

NOTICES OF SUMMARY RULEMAKING

The Administrative Procedure Act allows an agency to use the summary rulemaking procedure instead of the regular rulemaking procedure for repeals of rules made obsolete by repeal or supersession of an agency's statutory authority or the adoption, amendment, or repeal of rules that repeat verbatim existing statutory authority granted to the agency. An agency initiating summary rulemaking shall file the proposed summary rulemaking with the Governor's Regulatory Review Council and the Secretary of State's Office for publication in the next available issue of the *Register*. The proposed summary rule takes interim effect on the date of publication in the *Register*.

NOTICE OF PROPOSED SUMMARY RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 5. LAND DEPARTMENT

ARTICLE 7. SPECIAL LEASING PROVISIONS

PREAMBLE

1. **Sections Affected** **Rulemaking Action**
R12-5-701 Repeal
2. **The specific authority for the rulemaking including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 37-132(A)(1)
Implementing statute: Laws 1997, Ch. 249, § 8, effective July 21, 1997, repealed A.R.S. § 37-281.04, which had authorized the Arizona State Land Department to lease State lands suitable for recreational purposes to the state, counties, cities, and towns for a lease term not to exceed 25 years for use for recreational purposes.
3. **The interim effective date of the proposed summary rules:**
February 4, 2000
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Richard B. Oxford, Director
Operations Division
Address: Arizona State Land Department
1616 W. Adams
Phoenix, AZ 85007
Telephone: (602) 542-4602
Fax: (602) 542-5223
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**
A.R.S. § 41-1027(A)(1) authorizes use of the summary rule making when an agency's rules become obsolete by repeal of the agency's statutory authority. The Department's authority to lease state land for recreational purposes to state parks, counties, cities, or towns a lease term not to exceed 25 years was repealed in 1997 (Laws 1997, Ch. 249, § 8, effective July 21, 1997). The former statute (A.R.S. § 37-281.04(B)) required the applicant to submit an application and a plan for a recreational lease. Rule R12-5-701 addressed the required components of the plan and the procedure for processing the application.
6. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
7. **The preliminary summary of the economic, small business, and consumer impact:**
An economic, small business, and consumer impact statement is not required under A.R.S. § 41-1055(D)(2).
8. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
Not applicable.

Arizona Administrative Register
Notices of Summary Rulemaking

9. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

No oral proceedings or hearings are scheduled. A person may submit written comments or request that an oral proceeding be held on the repeal of the rules by submitting comments or a written request for hearing no later than 5:00 p.m., March 6, 2000, to:

Name: Richard B. Oxford, Director
Operations Division

Address: Arizona State Land Department
1616 W. Adams
Phoenix, AZ 85007

Telephone: (602) 542-4602

Fax: (602) 542-5223

10. An explanation of why summary proceedings are justified.

A.R.S. § 41-1027(A)(1) authorizes use of the summary rule making process when an agency's rules become obsolete by repeal of the agency's statutory authority. The Department's authority to lease state land for recreational purposes to state parks, counties, cities, or towns for 25 years was repealed in 1997 (Laws 1997, Ch. 249, § 8, effective July 21, 1997).

11. Any other matters prescribed by statute that are applicable to the specific agency or any specific rule or class of rules:

None.

12. Incorporations by reference and their location in the rules:

None.

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 5. LAND DEPARTMENT

ARTICLE 7. SPECIAL LEASING PROVISIONS

Section

R12-5-701. ~~Lease of Trust Lands to the Arizona State Parks Board, Counties and Cities or Towns for Recreation Purposes Repealed~~

ARTICLE 7. SPECIAL LEASING PROVISIONS

~~R12-5-701. Lease of Trust Lands to the Arizona State Parks Board, Counties and Cities or Towns for Recreation Purposes Repealed~~

~~A. The plan required pursuant to A.R.S. § 37-281.04 shall consist of the following:~~

- ~~1. Site location study: A preliminary location analysis for site selection including general inventory information and comparative analyses of alternative sites.~~
- ~~2. Conceptual master plan: A master plan for the proposed leased lands depicting circulation patterns and the types and locations of all proposed facilities. The master plan must contain a plan narrative that addresses the phasing of development, operation and maintenance plans for the duration of the lease and the funding sources for the proposed development. The plan and its components must be professionally prepared.~~

~~B. Application procedure:~~

- ~~1. The site location study portion of the plan shall accompany the application along with the \$20.00 filing fee.~~
- ~~2. The State Land Commissioner will determine if recreational use is the highest and best use of the site based upon the data provided by the applicant and other information available to the State Land Department.~~
- ~~3. If the site location study portion of the plan is approved, the conceptual master plan must be submitted to the Department within 30 days of the date of approval.~~
- ~~4. Issuance of the lease and the nature of the lease terms are dependent upon the Commissioner's approval of the conceptual master plan and his determination that such a lease is in the best interests of the trust.~~

~~C. Land use:~~

- ~~1. Development and use of the leased lands must be consistent with the conceptual master plan and the phased development schedule. Any substantial deviation requires the prior written approval of the Commissioner.~~
- ~~2. Any use of land other than for recreational purposes will subject the lease to cancellation by the Commissioner.~~
- ~~3. The Commissioner has the discretion to lease the land for other uses compatible with and in addition to the specified recreational uses.~~