

House Engrossed  
state lake improvement fund

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# HOUSE BILL 2038

AN ACT

AMENDING SECTIONS 5-382 AND 41-511.21, ARIZONA REVISED STATUTES; RELATING  
TO STATE PARKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 5-382, Arizona Revised Statutes, is amended to  
3 read:

4 5-382. State lake improvement fund; use of monies; report

5 A. ~~THE~~ state lake improvement fund is established. Monies  
6 deposited in the fund shall be used only as provided in this section.

7 B. All monies in the state lake improvement fund are appropriated  
8 to the Arizona state parks board solely for the purposes provided in this  
9 section. Interest earned on monies in the fund shall be credited to the  
10 fund. Monies in the state lake improvement fund are exempt from the  
11 provisions of section 35-190 relating to lapsing of appropriations.

12 C. The Arizona state parks board shall ~~administer~~ USE the monies in  
13 the fund as follows:

14 1. NOT MORE THAN TEN PERCENT OF MONIES DEPOSITED IN THE FUND  
15 ANNUALLY to fund staff support to plan and administer the state lake  
16 improvement fund ~~in conjunction with other administrative tasks and~~  
17 ~~recreation plans of the board.~~

18 2. FOR WATER SEARCH AND RESCUE OPERATIONS.

19 ~~2.~~ 3. To fund projects on waters where ~~gasoline powered~~  
20 GASOLINE-POWERED boats are ~~permitted and shall be~~ ALLOWED, limited to the  
21 following:

- 22 (a) Public launching ramps.
- 23 (b) Public piers, marinas or marina stadia.
- 24 (c) Public toilets, sanitation facilities and domestic waters.
- 25 (d) Public picnic tables and facilities.
- 26 (e) Public parking areas.
- 27 (f) Lake construction or improvement.
- 28 (g) Marking buoys and other safety facilities.
- 29 (h) Watercraft.
- 30 (i) Public campgrounds.
- 31 (j) Acquisition of real and personal property through purchase,  
32 lease, agreement or otherwise for the purpose of providing access to  
33 waters where boating is ~~permitted~~ ALLOWED.
- 34 (k) Design and engineering projects.

35 D. Projects involving expenditure of monies from ~~such~~ THE STATE  
36 LAKE IMPROVEMENT fund may be accomplished by the Arizona state parks  
37 board, by the Arizona game and fish commission, by the board of  
38 supervisors of any county or by the governing body of a city or town,  
39 provided such projects do not interfere with any vested water rights, or  
40 the operation or maintenance of water projects, including domestic,  
41 municipal, irrigation district, drainage district, flood control district  
42 or reclamation projects. The Arizona outdoor recreation coordinating  
43 commission, established by section 41-511.25, shall examine applications  
44 for eligible projects, determine the amount of funding, if any, for each  
45 project and submit a list of projects, subject to prior review by the

1 joint committee on capital review, to the Arizona state parks board for  
2 allocation from the fund. The board shall annually report to the  
3 legislature the expenditures made for such projects in conjunction with  
4 the report required by section 41-511.12.

5 E. State lake improvement ~~funds~~ FUND MONIES may be used on projects  
6 ~~where~~ IF matching ~~funds~~ MONIES are made available.

7 Sec. 2. Section 41-511.21, Arizona Revised Statutes, is amended to  
8 read:

9 41-511.21. State parks revenue fund; purpose; exemption

10 A. The state parks revenue fund is established consisting of:

11 1. Monies received from the sale of park posters, park postcards,  
12 books, souvenirs and sundry items pursuant to section 41-511.05,  
13 paragraph 4.

14 2. Monies appropriated by the legislature for the purpose of  
15 enhancing state parks.

16 3. Unconditional gifts and donations specifically designated to the  
17 STATE PARKS revenue fund, except for unconditional gifts, donations,  
18 bequests and endowments deposited in the state parks donations fund  
19 pursuant to section 41-511.11.

20 4. All monies derived from state park user fees, concession fees  
21 and other revenue generating activities.

22 5. Surcharges on park reservations.

23 6. MONIES FROM THE sale of park assets.

24 B. The monies in the STATE PARKS REVENUE fund are subject to  
25 legislative appropriation:

26 1. ~~For the operation~~ TO OPERATE, ADMINISTER and ~~maintenance of~~  
27 MAINTAIN the state park system.

28 2. For use by the board to acquire and develop real property and  
29 improvements as state parks consistent with the purposes and objectives  
30 prescribed in section 41-511.03, subject to review by the joint committee  
31 on capital review.

32 C. Monies in the STATE PARKS REVENUE fund shall not be appropriated  
33 in a manner that is inconsistent with restrictions in the lease or deed to  
34 the property.

35 D. The board may collect monies as a surcharge on park reservations  
36 and shall determine the surcharge rate as provided in section 41-511.05,  
37 paragraph 8 after considering the costs to plan and administer the  
38 reservation system.

39 E. On notice from the board, the state treasurer shall invest and  
40 divest the monies in the state parks revenue fund as provided by section  
41 35-313, and monies earned from investment shall be credited to the fund.

42 F. Monies in the state parks revenue fund are exempt from section  
43 35-190, relating to lapsing of appropriations. The purposes for which  
44 monies were expended during the preceding fiscal year shall be delineated  
45 in the agency's annual report pursuant to section 41-511.12.