

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# SENATE BILL 1458

AN ACT

AMENDING SECTION 41-511.05, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA STATE PARKS BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-511.05, Arizona Revised Statutes, is amended to  
3 read:

4 41-511.05. Powers; compensation

5 The board may, subject to legislative budgetary control within the  
6 limitations of this article:

7 1. Employ, determine conditions of employment and specify the duties  
8 of such administrative, secretarial and clerical workers and technical  
9 employees such as naturalists, archaeologists, landscape architects, rangers,  
10 park supervisors, caretakers, guides, skilled tradesmen, laborers, historians  
11 and engineers, and contract to have the services of such advisors or  
12 consultants as are reasonably necessary or desirable to enable it to perform  
13 adequately its duties. The compensation of the director and of all workers  
14 and employees shall be as determined pursuant to section 38-611.

15 2. Make such contracts, leases and agreements and incur such  
16 obligations as are reasonably necessary or desirable within the general scope  
17 of its activities and operations to enable it to perform adequately its  
18 duties.

19 3. Acquire through purchase, lease, agreement, donation, grant,  
20 bequest or otherwise real and personal property and acquire real property  
21 through eminent domain for state park or monument purposes. No property may  
22 be acquired in the manner provided in this paragraph which will require an  
23 expenditure in excess of funds budgeted or received for such purposes. No  
24 state park or monument, or additions to a state park or monument, shall be  
25 created containing in excess of one hundred sixty acres of land unless  
26 created by an act of the legislature. This acreage limitation shall not  
27 apply in the case of lands given or donated for state park or monument  
28 purposes nor to state owned lands that are selected by the board and that are  
29 not subject to outstanding leases, permits or other rights for the use of the  
30 lands including preferential rights to renew such leases and permits.

31 4. Sell, lease, exchange or otherwise dispose of real and personal  
32 property. Any disposition of real property shall be submitted for approval  
33 of the joint committee on capital review. The disposition of office  
34 equipment, furnishings, vehicles and other materials is subject to chapter  
35 23, article 8 of this title. The disposition of artifacts and other property  
36 of scientific, archaeological, historical or sociological interest is exempt  
37 from chapter 23, article 8 of this title, but the board shall consult with  
38 the Arizona historical society in disposing of property of historical  
39 interest.

40 5. Construct at state parks and monuments necessary sanitary and other  
41 facilities including picnic tables, fireplaces, campsites, service buildings  
42 and maintenance shops, and contract with private persons for the construction  
43 and operation of cabins, hotels and restaurants, and like establishments.

1           6. Erect suitable signs and markers at parks and monuments and write,  
2 prepare and publish written material describing the historical significance  
3 of monuments and other places of historical or other significance.

4           7. Solicit and work in cooperation with the department of  
5 transportation and the highway departments of various counties and the United  
6 States federal highway administration for necessary roads and trails within  
7 the state parks and monuments and access roads to state parks and monuments.  
8 For the purposes of this paragraph, the board may designate roads, spurs and  
9 other traffic related appurtenances within state park boundaries as public  
10 highways. Designation of roads, spurs or other traffic related appurtenances  
11 as public highways shall not prohibit the board from closing such public  
12 highways when the park is closed, charging for admission to the park to  
13 persons using the public highway within the park or otherwise managing such  
14 public highways in the same manner as other lands within the park.

15           8. Levy and collect reasonable fees or other charges for the use of  
16 such privileges and conveniences as may be provided under the jurisdiction of  
17 the board, EXCEPT THAT THE BOARD SHALL PRESCRIBE THE FEE FOR AN ANNUAL PASS  
18 FOR RESIDENTS OF THIS STATE AT A RATE THAT IS TWENTY PER CENT BELOW THE  
19 NONRESIDENT RATE. The board may enter into agreements for the purpose of  
20 accepting payment for fees or other charges imposed pursuant to this article  
21 by alternative payment methods, including credit cards, charge cards, debit  
22 cards and electronic funds transfers. The collecting officer shall deduct  
23 any fee charged or withheld by a company providing the alternative payment  
24 method under an agreement with the board before the revenues are transferred  
25 to the board.

26           9. Make reasonable rules for the protection of, and maintain and keep  
27 the peace in, state parks and monuments. Such rules adopted by the parks  
28 board are subject to review and approval by the legislature. After a board  
29 rule has been finally adopted pursuant to chapter 6 of this title, the board  
30 shall immediately forward a certified copy of the rule to the legislature.  
31 The legislature may review and, by concurrent resolution, approve, disapprove  
32 or modify such rule. However, such rule shall be given full force and effect  
33 pending legislative review. If no concurrent resolution is passed by the  
34 legislature with respect to the rule within one year following receipt of a  
35 certified copy of the rule, the rule shall be deemed to have been approved by  
36 the legislature. If the legislature disapproves a rule or a section of a  
37 rule, the board shall immediately discontinue the use of any procedure,  
38 action or proceeding authorized or required by the rule or section of the  
39 rule. If the legislature modifies a rule or section of a rule, the board  
40 shall immediately suspend the use of any procedure, action or proceeding  
41 authorized or required by the rule or section of the rule until the modified  
42 rule has been adopted in accordance with chapter 6 of this title, after which  
43 all proceedings pursuant to the rule shall be conducted in accordance with  
44 the modified version of the rule.

- 1           10. Furnish advisory services to city and county park or recreation  
2 boards and organizations.
- 3           11. Delegate to the director, the deputy director or the director's  
4 designee any of its powers and duties, whether ministerial or discretionary,  
5 which are prescribed by law, except that the board may not delegate its power  
6 or duty to make rules.
- 7           12. Reimburse board volunteers for travel and lodging expenses and per  
8 diem subsistence allowances incurred while on public business for the  
9 board. Reimbursement amounts shall not exceed those allowed under title 38,  
10 chapter 4, article 2.
- 11          13. In consultation with the conservation acquisition board, develop a  
12 grant program and adopt guidelines for allocating and obligating monies in  
13 the land conservation fund pursuant to section 41-511.23. The guidelines  
14 shall include consideration of both qualification issues relating to  
15 applicants for grants and issues relating to the proposed use of the grant  
16 money in a manner consistent with existing municipal, county and regional  
17 land use plans.