

State of Arizona
House of Representatives
Forty-fourth Legislature
Second Regular Session
2000

CHAPTER 96

HOUSE BILL 2706

AN ACT

AMENDING SECTION 41-511.23, ARIZONA REVISED STATUTES; RELATING TO LAND
CONSERVATION FUND GRANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-511.23, Arizona Revised Statutes, is amended to
3 read:

4 41-511.23. Conservation acquisition board: land conservation
5 fund: conservation donation and public
6 conservation accounts

7 A. The conservation acquisition board is established, as an advisory
8 body to the Arizona state parks board, consisting of the following members
9 who are appointed by the governor, at least one of whom shall be experienced
10 in soliciting money from private sources:

11 1. One state land lessee.

12 2. One member who is qualified by experience in managing large
13 holdings of private land for income production or conservation purposes.

14 3. One member of the state bar of Arizona who is experienced in the
15 practice of private real estate law.

16 4. One real estate appraiser who is licensed or certified under title
17 32, chapter 36.

18 5. One member who is qualified by experience in marketing real estate.

19 6. One representative of a conservation organization.

20 7. One representative of a state public educational institution.

21 B. The governor shall designate a presiding member of the board. The
22 term of office is five years except that initial members shall assign
23 themselves by lot to terms of one, two, three, two members for four and two
24 members for five years in office.

25 C. The conservation acquisition board shall:

26 1. Solicit donations to the conservation donation account.

27 2. Consult with entities such as private land trusts, state land
28 lessees, the state land department, the Arizona state parks board and others
29 to identify conservation areas that are reclassified pursuant to section
30 37-312 and that are suitable for funding.

31 3. Recommend to the Arizona state parks board appropriate grants from
32 the land conservation fund.

33 D. The land conservation fund is established consisting of the
34 following accounts:

35 1. The conservation donation account consisting of monies received as
36 donations. Donations to the account are subject to any lawful conditions the
37 donor may prescribe, including any conditions on the use of the money or
38 reversion to the donor. Monies in the account are exempt from the provisions
39 of section 35-190 relating to lapsing of appropriations.

40 2. The public conservation account consisting of monies appropriated
41 to the account from the state general fund and monies from any other
42 designated source. In fiscal years 2000-2001 through 2010-2011, the sum of
43 twenty million dollars is appropriated each fiscal year from the state
44 general fund to the public conservation account in the land conservation fund
45 for the purposes of this section. Monies in the account are appropriated for
46 the purposes of this section, and the Arizona state parks board may spend

1 monies in the account without further legislative authorization. Each
2 expenditure of monies from the public conservation account for purposes
3 listed under subsection G, paragraph 1 of this section shall be matched by an
4 equal expenditure of monies from the conservation donation account or from
5 other private or governmental sources.

6 E. If the legislature fails to appropriate monies to the public
7 conservation account in a fiscal year, and if there are no other monies in
8 the public conservation account, the Arizona state parks board may either
9 grant nothing from the fund in that year or, on recommendation by the
10 conservation acquisition board, may grant available monies in the
11 conservation donation account for purposes authorized in subsection G of this
12 section.

13 F. The monies in the fund are exempt from the provisions of section
14 35-190 relating to lapsing of appropriations.

15 G. Monies in the public conservation account, with matching monies
16 from the conservation donation account, are appropriated to the Arizona state
17 parks board for the exclusive purpose of granting monies:

18 1. To the state or any of its political subdivisions, or to a
19 nonprofit organization that is exempt from federal income taxation under
20 section 501(c) of the internal revenue code and that has the purpose of
21 preserving open space, for the following purposes only:

22 (a) To purchase or lease state trust lands that are classified as
23 suitable for conservation purposes pursuant to title 37, chapter 2, article
24 4.2. A grant of money under this subdivision to a nonprofit organization is
25 conditioned on the organization providing reasonable public access to any
26 land that is wholly or partly purchased with that money. The organization
27 shall agree with the Arizona state parks board that it will impose a
28 restrictive covenant, running with the title to the land, granting such
29 access and providing for reversion to this state of any interest in the
30 property acquired with money granted under this subdivision on the failure to
31 comply with the terms of the covenant. The Arizona state parks board and the
32 state land commissioner have standing to either enforce the covenant or
33 recover the amount of the grant from the current owner, with interest from
34 the date the grant was awarded to the nonprofit organization.

35 (b) To purchase the development rights of state trust lands throughout
36 this state under the following conditions:

37 (i) The development rights shall be sold at public auction as provided
38 in section 37-258.01.

39 (ii) The lessee of the state trust land at the time the development
40 rights are purchased shall be notified of the purchase in writing.

41 (iii) The purchase of the development rights shall not result in
42 cancellation or modification of the current lease.

43 (iv) The purchase of the development rights shall not affect the
44 existing lessee's current economic use of the land and rights pursuant to
45 title 37, chapter 2, article 4.2.

1 (v) As a condition of the sale of the development rights, the
2 purchaser shall agree in perpetuity not to exercise the development rights
3 and that the land shall remain as open space.

4 (vi) The state trust land shall retain any other rights and attributes
5 as prescribed by law at the time of the purchase.

6 2. To an individual landowner or grazing or agricultural lessee of
7 state or federal land who contracts with the Arizona state parks board to
8 implement conservation based management alternatives using livestock or crop
9 production practices, or reduce livestock or crop production, to provide
10 wildlife habitat or other public benefits that preserve open space. **THE**
11 **CONSERVATION ACQUISITION BOARD SHALL GIVE PRIORITY UNDER THIS PARAGRAPH TO**
12 **LESSEES OF STATE OR FEDERAL LAND WHO ARE REQUIRED TO REDUCE LIVESTOCK**
13 **PRODUCTION TO PROVIDE PUBLIC BENEFITS, SUCH AS WILDLIFE SPECIES CONSERVATION**
14 **OR WILDLIFE HABITAT.**

15 H. The Arizona state parks board shall not grant more than:

16 1. Ten per cent of the monies in the public conservation account for
17 purposes of subsection G, paragraph 2 of this section in any fiscal year.

18 2. Fifty per cent of the monies under subsection G of this section
19 with respect to land in one county in any fiscal year.

20 I. A grant of money under subsection G of this section is valid for
21 eighteen months and may be extended one time for twelve additional months if
22 a required public auction has not been held.

23 J. The Arizona state parks board may adopt rules to establish
24 qualifications of nonprofit organizations for purposes of applying for and
25 receiving money granted for purposes of subsection G of this section.

26 K. The owner of property that is wholly or partly acquired with money
27 granted under subsection G, paragraph 1 of this section shall not restrict or
28 unreasonably limit access to private lands. Any sale of land with money
29 granted under subsection G of this section shall include a condition
30 requiring that permanent access to private lands be allowed.

31 L. The Arizona state parks board shall administer the land
32 conservation fund. On notice from the board, the state treasurer shall
33 invest and divest monies in either account in the fund as provided by section
34 35-313, and monies earned from investments shall be credited to a separate
35 administration account to pay the expenses of administering the land
36 conservation and acquisition program under this section, which shall not
37 exceed five per cent of the amount deposited in the public conservation
38 account in any fiscal year or five hundred thousand dollars, whichever is
39 less. Any unobligated amount remaining in the administration account at the
40 end of the fiscal year shall be credited to the public conservation account
41 for purposes of subsection D of this section.

42 M. Members of the conservation acquisition board may be reimbursed for
43 travel and lodging expenses and per diem subsistence allowances incurred
44 while on public business for the board. Reimbursement amounts shall not
45 exceed those allowed under title 38, chapter 4, article 2.

H.B. 2706

APPROVED BY THE GOVERNOR MARCH 31, 2000.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 31, 2000.