office, located in the State Land Commissioner's Office, is committed to further advancing the legislative agenda of the Department and maintaining the integrity of the Department and its mission. **Feedback, legislative proposals and fresh ideas are always appreciated!**

Links

- * [US Congress](#)
- * [Arizona Delegates](#)
- * [House Natural Resources Committee](#)
- * [Senate Committee on Energy and Natural Resources](#)
- * [Arizona State Legislature](#)
- * [ASL Video Archives](#)
- * [Arizona Capitol TV](#)

Budget

The Department was not exempt to the budget crunch of fiscal year 08-09. The Department's general fund reduction was 14% (\$3,155,500). The Department was asked to raise up to \$600,000 by increasing fees for "services it provides."

SENATE CONFIRMATIONS

Members of the Urban Land Planning Oversight Committee were confirmed by the Senate – Members take their seats until their confirmation is acted upon next legislative session. Members not confirmed were – Rebecca R. Ruopp and Curtis C. Lueck.



Department Supported Legislation

HB 2511 OIL AND GAS ROYALTIES

Summary: Makes provisions for a person who owns an oil or gas lease on certain State land to assert shut-in status. "Shut-in" status for an oil or gas well means the well could not be productive because of lack of transportation or a processing facility. The lease owner is permitted to extend the term of the lease by paying a "shut-in" gas royalty of from \$1 to \$3 per acre annually for up to five years. To claim shut-in status, the owner must complete the well and submit information on its production level to the Oil and Gas Conservation Commission. Although no further reviews or tests are required for the owner to lawfully claim shut-in status, if the State Land Department considers the application to be incomplete, it may deny shut-in status but must do so within 90 days of receipt of the application. Also, for oil or gas wells located on leased state land not previously known to be in an oil or gas producing field, the State Land Department is authorized to establish a price through independent appraisal if an arm's length price is not available. Simultaneous applicants for leases on state land not known to be in an oil or gas field must submit competitive bids for the lease. **Final Disposition:** 5/23 signed by Governor. Chap. 239, Laws 2008.

[Bill Text](#) [Votes](#) [Video](#)

SB 1167 OFF-HIGHWAY VEHICLES; USER FEE (FORMERLY HB 2573)

Summary: Effective January 1, 2009, changes in various statutes related to operation and regulation of off-highway vehicles, including a requirement that off-highway vehicles display a sticker (or indicia) issued by the Department of Transportation, which shall establish a fee for the indicia. Seventy percent of revenue derived from the sale of indicia

is deposited in the Off-Highway Vehicle Registration (OHVR) Fund, and 30% goes to the Highway User Revenue Fund. Monies in the OHVR Fund are re-allocated as follows: 5% to the State Land Department to mitigate the impact of vehicles on its land; and 35% (formerly 30%) for programs related to the safe and environmentally responsible use of off-highway vehicles. The share distributed to state parks is reduced to 60% from 70% with a 12% cap (formerly 18%) to fund staff support to administer the fund. The list of permitted uses of monies in the fund by the Parks Board is expanded. Off-highway vehicles must have stipulated equipment (brakes, headlights spark arrestor, safety flag, etc.), and minors operating an off-highway vehicle must wear helmets. It is a class 3 (lowest) misdemeanor to drive an off-highway vehicle in a manner that damages the environment or where it is prohibited by rule, regulation, ordinance or code. Violations not otherwise classified are considered civil traffic violations. New license plates to be designed by the Dept of Transportation will replace current plates, and the \$8 fee is no longer valid for the life of the vehicle. Off-highway vehicles may be licensed for on road use with a vehicle license tax of \$3 instead of the regular VLT rate. The indicia is expected to be between \$20-\$25.

Final Disposition: 6/27 signed by Governor. Chap. 294, Laws 2008. [Bill Text](#) [Votes](#) [Video1](#) [Video2](#)

SB 1180 STATE LAND DEPARTMENT; CONTINUATION

Summary: Continues the State Land Dept for 10 years until July 1, 2018. A purpose section states that the Department is to have charge of and control over all lands owned by the state, except for lands under the specific use and control of state institutions, and the resources in and on those lands and to regulate the use of and access to those lands and resources. Retroactive to July 1, 2008. **Final Disposition:** 4/28 signed by governor. Chap. 81, Laws 2008. [Bill Text](#) [Votes](#) [Video](#)

SB 1338 STATE FORESTER; WILDFIRE SUPPRESSION FUNDING

Summary: Two pools of money totaling \$3 million formerly available to the state forester for wild-land fire suppression and for pre-positioning equipment and other preparations associated with extreme fire danger are combined into one pool of \$3 million. **Final Disposition:** 4/29 signed by governor. Chap. 129, Laws 2008. [Bill Text](#) [Votes](#) [Video](#)

| Subject | # | Success % |
|-----------------------------------|-----|-----------|
| Bills Supported by the Department | 4 | 100.0% |
| Bills Opposed by the Department | 4 | 100.0% |
| Bills Tracked by the Department | 113 | N/A |



BILLS OPPOSED BY THE DEPARTMENT

SB 1264 PUBLIC RIGHTS OF WAY; CLAIMS

Summary: The bill would have asserted a claim by the state, on behalf of itself or its political subdivisions, to rights-of-way across public lands beginning from the effective date of the Mining Law of 1866 to the repeal of a provision in that act in 1976. A list of the ways by which the claims might be established would have included: use by the state with intention of establishing a public highway; inclusion of the right-of-way on an official map or plat, or execution of a memorandum of understanding with an agency of the federal government. Governor's Veto Letter Said: much of the land affected by this bill is in the hands of various private owners, Indian tribes, the federal government, the military and the state. For the state to dispute and courts to adjudicate every right-of-way created during the 110 year period covered by this bill "would create unnecessary uncertainty" for current land holders. She also said her veto does not preclude the state's ability to assert a claim in specific cases. **Final Disposition:** 5/27 Vetoed by Governor
[BillText](#) [Votes](#) [Veto Message](#) [Video](#)

HB 2459 UNIVERSITY TRUST LAND MANAGEMENT; EXCHANGES

Summary: The powers and duty of the Board of Regents are expanded to include the direction of the disposition

of lands granted to the state for university purposes. The powers and duties of the Selection Board are expanded to include the approval of any exchange of trust land between beneficiaries to ensure the lands are of substantially equal value. Enactment conditioned on an amendment to the state Constitution and an amendment to the Enabling Act by Congress. **Final Disposition:** 2/26 Dead in House Rules Committee
[Bill Text](#) [Votes](#) [Video](#)

HCR 2027 TRUST LANDS; UNIVERSITIES; BENEFICIARY EXCHANGES

Summary: The 2008 general election ballot is to carry the question of whether to amend the state Constitution allow each of the state's three universities to receive without cost up to 50,000 acres of state trust land. Requires Congress to amend the Enabling Act. **Final Disposition:** 2/26 Dead in House Rules Committee [Bill Text](#) [Votes](#) [Video](#)


































HCR 2037 CONSTITUTIONAL RIGHTS; GAME AND FISH

Summary: The 2008 general election ballot is to carry the question of whether to amend the State Constitution to state that hunting and fishing are the preferred means of managing non-threatened wildlife and that the rights of citizens to hunt and fish on public and private property, consistent with the laws of trespass, shall not be impaired. **Final Disposition:** House COW Failed to approve - Roll call 27-28.
[Bill Text](#) [Votes](#) [Video](#)

| Subject | # |
|-------------------------------|-------|
| Days of Session | 166 |
| Bills Posted | 1,380 |
| Bills Passed | 347 |
| Bills Vetoed | 32 |
| Bills Signed | 315 |
| Memorials, Resolutions Posted | 162 |
| Memorials, Resolutions Passed | 29 |

| Perfect Attendance | | |
|----------------------------|-------|-----------|
| Legislator | Votes | Roll Call |
| Sen. Sylvia Allen | 100% | 100% |
| Sen. Linda Gray | 100% | 100% |
| Speaker Pro-Tem Bob Robson | 100% | 100% |
| Speaker Jim Weiers | 100% | 100% |
| Rep. Steve Yarbrough | 100% | 100% |

VOTES ON DEPARTMENT SUPPORTED / OPPOSED LEGISLATION

| Legislator | Party | Chamber | % Votes | Department Position |
|------------------------------|-------|---------|---------|---|
| <u>Ed Ableser</u> | D | House | 74% |  |
| <u>Paula Aboud</u> | D | Senate | 91% |  |
| <u>Kirk Adams</u> | R | House | 10% |  |
| <u>Amanda Aguirre</u> | D | Senate | 74% |  |
| <u>Carolyn Allen</u> | R | Senate | 59% |  |
| <u>Sylvia Allen</u> | R | Senate | 0% |  |
| <u>Manuel Alvarez</u> | D | House | 43% |  |
| <u>Mark Anderson</u> | R | House | 47% |  |
| <u>Marsha Arzberger</u> | D | Senate | 82% |  |
| <u>Ray Barnes</u> | R | House | 62% |  |
| <u>Nancy Barto</u> | R | House | 30% |  |
| <u>Tim Bee</u> | R | Senate | 82% |  |
| <u>Andy Biggs</u> | R | House | 33% |  |
| <u>Robert Blendu</u> | R | Senate | 62% |  |
| <u>Tom Boone</u> | R | House | 47% |  |
| <u>David Bradley</u> | D | House | 63% |  |
| <u>Jack Brown</u> | D | House | 45% |  |
| <u>Judy Burges</u> | R | House | 44% |  |
| <u>Jennifer Burns</u> | R | House | 57% |  |
| <u>Robert Burns</u> | R | Senate | 62% |  |
| <u>Meg Burton Cahill</u> | D | Senate | 100% |  |
| <u>Olivia Cajero Bedford</u> | D | House | 74% |  |
| <u>Chad Campbell</u> | D | House | 74% |  |
| <u>Cloves Campbell Jr.</u> | D | House | 74% |  |
| <u>Thomas Chabin</u> | D | House | 74% |  |
| <u>Ken Chevront</u> | D | Senate | 100% |  |
| <u>Doug Clark</u> | R | House | 44% |  |
| <u>Rich Crandall</u> | R | House | 34% |  |
| <u>Sam Crump</u> | R | House | 24% |  |
| <u>Mark Anthony DeSimone</u> | D | House | 74% |  |
| <u>Adam Driggs</u> | R | House | 57% |  |
| <u>Steve Farley</u> | D | House | 74% |  |
| <u>Eddie Farnsworth</u> | R | House | 24% |  |
| <u>Jake Flake</u> | R | Senate | 53% |  |
| <u>Steve Gallardo</u> | D | House | 74% |  |

VOTES ON DEPARTMENT SUPPORTED / OPPOSED LEGISLATION

| Legislator | Party | Chamber | % Votes Department Position | |
|----------------------------|-------|---------|-----------------------------|--|
| <u>Martha Garcia</u> | D | House | 54% | |
| <u>Jorge Luis Garcia</u> | D | Senate | 100% | |
| <u>Pamela Gorman</u> | R | Senate | 42% | |
| <u>Ron Gould</u> | R | Senate | 19% | |
| <u>Chuck Gray</u> | R | Senate | 62% | |
| <u>Linda Gray</u> | R | Senate | 82% | |
| <u>Trish Groe</u> | R | House | 24% | |
| <u>Albert Hale</u> | D | Senate | 71% | |
| <u>Jack Harper</u> | R | Senate | 51% | |
| <u>Pete Hershberger</u> | R | House | 83% | |
| <u>John Huppenthal</u> | R | Senate | 82% | |
| <u>Karen Johnson</u> | R | Senate | 42% | |
| <u>John Kavanagh</u> | R | House | 24% | |
| <u>William Konopnicki</u> | R | House | 47% | |
| <u>Leah Landrum Taylor</u> | D | Senate | 79% | |
| <u>Barbara Leff</u> | R | Senate | 82% | |
| <u>Phil Lopes</u> | D | House | 74% | |
| <u>Linda Lopez</u> | D | House | 70% | |
| <u>David Lujan</u> | D | House | 63% | |
| <u>Lucy Mason</u> | R | House | 57% | |
| <u>Marian McClure</u> | R | House | 30% | |
| <u>John McComish</u> | R | House | 47% | |
| <u>Debbie McCune Davis</u> | D | Senate | 82% | |
| <u>Barbara McGuire</u> | D | House | 39% | |
| <u>Nancy McLain</u> | R | House | 47% | |
| <u>Robert Meza</u> | D | House | 74% | |
| <u>Ben Miranda</u> | D | House | 60% | |
| <u>Richard Miranda</u> | D | Senate | 100% | |
| <u>Rick Murphy</u> | R | House | 36% | |
| <u>John Nelson</u> | R | House | 34% | |
| <u>Warde Nichols</u> | R | House | 10% | |
| <u>Tom O'Halleran</u> | R | Senate | 100% | |
| <u>Lynne Pancrazi</u> | D | House | 74% | |
| <u>Jonathan Paton</u> | R | House | 42% | |
| <u>Russell Pearce</u> | R | House | 19% | |
| <u>Charlene Pesquiera</u> | D | Senate | 62% | |
| <u>Tom Prezelski</u> | D | House | 74% | |
| <u>Michele Reagan</u> | R | House | 45% | |
| <u>Pete Rios</u> | D | House | 68% | |
| <u>Rebecca Rios</u> | D | Senate | 79% | |
| <u>Bob Robson</u> | R | House | 47% | |
| <u>Lena Saradnik</u> | D | House | 0% | |
| <u>David Schapira</u> | D | House | 74% | |
| <u>Kyrsten Sinema</u> | D | House | 74% | |
| <u>Victor Soltero</u> | D | Senate | 71% | |
| <u>Bob Stump</u> | R | House | 36% | |
| <u>Jackie Thrasher</u> | D | House | 74% | |
| <u>Jay Tibshraeny</u> | R | Senate | 82% | |
| <u>Andy Tobin</u> | R | House | 47% | |
| <u>Albert Tom</u> | D | House | 74% | |
| <u>Theresa Ulmer</u> | D | House | 74% | |
| <u>Thayer Verschoor</u> | R | Senate | 62% | |
| <u>Jim Waring</u> | R | Senate | 82% | |
| <u>Jim Weiers</u> | R | House | 47% | |
| <u>Jerry Weiers</u> | R | House | 47% | |
| <u>Steve Yarbrough</u> | R | House | 24% | |
| <u>Nancy Young Wright</u> | D | House | 74% | |

Other Important Measures

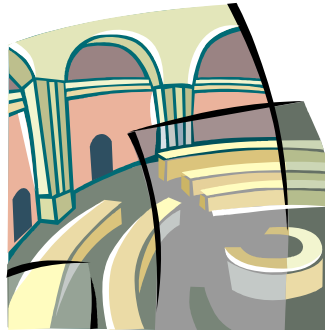
HB 2156 railroad sites; review the measure would increase reporting requirements for the railroads. The Department was neutral.

Final Disposition:
Signed by Governor 6/27 [text of bill](#)

HB 2584 geological survey; department of mines; restructuring Effective January 1, 2009, the Department of Mines and Mineral Resources is eliminated and regulation of mines and minerals is transferred to a newly created Mineral Resources Division within the Arizona Geological Survey (AGS). The AGS succeeds to the authority and duties of the Department, administrative rules adopted by the Department continue in effect, and all licenses and permits issued by the Department retain their validity. The Arizona Geographic Information Council is established in the AGS to analyze cartographic and geographic information and make recommendations to appropriate entities. The Department was neutral on this measure.

Final Disposition: Failed in House Environment 3-4 2/27 [text of bill](#)

HB 2827 training program at Coolidge; closure The Arizona Training Program at Coolidge (which trains developmentally disabled persons for the workforce) must close within 18 months of the effective date of this act. The facility, its equipment and furnishings must be sold. Seventy-five percent of the proceeds goes to the general fund; 25% to a client services fund to be



spent for the benefit of developmentally disabled clients of the Dept of Economic Security. The Department was neutral with concerns.
Final Disposition: Dead upon adjournment Sine Die last heard and held in House Appropriations [text of bill](#)

SB 1387 real estate disclosure; training ranges The list of disclosures required in the public report issued by the Dept of Real Estate authorizing sales of lots/parcels within a subdivision is expanded to include whether the land is within a "military electronics range" (defined) of a military base. The department must record documents with county recorders that disclose land contained in a military electronics range. Maps delineating the area of a military electronics range must be posted on the Dept of Real Estate's website. A pub-

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lic report issued within 60 days prior to the date the map is filed and posted is exempt from the reporting / notification requirements. A local government with any portion of a military electronics range within its borders must notify the base commander when the government receives a completed application to rezone, build on or subdivide property within the range area. If the military installation chooses to make official comments regarding the proposed land use change, it must do so in writing at least 7 days prior to a scheduled public hearing. If the installation chooses not to make comments, that fact shall be noted at a public hearing on the proposed land use change. Additionally all lands under title to the Department of Veteran's Services are transferred to the State Land Department. The Department was neutral on this measure.

Final Disposition: Signed by Governor 5/12 [text of bill](#)

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