

Senate Engrossed

state parks board; volunteers; fingerprinting

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SENATE BILL 1405

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
3 to 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. Subject to chapter 4, article 4 and, as applicable, article 5 of
8 this title, employ, determine conditions of employment and specify the
9 duties of such administrative, secretarial and clerical workers and
10 technical employees such as naturalists, archaeologists, landscape
11 architects, rangers, park supervisors, caretakers, guides, skilled
12 tradesmen, laborers, historians and engineers, and contract to have the
13 services of such advisors or consultants as are reasonably necessary or
14 desirable to enable it to perform adequately its duties. The compensation
15 of the director and of all workers and employees shall be as determined
16 pursuant to section 38-611.

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

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

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

43 5. Construct at state parks and monuments necessary sanitary and
44 other facilities including picnic tables, fireplaces, campsites, service
45 buildings and maintenance shops, and contract with private persons for the

1 construction and operation of cabins, hotels and restaurants, and like
2 establishments.

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

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

19 8. Levy and collect reasonable fees or other charges for the use of
20 such privileges and conveniences as may be provided under the jurisdiction
21 of the board. The board may enter into agreements for the purpose of
22 accepting payment for fees or other charges imposed pursuant to this
23 article by alternative payment methods, including credit cards, charge
24 cards, debit cards and electronic funds transfers. The collecting officer
25 shall deduct any fee charged or withheld by a company providing the
26 alternative payment method under an agreement with the board before the
27 revenues are transferred to the board.

28 9. Make reasonable rules for the protection of, and maintain and
29 keep the peace in, state parks and monuments. Such rules adopted by the
30 parks board are subject to review and approval by the legislature. After
31 a board rule has been finally adopted pursuant to chapter 6 of this title,
32 the board shall immediately forward a certified copy of the rule to the
33 legislature. The legislature may review and, by concurrent resolution,
34 approve, disapprove or modify such rule. However, such rule shall be
35 given full force and effect pending legislative review. If ~~no~~ A
36 concurrent resolution is NOT passed by the legislature with respect to the
37 rule within one year following receipt of a certified copy of the rule,
38 the rule ~~shall be~~ IS deemed to have been approved by the legislature. If
39 the legislature disapproves a rule or a section of a rule, the board shall
40 immediately discontinue the use of any procedure, action or proceeding
41 authorized or required by the rule or section of the rule. If the
42 legislature modifies a rule or section of a rule, the board shall
43 immediately suspend the use of any procedure, action or proceeding
44 authorized or required by the rule or section of the rule until the
45 modified rule has been adopted in accordance with chapter 6 of this title,

1 after which all proceedings pursuant to the rule shall be conducted in
2 accordance with 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
7 discretionary, ~~which~~ THAT are prescribed by law, except that the board may
8 not delegate its power or duty to make rules.

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

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

20 14. REQUIRE VOLUNTEERS WHO COLLECT FEES OR INTERACT WITH CHILDREN
21 OR VULNERABLE ADULTS AS DEFINED IN SECTION 13-3623 WITHIN A STATE PARK TO
22 SUBMIT A FULL SET OF FINGERPRINTS TO THE BOARD FOR THE PURPOSE OF
23 OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION
24 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY
25 EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.