



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

Senate: JUD DPA 8-0-0-0 | 3<sup>rd</sup> Read 29-0-1-0

House: LARA DPA 11-0-0-0

## SB 1447: military installation fund; property conveyance

Sponsor: Senator Kerr, LD 13

House Engrossed

### Overview

Allows the Arizona Department of Emergency and Military Affairs (DEMA) to sell, convey, lease or sublease any property, related infrastructure or improvement acquired for the preservation or enhancement of military installations.

### History

[Laws 1972, Chapter 192](#) established DEMA with responsibilities over military affairs in Arizona. An Adjutant General is required to serve as the head of the Department. [Laws 2004, Chapter 235](#) established the Military Affairs Commission (Commission) and the Military Installation Fund (Fund). The Fund's purpose is to provide Arizona with a source of monies for military installation preservation and enhancement projects. It is administered by DEMA and its monies are awarded by the Commission based on certain criteria. Fund awards must be distributed as follows:

- 1) 80% of Fund grants are required to be used for the acquisition of private property, real estate, property rights and related infrastructure to preserve, support or enhance a military installation; and
- 2) 20% of Fund grants are required to be awarded to cities, towns and counties for military installation preservation and enhancement projects ([A.R.S §§ 26-261](#) and [26-262](#)).

Pursuant to [A.R.S. § 28-8481](#), zoning and development standards in high noise or accident potential zone for territory in the vicinity of a military airport or ancillary military facility are outlined. A political subdivision that has territory in the vicinity of a military airport or ancillary military facility that includes property in a high noise or accident potential zone is required to adopt comprehensive plans. The plans must assure development compatible with the high noise and accident potential generated by military airport and ancillary military facility operations that have or may have an adverse effect on public health and safety.

### Provisions

1. Allows DEMA to:
  - a) Sell or otherwise dispose of any real estate, property rights and related infrastructure acquired to preserve or enhance military installations;
  - b) Convey real property or any interest in the property determined to be unnecessary after establishing, laying out or substantially completing an improvement on the property; and
  - c) Lease or sublease any real estate at fair rental value that is acquired to preserve or enhance military installations. (Sec. 1)
2. Requires the conveyance of real property, property rights, related infrastructure or improvement to real property to be made to the highest and most responsible bidder at a public sale. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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3. Exempts the lease or sublease of any real estate or related infrastructure from prohibitions against state competition with private enterprise. (Sec. 1 and 2)
4. Requires DEMA, before any conveyance, lease or sublease, to ensure that the use or development of any real estate, property rights, infrastructure or improvement comply with development compatibility standards for high noise or accident potential zones. (Sec. 1)
5. Allows monies received from the sale, conveyance, lease or sublease of acquired property to be used for preserving and enhancing military missions and installments in Arizona. (Sec. 1)
6. Makes conforming changes. (Sec. 1)