

State of Arizona
Senate
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1996

FILED

Jane Dee Hull
Secretary of State

CHAPTER 60

SENATE BILL 1146

AN ACT

AMENDING SECTIONS 37-105 AND 48-3072, ARIZONA REVISED STATUTES; RELATING TO STATE LAND IRRIGATION ASSESSMENTS.

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

2 Section 1. Section 37-105, Arizona Revised Statutes, is amended to
3 read:

4 37-105. Inclusion of state lands under reclamation projects and
5 irrigation districts; assessments and charges

6 A. The state land department, with the approval of the governor, may
7 make contracts for and on behalf of the state with the United States or an
8 irrigation district organized and existing under the laws of the state, which
9 is served wholly or partially by a federal reclamation project, to include
10 lands owned by the state or belonging to any institution of the state within
11 the project and to agree to pay as much of the cost of the project as becomes
12 due on account of such lands.

13 B. The department, after state lands are included within the project,
14 may guarantee the payment of and may pay to the United States or the
15 irrigation district the full amount of district or reclamation assessments
16 or charges against the state lands at any time the assessments or charges
17 become delinquent ~~for one year.~~

18 C. Nothing in this section shall be construed as creating a lien upon
19 state lands or against the interest of the state therein, or as creating an
20 obligation of the state to pay any charges, assessments or debts incurred by
1 any district other than those described in this section.

1 Sec. 2. Section 48-3072, Arizona Revised Statutes, is amended to read:
2 48-3072. Irrigation assessments as lien on state lands within
3 district; enforcement

4 A. Officially certified lists of all state lands included within the
5 boundaries of an irrigation district and susceptible of irrigation from the
6 works thereof, with the amounts of assessments and charges of every character
7 made against such lands, shall be furnished to the state land department as
8 soon as the assessments or charges are levied. All charges legally assessed
9 for irrigation district purposes shall be a lien upon such lands and may be
10 enforced ~~in the following manner:~~ AS PROVIDED BY THIS SECTION.

11 ~~1.~~ B. When such state lands are held under certificate of purchase,
12 the holder of the certificate or his assignee shall at the time of paying the
13 annual installments of principal and interest as provided in the certificate,
14 present to the state land department or other receiving officer a certificate
15 from the county treasurer of the county in which the land is located showing
16 that no unpaid district charges are due and delinquent against the land. If
17 the holder of a certificate of purchase or his assignee fails, neglects or
18 refuses for a period of one year after it becomes delinquent to pay any
19 assessment or charge legally levied against the land, the failure, neglect
20 or refusal shall constitute a breach of a condition of the certificate of
21 purchase which shall subject the certificate to forfeiture. The state or any
22 citizen thereof who pays the delinquent assessment or charge after the
23 expiration of the one year period, may institute an action upon the
24 certificate in the superior court in the county in which the land is located
25 to forfeit the interest of the holder thereof or his assignee for the breach
26 of the condition AND: —

27 ~~(a)~~ 1. If the action is instituted by a citizen of the state and
28 judgment rendered in the action against the defendant: —

29 (a) The judgment creditor or his assignee shall be subrogated to all
30 the rights of the defendant under the certificate of purchase. ~~—and~~

31 (b) A certificate of purchase shall be issued to the judgment creditor
32 or his assignee for the consideration remaining unpaid on account of such
33 state land. Such certificate shall provide that the consideration shall be
34 paid within the time and upon the terms and conditions provided in the
35 original certificate of purchase for the payment of the balance of the
36 purchase price.

37 ~~(b)~~ 2. If the action is instituted by the state and judgment rendered
38 in favor of the state against the defendant, any citizen of the state may
39 have a certificate of purchase issued to him as provided by ~~subdivision (a)~~
40 ~~of this~~ paragraph 1 upon:

41 (a) Presenting to the state land department a certificate or
42 certificates showing that there are no unpaid delinquent charges or
43 assessments against the land. ~~—and upon~~

1 (b) Reimbursing the state for all costs incurred in prosecution of the
2 action. ~~and upon~~

3 (c) Paying to the state all delinquent installments of interest or
4 principal on account of the original certificate of purchase.

5 ~~2-~~ C. When such state lands are held under lease, the lessee thereof
6 shall at the time of paying the rental installments provided in the lease
7 present a certificate from the county treasurer of the county in which the
8 land is located showing that no unpaid district charges or assessments are
9 due and unpaid against the land. If a lessee of such state land or his
10 assignee fails, neglects or refuses for a period of one year after receipt
11 of notice of any such delinquency to present to the state land department a
12 certificate showing such delinquent assessments or charges paid, the state
13 land department shall declare the lease forfeited to the state and may
14 thereafter lease or sell the land in the manner provided by this article.

15 ~~3-~~ D. All charges and assessments THAT ARE legally levied BY THE
16 DISTRICT against such state lands not held under certificate of purchase or
17 lease ~~by the irrigation district~~ shall be a continuing lien upon the lands.
18 ~~and such~~ THOSE lands shall not be leased or sold ~~until~~ UNLESS EITHER:

19 1. THE STATE LAND DEPARTMENT GUARANTEES PAYMENT OF THE CHARGES OR
20 ASSESSMENTS.

21 2. The purchaser or lessee ~~thereof~~ presents to the state land
22 department a certificate from the county treasurer of the county in which the
23 land is located showing that no unpaid district charges are due and
24 delinquent against the land.

APPROVED BY THE GOVERNOR APRIL 1, 1996

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