



**Bill Number: H.B. 2176**

**Allen Floor Amendment**

**Reference to: House engrossed bill**

**Amendment drafted by: Sharon Carpenter**

## **FLOOR AMENDMENT EXPLANATION**

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**The Allen floor amendment:**

- a) requires the Attorney General (AG), rather than the State Land Commissioner, to annually request the U.S. to relinquish all constitutionally nonenumerated federal lands in, and transfer title to, Arizona by December 31, 2021;**
- b) allows, rather than requires, the AG to initiate proceedings beginning January 1, 2022, if those lands are not relinquished, subject to legislative appropriation;**
- c) removes the requirement to transfer the lands through sale and to the State Land Trust; and**
- d) asserts that the AG has the ability to initiate proceedings in state and federal court.**

**Amendment explanation prepared by Sharon Carpenter**

**3/30/2015**

ALLEN FLOOR AMENDMENT

SENATE AMENDMENTS TO H.B. 2176

(Reference to House engrossed bill)

1 Page 1, line 6, strike "COMMISSIONER" insert "ATTORNEY GENERAL"

2 Line 8, strike "THROUGH SALE OR"; strike "THE" insert "THIS"

3 Line 9, strike "LAND TRUST"; strike "2025" insert "2021"

4 Line 10, strike "2026" insert "2022"; after the second comma insert "SUBJECT TO  
5 LEGISLATIVE APPROPRIATION,"; strike "SHALL" insert "MAY"

6 Line 13, strike "THE STATE LAND TRUST" insert "THIS STATE"

7 Line 26, strike "1" insert "I"

8 Between lines 39 and 40, insert:

9 Sec. 2. Section 41-193, Arizona Revised Statutes, is amended to read:

10 41-193. Department of law; composition; powers and duties

11 A. The department of law shall be composed of the attorney general and  
12 the subdivisions of the department created as provided in this article.  
13 Unless otherwise provided by law the department shall:

14 1. INITIATE, prosecute and defend in the supreme court all proceedings  
15 in which the state or an officer ~~thereof~~ OF THE STATE in ~~his~~ THE OFFICER'S  
16 official capacity is a party.

17 2. At the direction of the governor or, ALTERNATIVELY, when deemed  
18 necessary by the attorney general, INITIATE, prosecute and defend any  
19 proceeding in a state court other than the supreme court in which the state  
20 or an officer ~~thereof~~ OF THE STATE is a party or has an interest.

21 3. Represent the state in any action OR INITIATE AN ACTION in a  
22 federal court, the cost thereof and the expenses of the attorney general  
23 incurred therein to be a charge against the state.

24 4. Exercise supervisory powers over county attorneys of the several  
25 counties in matters pertaining to that office and require reports relating to  
26 the public business thereof.

1           5. At the direction of the governor, or when deemed necessary, assist  
2 the county attorney of any county in the discharge of the county attorney's  
3 duties.

4           6. Maintain a docket of all proceedings in which the attorney general  
5 is required to appear, showing the condition thereof, the proceedings  
6 therein, the proceedings subsequent to judgment and the reasons for any delay  
7 of execution.

8           7. ~~Upon~~ ON demand by the legislature, or either house or any member  
9 ~~thereof~~ OF THE LEGISLATURE, any public officer of the state or a county  
10 attorney, render a written opinion ~~upon~~ ON any question of law relating to  
11 their offices. Such opinions shall be public records.

12           8. Perform other duties prescribed by law.

13           B. The department of law, in the name of the state and under the  
14 direction of the governor, shall purchase property offered for sale under  
15 execution issued ~~upon~~ ON a judgment in favor of or for the use of the state,  
16 and shall enter satisfaction, wholly or in part, of such judgment as  
17 consideration for the purchase. If the property of the judgment debtor has  
18 been sold under a prior judgment or is subject to a prior judgment, lien or  
19 encumbrance, the department of law, under direction of the governor, shall  
20 redeem the property from the prior judgment, lien or encumbrance. All money  
21 necessary for the redemption shall BE PAID, ~~upon~~ ON the order of the  
22 governor, ~~be-paid~~ from money appropriated for such purpose.

23           C. The department of law shall institute investigations for discovery  
24 of property ~~which~~ THAT may have escheated or would escheat to the state, and  
25 for such purpose may require any person before the superior court to answer  
26 investigations, produce books and render accounts relating to the property.  
27 The department may institute action in the superior court ~~of~~ IN the county in  
28 which the property is located for recovery of escheats, or may require the  
29 county attorney to conduct such proceedings."

30           Renumber to conform

31           Amend title to conform

3/30/15

9:41 AM

S: SC/ljs