

HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2092**

Finchem Floor Amendment

The Finchem Floor amendment to the FR Committee amendment:

- 1) Confirms the bill does not limit the rights of any Indian Tribal lands, reservations or lands acquired through land settlement claims.
- 2) Instructs the President of the Senate and the Speaker of the House of Representatives to appoint a legislative committee to consider the request for approval as follows:
 - a. if approved, a joint resolution is prepared for approval of the sale.
 - b. if not approved, the state has the *right of first refusal* to purchase the private property.
- 3) Requires any state agency personnel having knowledge that the U.S. Department of the Interior is placing Arizona private property in trust as part of a Tribe's land claim settlement to notify officials so the Legislature may respond through comment, administrative appeal or appropriate court action.
- 4) Grants to the State of Arizona the *right of first refusal* to purchase private property that the Federal government is obtaining through a sale, gift, grant or other transfer of ownership.
- 5) Requires the process to be conducted in a timely manner.

Amendment explanation prepared by Diana Clay

Phone Number x3745

Is

3/11/2020

FINCHEM FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2092

(Reference to FEDERAL RELATIONS Committee amendment)

1 Page 1, before line 1, insert:

2 "Page 1, line 18, after the period insert "THIS SECTION DOES NOT
3 LIMIT THE RIGHTS OF ANY INDIAN TRIBE WITH RESPECT TO THE INDIAN
4 TRIBE'S INDIAN LANDS, RESERVATIONS AND LANDS ACQUIRED AS A
5 SETTLEMENT OF A LAND CLAIM.""

6 Line 12, strike "definition" insert "definitions"

7 Page 2, between lines 9 and 10, insert:

8 "C. ON RECEIPT OF THE REQUEST FOR APPROVAL PURSUANT TO SUBSECTION A
9 OR B OF THIS SECTION, THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE
10 OF REPRESENTATIVES SHALL APPOINT A JOINT LEGISLATIVE COMMITTEE TO CONSIDER
11 THE REQUEST FOR APPROVAL. IF THE REQUEST IS APPROVED, A JOINT RESOLUTION
12 SHALL BE PREPARED FOR APPROVAL OF THE SALE PURSUANT TO SECTION 37-620.02.
13 IF THE REQUEST IS NOT APPROVED, THIS STATE SHALL EXERCISE THE RIGHT OF
14 FIRST REFUSAL TO PURCHASE THE PRIVATE REAL PROPERTY PURSUANT TO SECTION
15 37-822.

16 D. ANY STATE AGENCY OR ANY OFFICER OR EMPLOYEE OF A STATE AGENCY
17 THAT IS NOTIFIED OR LEARNS OF A NOTICE FROM THE UNITED STATES DEPARTMENT OF
18 THE INTERIOR REGARDING AN EFFORT TO PLACE PRIVATE REAL PROPERTY LOCATED IN
19 THIS STATE IN TRUST AS PART OF AN INDIAN TRIBE'S SETTLEMENT OF A LAND CLAIM
20 SHALL IMMEDIATELY NOTIFY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND
21 THE PRESIDENT OF THE SENATE SO THAT THE LEGISLATURE MAY DO ANY OF THE
22 FOLLOWING, AS APPLICABLE:

- 23 1. PROVIDE COMMENT.
24 2. FILE AN ADMINISTRATIVE APPEAL.
25 3. FILE AN ACTION IN THE APPROPRIATE COURT."

26 Reletter to conform

1 Page 2, line 10, after "VIOLATES" insert "SUBSECTION A OR B OF"

2 Line 13, strike "MEANING" insert "MEANINGS"

3 Between lines 13 and 14, insert:

4 "37-822. Right of first refusal

5 A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE HAS THE RIGHT OF FIRST
6 REFUSAL TO PURCHASE PRIVATE REAL PROPERTY THAT THE FEDERAL GOVERNMENT IS
7 CONTRACTING TO ACQUIRE THROUGH A SALE, GIFT OR GRANT OR ANY OTHER TRANSFER
8 OF AN OWNERSHIP INTEREST.

9 B. A PURCHASE OF PRIVATE REAL PROPERTY PURSUANT TO THIS SECTION
10 SHALL OCCUR IN A TIMELY MANNER AND, IF POSSIBLE, THE PURCHASE PROCESS SHALL
11 BE CONCLUDED WITHIN THE SAME TIME PERIOD IN WHICH THE ORIGINAL TRANSACTION
12 WOULD HAVE CONCLUDED."

13 Amend title to conform

MARK FINCHEM

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03/10/2020
4:24 PM
C: ed