

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 42

# **SENATE BILL 1120**

AN ACT

AMENDING SECTION 37-1121, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA  
NAVIGABLE STREAM ADJUDICATION COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 37-1121, Arizona Revised Statutes, is amended to  
3 read:

4 37-1121. Arizona navigable stream adjudication commission

5 A. The Arizona navigable stream adjudication commission is established  
6 through June 30, ~~2008~~ 2012 as a separate agency and independent of the state  
7 land department. The commission consists of five persons, not more than  
8 three of whom shall be of the same political party, who are appointed by the  
9 governor pursuant to section 38-211. Persons who are appointed to the  
10 commission must be well-informed on issues relating to rivers and streams in  
11 this state. The commission shall select a presiding officer from among its  
12 members.

13 B. Members of the commission are public officers for purposes of title  
14 38, chapter 3, article 8 and title 38, chapter 3.1. A person who has  
15 advocated for or expressed a desire that a watercourse in this state be  
16 determined to have been navigable or nonnavigable may not serve as a  
17 commission member. A commission member who is a witness, gives evidence or  
18 makes statements of personal knowledge of the characteristics of navigability  
19 of a watercourse for the commission's consideration shall not participate as  
20 a commission member in proceedings relating to that watercourse. A  
21 commission member shall not:

22 1. Have any bias regarding the possible navigability of any  
23 watercourse.

24 2. Own, obtain a significant portion of income from or claim any  
25 ownership or possessory interest in lands affected by this chapter.

26 3. Directly or indirectly receive a significant portion of income from  
27 a person who claims an ownership or possessory interest in lands affected by  
28 this chapter or from a person who obtains a significant portion of income  
29 from such lands nor have been employed by such persons within two years  
30 before, or be employed by such persons within two years after, the commission  
31 member's term of office.

32 C. Funding for the commission and its necessary and reasonable  
33 expenses, including contracting for private services, shall be provided from  
34 such legislative appropriations as may be necessary to permit the commission  
35 to fulfill its responsibilities.

36 D. The governor, on good cause shown, may remove a member for neglect  
37 of duty or misconduct or malfeasance in office. On removal, the governor  
38 shall file with the secretary of state a complete statement of all charges  
39 made against the member, the governor's findings and a complete record of the  
40 disciplinary proceedings conducted with respect to the removal.

41 E. Members are eligible to receive compensation pursuant to section  
42 38-611 for service on the commission, unless a member who is otherwise  
43 employed as a public officer is prohibited from receiving additional  
44 compensation.

1 F. The commission shall maintain its principal office at the state  
2 capital but may hold meetings or hearings any place in this state. The  
3 commission shall meet at least once each calendar quarter, except that if the  
4 commission has completed all inquiries and hearings required under this  
5 chapter, the commission shall not be required to meet. The presiding officer  
6 or a majority of the members may call additional meetings. On termination,  
7 the commission shall transmit all of its records to the secretary of state.

8 G. In the event of a vacancy on the commission, the governor may  
9 appoint a replacement member pursuant to section 38-211.

10 H. Notwithstanding section 41-192, the attorney general shall not  
11 advise or represent the commission.

12 I. For the purposes of subsection B of this section, "significant  
13 portion of income" means ten per cent or more of gross personal income for a  
14 calendar year.

15 Sec. 2. Retroactivity

16 This act applies retroactively to from and after June 30, 2008.

APPROVED BY THE GOVERNOR APRIL 16, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2008.