

REFERENCE TITLE: military installation fund; lands acquired

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

SB 1379

Introduced by
Senators Arzberger, Miranda; Representative Alvarez: Senators Flake,
Landrum Taylor, McCune Davis, Soltero; Representatives Boone, Brown,
Lopes, McComish

AN ACT

AMENDING SECTIONS 37-102 AND 41-603, ARIZONA REVISED STATUTES; RELATING TO
THE MILITARY INSTALLATION FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 37-102, Arizona Revised Statutes, is amended to
3 read:

4 37-102. State land department; powers and duties

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

7 B. The department shall have charge and control of all lands owned by
8 the state, and timber, stone, gravel and other products of such lands, except
9 lands under the specific use and control of state institutions and the
10 products of such lands.

11 C. The department, in the name of the state, may commence, prosecute
12 and defend all actions and proceedings to protect the interest of the state
13 in lands within the state or the proceeds thereof. Actions shall be
14 commenced and prosecuted at the request of the department by the attorney
15 general, a county attorney or a special counsel under the direction of the
16 attorney general.

17 D. The department shall be the official representative of the state in
18 any communication between the state and the United States government in all
19 matters respecting state lands or any interest of the state in or to the
20 public lands within the state.

21 E. The summons in any action against the state respecting any lands of
22 the state or the products of such lands and all notices concerning such lands
23 or products shall be served upon the commissioner. Summonses, warrants or
24 legal notices served on behalf of the department may be served by the
25 commissioner or the commissioner's deputy, or by the sheriff or a constable
26 of any county of the state.

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

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

41 H. The state land department shall:

42 1. Prepare maps of the ancillary military facilities described in
43 section 28-8461, paragraph 7, subdivisions (b) and (c).

44 2. Make a map of the ancillary military facility described in section
45 28-8461, paragraph 7, subdivision (a) available to the public in printed or

1 electronic format and provide the map in printed or electronic format to the
2 state real estate department.

3 I. The state land department shall provide each map and the legal
4 description of the boundaries of each ancillary military facility described
5 in section 28-8461, paragraph 7 in electronic format to the state real estate
6 department. Each map prepared by the state land department pursuant to this
7 section shall:

8 1. Describe the ancillary military facility, the territory in the
9 vicinity of the ancillary military facility and the high noise and accident
10 potential zone, accident potential zone one and accident potential zone two
11 associated with the ancillary military facility.

12 2. Be submitted to the county in which the ancillary military facility
13 is located.

14 3. Be made available in printed or electronic format to the public at
15 the state land department and at the state real estate department.

16 J. The state land department shall prepare a military training route
17 map. The map shall contain military training route numbers in this state
18 that are used by various United States armed forces. The map shall be dated.

19 K. When preparing the military training route map, the state land
20 department shall use information contained in the most current department of
21 defense publication that is entitled area planning military training routes
22 for North and South America.

23 L. The military training route map shall be made available in printed
24 or electronic format to the public at the state land department and at the
25 state real estate department.

26 M. Within ninety days after the department is notified of a change of
27 a military training route in this state, the department shall prepare a
28 revised military training route map. The map shall be dated and contain a
29 statement that the map supersedes all previously dated maps. The state land
30 department shall send the revised map to the state real estate department
31 electronically and shall also send an accompanying letter specifying the
32 military training route changes. The state land department shall send the
33 revised map and an accompanying letter specifying the military training route
34 changes to the municipalities affected by the changes and to all counties.

35 N. The department shall submit the military training route map
36 prepared pursuant to this section to the counties in either an electronic or
37 a printed format. The format shall be determined by the receiving county.

38 O. The state land department shall provide the legal description of
39 the boundaries of the military training routes as delineated in the military
40 training route map to the state real estate department in electronic format.

41 P. ~~Within ninety days after the effective date of this amendment to~~
42 ~~this section,~~ The state land department shall prepare a military restricted
43 airspace map. The map shall contain military restricted airspace in this
44 state that is used by various United States armed forces. The map shall be
45 dated.

1 Q. When preparing the military restricted airspace map, the state land
2 department shall use information contained in the most current department of
3 transportation publication that is entitled "aeronautical chart".

4 R. The military restricted airspace map shall be made available in
5 printed or electronic format to the public at the state land department and
6 at the state real estate department.

7 S. Within ninety days after the department is notified of a change of
8 military restricted airspace in this state, the department shall prepare a
9 revised military restricted airspace map. The map shall be dated and contain
10 a statement that the map supersedes all previously dated maps. The state
11 land department shall send the revised map to the state real estate
12 department electronically and shall also send an accompanying letter
13 specifying the military restricted airspace changes. The state land
14 department shall send the revised map and an accompanying letter specifying
15 the military restricted airspace changes to the municipalities affected by
16 the changes and to all counties.

17 T. The department shall submit the military restricted airspace map
18 prepared pursuant to this section to the counties in either an electronic or
19 a printed format. The format shall be determined by the receiving county.

20 U. The state land department shall provide the legal description of
21 the boundaries of the military restricted airspace as delineated in the
22 military restricted airspace map to the state real estate department in
23 electronic format.

24 V. THE DEPARTMENT MAY ACCEPT TITLE TO AND MANAGE REAL ESTATE, PROPERTY
25 RIGHTS AND RELATED INFRASTRUCTURE ACQUIRED PURSUANT TO SECTION 41-603,
26 SUBSECTION C, PARAGRAPH 3 FOR PRESERVING OR ENHANCING MILITARY INSTALLATIONS
27 IN THIS STATE.

28 Sec. 2. Section 41-603, Arizona Revised Statutes, is amended to read:
29 41-603. Powers and duties

30 A. The department may act as guardian of an incapacitated veteran, the
31 incapacitated spouse of a veteran or minor children of a veteran, or as
32 conservator of the estate of a protected veteran or of the veteran's
33 incapacitated or surviving spouse or of the minor children of a veteran. The
34 department may act in all fiduciary matters, including as power of attorney,
35 trustee, custodian or representative payee of a veteran, spouse of a veteran
36 or minor child of a veteran. The department may act as the personal
37 representative of the estate of a deceased veteran, deceased spouse of a
38 veteran or deceased child of a veteran.

39 B. The department shall:

40 1. Assist veterans and their families and dependents in presenting,
41 providing and establishing claims, privileges, rights and benefits they may
42 have under federal, state or local law.

43 2. Inform veterans and their families and dependents and military and
44 civilian authorities about federal, state and local laws enacted to benefit
45 veterans and their families and dependents and members of the armed forces.

- 1 3. Collect information relating to services and facilities available
2 to veterans.
- 3 4. Cooperate with all government and private agencies receiving
4 services for or benefits to veterans and their families and dependents.
- 5 5. Conduct administrative reviews and, if possible, correct abuses or
6 prevent exploitation of veterans and their families or dependents and
7 recommend corrective legislation.
- 8 6. Adopt rules deemed necessary to administer this article.
- 9 7. Enter into agreements with veterans' organizations in this state
10 holding a charter granted by the Congress of the United States for the
11 beneficial interest of veterans.
- 12 8. Verify and provide written confirmation to the person of
13 eligibility for special license plates issued pursuant to section 28-2455 by
14 determining that all of the following are true:
 - 15 (a) The person was a member of the United States armed forces on
16 December 7, 1941.
 - 17 (b) The person received an honorable discharge from the United States
18 armed forces.
 - 19 (c) The person was on station on December 7, 1941, during the hours of
20 7:55 a.m. to 9:45 a.m., Hawaii time at Pearl Harbor, the Island of Oahu or
21 offshore, at a distance not exceeding three miles.
- 22 9. Evaluate, supervise, approve and disapprove programs offered by
23 educational institutions and training establishments pursuant to United
24 States Code titles 10 and 38 and state rules, so that veterans and their
25 dependents may draw the educational allowance provided by federal law while
26 pursuing approved programs.
- 27 10. Approve or disapprove veterans' organizations seeking to solicit
28 money or other support in this state in the name of American veterans.
 - 29 C. The department may:
 - 30 1. Acquire property for and construct and operate a veterans' home
31 facility in southern Arizona.
 - 32 2. Acquire property for and establish and operate cemeteries for
33 veterans in this state.
 - 34 3. Acquire real estate, property rights and related infrastructure
35 pursuant to section 41-1512.01, subsection G. **THE DEPARTMENT OF VETERANS'**
36 **SERVICES SHALL TRANSFER ANY REAL ESTATE, PROPERTY RIGHTS AND RELATED**
37 **INFRASTRUCTURE TO THE STATE LAND DEPARTMENT TO MANAGE** for **THE PURPOSES OF**
38 preserving or enhancing military installations in this state.
 - 39 4. Establish a training center to provide training to current or
40 potential employees and the veteran community. The department may establish
41 a fee for this training.