

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2314

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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

4 5-382. State lake improvement fund; administration; report

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

7 B. All monies in the state lake improvement fund are appropriated to  
8 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 the monies in the  
13 fund as follows:

14 1. To fund staff support to plan and administer the state lake  
15 improvement fund ~~and the law enforcement and boating safety fund established~~  
16 ~~by section 5-383~~ in conjunction with other administrative tasks and  
17 recreation plans of the board.

18 2. To fund projects on waters where gasoline powered boats are  
19 permitted and shall be limited to the following:

- 20 (a) Public launching ramps.
- 21 (b) Public piers, marinas or marina stadia.
- 22 (c) Public toilets, sanitation facilities and domestic waters.
- 23 (d) Public picnic tables and facilities.
- 24 (e) Public parking areas.
- 25 (f) Lake construction or improvement.
- 26 (g) Marking buoys and other safety facilities.
- 27 (h) Watercraft.
- 28 (i) Public campgrounds.

1 (j) Acquisition of real and personal property through purchase, lease,  
2 agreement or otherwise for the purpose of providing access to waters where  
3 boating is permitted.

4 (k) Design and engineering projects.

5 D. Projects involving expenditure of monies from such fund may be  
6 accomplished by the Arizona state parks board, by the Arizona game and fish  
7 commission, by the board of supervisors of any county or by the governing  
8 body of a city or town, provided such projects do not interfere with any  
9 vested water rights, or the operation or maintenance of water projects,  
10 including domestic, municipal, irrigation district, drainage district, flood  
11 control district or reclamation projects. The Arizona outdoor recreation  
12 coordinating commission, established by section 41-511.25, shall examine  
13 applications for eligible projects, determine the amount of funding, if any,  
14 for each project and submit a list of projects, subject to prior review by  
15 the joint committee on capital review, to the Arizona state parks board for  
16 allocation from the fund. The board shall annually report to the legislature  
17 the expenditures made for such projects in conjunction with the report  
18 required by section 41-511.12.

19 E. State lake improvement funds may be used on projects where matching  
20 funds are made available.

21 Sec. 2. Section 5-383, Arizona Revised Statutes, is amended to read:

22 5-383. Law enforcement and boating safety fund; boating law  
23 enforcement, personnel, equipment and training  
24 funding to counties

25 A. A law enforcement and boating safety fund is established that  
26 consists of monies distributed to the fund pursuant to section 5-323. The  
27 monies are subject to legislative appropriation. ~~The Arizona state parks~~  
28 ~~board shall administer the fund and establish and adopt procedures for the~~  
29 ~~allocation of the monies.~~

30 ~~B. The board of supervisors of any county may apply for law~~  
31 ~~enforcement and boating safety fund grants from the Arizona outdoor~~  
32 ~~recreation coordinating commission for the ensuing fiscal year on forms~~

1 ~~provided by the Arizona outdoor recreation coordinating commission.~~ ONLY A  
2 BOARD OF SUPERVISORS OF A COUNTY THAT HAS A LAW ENFORCEMENT AND BOATING  
3 SAFETY PROGRAM THAT WAS IN EXISTENCE BEFORE JULY 1, 1990 SHALL BE ELIGIBLE TO  
4 RECEIVE LAW ENFORCEMENT AND BOATING SAFETY FUND MONIES.

5 C. ~~The Arizona outdoor recreation coordinating commission may~~ THE  
6 STATE TREASURER SHALL ADMINISTER THE FUND. USING AN ALLOCATION FORMULA AS  
7 DETERMINED ANNUALLY BY THE COMMISSION, THE STATE TREASURER SHALL distribute  
8 ~~grant~~ monies MONTHLY from the law enforcement and boating safety fund to  
9 ELIGIBLE counties AS PRESCRIBED IN SUBSECTION B OF THIS SECTION. ~~that~~  
10 ~~properly apply to receive the monies. In allocating the monies the commission~~  
11 ~~may consider the following:~~

12 D. IN DETERMINING THE ALLOCATION FORMULA, THE COMMISSION MAY CONSIDER  
13 THE FOLLOWING:

14 1. The adequacy of existing county boating safety programs that  
15 include accident investigations.

16 2. The number of recreational days of use on water within the  
17 jurisdiction of the counties in areas of administrative authority.

18 3. The surface acreage of water within the jurisdiction of the  
19 counties in areas of administrative authority.

20 4. The county water safety record.

21 5. The ability of the county to constructively use additional monies.

22 6. The ratio of boating use to water surface within the jurisdiction  
23 of the counties in areas of administrative authority.

24 7. The ability of participating counties to provide continued funding  
25 of the program.

26 8. ANNUAL INPUT AND FEEDBACK FROM THE COUNTY BOARDS OF SUPERVISORS  
27 RECEIVING FUNDS.

28 9. BOAT ACCIDENT DATA FOR THE WATERWAYS WITHIN THE JURISDICTION OF THE  
29 COUNTY.

30 ~~D.~~ E. The monies distributed to a county BOARD OF SUPERVISORS shall  
31 be used by the law enforcement agencies of the county solely for boating law  
32 enforcement, personnel, equipment and training.

~~E. A county that applies for monies pursuant to this section and that has a law enforcement and boating safety program that was in existence before July 1, 1980 shall match the monies received pursuant to this section by an equal amount for that county's law enforcement and boating safety program.~~

Sec. 3. Section 41-511.04, Arizona Revised Statutes, is amended to read:

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

A. The board shall:

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

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

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

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

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

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

1           7. Plan, coordinate and administer a state historic preservation  
2 program including the program established pursuant to the national historic  
3 preservation act of 1966, as amended.

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

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

14           10. Accept, on behalf of the state historic preservation officer,  
15 applications for classification as historic property received from the county  
16 assessor.

17           11. Adopt rules with regard to classification of historic property  
18 including:

19               (a) Minimum maintenance standards for the property.

20               (b) Requirements for documentation.

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

23           13. Advise the governor on historic preservation matters.

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

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

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

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

1           18. Receive applications for projects to be funded through the land and  
2 water conservation fund, ~~AND the state lake improvement fund and the law~~  
3 ~~enforcement and boating safety fund~~ on behalf of the Arizona outdoor  
4 recreation coordinating commission.

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

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

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

16           B. Notwithstanding section 41-511.11, the board may annually collect  
17 and expend monies to plan and administer the land and water conservation fund  
18 program, in conjunction with other administrative tasks and recreation plans,  
19 as a surcharge to subgrantees in a proportionate amount, not to exceed ten  
20 per cent, of the cost of each project. The surcharge monies shall be set  
21 aside to fund staff support for the land and water conservation fund program.

22           C. A partnership fund is established consisting of monies received  
23 pursuant to subsection B of this section, monies received from  
24 intergovernmental agreements pursuant to title 11, chapter 7, article 3 and  
25 monies received pursuant to section 35-148. The board shall administer the  
26 fund monies as a continuing appropriation for the purposes provided in these  
27 sections.

28           D. The state historic preservation officer shall:

29           1. In cooperation with federal and state agencies, political  
30 subdivisions of this state and other persons, direct and conduct a  
31 comprehensive statewide survey of historic properties and historic private  
32 burial sites and historic private cemeteries and maintain inventories of

1 historic properties and historic private burial sites and historic private  
2 cemeteries.

3 2. Identify and nominate eligible properties to the national register  
4 of historic places and the Arizona register of historic places and otherwise  
5 administer applications for listing historic properties on the national and  
6 state registers.

7 3. Administer grants-in-aid for historic preservation projects within  
8 this state.

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

16 5. Develop and make available information concerning professional  
17 methods and techniques for the preservation of historic properties and  
18 historic private burial sites and historic private cemeteries.

19 6. Make recommendations on the certification, classification and  
20 eligibility of historic properties and historic private burial sites and  
21 historic private cemeteries for property tax and investment tax incentives.

22 E. The state historic preservation officer may:

23 1. Collect and receive information for historic private burial sites  
24 and historic private cemeteries from public and private sources and maintain  
25 a record of the existence and location of such burial sites and cemeteries  
26 located on private or public lands in this state.

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

30 3. Make the records available to assist in locating the families of  
31 ~~the person~~ PERSONS buried in the historic private burial sites and historic  
32 private cemeteries.

1 F. For the purposes of this section, "historic private burial sites  
2 and historic private cemeteries" means ~~a place~~ PLACES where burials or  
3 interments of human remains first occurred more than fifty years ago, that  
4 are not available for burials or interments by the public and THAT are not  
5 regulated under title 32, chapter 20, article 6.

6 Sec. 4. Section 41-511.25, Arizona Revised Statutes, is amended to  
7 read:

8 41-511.25. Arizona outdoor recreation coordinating commission:  
9 members; powers and duties

10 A. The Arizona outdoor recreation coordinating commission is  
11 established. The commission shall be composed of seven members consisting of  
12 the director of the Arizona game and fish department, the director of the  
13 Arizona state parks board and five members appointed by the governor. The ex  
14 officio members may not serve as officers of the commission. Of the members  
15 appointed by the governor three shall be professional full-time parks and  
16 recreation department directors of a county, city, or town and no two shall  
17 reside in the same county. Two members appointed by the governor shall be  
18 from the general public and each shall have broad experience in outdoor  
19 recreation. Of the five appointed members, no more than two shall reside in  
20 the same county. Each appointed member shall be appointed for a term of  
21 three years. Appointed members shall be reimbursed for expenses incurred  
22 while attending meetings called by the commission as prescribed by section  
23 38-624.

24 B. The commission shall:

25 1. Review statewide outdoor recreation and lake improvement plans and  
26 provide comments to the Arizona state parks board.

27 2. Review budget proposals for the use of land and water conservation  
28 fund surcharges and the state lake improvement fund for planning and  
29 administration and provide recommendations to the Arizona state parks board.

30 3. Establish criteria and policies for the equitable distribution of  
31 funding, review applications for eligible projects and determine the amount  
32 of funding, if any, for each project to be funded from the land and water

- 1 conservation fund, the state lake improvement fund, ~~the law enforcement and~~
- 2 ~~boating safety fund~~ and the off-highway vehicle recreation fund."
- 3 Amend title to conform

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9:53 AM  
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