

REFERENCE TITLE: Native Americans; state parks

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1463

Introduced by
Senators Hale: Burton Cahill, Miranda, Rios, Soltero

AN ACT

AMENDING SECTION 41-511.05, 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 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, MAY:

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~~ MONIES budgeted or received for such purposes.
24 No 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
6 United States federal highway administration for necessary roads and trails
7 within the state parks and monuments and access roads to state parks and
8 monuments. For the purposes of this paragraph, the board may designate
9 roads, spurs and other traffic related appurtenances within state park
10 boundaries as public highways. Designation of roads, spurs or other traffic
11 related appurtenances as public highways shall not prohibit the board from
12 closing such public highways when the park is closed, charging for admission
13 to the park to persons using the public highway within the park or otherwise
14 managing such public highways in the same manner as other lands within the
15 park.

16 8. Levy and collect reasonable fees or other charges for the use of
17 such privileges and conveniences as may be provided under the jurisdiction of
18 the board, **EXCEPT THAT THE BOARD SHALL NOT LEVY AN ENTRANCE FEE TO A STATE
19 PARK OR HISTORICAL MONUMENT ON A MEMBER OF A FEDERALLY RECOGNIZED NATIVE
20 AMERICAN TRIBE THAT IS LOCATED IN THIS STATE WHO DISPLAYS AN ARIZONA DRIVER
21 LICENSE AND A TRIBAL IDENTIFICATION CARD.** The board may enter into
22 agreements for the purpose of accepting payment for fees or other charges
23 imposed pursuant to this article by alternative payment methods, including
24 credit cards, charge cards, debit cards and electronic funds transfers. The
25 collecting officer shall deduct any fee charged or withheld by a company
26 providing the alternative payment method under an agreement with the board
27 before the revenues are transferred to the board.

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

1 all proceedings pursuant to the rule shall be conducted in accordance with
2 the modified version of the rule.

3 10. Furnish advisory services to city and county park or recreation
4 boards and organizations.

5 11. Delegate to the director, the deputy director or the director's
6 designee any of its powers and duties, whether ministerial or discretionary,
7 which are prescribed by law, except that the board may not delegate its power
8 or duty to make rules.

9 12. Reimburse board volunteers for travel and lodging expenses and per
10 diem subsistence allowances incurred while on public business for the board.
11 Reimbursement amounts shall not exceed those allowed under title 38,
12 chapter 4, article 2.

13 13. In consultation with the conservation acquisition board, develop a
14 grant program and adopt guidelines for allocating and obligating monies in
15 the land conservation fund pursuant to section 41-511.23. The guidelines
16 shall include consideration of both qualification issues relating to
17 applicants for grants and issues relating to the proposed use of the grant
18 money in a manner consistent with existing municipal, county and regional
19 land use plans.