

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 168

HOUSE BILL 2662

AN ACT

AMENDING SECTION 28-8461, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-2114, 32-2115 AND 32-2116; AMENDING SECTION 32-2183, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 20, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2183.05; AMENDING SECTION 37-102, ARIZONA REVISED STATUTES; RELATING TO AIRPORT ZONING AND REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-8461, Arizona Revised Statutes, is amended to
3 read:

4 28-8461. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Accident potential zone one" means an area three thousand feet
7 wide by five thousand feet long that starts at the end of each clear zone and
8 that is centered and measured on the extended runway centerline, terminating
9 eight thousand feet from the end of each runway.

10 2. "Accident potential zone two" means an area three thousand feet
11 wide by seven thousand feet long that starts at the end of each accident
12 potential zone one and that is centered and measured on the extended runway
13 centerline, terminating fifteen thousand feet from the end of each runway,
14 except that, for political subdivisions described in paragraph 8, subdivision
15 (a), accident potential zone two extends thirty thousand feet southwest from
16 the end of each runway.

17 3. "Airport" means an area of land or water that is designed and set
18 aside for the landing and taking off of aircraft and that is utilized or to
19 be utilized in the interest of the public for those purposes.

20 4. "Airport hazard" means a structure, tree or use of land that
21 obstructs the air space required for flight of aircraft in taking off or
22 landing at an airport or that is otherwise hazardous to aircraft taking off
23 or landing.

24 5. "Airport hazard area" means an area of land or water on which an
25 airport hazard might be established if not prevented as provided in this
26 article.

27 6. "Airstrip" means a strip of ground that is artificially or
28 naturally surfaced and that is designed and used at an airport or landing
29 field for the landing and takeoff of aircraft.

30 7. "Clear zone" means an area three thousand feet long measured along
31 the extended runway centerline beginning at the end of all main military
32 runways and three thousand feet wide centered on and measured at right angles
33 to the extended runway centerline.

34 8. "High noise or accident potential zone" means any property located
35 in the following zones:

36 (a) In political subdivisions located in a county with a population
37 of two million or more persons, within the 1988 noise contours developed and
38 recognized by the regional planning agency in that county that includes the
39 arrival and departure corridor that is the accident potential zone one and
40 accident potential zone two plus the land area described as
41 follows: starting two hundred feet from the south end of the westernmost
42 runway at a width of one thousand five hundred feet west and two thousand
43 five hundred feet east, measured perpendicular to the centerline of the
44 runway, and extending southwesterly parallel to the runway for a distance of
45 thirty thousand feet.

1 (b) In political subdivisions located in a county with a population
2 of more than eight hundred thousand persons but less than two million
3 persons, the area southeast of the runway within the noise contours
4 established by the most recent air installation compatible use zone report
5 recognized by the military airport and political subdivisions in that county,
6 including the arrival and departure corridor that is the accident potential
7 zone one and accident potential zone two plus the land area described as
8 follows: starting two hundred feet from the southeast runway end at a width
9 of two thousand feet and extending outward thirty thousand feet to a width
10 of ten thousand four hundred feet.

11 (c) In political subdivisions located in a county with a population
12 of eight hundred thousand persons or less, within the noise contours
13 established by the most recent air installation compatible use zone report
14 recognized by the military airport and political subdivisions in that county,
15 including the arrival and departure corridor that is the accident potential
16 zone one and accident potential zone two plus the land area described as
17 follows: starting two hundred feet from the end points of the main runways
18 and at a width of three thousand feet and symmetrical about a centerline
19 between the runways extending outward to a point thirty thousand feet from
20 the point of beginning. The outer width is seventeen thousand five hundred
21 feet.

22 9. "Military airport" means an airport that is operated by an armed
23 force of the United States and that is primarily used for military fixed wing
24 aircraft operations, excluding a runway or airstrip that is not immediately
25 adjacent to facilities primarily used for operational control, maintenance
26 and permanent parking of aircraft.

27 10. "MILITARY TRAINING ROUTE" MEANS A LOW LEVEL MILITARY ROUTE THAT
28 ALLOWS DEPARTMENT OF DEFENSE AIRCRAFT TO CONDUCT FLIGHTS THAT MAY BE AS LOW
29 AS ONE HUNDRED FEET ABOVE THE GROUND AT SPEEDS IN EXCESS OF TWO HUNDRED FIFTY
30 KNOTS INDICATED AIR SPEED AS DELINEATED IN THE MILITARY TRAINING ROUTE MAP
31 PURSUANT TO SECTION 37-102.

32 ~~10.~~ 11. "Occupied building" means any building where people live,
33 work or are otherwise received.

34 ~~11.~~ 12. "Person" means an individual, firm, partnership, corporation,
35 company, association, joint stock association or body politic, including any
36 trustee, receiver, assignee or other representative of a trustee, receiver
37 or assignee.

38 ~~12.~~ 13. "Political subdivision" means a city, town or county and
39 includes a school district.

40 ~~13.~~ 14. "Previous reporting period" means from July 1 of the year
41 before the report is due through June 30 of the year the report is due.

42 ~~14.~~ 15. "Runway" means an artificially surfaced strip of ground that
43 is designed and used at an airport for the landing and takeoff of aircraft.

44 ~~15.~~ 16. "School" means any public institution established for the
45 purposes of offering instruction to pupils in programs for preschool children

1 with disabilities, kindergarten programs or any combination of grades one
2 through twelve.

3 ~~16.~~ 17. "School district" means a political subdivision of this state
4 with geographic boundaries organized for the purpose of the administration,
5 support and maintenance of the public schools or an accommodation school.

6 ~~17.~~ 18. "School district development plan" means any proposal to
7 build or expand a school but does not include repairing, maintaining or
8 remodeling an existing school.

9 ~~18.~~ 19. "Structure" means an object that is constructed or installed
10 by a human including a building, tower, smokestack or overhead transmission
11 line.

12 ~~19.~~ 20. "Territory in the vicinity of a military airport" means any
13 property located in the following zones:

14 (a) In counties that have a population of two million or more
15 persons, the zone is ten miles to the north, south and west and four miles
16 to the east parallel from the center of the main runway of a military
17 airport.

18 (b) In counties that have a population of more than eight hundred
19 thousand but less than two million persons, the zone is five miles to the
20 northwest along a line extending from the end of the northwest runway, one
21 and one-half miles to the southwest, six and one-half miles to the northeast
22 and perpendicular to the runway centerline and ten miles to the southeast
23 along a line extending from the end of the southeast runway of a military
24 airport.

25 (c) In counties that have a population of eight hundred thousand
26 persons or less, the zone is five miles to the north, south and west and ten
27 miles to the east of the center of the main runway of a military airport.

28 ~~20.~~ 21. "Tree" means an object of natural growth.

29 Sec. 2. Title 32, chapter 20, article 1, Arizona Revised Statutes, is
30 amended by adding sections 32-2114, 32-2115 and 32-2116, to read:

31 32-2114. Recorded disclosure for land under a military training
32 route

33 A. THE COMMISSIONER SHALL EXECUTE AND RECORD IN THE OFFICE OF THE
34 COUNTY RECORDER IN EACH COUNTY IN THIS STATE THAT INCLUDES LAND UNDER A
35 MILITARY TRAINING ROUTE AS DEFINED IN SECTION 28-8461 AND AS DELINEATED IN
36 THE MILITARY TRAINING ROUTE MAP PREPARED BY THE STATE LAND DEPARTMENT
37 PURSUANT TO SECTION 37-102 A DOCUMENT, APPLICABLE TO LAND UNDER A MILITARY
38 TRAINING ROUTE AS DELINEATED IN THE MILITARY TRAINING ROUTE MAP, DISCLOSING
39 THAT THE LAND IS UNDER A MILITARY TRAINING ROUTE.

40 B. IF A MILITARY TRAINING ROUTE CHANGES AND PEOPLE WHO WERE NOTIFIED
41 PURSUANT TO SUBSECTION A OF THIS SECTION NO LONGER HAVE PROPERTY UNDER A
42 MILITARY TRAINING ROUTE AS DELINEATED IN THE MILITARY TRAINING ROUTE MAP, THE
43 COMMISSIONER SHALL EXECUTE AND RECORD IN THE OFFICE OF THE COUNTY RECORDER
44 IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED A DOCUMENT DISCLOSING THAT THE
45 LAND IS NOT UNDER A MILITARY TRAINING ROUTE.

1 C. THE ATTORNEY GENERAL SHALL PREPARE IN RECORDABLE FORM THE DOCUMENTS
2 THAT ARE EXECUTED AND RECORDED BY THE COMMISSIONER PURSUANT TO THIS SECTION.

3 D. THE DOCUMENTS THAT ARE EXECUTED AND RECORDED BY THE COMMISSIONER
4 PURSUANT TO THIS SECTION SHALL INCLUDE A LEGAL DESCRIPTION OF THE MILITARY
5 TRAINING ROUTE AS DELINEATED IN THE MILITARY TRAINING ROUTE MAP.

6 32-2115. Department's web site; military training route map

7 THE DEPARTMENT SHALL POST ON ITS WEB SITE THE MILITARY TRAINING ROUTE
8 MAP PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO SECTION 37-102.

9 32-2116. Military training routes; contacts

10 A. EACH YEAR THE DEPARTMENT SHALL CONTACT THE CHAIRPERSON OF THE
11 ARIZONA MILITARY AIRSPACE WORKING GROUP AND REQUEST THE NAME, ADDRESS AND
12 TELEPHONE NUMBER OF THE CHAIRPERSON.

13 B. THE DEPARTMENT SHALL POST THE INFORMATION IT RECEIVES PURSUANT TO
14 SUBSECTION A ON THE DEPARTMENT'S WEB SITE.

15 Sec. 3. Section 32-2183, Arizona Revised Statutes, is amended to read:

16 32-2183. Subdivision public reports; denial of issuance;
17 unlawful sales; voidable sale or lease; order
18 prohibiting sale or lease; investigations; hearings;
19 summary orders

20 A. Upon examination of a subdivision, the commissioner shall, unless
21 there are grounds for denial, SHALL issue to the subdivider a public report
22 authorizing the sale or lease in this state of the lots, parcels or
23 fractional interests within the subdivision. The report shall contain the
24 data obtained in accordance with section 32-2181 and any other information
25 which the commissioner determines is necessary to implement the purposes of
26 this article. If any of the lots, parcels or fractional interests within the
27 subdivision are located within territory in the vicinity of a military
28 airport as defined in section 28-8461 OR UNDER A MILITARY TRAINING ROUTE AS
29 DELINEATED IN THE MILITARY TRAINING ROUTE MAP PREPARED PURSUANT TO SECTION
30 37-102, the report shall include, in bold twelve point font block letters on
31 the first page of the report, the statements required pursuant to section
32 28-8484, subsection A OR SECTION 32-2183.05 and, if the department has been
33 provided a map prepared pursuant to section 28-8484, subsection B OR SECTION
34 37-102, the report shall include a copy of the map. ~~These~~ THE MILITARY
35 AIRPORT report requirements do not require the amendment or reissuance of any
36 public report issued on or before December 31, 2001. THE MILITARY TRAINING
37 ROUTE REPORT REQUIREMENTS DO NOT REQUIRE THE AMENDMENT OR REISSUANCE OF ANY
38 PUBLIC REPORT ISSUED ON OR BEFORE DECEMBER 31, 2004. The commissioner shall
39 require the subdivider to reproduce the report, make the report available to
40 each prospective customer and furnish each buyer or lessee with a copy before
41 the buyer or lessee signs any offer to purchase or lease, taking a receipt
42 therefor.

43 B. Notwithstanding subsection A of this section, a subdivider may
44 elect to prepare a final public report for use in the sale of improved lots
45 as defined in section 32-2101, as follows:

1 1. The subdivider shall prepare the public report and provide a copy
2 of the report to the commissioner with the submission of the notification
3 required by sections 32-2181 and 32-2184 and shall comply with all other
4 requirements of this article.

5 2. An initial filing fee of five hundred dollars or an amended filing
6 fee of two hundred fifty dollars shall accompany the notification required
7 by paragraph 1 of this subsection.

8 3. The department shall assign a registration number to each
9 notification and public report submitted pursuant to this subsection and
10 shall maintain a ~~data-base~~ DATABASE of all of these submissions. The
11 subdivider shall place the number on each public report.

12 4. The department shall determine within fifteen business days after
13 the receipt of the notification and public report whether the notification
14 and public report are administratively complete. The commissioner may either
15 MAY issue a certification that the notification and public report are
16 administratively complete or may deny issuance of the certification if it
17 appears that the application or project is not in compliance with all legal
18 requirements, that the applicant has a background of violations of state or
19 federal law or that the applicant or project presents an unnecessary risk of
20 harm to the public.

21 5. A subdivider may commence sales or leasing activities as permitted
22 under this article after obtaining a certificate of administrative
23 completeness from the commissioner.

24 6. Before or after the commissioner issues a certificate of
25 administrative completeness, the department may examine any public report,
26 subdivision or applicant that has applied for or received the certificate.
27 If the commissioner determines that the subdivider or subdivision is not in
28 compliance with any requirement of state law or that grounds exist under this
29 chapter to suspend, deny or revoke a public report, the commissioner may
30 commence an administrative action under section 32-2154 or 32-2157. If the
31 subdivider immediately corrects the deficiency and comes into full compliance
32 with state law, the commissioner shall vacate any action that the
33 commissioner may have commenced pursuant to section 32-2154 or 32-2157.

34 7. The department shall provide forms and guidelines for the
35 submission of the notification and public report pursuant to this section.

36 C. The commissioner may suspend, revoke or deny issuance of a public
37 report on any of the following grounds:

38 1. Failure to comply with any of the provisions of this article or
39 the rules of the commissioner pertaining to this article.

40 2. The sale or lease would constitute misrepresentation to or deceit
41 or fraud of the purchasers or lessees.

42 3. Inability to deliver title or other interest contracted for.

43 4. Inability to demonstrate that adequate financial or other
44 arrangements acceptable to the commissioner have been made for completion of
45 all streets, sewers, electric, gas and water utilities, drainage and flood

1 control facilities, community and recreational facilities and other
2 improvements included in the offering.

3 5. Failure to make a showing that the lots, parcels or fractional
4 interests can be used for the purpose for which they are offered.

5 6. The owner, agent, subdivider, officer, director or partner,
6 subdivider trust beneficiary holding ten per cent or more direct or indirect
7 beneficial interest or, if a corporation, any stockholder owning ten per cent
8 or more of the stock in the corporation has:

9 (a) Been convicted of a felony or misdemeanor involving fraud or
10 dishonesty or involving conduct of any business or a transaction in real
11 estate, cemetery property, time-share intervals or membership camping
12 campgrounds or contracts.

13 (b) Been permanently or temporarily enjoined by order, judgment or
14 decree from engaging in or continuing any conduct or practice in connection
15 with the sale or purchase of real estate or cemetery property, time-share
16 intervals, membership camping contracts or campgrounds, or securities or
17 involving consumer fraud or the racketeering laws of this state.

18 (c) Had an administrative order entered against him by a real estate
19 regulatory agency or security regulatory agency.

20 (d) Had an adverse decision or judgment entered against him involving
21 fraud or dishonesty or involving the conduct of any business or transaction
22 in real estate, cemetery property, time-share intervals or membership camping
23 campgrounds or contracts.

24 (e) Disregarded or violated any of the provisions of this chapter or
25 the rules of the commissioner pertaining to this chapter.

26 (f) Controlled an entity to which subdivision (b), (c), (d) or (e)
27 applies.

28 7. Procurement or an attempt to procure a public report by fraud,
29 misrepresentation or deceit or by filing an application for a public report
30 which is materially false or misleading.

31 8. Failure of the declaration for a condominium created pursuant to
32 title 33, chapter 9, article 2 to comply with the requirements of section
33 33-1215 or failure of the plat for the condominium to comply with the
34 requirements of section 33-1219. The commissioner may require an applicant
35 for a public report to submit a notarized statement signed by the subdivider
36 or an engineer or attorney licensed to practice in this state certifying that
37 the condominium plat and declaration of condominium are in compliance with
38 the requirements of sections 33-1215 and 33-1219. If the notarized statement
39 is provided, the commissioner is entitled to rely on this statement.

40 9. Failure of any blanket encumbrance or valid supplementary
41 agreement executed by the holder of the blanket encumbrance to contain
42 provisions that enable the purchaser to acquire title to a lot or parcel free
43 of the lien of the blanket encumbrance, on completion of all payments and
44 performance of all of the terms and provisions required to be made or
45 performed by the purchaser under the real estate sales contract by which the

1 purchaser has acquired the lot or parcel. The subdivider shall file copies
2 of documents acceptable to the commissioner containing these provisions with
3 the commissioner before the sale of any subdivision lot or parcel subject to
4 a blanket encumbrance.

5 10. Failure to demonstrate permanent access to the subdivision lots or
6 parcels.

7 11. The use of the lots presents an unreasonable health risk.

8 D. It is unlawful for a subdivider to sell any lot in a subdivision
9 unless one of the following occurs:

10 1. All proposed or promised subdivision improvements are completed.

11 2. The completion of all proposed or promised subdivision
12 improvements is assured by financial arrangements acceptable to the
13 commissioner. The financial arrangements may be made in phases for common
14 community and recreation facilities required by a municipality or county as
15 a stipulation for approval of a plan for a master planned community.

16 3. The municipal or county government agrees to prohibit occupancy
17 and the subdivider agrees not to close escrow for lots in the subdivision
18 until all proposed or promised subdivision improvements are completed.

19 4. The municipal or county government enters into an assurance
20 agreement with any trustee not to convey lots until improvements are
21 completed within the portion of the subdivision containing these lots, if the
22 improvements can be used and maintained separately from the improvements
23 required for the entire subdivision plat. The agreement shall be recorded
24 in the county in which the subdivision is located.

25 E. If the subdivision is within a groundwater active management area,
26 as defined in section 45-402, the commissioner shall deny issuance of a
27 public report or the use of any exemption pursuant to section 32-2181.02,
28 subsection B unless the subdivider has been issued a certificate of assured
29 water supply by the director of water resources, or unless the subdivider has
30 obtained a written commitment of water service for the subdivision from a
31 city, town or private water company designated as having an assured water
32 supply by the director of water resources pursuant to section 45-576 or is
33 exempt from the requirement pursuant to section 45-576.

34 F. No A subdivider shall NOT sell or lease or offer for sale or lease
35 in this state any lots, parcels or fractional interests in a subdivision
36 without first obtaining a public report from the commissioner except as
37 provided in section 32-2181.01 or 32-2181.02. Unless exempt, the sale or
38 lease of subdivided lands prior to issuance of the public report or failure
39 to deliver the public report to the purchaser or lessee shall render the sale
40 or lease rescindable by the purchaser or lessee. An action by the purchaser
41 or lessee to rescind the transaction shall be brought within three years of
42 the date of execution of the purchase or lease agreement by the purchaser or
43 lessee. In any rescission action, the prevailing party is entitled to
44 reasonable attorney fees as determined by the court.

1 G. Any applicant objecting to the denial of a public report may,
2 within thirty days after receipt of the order of denial, MAY file a written
3 request for a hearing. The commissioner shall hold the hearing within twenty
4 days after receipt of the request for a hearing unless the party requesting
5 the hearing has requested a postponement. If the hearing is not held within
6 twenty days after a request for a hearing is received, plus the period of any
7 postponement, or if a proposed decision is not rendered within forty-five
8 days after submission, the order of denial shall be rescinded and a public
9 report issued.

10 H. On the commissioner's own motion, or when the commissioner has
11 received a complaint and has satisfactory evidence that the subdivider or the
12 subdivider's agent is violating any provision set forth in this article or
13 the rules of the commissioner or has engaged in any unlawful practice as
14 defined in section 44-1522 with respect to the sale of subdivided lands or
15 deviated from the provisions of the public report, THE COMMISSIONER may
16 investigate the subdivision project and examine the books and records of the
17 subdivider. For the purpose of examination, the subdivider shall keep and
18 maintain records of all sales transactions and funds received by the
19 subdivider pursuant to the sales transactions and shall make them accessible
20 to the commissioner upon reasonable notice and demand.

21 I. On the commissioner's own motion, or when the commissioner has
22 received a complaint and has satisfactory evidence that any person has
23 violated any of the provisions of this article or the rules of the
24 commissioner or has engaged in any unlawful practice as defined in section
25 44-1522 with respect to the sale of subdivided lands or deviated from the
26 provisions of the public report or special order of exemption, or has been
27 indicted for fraud or against whom an information for fraud has been filed
28 or has been convicted of a felony, before or after the commissioner issues
29 the public report as provided in subsection A of this section, THE
30 COMMISSIONER may conduct an investigation of the matter, issue a summary
31 order as provided in section 32-2157, or hold a public hearing and, after the
32 hearing, may issue the order or orders the commissioner deems necessary to
33 protect the public interest and ~~insure~~ ENSURE compliance with the law, rules
34 or public report or the commissioner may bring action in any court of
35 competent jurisdiction against the person to enjoin the person from
36 continuing the violation or engaging in or doing any act or acts in
37 furtherance of the violation. The court may make orders or judgments,
38 including the appointment of a receiver, necessary to prevent the use or
39 employment by a person of any unlawful practices, or which may be necessary
40 to restore to any person in interest any monies or property, real or
41 personal, that may have been acquired by means of any practice in this
42 article declared to be unlawful.

43 J. When it appears to the commissioner that a person has engaged in
44 or is engaging in a practice declared to be unlawful by this article and that
45 the person is concealing assets or self or has made arrangements to conceal

1 assets or is about to leave the state, the commissioner may apply to the
2 superior court, ex parte, for an order appointing a receiver of the assets
3 of the person or for a writ of ne exeat, or both.

4 K. The court upon receipt of an application for the appointment of a
5 receiver or for a writ of ne exeat, or both, shall examine the verified
6 application of the commissioner and other evidence that the commissioner may
7 present the court. If satisfied that the interests of the public require the
8 appointment of a receiver or the issuance of a writ of ne exeat without
9 notice, the court shall issue an order appointing the receiver or issue the
10 writ, or both. If the court determines that the interests of the public will
11 not be harmed by the giving of notice, the court shall set a time for a
12 hearing and require notice be given as the court deems satisfactory.

13 L. If the court appoints a receiver without notice, the court shall
14 further direct that a copy of the order appointing a receiver be served upon
15 the person engaged in or engaging in a practice declared to be unlawful under
16 this article by delivering the order to the last address of the person which
17 is on file with the STATE real estate department. The order shall inform the
18 person that the person has the right to request a hearing within ten days of
19 the date of the order and, if requested, the hearing shall be held within
20 thirty days from the date of the order.

21 Sec. 4. Title 32, chapter 20, article 4, Arizona Revised Statutes, is
22 amended by adding section 32-2183.05, to read:

23 32-2183.05. Military training route disclosure; residential
24 property

25 A. ANY PUBLIC REPORT THAT IS ISSUED AFTER DECEMBER 31, 2004 PURSUANT
26 TO SECTION 32-2183 OR 32-2195.03 AND THAT IS APPLICABLE TO PROPERTY LOCATED
27 UNDER A MILITARY TRAINING ROUTE, AS DELINEATED IN THE MILITARY TRAINING ROUTE
28 MAP PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO SECTION 37-102, SHALL
29 INCLUDE THE FOLLOWING STATEMENTS:

30 1. THE PROPERTY IS LOCATED UNDER A MILITARY TRAINING ROUTE.

31 2. THE STATE LAND DEPARTMENT AND THE STATE REAL ESTATE DEPARTMENT
32 MAINTAIN MILITARY TRAINING ROUTE MAPS AVAILABLE TO THE PUBLIC.

33 3. THE MILITARY TRAINING ROUTE MAP IS POSTED ON THE STATE REAL ESTATE
34 DEPARTMENT'S WEB SITE.

35 B. THE PUBLIC REPORT PRESCRIBED BY SUBSECTION A OF THIS SECTION MAY
36 CONTAIN A DISCLAIMER THAT THE SUBDIVIDER HAS NO CONTROL OVER THE MILITARY
37 TRAINING ROUTES AS DELINEATED IN THE MILITARY TRAINING ROUTE MAP OR THE
38 TIMING OR FREQUENCY OF FLIGHTS AND ASSOCIATED LEVELS OF NOISE.

39 C. FOR ANY LOT RESERVATION OR CONDITIONAL SALE THAT OCCURS BEFORE THE
40 ISSUANCE OF A PUBLIC REPORT, THE DISCLOSURE STATEMENTS LISTED IN SUBSECTION
41 A OF THIS SECTION SHALL BE INCLUDED WITHIN THE RESERVATION DOCUMENT OR
42 CONDITIONAL SALES CONTRACT.

43 D. THIS SECTION DOES NOT REQUIRE THE AMENDMENT OR REISSUANCE OF ANY
44 PUBLIC REPORT ISSUED ON OR BEFORE DECEMBER 31, 2004 OR THE AMENDMENT OR

1 REISSUANCE OF ANY RESERVATION DOCUMENT OR CONDITIONAL SALES CONTRACT ACCEPTED
2 ON OR BEFORE DECEMBER 31, 2004.

3 E. NOTWITHSTANDING ANY OTHER LAW, IF THE PUBLIC REPORT COMPLIES WITH
4 SUBSECTION A OF THIS SECTION, A SUBDIVIDER IS NOT LIABLE TO ANY PERSON OR
5 GOVERNMENTAL ENTITY FOR ANY ACT OR FAILURE TO ACT IN CONNECTION WITH THE
6 DISCLOSURE OF A MILITARY TRAINING ROUTE AS DELINEATED IN THE MILITARY
7 TRAINING ROUTE MAP.

8 Sec. 5. Section 37-102, Arizona Revised Statutes, is amended to read:
9 37-102. State land department; powers and duties

10 A. The state land department shall administer all laws relating to
11 lands owned by, belonging to, and under the control of the state.

12 B. The department shall have charge and control of all lands owned by
13 the state, and timber, stone, gravel and other products of such lands, except
14 lands under the specific use and control of state institutions and the
15 products of such lands.

16 C. The department may, in the name of the state, MAY commence,
17 prosecute and defend all actions and proceedings to protect the interest of
18 the state in lands within the state or the proceeds thereof. Actions shall
19 be commenced and prosecuted at the request of the department by the attorney
20 general, a county attorney, or a special counsel under the direction of the
21 attorney general.

22 D. The department shall be the official representative of the state
23 in any communication between the state and the United States government in
24 all matters respecting state lands or any interest of the state in or to the
25 public lands within the state.

26 E. The summons in any action against the state respecting any lands
27 of the state or the products of such lands and all notices concerning such
28 lands or products shall be served upon the commissioner. Summonses, warrants
29 or legal notices served on behalf of the department may be served by the
30 commissioner or his THE COMMISSIONER'S deputy, or by the sheriff or a
31 constable of any county of the state.

32 F. The department shall maintain as a public record in each of its
33 offices a public docket and index of all matters before the department which
34 may be subject to appeal to the board of appeals or to the courts and all
35 sale, exchange and lease transactions subject to bidding by the public. The
36 department shall list a matter on the public docket immediately after an
37 application or other request for department action is received by the
38 department. The department shall include in the public docket every formal
39 action and decision affecting each matter in question. The department shall
40 establish by rule a means by which any person may obtain a copy of the public
41 docket at the current copying cost.

42 G. The department shall reappraise or update its original appraisal
43 of property to be leased, exchanged or sold if the board of appeals' approval
44 of the lease or sale occurred more than one hundred eighty days before the
45 auction.

1 H. WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO
2 THIS SECTION, THE STATE LAND DEPARTMENT SHALL PREPARE A MILITARY TRAINING
3 ROUTE MAP. THE MAP SHALL CONTAIN MILITARY TRAINING ROUTE NUMBERS IN THIS
4 STATE THAT ARE USED BY VARIOUS UNITED STATES ARMED FORCES. THE MAP SHALL BE
5 DATED.

6 I. WHEN PREPARING THE MILITARY TRAINING ROUTE MAP, THE STATE LAND
7 DEPARTMENT SHALL USE INFORMATION CONTAINED IN THE MOST CURRENT DEPARTMENT OF
8 DEFENSE PUBLICATION THAT IS ENTITLED AREA PLANNING MILITARY TRAINING ROUTES
9 FOR NORTH AND SOUTH AMERICA.

10 J. THE MILITARY TRAINING ROUTE MAP SHALL BE MADE AVAILABLE IN PRINTED
11 OR ELECTRONIC FORMAT TO THE PUBLIC AT THE STATE LAND DEPARTMENT AND AT THE
12 STATE REAL ESTATE DEPARTMENT.

13 K. WITHIN NINETY DAYS AFTER THE DEPARTMENT IS NOTIFIED OF A CHANGE OF
14 A MILITARY TRAINING ROUTE IN THIS STATE, THE DEPARTMENT SHALL PREPARE A
15 REVISED MILITARY TRAINING ROUTE MAP. THE MAP SHALL BE DATED AND CONTAIN A
16 STATEMENT THAT THE MAP SUPERSEDES ALL PREVIOUSLY DATED MAPS. THE STATE LAND
17 DEPARTMENT SHALL SEND THE REVISED MAP TO THE STATE REAL ESTATE DEPARTMENT
18 ELECTRONICALLY AND SHALL ALSO SEND AN ACCOMPANYING LETTER SPECIFYING THE
19 MILITARY TRAINING ROUTE CHANGES. THE STATE LAND DEPARTMENT SHALL SEND THE
20 REVISED MAP AND AN ACCOMPANYING LETTER SPECIFYING THE MILITARY TRAINING ROUTE
21 CHANGES TO THE MUNICIPALITIES AFFECTED BY THE CHANGES AND TO ALL COUNTIES.

22 L. THE DEPARTMENT SHALL SUBMIT THE MILITARY TRAINING ROUTE MAP
23 PREPARED PURSUANT TO THIS SECTION TO THE COUNTIES IN EITHER AN ELECTRONIC OR
24 A PRINTED FORMAT. THE FORMAT SHALL BE DETERMINED BY THE RECEIVING COUNTY.

25 M. THE STATE LAND DEPARTMENT SHALL PROVIDE THE LEGAL DESCRIPTION OF
26 THE BOUNDARIES OF THE MILITARY TRAINING ROUTES AS DELINEATED IN THE MILITARY
27 TRAINING ROUTE MAP TO THE STATE REAL ESTATE DEPARTMENT IN ELECTRONIC FORMAT.

28 Sec. 6. Legislative findings; purpose

29 A. The legislature finds that:

30 1. Military training routes, the Fort Huachuca Army Post, the Barry
31 M. Goldwater Range and the Yuma Proving Ground are important to the economic
32 viability of this state and the national security of this country.

33 2. The military missions conducted on the military training routes,
34 the Fort Huachuca Army Post, the Barry M. Goldwater Range and the Yuma
35 Proving Ground will be affected by uncoordinated development.

36 3. The public should be aware of the effect of encroachment on the
37 mission of the military training routes, the Fort Huachuca Army Post, the
38 Barry M. Goldwater Range and the Yuma Proving Ground.

39 4. The public should be aware of safety and quality of life issues
40 related to military training routes.

41 5. Military training routes are important to train air crews how to
42 operate at low altitudes and high speeds under simulated war conditions.

43 6. The operations on the military training routes include reacting to
44 simulated threats such as antiaircraft artillery, surface to air missiles or
45 an air threat.

1 7. Military training route tactics usually include high gravity turns,
2 use of an afterburner and vertical maneuvering with noise estimates for a
3 single event ranging from one hundred ten to one hundred forty decibels.

4 8. The Fort Huachuca Army Post, the Barry M. Goldwater Range and the
5 Yuma Proving Ground are important national military test and training
6 facilities that permit live ordnance training and joint operations.

7 9. There is a need to protect private property rights while supporting
8 military missions.

9 B. The legislature does not intend that this act apply to land under
10 a military training route as delineated in the military training route map
11 prepared by the state land department pursuant to section 37-102, Arizona
12 Revised Statutes, as amended by this act, if use of the military training
13 route is discontinued.

14 C. The legislature intends to ensure that development in this state
15 does not interfere with military training routes, the Fort Huachuca Army
16 Post, the Barry M. Goldwater Range or the Yuma Proving Ground.

APPROVED BY THE GOVERNOR APRIL 26, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2004.

Passed the House March 11, 2004

Passed the Senate April 13, 2004

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

0 Nays, 3 Not Voting

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Ken Plummer
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmine Billington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2662

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 20, 2004,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting



Speaker of the House
Pro Tempore
Herman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
20th day of April, 2004,

at 12:23 o'clock P. M.

Jennifer Upbarra
Secretary to the Governor

Approved this 26 day of

April, 2004,

at 9:30 o'clock A. M.



Governor of Arizona

H.B. 2662

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 26 day of April, 2004,

at 12:34 o'clock P. M.

Janice K. Brewer
Secretary of State