

REFERENCE TITLE: State Parks -- Hiking --
Equestrian Trails

State of Arizona
House of Representatives
Thirty-first Legislature
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ORIGINAL

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Introduced by

Michael Gorman

Sandra Kanner

AN ACT

RELATING TO STATE PARKS; PROVIDING FOR HIKING AND EQUESTRIAN TRAILS TO BE ESTABLISHED AND MAINTAINED BY STATE PARKS BOARD; AMENDING SECTIONS 41-511.04, 41-511.05 AND 41-511.06, ARIZONA REVISED STATUTES, AND MAKING AN APPROPRIATION.

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

2 Section 1. Section 41-511.04, Arizona Revised Statutes, is
3 amended to read:

4 41-511.04. Duties

5 The board shall:

6 1. Select areas of scenic beauty, natural features and histor-
7 ical properties now owned by the state, except properties in care and
8 custody of other agencies by virtue of agreement with the state or as
9 established by law, for management, operation and further development
10 as state parks, HIKING AND EQUESTRIAN TRAILS AND FACILITIES RELATED
11 THERETO and historical monuments.

12 2. Manage, develop and operate any state park, HIKING OR
13 EQUESTRIAN TRAIL or monument established or acquired pursuant to law,
14 or heretofore granted to the state for park or recreation purposes,
15 except those falling under the jurisdiction of other state agencies
16 as established by law.

17 3. Investigate lands owned by the state to determine what tracts

1 should be set aside and dedicated for use as state parks, HIKING OR
2 EQUESTRIAN TRAILS or monuments.

3 4. Investigate federally owned lands to determine their desir-
4 ability for use as state parks, HIKING OR EQUESTRIAN TRAILS or monuments
5 and to negotiate with the federal agency having jurisdiction over such
6 lands for the transfer of title to the Arizona state parks board.

7 5. Investigate privately owned lands to determine their desir-
8 ability as state parks, HIKING OR EQUESTRIAN TRAILS or monuments and to
9 negotiate with private owners for the transfer of title to the Arizona
10 state parks board.

11 6. Enter into agreements with the United States, Republic of
12 Mexico or other states or local governmental units, private societies
13 or persons for the development and protection of state parks, HIKING
14 AND EQUESTRIAN TRAILS and monuments.

15 7. Cooperate with each county board of supervisors interested
16 in preserving buildings and sites of historical or local significance.
17 Pursuant thereto the board shall, after appropriate surveys of existing
18 or original projects, submit to the legislature cost estimates for any
19 proposed project and the proposed method for sharing the cost between
20 the state and the county.

21 Sec. 2. Section 41-511.05, Arizona Revised Statutes, is amended
22 to read:

23 41-511.05. Powers; compensation

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

26 1. Employ, determine conditions of employment and specify the
27 duties of such administrative, secretarial and clerical workers and
28 technical employees such as naturalists, archaeologists, landscape
29 architects, rangers, park supervisors, caretakers, guides, skilled
30 tradesmen, laborers, historians, and engineers, and to contract to have
31 the services of such advisors or consultants as are reasonably neces-
32 sary or desirable to enable it to perform adequately its duties. The
33 compensation of the director and of all workers and employees shall be
34 as determined pursuant to section 38-611.

1 2. Make such contracts, leases and agreements and incur such
2 obligations as are reasonably necessary or desirable within the general
3 scope of its activities and operations to enable it to perform ade-
4 quately its duties.

5 3. Acquire through purchase, lease, agreement, donation, grant,
6 bequest, or otherwise real and personal property and acquire real prop-
7 erty through eminent domain for state park, HIKING OR EQUESTRIAN TRAIL
8 or monument purposes. No property may be acquired in the manner herein-
9 before provided, which will require an expenditure in excess of funds
10 theretofore budgeted or received for such purposes. No state park,
11 HIKING OR EQUESTRIAN TRAIL or monument, or additions thereto, shall be
12 created containing in excess of one hundred sixty acres of land unless
13 the same is created by act of the legislature. This acreage limitation
14 shall not apply, however, in the case of lands given or donated for
15 state park, HIKING OR EQUESTRIAN TRAIL or monument purposes nor to
16 state owned lands selected by the board which are not subject to out-
17 standing leases, permits or other rights for the use thereof including
18 preferential rights to renew such leases and permits.

19 4. Construct at state parks and monuments necessary sanitary and
20 other facilities including picnic tables, fireplaces, campsites, ser-
21 vice buildings and maintenance shops, and contract with private persons
22 for the construction and operation of cabins, hotels and restaurants,
23 and like establishments, AND CONSTRUCT SANITARY AND OTHER FACILITIES
24 ALONG HIKING AND EQUESTRIAN TRAILS.

25 5. Erect suitable signs and markers at parks and monuments, AND
26 ALONG HIKING AND EQUESTRIAN TRAILS, and write, prepare and publish
27 written material describing the historical significance of monuments
28 and other places of historical or other significance.

29 6. Solicit and work in cooperation with the state highway depart-
30 ment and the highway departments of various counties and United States
31 public roads, Administration for necessary roads and trails within the
32 state parks, HIKING AND EQUESTRIAN TRAILS and monuments and access
33 roads, OVERPASSES OR BRIDGES thereto.

1 7. Levy and collect reasonable fees or other charges for the use
2 of such privileges and conveniences as may be provided under the juris-
3 diction of the board.

4 8. Make reasonable rules and regulations for the protection of,
5 and maintain and keep the peace in, state parks, HIKING AND EQUESTRIAN
6 TRAILS and monuments.

7 9. Furnish advisory services to city and county park or recrea-
8 tion boards and organizations.

9 Sec. 3. Section 41-511.06, Arizona Revised Statutes, is amended
10 to read:

11 41-511.06. Eminent domain

12 A. In acquiring property by eminent domain, no water, watering
13 facilities or water right of any person shall be taken separate and
14 apart from the land served by such water, watering facilities or water
15 rights, without fair and adequate compensation to be awarded for such
16 land and water, watering facilities or water rights.

17 B. In seeking to establish a state park, HIKING OR EQUESTRIAN
18 TRAIL or monument on state or federally owned land, the board shall not
19 request the termination or cancellation of any valid lease, permit,
20 government land entry, mining claim, privilege or other right unless
21 fair and adequate compensation is awarded to the holder of such lease,
22 permit, privilege or other right. If the amount of the compensation
23 cannot be determined by agreement, the board may proceed to cause such
24 lease, permit, privilege, government land entry, mining claim or right
25 to be terminated or cancelled if such can be lawfully done by the state
26 or federal agency having jurisdiction thereof, or the board may proceed
27 to acquire the same by eminent domain. In any event the holder of such
28 lease, permit, privilege, government land entry, mining claim or right
29 shall receive fair and adequate compensation for the cost of and damage
30 to his property interest or loss of his lease, privilege, government
31 land entry, mining claim or permit. In determining the amount of such
32 compensation, consideration shall be given to any preferential rights
33 of renewal and other preferential rights of the owner or holder thereof,

1 the damage to the remaining land, damage by access roads, and damage
2 to the rights and operation which such owner may have and all other
3 relevant factors.

4 Sec. 4. Appropriation; purpose

5 The sum of fifty thousand dollars is appropriated to the state
6 parks board for the purposes of establishing hiking and equestrian
7 trails, providing for crossings over roadways, highways and trails, if
8 necessary, and for construction of necessary sanitary and other facil-
9 ities relating thereto.

10 Sec. 5. Lapsing of appropriation

11 The appropriation made in section 4 of this act shall not lapse
12 until the purpose for which the appropriation is made shall have been
13 accomplished or abandoned unless the appropriation shall have stood
14 until January 1, 1975, without expenditure therefrom or encumbrance
15 thereon. In addition all monies remaining unencumbered or unexpended
16 on January 1, 1977, shall revert to the state general fund.