

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 303
SENATE BILL 1532

AN ACT

AMENDING SECTION 41-511.04, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 333, SECTION 3; AMENDING SECTIONS 41-511.11, 41-511.16 AND 41-511.18, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-511.21 AND 41-511.24, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 3, ARTICLE 1.1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 41-511.21; AMENDING SECTION 41-511.22, ARIZONA REVISED STATUTES; REPEALING SECTION 45-118, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; MAKING A TRANSFER; RELATING TO ENVIRONMENT BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-511.04, Arizona Revised Statutes, as amended by
3 Laws 2011, chapter 333, section 3, is amended to read:

4 41-511.04. Duties; board; partnership fund; state historic
5 preservation officer; definition

6 A. The board shall:

7 1. Select areas of scenic beauty, natural features and historical
8 properties now owned by the state, except properties in the care and custody
9 of other agencies by virtue of agreement with the state or as established by
10 law, for management, operation and further development as state parks and
11 historical monuments.

12 2. Manage, develop and operate state parks, monuments or trails
13 established or acquired pursuant to law, or previously granted to the state
14 for park or recreation purposes, except those falling under the jurisdiction
15 of other state agencies as established by law.

16 3. Investigate lands owned by the state to determine in cooperation
17 with the agency that manages the land which tracts should be set aside and
18 dedicated for use as state parks, monuments or trails.

19 4. Investigate federally owned lands to determine their desirability
20 for use as state parks, monuments or trails and negotiate with the federal
21 agency having jurisdiction over such lands for the transfer of title to the
22 Arizona state parks board.

23 5. Investigate privately owned lands to determine their desirability
24 as state parks, monuments or trails and negotiate with private owners for the
25 transfer of title to the Arizona state parks board.

26 6. Enter into agreements with the United States, other states or local
27 governmental units, private societies or persons for the development and
28 protection of state parks, monuments and trails.

29 7. Plan, coordinate and administer a state historic preservation
30 program, including the program established pursuant to the national historic
31 preservation act of 1966, as amended.

32 8. Advise, assist and cooperate with federal and state agencies,
33 political subdivisions of this state and other persons in identifying and
34 preserving properties of historic or prehistoric significance.

35 9. Keep and administer an Arizona register of historic places composed
36 of districts, sites, buildings, structures and objects significant in this
37 state's history, architecture, archaeology, engineering and culture which
38 meet criteria which the board establishes or which are listed on the national
39 register of historic places. Entry on the register requires nomination by
40 the state historic preservation officer and owner notification in accordance
41 with rules which the board adopts.

42 10. Accept, on behalf of the state historic preservation officer,
43 applications for classification as historic property received from the county
44 assessor.

45 11. Adopt rules with regard to classification of historic property
46 including:

1 (a) Minimum maintenance standards for the property.

2 (b) Requirements for documentation.

3 12. Monitor the performance of state agencies in the management of
4 historic properties as provided in chapter 4.2 of this title.

5 13. Advise the governor on historic preservation matters.

6 14. Plan and administer a statewide parks and recreation program,
7 including the programs established pursuant to the land and water
8 conservation fund act of 1965 (P.L. 88-578; 78 Stat. 897).

9 15. Prepare, maintain and update a comprehensive plan for the
10 development of the outdoor recreation resources of this state.

11 16. Initiate and carry out studies to determine the recreational needs
12 of this state and the counties, cities and towns.

13 17. Coordinate recreational plans and developments of federal, state,
14 county, city, town and private agencies.

15 18. Receive applications for projects to be funded through the land and
16 water conservation fund and the state lake improvement fund on behalf of the
17 Arizona outdoor recreation coordinating commission.

18 19. Provide staff support to the Arizona outdoor recreation
19 coordinating commission.

20 20. Maintain a statewide off-highway vehicle recreational plan. The
21 plan shall be updated at least once every five years and shall be used by all
22 participating agencies to guide distribution and expenditure of monies under
23 section 28-1176. The plan shall be open to public input and shall include
24 the priority recommendations for allocating available monies in the
25 off-highway vehicle recreation fund established by section 28-1176.

26 21. Collaborate with the state forester in presentations to legislative
27 committees on issues associated with forest management and wildfire
28 prevention and suppression as provided by section 37-622, subsection B.

29 B. Notwithstanding section ~~41-511.11~~ 41-511.21, the board may annually
30 collect and expend monies to plan and administer the land and water
31 conservation fund program, in conjunction with other administrative tasks and
32 recreation plans, as a surcharge to subgrantees in a proportionate amount,
33 not to exceed ten per cent, of the cost of each project. The surcharge
34 monies shall be set aside to fund staff support for the land and water
35 conservation fund program.

36 C. A partnership fund is established consisting of monies received
37 pursuant to subsection B of this section, monies received from
38 intergovernmental agreements pursuant to title 11, chapter 7, article 3 and
39 monies received pursuant to section 35-148. The board shall administer the
40 fund monies as a continuing appropriation for the purposes provided in these
41 sections.

1 D. The state historic preservation officer shall:

2 1. In cooperation with federal and state agencies, political
3 subdivisions of this state and other persons, direct and conduct a
4 comprehensive statewide survey of historic properties and historic private
5 burial sites and historic private cemeteries and maintain inventories of
6 historic properties and historic private burial sites and historic private
7 cemeteries.

8 2. Identify and nominate eligible properties to the national register
9 of historic places and the Arizona register of historic places and otherwise
10 administer applications for listing historic properties on the national and
11 state registers.

12 3. Administer grants-in-aid for historic preservation projects within
13 this state.

14 4. Advise, assist and monitor, as appropriate, federal and state
15 agencies and political subdivisions of this state in carrying out their
16 historic preservation responsibilities and cooperate with federal and state
17 agencies, political subdivisions of this state and other persons to ensure
18 that historic properties and historic private burial sites and historic
19 private cemeteries are taken into consideration at all levels of planning and
20 development.

21 5. Develop and make available information concerning professional
22 methods and techniques for the preservation of historic properties and
23 historic private burial sites and historic private cemeteries.

24 6. Make recommendations on the certification, classification and
25 eligibility of historic properties and historic private burial sites and
26 historic private cemeteries for property tax and investment tax incentives.

27 E. The state historic preservation officer may:

28 1. Collect and receive information for historic private burial sites
29 and historic private cemeteries from public and private sources and maintain
30 a record of the existence and location of such burial sites and cemeteries
31 located on private or public lands in this state.

32 2. Assist and advise the owners of the properties on which the
33 historic private burial sites and historic private cemeteries are located
34 regarding the availability of tax exemptions applicable for such property.

35 3. Make the records available to assist in locating the families of
36 persons buried in the historic private burial sites and historic private
37 cemeteries.

38 F. For the purposes of this section, "historic private burial sites
39 and historic private cemeteries" means places where burials or interments of
40 human remains first occurred more than fifty years ago, that are not
41 available for burials or interments by the public and that are not regulated
42 under title 32, chapter 20, article 6.

1 Sec. 2. Section 41-511.11, Arizona Revised Statutes, is amended to
2 read:

3 41-511.11. Disposition of gifts; state parks donations fund

4 ~~A.~~ Monies from unconditional gifts, donations, bequests and
5 endowments, which are not specifically designated to the state parks
6 ~~enhancement~~ REVENUE fund, shall be deposited, pursuant to sections 35-146 and
7 35-147, by the board in a fund to be known as the state parks DONATIONS fund,
8 for use by the board in accomplishing its objectives and duties. All
9 expenditures from the state parks DONATIONS fund shall be made upon claims
10 duly itemized, verified and approved by the Arizona state parks board.

11 ~~B. A state parks enhancement fund is established consisting of monies
12 appropriated for that purpose by the legislature, unconditional gifts and
13 donations specifically designated to the fund and all monies derived from
14 state park user fees, concession fees and other revenue generating
15 activities, except for unconditional gifts, donations, bequests and
16 endowments deposited in the state parks fund under subsection A of this
17 section and monies received from the sale of publications and souvenirs and
18 deposited in the state parks board publications and souvenir revolving fund
19 established by section 41-511.21. One-half of the monies in the fund are for
20 use by the board, with the prior approval of the joint committee on capital
21 review, to acquire and develop real property and improvements as state parks
22 consistent with the purposes and objectives prescribed in section 41-511.03.
23 The one-half of the monies for acquisition and development are subject to
24 annual legislative appropriation after final purchase and development of the
25 Kartchner caverns and completion of the lease purchase payments for the Tonto
26 natural bridge state park. Monies in the fund are exempt from section
27 35-190, relating to lapsing of appropriations. One-half of the monies in the
28 fund are subject to annual legislative appropriation for the operation of
29 state parks. If unconditional gifts or donations to the fund or exchanges of
30 property cause appropriated monies in the fund to remain unexpended, the
31 board, with the approval of the joint committee on capital review, may use
32 the monies for other state parks projects.~~

33 ~~C. Notwithstanding subsection B of this section:~~

34 ~~1. If a political subdivision provides at least one hundred fifty
35 thousand dollars annually through an intergovernmental agreement for
36 operating a state historic park within its boundaries, the Arizona state
37 parks board shall separately account for the revenues collected at that park
38 and shall spend those revenues and the monies provided by the political
39 subdivision solely for operating, managing and developing that park.~~

40 ~~2. The Arizona state parks board shall separately account for the
41 revenues generated by commercial film projects in the San Rafael valley
42 natural area and shall spend those revenues solely for operating, managing
43 and developing that natural area.~~

1 F. The Arizona state parks board shall ensure public access to the
2 rock climbing state park.

3 G. Nothing in the establishment of the rock climbing state park shall
4 be construed to impose any new or additional management requirements,
5 restrictions or regulations under the laws of this state on the permitting,
6 management of or the conduct of activities on any lands outside the state
7 park, or to impose restrictions on these activities in addition to those
8 applicable to the same land within and outside the state park, before its
9 designation as a state park.

10 H. Mining and mining related activities carried out by users of lands
11 outside the rock climbing state park do not create a cause of action for any
12 injuries sustained by a person within the boundaries of the state park.

13 Sec. 4. Section 41-511.18, Arizona Revised Statutes, is amended to
14 read:

15 41-511.18. Spur Cross Ranch state park

16 A. The Arizona state parks board shall establish Spur Cross Ranch
17 state park subject to the following conditions:

18 1. A purchase and sale agreement shall be executed between the Arizona
19 state parks board and at least one owner of Spur Cross Ranch as ~~defined~~
20 ~~DESCRIBED~~ in subsection D ~~OF THIS SECTION~~. The purchase and sale agreement
21 shall be for property that is suitable for a state park consistent with the
22 mission of the Arizona state parks board. The purchase and sale agreement
23 shall be based on an appraisal made by an appraiser who is certified by a
24 nationally recognized appraisal organization. The purchase and sale
25 agreement shall be for a price no greater than the appraised value, but can
26 and may be for a price less than the appraised value.

27 2. An intergovernmental agreement shall be executed between the
28 Arizona state parks board and a county with a population of more than one
29 million two hundred thousand persons according to the most recent United
30 States decennial census. That county shall provide half of the purchase
31 price of the portion of Spur Cross Ranch as determined in the purchase and
32 sale agreement between the Arizona state parks board and at least one owner
33 of Spur Cross Ranch.

34 ~~3. Monies from the Arizona state parks board heritage fund totaling~~
35 ~~three million seven hundred fifty thousand dollars are provided for the~~
36 ~~acquisition of Spur Cross Ranch by June 30, 2002.~~

37 ~~4.~~ 3. An intergovernmental agreement shall be executed between the
38 Arizona state parks board and a county with a population of more than one
39 million two hundred thousand persons according to the most recent United
40 States decennial census or with cities or towns or with both and that
41 specifies the obligations of the parties to manage and operate Spur Cross
42 Ranch state park.

43 B. If funding is provided for the acquisition of Spur Cross Ranch
44 other than from sources administered by an agency of this state or a county
45 with a population of more than one million two hundred thousand persons
46 according to the most recent United States decennial census, the obligation

1 of this state and that county is reduced proportionately by the amount of
2 other funding sources. The use of federal monies for any portion of the
3 costs of acquisition of the Spur Cross Ranch shall not affect this state's
4 jurisdiction over the acquisition, operation or maintenance of the Spur Cross
5 Ranch as a state park.

6 C. The Arizona state parks board may accept gifts and donations toward
7 the acquisition, management and ~~operations~~ OPERATION of Spur Cross Ranch
8 state park. Any gifts and donations collected ~~will~~ SHALL be deposited in the
9 state parks donations fund established by section 41-511.11, ~~subsection A,~~
10 and accounted for separately. The Arizona state parks board shall ensure
11 public access to the Spur Cross Ranch state park.

12 D. Spur Cross Ranch state park consists of all or part of the
13 following described property:

14 1. Lots 3, 4, 5 and 6; the south half of the northwest quarter; the
15 northwest quarter of the southwest quarter; and the southeast quarter of the
16 northeast quarter, all lying in and being a part of section 4, township 6
17 north, range 4 east of the Gila and salt river base and meridian, Maricopa
18 county, Arizona.

19 2. All of section 5, township 6 north, range 4 east of the Gila and
20 salt river base and meridian, Maricopa county, Arizona; except the southeast
21 quarter of the southeast quarter of section 5.

22 3. All of section 6, township 6 north, range 4 east of the Gila and
23 salt river base and meridian, Maricopa county, Arizona.

24 4. The southwest quarter of the southwest quarter of section 4,
25 township 6 north, range 4 east of the Gila and salt river base and meridian,
26 Maricopa county, Arizona.

27 5. The southeast quarter of the southeast quarter of section 5,
28 township 6 north, range 4 east of the Gila and salt river base and meridian,
29 Maricopa county, Arizona.

30 6. The northeast quarter of the northeast quarter of section 8,
31 township 6 north, range 4 east of the Gila and salt river base and meridian,
32 Maricopa county, Arizona.

33 7. The northwest quarter of the northwest quarter of section 9,
34 township 6 north, range 4 east of the Gila and salt river base and meridian,
35 Maricopa county, Arizona.

36 8. Lots 1 and 2; and the southwest quarter of the northeast quarter,
37 all lying in and being a part of section 4, township 6 north, range 4 east of
38 the Gila and salt river base and meridian, Maricopa county, Arizona.

39 9. The north half of the north half of section 7, township 6 north,
40 range 4 east of the Gila and salt river base and meridian, Maricopa county,
41 Arizona.

42 10. The south half of the southeast quarter of section 7, township 6
43 north, range 4 east of the Gila and salt river base and meridian, Maricopa
44 county, Arizona.

1 11. The south half of the northeast quarter of section 8, township 6
2 north, range 4 east of the Gila and salt river base and meridian, Maricopa
3 county, Arizona.

4 12. The Catherine lode mining claim, designated by the surveyor general
5 as survey number 4096 embracing a portion of section 4, township 6 north,
6 range 4 east of the Gila and salt river base and meridian, Maricopa county,
7 Arizona, in the cave creek mining district, as conveyed and more particularly
8 described in patent recorded in book 248 of deeds, page 400.

9 13. The Columbian lode mining claim, designated by the surveyor general
10 as survey number 2685, embracing a portion of the unsurveyed domain in the
11 cave creek mining district, as conveyed and more particularly described in
12 patent recorded in book 99 of deeds, page 10.

13 14. The Mashackety lode mining claim, designated by the surveyor
14 general as survey number 2685, embracing a portion of the unsurveyed domain
15 in the Cave Creek mining district, as conveyed and more particularly
16 described in patent recorded in book 99 of deeds, page 10.

17 15. The Mashackety number 1 lode mining claim, designated by the
18 surveyor general as survey number 2685, embracing a portion of the unsurveyed
19 domain in the Cave Creek mining district, as conveyed and more particularly
20 described in patent recorded in book 99 of deeds, page 10.

21 Sec. 5. Repeal

22 Sections 41-511.21 and 41-511.24, Arizona Revised Statutes, are
23 repealed.

24 Sec. 6. Title 41, chapter 3, article 1.1, Arizona Revised Statutes, is
25 amended by adding a new section 41-511.21, to read:

26 41-511.21. State parks revenue fund; purpose; exemption

27 A. THE STATE PARKS REVENUE FUND IS ESTABLISHED CONSISTING OF:

28 1. MONIES RECEIVED FROM THE SALE OF PARK POSTERS, PARK POSTCARDS,
29 BOOKS, SOUVENIRS AND SUNDRY ITEMS PURSUANT TO SECTION 41-511.05, PARAGRAPH 4.

30 2. MONIES APPROPRIATED BY THE LEGISLATURE FOR THE PURPOSE OF ENHANCING
31 STATE PARKS.

32 3. UNCONDITIONAL GIFTS AND DONATIONS SPECIFICALLY DESIGNATED TO THE
33 REVENUE FUND, EXCEPT FOR UNCONDITIONAL GIFTS, DONATIONS, BEQUESTS AND
34 ENDOWMENTS DEPOSITED IN THE STATE PARKS DONATIONS FUND PURSUANT TO SECTION
35 41-511.11.

36 4. ALL MONIES DERIVED FROM STATE PARK USER FEES, CONCESSION FEES AND
37 OTHER REVENUE GENERATING ACTIVITIES.

38 5. SURCHARGES ON PARK RESERVATIONS.

39 6. SALE OF PARK ASSETS.

40 B. THE MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION:

41 1. FOR THE OPERATION AND MAINTENANCE OF THE STATE PARK SYSTEM.

42 2. FOR USE BY THE BOARD TO ACQUIRE AND DEVELOP REAL PROPERTY AND
43 IMPROVEMENTS AS STATE PARKS CONSISTENT WITH THE PURPOSES AND OBJECTIVES
44 PRESCRIBED IN SECTION 41-511.03, SUBJECT TO REVIEW BY THE JOINT COMMITTEE ON
45 CAPITAL REVIEW.

1 3. MONIES IN THE FUND SHALL NOT BE APPROPRIATED IN A MANNER THAT IS
2 INCONSISTENT WITH RESTRICTIONS IN THE LEASE OR DEED TO THE PROPERTY.

3 C. THE BOARD MAY COLLECT MONIES AS A SURCHARGE ON PARK RESERVATIONS
4 AND SHALL DETERMINE THE SURCHARGE RATE AS PROVIDED IN SECTION 41-511.05,
5 PARAGRAPH 8 AFTER CONSIDERING THE COSTS TO PLAN AND ADMINISTER THE
6 RESERVATION SYSTEM.

7 D. ON NOTICE FROM THE BOARD, THE STATE TREASURER SHALL INVEST AND
8 DIVEST THE MONIES IN THE STATE PARKS REVENUE FUND AS PROVIDED BY SECTION
9 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

10 E. MONIES IN THE STATE PARKS REVENUE FUND ARE EXEMPT FROM SECTION
11 35-190, RELATING TO LAPSING OF APPROPRIATIONS. THE PURPOSES FOR WHICH MONIES
12 WERE EXPENDED DURING THE PRECEDING FISCAL YEAR SHALL BE DELINEATED IN THE
13 AGENCY'S ANNUAL REPORT PURSUANT TO SECTION 41-511.12.

14 Sec. 7. Section 41-511.22, Arizona Revised Statutes, is amended to
15 read:

16 41-511.22. Trail systems plan; deposit of monies; definition

17 A. The board shall prepare a trail systems plan that:

18 1. Identifies on a statewide basis the general location and extent of
19 significant trail routes, areas and complementary facilities.

20 2. Assesses the physical condition of the systems.

21 3. Assesses usage of trails.

22 4. Describes specific policies, standards and criteria to be followed
23 in adopting, developing, operating and maintaining trails in the systems.

24 5. Recommends to federal, state, regional, local and tribal agencies
25 and to the private sector actions which will enhance the trail systems.

26 B. The plan shall be revised at least once every five years.

27 C. Monies from gifts, grants and other donations received by the board
28 for the trail systems plan shall be deposited in a separate account of the
29 state parks **DONATIONS** fund established by section 41-511.11 and may be
30 allocated by the board for special trail project priorities established
31 annually by the board.

32 D. Monies deposited in the state parks **DONATIONS** fund account shall be
33 used for providing state monies up to an amount equal to the amount of cash,
34 materials and labor from any other source for the planning, acquisition,
35 maintenance or operation of the trails and for administrative expenses of not
36 more than twenty per cent of total account monies.

37 E. For purposes of this section, "trail systems" means coordinated
38 systems of trails in this state.

39 Sec. 8. Repeal

40 Section 45-118, Arizona Revised Statutes, is repealed.

41 Sec. 9. Emissions inspection fund; use; fiscal year 2012-2013

42 Notwithstanding section 49-544, Arizona Revised Statutes, in fiscal
43 year 2012-2013, the department of environmental quality may use up to
44 \$1,800,000 from the emissions inspection fund established by section 49-544,
45 Arizona Revised Statutes, for the department's safe drinking water program.

1 Notwithstanding any other law, the administrative cap established in
2 section 49-1051, subsection B, paragraphs 2 and 3, Arizona Revised Statutes,
3 is suspended for fiscal year 2012-2013, and the department of environmental
4 quality may transfer a combined total of \$6,531,000 from the assurance
5 account of the underground storage tank revolving fund and the regulated
6 substance fund established by section 49-1015.01, Arizona Revised Statutes,
7 for administrative costs of the department.

8 Sec. 15. Agricultural fees; intent; exemption from rule making

9 A. Notwithstanding any other law, the director of the Arizona
10 department of agriculture, with the assistance of the agriculture advisory
11 council, may continue existing fees from 2011-2012 in fiscal year 2012-2013
12 for services provided in fiscal year 2012-2013.

13 B. It is the intent of the legislature that the additional revenue
14 generated by the fees established as prescribed in subsection A of this
15 section shall not exceed \$218,000 to the state general fund, \$113,000 to the
16 pesticide trust fund and \$26,000 to the dangerous plants, pests and diseases
17 trust fund.

18 C. The Arizona department of agriculture is exempt from the rule
19 making requirements of title 41, chapter 6, Arizona Revised Statutes, for the
20 purpose of establishing fees pursuant to this section until July 1, 2013.

21 Sec. 16. Water resources fees; intent; exemption from rule
22 making

23 A. Notwithstanding any other law, the director of the department of
24 water resources may increase fees in fiscal year 2012-2013 for services in
25 fiscal year 2012-2013.

26 B. Monies received from any fees collected pursuant to subsection A of
27 this section shall be deposited in the water resources fund established by
28 section 45-117, Arizona Revised Statutes.

29 C. It is the intent of the legislature that the revenue generated by
30 the fees collected pursuant to subsection A of this section shall not exceed
31 \$100,200.

32 D. The department of water resources is exempt from the rule making
33 requirements of title 41, chapter 6, Arizona Revised Statutes, for the
34 purpose of establishing fees pursuant to this section until July 1, 2013.

35 Sec. 17. Use of risk management revolving fund

36 In addition to the purposes specified in section 41-622, Arizona
37 Revised Statutes, of the monies appropriated in the general appropriations
38 act for fiscal year 2012-2013 to the department of administration from the
39 risk management revolving fund, \$80,000 may be used in fiscal year 2012-2013
40 to allow the Arizona navigable stream adjudication commission to pay one-time
41 unpaid obligations relating to legal fees.

42 Sec. 18. Appropriation reduction; water quality assurance
43 revolving fund

44 Notwithstanding section 49-282, Arizona Revised Statutes, the
45 appropriation from the state general fund to the water quality assurance
46 revolving fund for fiscal year 2012-2013 shall not exceed \$7,000,000.

