

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

# SENATE BILL 1387

## AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.28; AMENDING TITLE 11, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-812; AMENDING TITLE 32, CHAPTER 20, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2114.01; AMENDING SECTIONS 32-2115, 32-2183, 32-2183.05, 33-422, 37-102 AND 41-603, ARIZONA REVISED STATUTES; RELATING TO REAL PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is  
3 amended by adding section 9-500.28, to read:

4 9-500.28. Disclosure of filings: military electronics range:  
5 definition

6 A. A CITY OR TOWN THAT CONTAINS ANY PORTION OF A MILITARY ELECTRONICS  
7 RANGE AS DELINEATED IN THE MILITARY ELECTRONICS RANGE MAP PREPARED BY THE  
8 STATE LAND DEPARTMENT PURSUANT TO SECTION 37-102 SHALL NOTIFY THE OFFICE OF  
9 THE INSTALLATION COMMANDER WHEN AN APPLICATION IS DEEMED COMPLETE BY THE CITY  
10 OR TOWN TO DO ANY OF THE FOLLOWING WITHIN ANY PORTION OF THE MILITARY  
11 ELECTRONICS RANGE:

12 1. REZONE THE PROPERTY.

13 2. ISSUE A BUILDING OR OTHER DEVELOPMENT PERMIT, INCLUDING AN  
14 APPLICATION FOR CONSTRUCTION OR INSTALLATION OF A PUBLICLY OR PRIVATELY  
15 OPERATED UTILITY, FOR THE PROPERTY.

16 3. SUBDIVIDE THE PROPERTY OR OTHERWISE DIVIDE THE PROPERTY, INCLUDING  
17 ANY LAND DIVISION INTO FIVE OR FEWER LOTS, WHETHER FOR RESIDENTIAL,  
18 INDUSTRIAL, COMMERCIAL OR ANY OTHER USE.

19 B. IF THE INSTALLATION CHOOSES TO MAKE OFFICIAL COMMENTS ON THE  
20 PROPOSED LAND USE CHANGE, THOSE COMMENTS SHALL BE MADE IN WRITING AND  
21 RECEIVED BY THE CITY OR TOWN SEVEN DAYS BEFORE THE FIRST PUBLIC HEARING ON  
22 THE PROPOSED LAND USE CHANGE. IF THE PROPOSED LAND USE CHANGE DESCRIBED IN  
23 SUBSECTION A OF THIS SECTION DOES NOT REQUIRE A PUBLIC HEARING, THIS  
24 SUBSECTION SHALL NOT BE CONSTRUED TO ALLOW OR REQUIRE A PUBLIC HEARING BY THE  
25 CITY OR TOWN ON WRITTEN COMMENTS BY THE INSTALLATION. IF THE INSTALLATION  
26 CHOOSES NOT TO SUBMIT OFFICIAL COMMENTS, THE CITY OR TOWN SHALL NOTE AT THE  
27 PUBLIC HEARING ON THE PROPOSED LAND USE CHANGE THAT THE INSTALLATION HAS NOT  
28 INDICATED AN OBJECTION TO THE PROPOSED LAND USE CHANGE.

29 C. THE CITY OR TOWN SHALL PROVIDE NOTICE TO THE OFFICE OF THE  
30 INSTALLATION COMMANDER PURSUANT TO THIS SECTION BY PROVIDING A COPY OF THE  
31 APPLICATION AND THE RELEVANT DOCUMENTATION THAT IS NECESSARY TO ADEQUATELY  
32 DESCRIBE THE PROPOSED LAND USE CHANGE AS IT RELATES TO THE MILITARY  
33 OPERATIONS AT THE INSTALLATION. THIS DOCUMENTATION SHALL INCLUDE A BASIC  
34 OUTLINE OF THE PROCEDURES THE CITY OR TOWN USES WHEN PROCESSING LAND USE  
35 CHANGE APPLICATIONS AND DEADLINES FOR SUBMITTING OFFICIAL COMMENTS.

36 D. THIS SECTION SHALL NOT BE CONSTRUED TO ALLOW OR REQUIRE A CITY OR  
37 TOWN TO DENY ANY USE OR OCCUPANCY PERMIT, BUILDING PERMIT, ZONING APPROVAL OR  
38 ANY OTHER PERMIT, APPROVAL OR OTHER AUTHORIZATION BASED ON THE EXISTENCE OF  
39 THE MILITARY ELECTRONICS RANGE OR ITS PROXIMITY TO A PARCEL OF REAL ESTATE.

40 E. THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE A CITY OR TOWN TO  
41 MEET THE NOTIFICATION REQUIREMENTS OF THIS SECTION IF THE STATE LAND  
42 DEPARTMENT HAS NOT PREPARED A MAP OF THE MILITARY ELECTRONICS RANGE.

1 F. FOR THE PURPOSES OF THIS SECTION, "MILITARY ELECTRONICS RANGE"  
2 MEANS THE GEOGRAPHICALLY DEFINED AREA IN WHICH ELECTRONIC COMMUNICATION,  
3 MONITORING OR OTHER DEVICES ARE ROUTINELY TESTED AS A PART OF THE MILITARY  
4 MISSION OF A MILITARY INSTALLATION.

5 Sec. 2. Title 11, chapter 6, article 1, Arizona Revised Statutes, is  
6 amended by adding section 11-812, to read:

7 11-812. Disclosure of filings; military electronics range;  
8 definition

9 A. A COUNTY THAT CONTAINS ANY PORTION OF A MILITARY ELECTRONICS RANGE  
10 AS DELINEATED IN THE MILITARY ELECTRONICS RANGE MAP PREPARED BY THE STATE  
11 LAND DEPARTMENT PURSUANT TO SECTION 37-102 SHALL NOTIFY THE OFFICE OF THE  
12 INSTALLATION COMMANDER WHEN AN APPLICATION IS RECEIVED BY THE COUNTY TO DO  
13 ANY OF THE FOLLOWING WITHIN ANY PORTION OF THE MILITARY ELECTRONICS RANGE:

14 1. REZONE THE PROPERTY.

15 2. ISSUE A BUILDING OR OTHER DEVELOPMENT PERMIT, INCLUDING AN  
16 APPLICATION FOR CONSTRUCTION OR INSTALLATION OF A PUBLICLY OR PRIVATELY  
17 OPERATED UTILITY, FOR THE PROPERTY.

18 3. SUBDIVIDE THE PROPERTY OR OTHERWISE DIVIDE THE PROPERTY, INCLUDING  
19 ANY LAND DIVISION INTO FIVE OR FEWER LOTS, WHETHER FOR RESIDENTIAL,  
20 INDUSTRIAL, COMMERCIAL OR ANY OTHER USE.

21 B. IF THE PROPOSED LAND USE CHANGE DESCRIBED IN SUBSECTION A DOES NOT  
22 REQUIRE A PUBLIC HEARING, THIS SUBSECTION SHALL NOT BE CONSTRUED TO ALLOW OR  
23 REQUIRE A PUBLIC HEARING BY THE COUNTY ON WRITTEN COMMENTS BY THE  
24 INSTALLATION. IF THE INSTALLATION CHOOSES TO MAKE OFFICIAL COMMENTS ON THE  
25 PROPOSED LAND USE CHANGE, THOSE COMMENTS SHALL BE MADE IN WRITING AND  
26 RECEIVED BY THE COUNTY SEVEN DAYS BEFORE THE FIRST PUBLIC HEARING ON THE  
27 PROPOSED LAND USE CHANGE. IF THE INSTALLATION CHOOSES NOT TO SUBMIT OFFICIAL  
28 COMMENTS, THE COUNTY SHALL NOTE AT THE PUBLIC HEARING ON THE PROPOSED LAND  
29 USE CHANGE THAT THE INSTALLATION HAS NOT INDICATED AN OBJECTION TO THE  
30 PROPOSED LAND USE CHANGE.

31 C. THE COUNTY SHALL PROVIDE NOTICE TO THE OFFICE OF THE INSTALLATION  
32 COMMANDER PURSUANT TO THIS SECTION BY PROVIDING A COPY OF THE APPLICATION AND  
33 THE RELEVANT DOCUMENTATION THAT IS NECESSARY TO ADEQUATELY DESCRIBE THE  
34 PROPOSED LAND USE CHANGE AS IT RELATES TO THE MILITARY OPERATIONS AT THE  
35 INSTALLATION. THIS DOCUMENTATION SHALL INCLUDE A BASIC OUTLINE OF THE  
36 PROCEDURES THE COUNTY USES WHEN PROCESSING LAND USE CHANGE APPLICATIONS AND  
37 DEADLINES FOR SUBMITTING OFFICIAL COMMENTS.

38 D. THIS SECTION SHALL NOT BE CONSTRUED TO ALLOW OR REQUIRE A COUNTY TO  
39 DENY ANY USE OR OCCUPANCY PERMIT, BUILDING PERMIT, ZONING APPROVAL OR ANY  
40 OTHER PERMIT, APPROVAL OR OTHER AUTHORIZATION BASED ON THE EXISTENCE OF THE  
41 MILITARY ELECTRONICS RANGE OR ITS PROXIMITY TO A PARCEL OF REAL ESTATE.

42 E. THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE A COUNTY TO MEET THE  
43 NOTIFICATION REQUIREMENTS OF THIS SECTION IF THE STATE LAND DEPARTMENT HAS  
44 NOT PREPARED A MAP OF THE MILITARY ELECTRONICS RANGE.

1 F. FOR THE PURPOSES OF THIS SECTION, "MILITARY ELECTRONICS RANGE"  
2 MEANS THE GEOGRAPHICALLY DEFINED AREA IN WHICH ELECTRONIC COMMUNICATION,  
3 MONITORING OR OTHER DEVICES ARE ROUTINELY TESTED AS A PART OF THE MILITARY  
4 MISSION OF A MILITARY INSTALLATION.

5 Sec. 3. Title 32, chapter 20, article 1, Arizona Revised Statutes, is  
6 amended by adding section 32-2114.01, to read:

7 32-2114.01. Military electronics range

8 A. THE COMMISSIONER SHALL EXECUTE AND RECORD IN THE OFFICE OF THE  
9 COUNTY RECORDER IN EACH COUNTY IN THIS STATE THAT INCLUDES A MILITARY  
10 ELECTRONICS RANGE AS DELINEATED IN THE MILITARY ELECTRONICS RANGE MAP  
11 PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO SECTION 37-102 A DOCUMENT  
12 THAT APPLIES TO LAND CONTAINED IN A MILITARY ELECTRONICS RANGE AND THAT  
13 DISCLOSES THAT THE LAND IS CONTAINED IN A MILITARY ELECTRONICS RANGE.

14 B. IF A MILITARY ELECTRONICS RANGE CHANGES AND PERSONS WHO WERE  
15 NOTIFIED PURSUANT TO SUBSECTION A OF THIS SECTION NO LONGER HAVE PROPERTY  
16 CONTAINED IN A MILITARY ELECTRONICS RANGE AS DELINEATED IN THE MILITARY  
17 ELECTRONICS RANGE MAP, THE COMMISSIONER SHALL EXECUTE AND RECORD IN THE  
18 OFFICE OF THE COUNTY RECORDER IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED  
19 A DOCUMENT DISCLOSING THAT THE LAND IS NOT CONTAINED IN A MILITARY  
20 ELECTRONICS RANGE.

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

23 D. THE DOCUMENTS THAT ARE EXECUTED AND RECORDED BY THE COMMISSIONER  
24 PURSUANT TO THIS SECTION SHALL INCLUDE A GEOSPATIAL DESCRIPTION OF THE  
25 MILITARY ELECTRONICS RANGE AS DELINEATED IN THE MILITARY ELECTRONICS RANGE  
26 MAP.

27 Sec. 4. Section 32-2115, Arizona Revised Statutes, is amended to read:

28 32-2115. Department's website; military training route map;  
29 restricted air space map; military electronics range  
30 map

31 The department shall post on its ~~web site~~ WEBSITE THE FOLLOWING MAPS  
32 PREPARED BY THE STATE LAND DEPARTMENT AS PRESCRIBED BY LAW:

33 1. The military training route map. ~~and~~

34 2. The restricted air space map ~~prepared by the state land department~~  
35 ~~pursuant to section 37-102.~~

36 3. THE MILITARY ELECTRONICS RANGE OF A MILITARY INSTALLATION.

37 Sec. 5. Section 32-2183, Arizona Revised Statutes, is amended to read:

38 32-2183. Subdivision public reports; denial of issuance;  
39 unlawful sales; voidable sale or lease; order  
40 prohibiting sale or lease; investigations; hearings;  
41 summary orders

42 A. Upon examination of a subdivision, the commissioner, unless there  
43 are grounds for denial, shall issue to the subdivider a public report  
44 authorizing the sale or lease in this state of the lots, parcels or  
45 fractional interests within the subdivision. The report shall contain the

1 data obtained in accordance with section 32-2181 and any other information  
2 which the commissioner determines is necessary to implement the purposes of  
3 this article. If any of the lots, parcels or fractional interests within the  
4 subdivision are located within territory in the vicinity of a military  
5 airport or ancillary military facility as defined in section 28-8461, under a  
6 military training route as delineated in the military training route map  
7 prepared pursuant to section 37-102, ~~or~~ under restricted air space as  
8 delineated in the restricted air space map prepared pursuant to section  
9 37-102 **OR CONTAINED IN THE MILITARY ELECTRONICS RANGE AS DELINEATED IN THE**  
10 **MILITARY ELECTRONICS RANGE MAP PREPARED PURSUANT TO SECTION 37-102**, the  
11 report shall include, in bold twelve point font block letters on the first  
12 page of the report, the statements required pursuant to section 28-8484,  
13 subsection A, section 32-2183.05 or section 32-2183.06 and, if the department  
14 has been provided a map prepared pursuant to section 28-8484, subsection B or  
15 section 37-102, the report shall include a copy of the map. The military  
16 airport report requirements do not require the amendment or reissuance of any  
17 public report issued on or before December 31, 2001 or on or before December  
18 31 of the year in which the lots, parcels or fractional interests within a  
19 subdivision become territory in the vicinity of a military airport or  
20 ancillary military facility. The military training route report requirements  
21 do not require the amendment or reissuance of any public report issued on or  
22 before December 31, 2004. The restricted air space report requirements do  
23 not require the amendment or reissuance of any public report issued on or  
24 before December 31, 2006. **THE MILITARY ELECTRONICS RANGE REPORT REQUIREMENTS**  
25 **DO NOT REQUIRE THE AMENDMENT OR REISSUANCE OF ANY PUBLIC REPORT ISSUED ON OR**  
26 **BEFORE DECEMBER 31, 2008.** The commissioner shall require the subdivider to  
27 reproduce the report, make the report available to each prospective customer  
28 and furnish each buyer or lessee with a copy before the buyer or lessee signs  
29 any offer to purchase or lease, taking a receipt therefor.

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

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

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

40 3. The department shall assign a registration number to each  
41 notification and public report submitted pursuant to this subsection and  
42 shall maintain a database of all of these submissions. The subdivider shall  
43 place the number on each public report.

1           4. The department shall determine within fifteen business days after  
2 the receipt of the notification and public report whether the notification  
3 and public report are administratively complete. The commissioner either may  
4 issue a certification that the notification and public report are  
5 administratively complete or may deny issuance of the certification if it  
6 appears that the application or project is not in compliance with all legal  
7 requirements, that the applicant has a background of violations of state or  
8 federal law or that the applicant or project presents an unnecessary risk of  
9 harm to the public.

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

13           6. Before or after the commissioner issues a certificate of  
14 administrative completeness, the department may examine any public report,  
15 subdivision or applicant that has applied for or received the certificate.  
16 If the commissioner determines that the subdivider or subdivision is not in  
17 compliance with any requirement of state law or that grounds exist under this  
18 chapter to suspend, deny or revoke a public report, the commissioner may  
19 commence an administrative action under section 32-2154 or 32-2157. If the  
20 subdivider immediately corrects the deficiency and comes into full compliance  
21 with state law, the commissioner shall vacate any action that the  
22 commissioner may have commenced pursuant to section 32-2154 or 32-2157.

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

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

27           1. Failure to comply with this article or the rules of the  
28 commissioner pertaining to this article.

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

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

32           4. Inability to demonstrate that adequate financial or other  
33 arrangements acceptable to the commissioner have been made for completion of  
34 all streets, sewers, electric, gas and water utilities, drainage and flood  
35 control facilities, community and recreational facilities and other  
36 improvements included in the offering.

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

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

1 (a) Been convicted of a felony or misdemeanor involving fraud or  
2 dishonesty or involving conduct of any business or a transaction in real  
3 estate, cemetery property, time-share intervals or membership camping  
4 campgrounds or contracts.

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

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

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

16 (e) Disregarded or violated this chapter or the rules of the  
17 commissioner pertaining to this chapter.

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

20 7. Procurement or an attempt to procure a public report by fraud,  
21 misrepresentation or deceit or by filing an application for a public report  
22 that is materially false or misleading.

23 8. Failure of the declaration for a condominium created pursuant to  
24 title 33, chapter 9, article 2 to comply with the requirements of section  
25 33-1215 or failure of the plat for the condominium to comply with the  
26 requirements of section 33-1219. The commissioner may require an applicant  
27 for a public report to submit a notarized statement signed by the subdivider  
28 or an engineer or attorney licensed to practice in this state certifying that  
29 the condominium plat and declaration of condominium are in compliance with  
30 the requirements of sections 33-1215 and 33-1219. If the notarized statement  
31 is provided, the commissioner is entitled to rely on this statement.

32 9. Failure of any blanket encumbrance or valid supplementary agreement  
33 executed by the holder of the blanket encumbrance to contain provisions that  
34 enable the purchaser to acquire title to a lot or parcel free of the lien of  
35 the blanket encumbrance, on completion of all payments and performance of all  
36 of the terms and provisions required to be made or performed by the purchaser  
37 under the real estate sales contract by which the purchaser has acquired the  
38 lot or parcel. The subdivider shall file copies of documents acceptable to  
39 the commissioner containing these provisions with the commissioner before the  
40 sale of any subdivision lot or parcel subject to a blanket encumbrance.

41 10. Failure to demonstrate permanent access to the subdivision lots or  
42 parcels.

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

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

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

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

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

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

18 E. If the subdivision is within an active management area, as defined  
19 in section 45-402, the commissioner shall deny issuance of a public report or  
20 the use of any exemption pursuant to section 32-2181.02, subsection B unless  
21 the subdivider has been issued a certificate of assured water supply by the  
22 director of water resources and has paid all applicable fees pursuant to  
23 sections 48-3772 and 48-3774.01, or unless the subdivider has obtained a  
24 written commitment of water service for the subdivision from a city, town or  
25 private water company designated as having an assured water supply by the  
26 director of water resources pursuant to section 45-576 or is exempt from the  
27 requirement pursuant to section 45-576.

28 F. In areas outside of active management areas, if the subdivision is  
29 located in a county that has adopted the provision authorized by section  
30 11-806.01, subsection F or in a city or town that has enacted an ordinance  
31 pursuant to section 9-463.01, subsection O, the commissioner shall deny  
32 issuance of a public report or the use of any exemption pursuant to section  
33 32-2181.02, subsection B unless one of the following applies:

34 1. The director of water resources has reported pursuant to section  
35 45-108 that the subdivision has an adequate water supply.

36 2. The subdivider has obtained a written commitment of water service  
37 for the subdivision from a city, town or private water company designated as  
38 having an adequate water supply by the director of water resources pursuant  
39 to section 45-108.

40 3. The plat was approved pursuant to an exemption authorized by  
41 section 9-463.01, subsection K, pursuant to an exemption authorized by  
42 section 11-806.01, subsection G, paragraph 1, pursuant to an exemption  
43 granted by the director of water resources under section 45-108.02 and the  
44 exemption has not expired or pursuant to an exemption granted by the director  
45 of water resources under section 45-108.03.



1           4. The subdivision received final plat approval from the city, town or  
2 county before the requirement for an adequate water supply became effective  
3 in the city, town or county, and there have been no material changes to the  
4 plat since the final plat approval. If changes were made to the plat after  
5 the final plat approval, the director of water resources shall determine  
6 whether the changes are material pursuant to the rules adopted by the  
7 director to implement section 45-108.

8           G. A subdivider shall not sell or lease or offer for sale or lease in  
9 this state any lots, parcels or fractional interests in a subdivision without  
10 first obtaining a public report from the commissioner except as provided in  
11 section 32-2181.01 or 32-2181.02. Unless exempt, the sale or lease of  
12 subdivided lands prior to issuance of the public report or failure to deliver  
13 the public report to the purchaser or lessee shall render the sale or lease  
14 rescindable by the purchaser or lessee. An action by the purchaser or lessee  
15 to rescind the transaction shall be brought within three years of the date of  
16 execution of the purchase or lease agreement by the purchaser or lessee. In  
17 any rescission action, the prevailing party is entitled to reasonable  
18 attorney fees as determined by the court.

19           H. Any applicant objecting to the denial of a public report, within  
20 thirty days after receipt of the order of denial, may file a written request  
21 for a hearing. The commissioner shall hold the hearing within twenty days  
22 after receipt of the request for a hearing unless the party requesting the  
23 hearing has requested a postponement. If the hearing is not held within  
24 twenty days after a request for a hearing is received, plus the period of any  
25 postponement, or if a proposed decision is not rendered within forty-five  
26 days after submission, the order of denial shall be rescinded and a public  
27 report issued.

28           I. On the commissioner's own motion, or when the commissioner has  
29 received a complaint and has satisfactory evidence that the subdivider or the  
30 subdivider's agent is violating this article or the rules of the commissioner  
31 or has engaged in any unlawful practice as defined in section 44-1522 with  
32 respect to the sale of subdivided lands or deviated from the provisions of  
33 the public report, the commissioner may investigate the subdivision project  
34 and examine the books and records of the subdivider. For the purpose of  
35 examination, the subdivider shall keep and maintain records of all sales  
36 transactions and funds received by the subdivider pursuant to the sales  
37 transactions and shall make them accessible to the commissioner upon  
38 reasonable notice and demand.

39           J. On the commissioner's own motion, or when the commissioner has  
40 received a complaint and has satisfactory evidence that any person has  
41 violated this article or the rules of the commissioner or has engaged in any  
42 unlawful practice as defined in section 44-1522 with respect to the sale of  
43 subdivided lands or deviated from the provisions of the public report or  
44 special order of exemption, or has been indicted for fraud or against whom an  
45 information for fraud has been filed or has been convicted of a felony,

1 before or after the commissioner issues the public report as provided in  
2 subsection A of this section, the commissioner may conduct an investigation  
3 of the matter, issue a summary order as provided in section 32-2157, or hold  
4 a public hearing and, after the hearing, may issue the order or orders the  
5 commissioner deems necessary to protect the public interest and ensure  
6 compliance with the law, rules or public report or the commissioner may bring  
7 action in any court of competent jurisdiction against the person to enjoin  
8 the person from continuing the violation or engaging in or doing any act or  
9 acts in furtherance of the violation. The court may make orders or  
10 judgments, including the appointment of a receiver, necessary to prevent the  
11 use or employment by a person of any unlawful practices, or which may be  
12 necessary to restore to any person in interest any monies or property, real  
13 or personal, that may have been acquired by means of any practice in this  
14 article declared to be unlawful.

15 K. When it appears to the commissioner that a person has engaged in or  
16 is engaging in a practice declared to be unlawful by this article and that  
17 the person is concealing assets or self or has made arrangements to conceal  
18 assets or is about to leave the state, the commissioner may apply to the  
19 superior court, ex parte, for an order appointing a receiver of the assets of  
20 the person or for a writ of ne exeat, or both.

21 L. The court, on receipt of an application for the appointment of a  
22 receiver or for a writ of ne exeat, or both, shall examine the verified  
23 application of the commissioner and other evidence that the commissioner may  
24 present the court. If satisfied that the interests of the public require the  
25 appointment of a receiver or the issuance of a writ of ne exeat without  
26 notice, the court shall issue an order appointing the receiver or issue the  
27 writ, or both. If the court determines that the interests of the public will  
28 not be harmed by the giving of notice, the court shall set a time for a  
29 hearing and require notice be given as the court deems satisfactory.

30 M. If the court appoints a receiver without notice, the court shall  
31 further direct that a copy of the order appointing a receiver be served on  
32 the person engaged in or engaging in a practice declared to be unlawful under  
33 this article by delivering the order to the last address of the person that  
34 is on file with the state real estate department. The order shall inform the  
35 person that the person has the right to request a hearing within ten days of  
36 the date of the order and, if requested, the hearing shall be held within  
37 thirty days from the date of the order.

38 Sec. 6. Section 32-2183.05, Arizona Revised Statutes, is amended to  
39 read:

40 32-2183.05. Military training route disclosure; military  
41 electronics range disclosure; residential  
42 property

43 A. Any public report that is issued after December 31, 2004 pursuant  
44 to section 32-2183 or 32-2195.03 and that is applicable to property located  
45 under a military training route, as delineated in the military training route

1 map prepared by the state land department pursuant to section 37-102, AND ANY  
2 PUBLIC REPORT THAT IS ISSUED AFTER DECEMBER 31, 2008 AND THAT IS APPLICABLE  
3 TO PROPERTY LOCATED IN A MILITARY ELECTRONICS RANGE AS DELINEATED IN THE  
4 MILITARY ELECTRONICS RANGE MAP PREPARED BY THE STATE LAND DEPARTMENT PURSUANT  
5 TO SECTION 37-102, shall include the following statements:

6 1. The property is located under a military training route OR IN A  
7 MILITARY ELECTRONICS RANGE.

8 2. The state land department and the state real estate department  
9 maintain military training route maps AND MILITARY ELECTRONICS RANGE MAPS  
10 available to the public.

11 3. The military training route map ~~is~~ AND MILITARY ELECTRONICS RANGE  
12 MAP ARE posted on the state real estate department's ~~web-site~~ WEBSITE.

13 B. The public report prescribed by subsection A of this section may  
14 contain a disclaimer that the subdivider has no control over the military  
15 training routes as delineated in the military training route map or the  
16 timing or frequency of flights and associated levels of noise AND HAS NO  
17 CONTROL OVER THE MILITARY ELECTRONICS RANGE AND ITS TESTING AND TRAINING  
18 OPERATIONS.

19 C. For any lot reservation or conditional sale that occurs before the  
20 issuance of a public report, the disclosure statements listed in subsection A  
21 of this section shall be included within the reservation document or  
22 conditional sales contract.

23 D. This section does not require the amendment or reissuance of any  
24 public report issued on or before December 31, 2004 THAT IS APPLICABLE TO  
25 PROPERTY LOCATED UNDER A MILITARY TRAINING ROUTE, AS DELINEATED IN THE  
26 MILITARY TRAINING ROUTE MAP PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO  
27 SECTION 37-102 OR ON OR BEFORE DECEMBER 31, 2008 THAT IS APPLICABLE TO  
28 PROPERTY LOCATED IN A MILITARY ELECTRONICS RANGE, AS DELINEATED IN THE  
29 MILITARY ELECTRONICS RANGE MAP PREPARED BY THE STATE LAND DEPARTMENT PURSUANT  
30 TO SECTION 37-102 or the amendment or reissuance of any reservation document  
31 or conditional sales contract accepted on or before December 31, 2004 OR ON  
32 OR BEFORE DECEMBER 31, 2008.

33 E. Notwithstanding any other law, if the public report complies with  
34 subsection A of this section, a subdivider is not liable to any person or  
35 governmental entity for any act or failure to act in connection with the  
36 disclosure of a military training route as delineated in the military  
37 training route map OR A MILITARY ELECTRONICS RANGE AS DELINEATED IN THE  
38 MILITARY ELECTRONICS RANGE MAP.

39 Sec. 7. Section 33-422, Arizona Revised Statutes, is amended to read:  
40 33-422. Land divisions; recording; disclosure affidavit

41 A. A seller of five or fewer parcels of land, other than subdivided  
42 land, in an unincorporated area of a county and any subsequent seller of such  
43 a parcel shall furnish a written affidavit of disclosure to the buyer, at  
44 least seven days before the transfer of the property, and the buyer shall  
45 acknowledge receipt of the affidavit.

1 B. The affidavit must be written in twelve point type.

2 C. No release or waiver of a seller's liability arising out of any  
3 omission or misrepresentation contained in an affidavit of disclosure is  
4 valid or binding on the buyer.

5 D. The buyer has the right to rescind the sales transaction for a  
6 period of five days after the affidavit of disclosure is furnished to the  
7 buyer.

8 E. The seller shall record the executed affidavit of disclosure at the  
9 same time that the deed is recorded. The county recorder is not required to  
10 verify the accuracy of any statement in the affidavit of disclosure. A  
11 subsequently recorded affidavit supersedes any previous affidavit.

12 F. The affidavit of disclosure shall meet the requirements of section  
13 11-480 and follow substantially the following form:

14 When recorded mail to:

15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_

19 Affidavit of Disclosure  
20 Pursuant to A.R.S. §33-422

21 I, \_\_\_\_\_ (seller(s))  
22 being duly sworn, hereby make this affidavit of disclosure  
23 relating to the real property situated in the unincorporated  
24 area of:

25 \_\_\_\_\_, County, State of Arizona, located at:

26 \_\_\_\_\_  
27 and legally described as:

28 (Legal description attached hereto as exhibit "A")  
29 (property).

30 1. There ☐ is ☐ is not . . . . legal access to the property, as  
31 defined in A.R.S. § 11-809 . . . . ☐ unknown

32 Explain: \_\_\_\_\_  
33 \_\_\_\_\_  
34 \_\_\_\_\_

35 2. There ☐ is ☐ is not . . . . physical access to the property.  
36 ☐ unknown

37 Explain: \_\_\_\_\_  
38 \_\_\_\_\_  
39 \_\_\_\_\_

40 3. There ☐ is ☐ is not . . . . a statement from a licensed  
41 surveyor or engineer available stating whether the property has  
42 physical access that is traversable by a two-wheel drive passenger  
43 motor vehicle.

44 4. The legal and physical access to the property ☐ is ☐ is not  
45 . . . . the same....☐ unknown ☐ not applicable.

- 1 Explain: \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_
- 4 *If access to the parcel is not traversable by emergency*  
5 *vehicles, the county and emergency service providers may not be*  
6 *held liable for any damages resulting from the inability to*  
7 *traverse the access to provide needed services.*
- 8 5. The road(s) is/are ☐ publicly maintained ☐ privately  
9 maintained ☐ not maintained ☐ not applicable. If  
10 applicable, there ☐ is ☐ is not . . . . a recorded road  
11 maintenance agreement.  
12 *If the roads are not publicly maintained, it is the*  
13 *responsibility of the property owner(s) to maintain the roads*  
14 *and roads that are not improved to county standards and accepted*  
15 *for maintenance are not the county's responsibility.*
- 16 6. A portion or all of the property ☐ is ☐ is not . . . .  
17 located in a FEMA designated regulatory floodplain. If the  
18 property is in a floodplain, it may be subject to floodplain  
19 regulation.
- 20 7. The property ☐ is ☐ is not subject to ☐ fissures or  
21 ☐ expansive soils. ☐ unknown  
22 Explain: \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_
- 25 8. The following services are currently provided to the property:  
26 ☐ water ☐ sewer ☐ electric ☐ natural gas ☐ single  
27 party telephone ☐ cable television services.
- 28 9. The property ☐ is ☐ is not . . . . served by a water supply  
29 that requires the transportation of water to the property.
- 30 10. The property is served by ☐ a private water company ☐ a  
31 municipal water provider ☐ a private well ☐ a shared well  
32 ☐ no well. If served by a shared well, the shared well ☐ is  
33 ☐ is not . . . . a public water system, as defined by the safe  
34 drinking water act (42 United States Code § 300f).  
35 *Notice to buyer: If the property is served by a well, A private*  
36 *water company or a municipal water provider the Arizona*  
37 *department of water resources may not have made a water supply*  
38 *determination. For more information about water supply, contact*  
39 *the water provider.*
- 40 11. The property ☐ does have ☐ does not have . . . . an on-site  
41 wastewater treatment facility (i.e., standard septic or  
42 alternative system to treat and dispose of wastewater).  
43 ☐ unknown. If applicable: a) The property ☐ will ☐ will not  
44 . . . . require installation of an on-site wastewater treatment

- 1 facility; b) The on-site wastewater treatment facility ☐ has  
2 ☐ has not been inspected.
- 3 12. The property ☐ has been ☐ has not been . . . . subject to a  
4 percolation test. ☐ unknown.
- 5 13. The property ☐ does ☐ does not . . . . meet the minimum  
6 applicable county zoning requirements of the applicable zoning  
7 designation.
- 8 14. The sale of the property ☐ does ☐ does not . . . meet the  
9 requirements of A.R.S. § 11-809 regarding land divisions. If those  
10 requirements are not met, the property owner may not be able to  
11 obtain a building permit. The seller or property owner shall  
12 disclose each of the deficiencies to the buyer.  
13 Explain: \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_
- 16 15. The property ☐ is ☐ is not located in the clear zone of a  
17 military airport or ancillary military facility, as defined in  
18 A.R.S. § 28-8461. (Maps are available at the state real estate  
19 department's ~~web-site~~ WEBSITE.)
- 20 16. The property ☐ is ☐ is not located in the high noise or  
21 accident potential zone of a military airport or ancillary military  
22 facility, as defined in A.R.S. § 28-8461. (Maps are available at  
23 the state real estate department's ~~web-site~~ WEBSITE.)
- 24 17. Notice: If the property is located within the territory in the  
25 vicinity of a military airport or ancillary military facility, the  
26 property is required to comply with sound attenuation standards as  
27 prescribed by A.R.S. § 28-8482. (Maps are available at the state  
28 real estate department's ~~web-site~~ WEBSITE.)
- 29 18. The property ☐ is ☐ is not located under military restricted  
30 airspace. ☐ unknown. (Maps are available at the state real  
31 estate department's ~~web-site~~ WEBSITE.)
- 32 19. THE PROPERTY ☐ IS ☐ IS NOT LOCATED IN A MILITARY ELECTRONICS  
33 RANGE AS DEFINED IN A.R.S. SECTIONS 9-500.28 AND 11-812. ☐  
34 UNKNOWN. (MAPS ARE AVAILABLE AT THE STATE REAL ESTATE DEPARTMENT'S  
35 WEBSITE.)
- 36 This affidavit of disclosure supersedes any previously recorded  
37 affidavit of disclosure.
- 38 I certify under penalty of perjury that the information  
39 contained in this affidavit is true, complete and correct  
40 according to my best belief and knowledge.
- 41 Dated this \_\_\_\_\_(date)\_\_\_\_\_ day of \_\_\_\_\_(year)\_\_\_\_\_ by:

1 Seller's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_  
2 Seller's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_  
3 State of Arizona )  
4 ) ss.  
5 County of \_\_\_\_\_)  
6 Subscribed and sworn before me this \_\_\_\_ (date) \_\_\_\_ day of  
7 \_\_\_\_ (year) \_\_\_\_, by \_\_\_\_\_.

8 \_\_\_\_\_  
9 Notary public

10 My commission expires:  
11 \_\_\_\_ (date) \_\_\_\_

12 Buyer(s) hereby acknowledges receipt of a copy of this affidavit  
13 of disclosure this \_\_\_\_ (date) \_\_\_\_ day of \_\_\_\_ (year) \_\_\_\_

14 Buyer's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_  
15 Buyer's name (print): \_\_\_\_\_ Signature: \_\_\_\_\_

16 G. For the purposes of this section, seller and subsequent seller do  
17 not include a trustee of a deed of trust who is selling property by a  
18 trustee's sale pursuant to title 33, chapter 6.1 or any officer who is  
19 selling property by execution sale pursuant to title 12, chapter 9 and  
20 title 33, chapter 6. If the seller is a trustee of a subdivision trust as  
21 defined in section 6-801, the disclosure affidavit required by this section  
22 shall be provided by the beneficiary of the subdivision trust.

23 Sec. 8. Section 37-102, Arizona Revised Statutes, is amended to read:  
24 37-102. State land department; powers and duties

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

27 B. The department shall have charge and control of all lands owned by  
28 the state, and timber, stone, gravel and other products of such lands, except  
29 lands under the specific use and control of state institutions and the  
30 products of such lands.

31 C. The department, in the name of the state, may commence, prosecute  
32 and defend all actions and proceedings to protect the interest of the state  
33 in lands within the state or the proceeds thereof. Actions shall be  
34 commenced and prosecuted at the request of the department by the attorney  
35 general, a county attorney or a special counsel under the direction of the  
36 attorney general.

37 D. The department shall be the official representative of the state in  
38 any communication between the state and the United States government in all  
39 matters respecting state lands or any interest of the state in or to the  
40 public lands within the state.

41 E. The summons in any action against the state respecting any lands of  
42 the state or the products of such lands and all notices concerning such lands  
43 or products shall be served upon the commissioner. Summonses, warrants or  
44 legal notices served on behalf of the department may be served by the

1 commissioner or the commissioner's deputy, or by the sheriff or a constable  
2 of any county of the state.

3 F. The department shall maintain as a public record in each of its  
4 offices a public docket and index of all matters before the department which  
5 may be subject to appeal to the board of appeals or to the courts and all  
6 sale, exchange and lease transactions subject to bidding by the public. The  
7 department shall list a matter on the public docket immediately after an  
8 application or other request for department action is received by the  
9 department. The department shall include in the public docket every formal  
10 action and decision affecting each matter in question. The department shall  
11 establish by rule a means by which any person may obtain a copy of the public  
12 docket at the current copying cost.

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

17 H. The state land department shall:

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

20 2. Make a map of the ancillary military facility described in section  
21 28-8461, paragraph 7, subdivision (a) available to the public in printed or  
22 electronic format and provide the map in printed or electronic format to the  
23 state real estate department.

24 3. WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO  
25 THIS SECTION AND ON RECEIPT OF PROPER INFORMATION FROM THE MILITARY  
26 INSTALLATION COMMANDER WITH RESPONSIBILITY FOR THE MILITARY ELECTRONICS  
27 RANGE, PREPARE A MAP OF THE MILITARY ELECTRONICS RANGE AS DEFINED IN SECTION  
28 9-500.28 AND MAKE THAT MAP AVAILABLE TO THE PUBLIC IN PRINTED OR ELECTRONIC  
29 FORMAT AND PROVIDE THE MAP IN PRINTED OR ELECTRONIC FORMAT TO THE STATE REAL  
30 ESTATE DEPARTMENT. WITHIN NINETY DAYS OF RECEIPT OF NOTICE OF ANY CHANGE IN  
31 THE BOUNDARIES OF THE MILITARY ELECTRONICS RANGE FROM THE MILITARY  
32 INSTALLATION COMMANDER, THE STATE LAND DEPARTMENT SHALL REVISE ITS MAP AND  
33 PROVIDE THE MAP TO THE PUBLIC AND TO THE STATE REAL ESTATE DEPARTMENT.

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

39 1. Describe the ancillary military facility, the territory in the  
40 vicinity of the ancillary military facility and the high noise and accident  
41 potential zone, accident potential zone one and accident potential zone two  
42 associated with the ancillary military facility.

43 2. Be submitted to the county in which the ancillary military facility  
44 is located.



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

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

6           K. 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          L. 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          M. 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          N. 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          O. 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          P. ~~Within ninety days after the effective date of this amendment to~~  
29 ~~this section,~~ The state land department shall prepare a military restricted  
30 airspace map. The map shall contain military restricted airspace in this  
31 state that is used by various United States armed forces. The map shall be  
32 dated.

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

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

39          S. Within ninety days after the department is notified of a change of  
40 military restricted airspace in this state, the department shall prepare a  
41 revised military restricted airspace map. The map shall be dated and contain  
42 a statement that the map supersedes all previously dated maps. The state  
43 land department shall send the revised map to the state real estate  
44 department electronically and shall also send an accompanying letter  
45 specifying the military restricted airspace changes. The state land

1 department shall send the revised map and an accompanying letter specifying  
2 the military restricted airspace changes to the municipalities affected by  
3 the changes and to all counties.

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

7 U. The state land department shall provide the legal description of  
8 the boundaries of the military restricted airspace as delineated in the  
9 military restricted airspace map to the state real estate department in  
10 electronic format.

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

15 Sec. 9. Section 41-603, Arizona Revised Statutes, is amended to read:

16 41-603. Powers and duties

17 A. The department may act as guardian of an incapacitated veteran, the  
18 incapacitated spouse of a veteran or minor children of a veteran, or as  
19 conservator of the estate of a protected veteran or of the veteran's  
20 incapacitated or surviving spouse or of the minor children of a veteran. The  
21 department may act in all fiduciary matters, including as power of attorney,  
22 trustee, custodian or representative payee of a veteran, spouse of a veteran  
23 or minor child of a veteran. The department may act as the personal  
24 representative of the estate of a deceased veteran, deceased spouse of a  
25 veteran or deceased child of a veteran.

26 B. The department shall:

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

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

33 3. Collect information relating to services and facilities available  
34 to veterans.

35 4. Cooperate with all government and private agencies receiving  
36 services for or benefits to veterans and their families and dependents.

37 5. Conduct administrative reviews and, if possible, correct abuses or  
38 prevent exploitation of veterans and their families or dependents and  
39 recommend corrective legislation.

40 6. Adopt rules deemed necessary to administer this article.

41 7. Enter into agreements with veterans' organizations in this state  
42 holding a charter granted by the Congress of the United States for the  
43 beneficial interest of veterans.

1           8. Verify and provide written confirmation to the person of  
2 eligibility for special license plates issued pursuant to section 28-2455 by  
3 determining that all of the following are true:

4           (a) The person was a member of the United States armed forces on  
5 December 7, 1941.

6           (b) The person received an honorable discharge from the United States  
7 armed forces.

8           (c) The person was on station on December 7, 1941, during the hours of  
9 7:55 a.m. to 9:45 a.m., Hawaii time at Pearl Harbor, the Island of Oahu or  
10 offshore, at a distance not exceeding three miles.

11           9. Evaluate, supervise, approve and disapprove programs offered by  
12 educational institutions and training establishments pursuant to United  
13 States Code titles 10 and 38 and state rules, so that veterans and their  
14 dependents may draw the educational allowance provided by federal law while  
15 pursuing approved programs.

16           10. Approve or disapprove veterans' organizations seeking to solicit  
17 money or other support in this state in the name of American veterans.

18           C. The department may:

19           1. Acquire property for and construct and operate a veterans' home  
20 facility in southern Arizona.

21           2. Acquire property for and establish and operate cemeteries for  
22 veterans in this state.

23           3. Acquire real estate, property rights and related infrastructure  
24 pursuant to section 41-1512.01, subsection G. **THE DEPARTMENT OF VETERANS'**  
25 **SERVICES SHALL TRANSFER ANY REAL ESTATE, PROPERTY RIGHTS AND RELATED**  
26 **INFRASTRUCTURE TO THE STATE LAND DEPARTMENT** for **THE PURPOSES OF** preserving or  
27 enhancing military installations in this state.

28           4. Establish a training center to provide training to current or  
29 potential employees and the veteran community. The department may establish  
30 a fee for this training.