House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 13

HOUSE BILL 2707

AN ACT

AMENDING SECTION 37-1014, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 1.4; PROVIDING FOR THE DELAYED REPEAL OF SECTION 41-519.01, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; MAKING A TRANSFER; RELATING TO ENVIRONMENT BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 37-1014, Arizona Revised Statutes, is amended to read:

37-1014. State financial assistance; application; criteria

A. The commissioner shall include in the ~~biennial~~ ANNUAL state land department budget request a sum of not ~~to exceed thirty~~ MORE THAN FORTY thousand dollars for each district and sixty thousand dollars for each education center for distribution by the commissioner to those natural resource conservation districts ~~which~~ THAT have applied for, have met the criteria for and have been approved for receiving state financial assistance, as provided in this section.

B. Any district or education center desiring to receive state financial assistance for the next ensuing fiscal year shall apply to the commissioner not later than June 20, on a form supplied by the division of natural resource conservation. Each application shall include~~, but not be limited to~~:

1. The number of acres of land lying within the district.

2. The extent of conservation programs or education center programs proposed to be undertaken during the fiscal year for which the financial assistance is being requested.

3. Any audits that are requested by the commissioner.

C. ~~Upon~~ ON receipt of the application, the commissioner shall determine whether or not such funds for the district or education center will be included in the budget request for the state land department and shall promptly notify the district of ~~his~~ THAT determination.

Sec. 2. Title 41, chapter 3, Arizona Revised Statutes, is amended by adding article 1.4, to read:

ARTICLE 1.4. YARNELL HILL MEMORIAL

41-519. Yarnell Hill memorial

A. THE ARIZONA STATE PARKS BOARD SHALL ESTABLISH THE YARNELL HILL MEMORIAL STATE PARK SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE YARNELL HILL MEMORIAL SITE BOARD RECOMMENDS THAT THE ARIZONA STATE PARKS BOARD PURCHASE THE LAND FOR THE MEMORIAL SITE.

2. THE ARIZONA STATE PARKS BOARD PURCHASES THE YARNELL HILL MEMORIAL SITE PURSUANT TO TITLE 37, CHAPTER 2, ARTICLE 3.

3. THE YARNELL HILL MEMORIAL SITE BOARD APPROVES THE DESIGN AND CONSTRUCTION OF THE MEMORIAL.

4. THE YARNELL HILL MEMORIAL SITE BOARD SECURES THE NECESSARY PERMISSION FOR INDIVIDUALS TO VISIT THE MEMORIAL.

B. THE ARIZONA STATE PARKS BOARD MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT PURSUANT TO TITLE 11, CHAPTER 7, ARTICLE 3 WITH THE COUNTY IN WHICH THE PARK IS LOCATED FOR THE MAINTENANCE AND PRESERVATION OF THE YARNELL HILL MEMORIAL AND ACCESS ROAD.

41-519.01. Yarnell Hill memorial site board; members; duties; report

A. THE YARNELL HILL MEMORIAL SITE BOARD IS ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:

1. THE DIRECTOR OF THE ARIZONA STATE PARKS BOARD OR THE DIRECTOR'S DESIGNEE, WHO SHALL SERVE AS THE CHAIRPERSON OF THE YARNELL HILL MEMORIAL SITE BOARD.

2. THE STATE FORESTER OR THE STATE FORESTER'S DESIGNEE.

3. TWO REPRESENTATIVES FROM THE COUNTY IN WHICH THE YARNELL HILL FIRE OCCURRED, WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE.

4. A REPRESENTATIVE FROM THE LARGEST CITY BY POPULATION IN THE COUNTY IN WHICH THE YARNELL HILL FIRE OCCURRED, WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE.

5. A REPRESENTATIVE FROM THE FIRE DEPARTMENT IN THE LARGEST CITY BY POPULATION IN THE COUNTY IN WHICH THE YARNELL HILL FIRE OCCURRED, WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

6. A REPRESENTATIVE FROM THE YARNELL FIRE DISTRICT, WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

7. A REPRESENTATIVE FROM THE YARNELL CHAMBER OF COMMERCE, WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

8. A SURVIVING MEMBER OF THE GRANITE MOUNTAIN HOTSHOT CREW OR A RELATIVE OF A MEMBER OF THE GRANITE MOUNTAIN HOTSHOT CREW WHO LOST HIS LIFE FIGHTING THE YARNELL HILL FIRE, WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

9. A RELATIVE OF A MEMBER OF THE GRANITE MOUNTAIN HOTSHOT CREW WHO LOST HIS LIFE FIGHTING THE YARNELL HILL FIRE, WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

10. A REPRESENTATIVE OF A NONPROFIT ORGANIZATION IN THIS STATE THAT SUPPORTS PUBLIC SAFETY, WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE.

11. A REPRESENTATIVE OF A RECOGNIZED ASSOCIATION REPRESENTING PUBLIC FIREFIGHTERS, WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

12. A REPRESENTATIVE OF THE ARIZONA ARTS COMMUNITY OR A PERSON WITH SUBSTANTIAL MEMORIAL DESIGN EXPERIENCE, WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE.

13. ONE MEMBER OF THE HOUSE OF REPRESENTATIVES WHO REPRESENTS THE DISTRICT IN WHICH THE YARNELL HILL FIRE OCCURRED, WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS AN ADVISORY MEMBER.

14. ONE MEMBER OF THE SENATE WHO REPRESENTS THE DISTRICT IN WHICH THE YARNELL HILL FIRE OCCURRED, WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE AS AN ADVISORY MEMBER.

B. MEMBERS OF THE YARNELL HILL MEMORIAL SITE BOARD ARE NOT ELIGIBLE TO RECEIVE COMPENSATION, BUT MEMBERS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS 3 THROUGH 12 OF THIS SECTION ARE ENTITLED TO REIMBURSEMENT FROM

THE YARNELL HILL MEMORIAL FUND ESTABLISHED BY SECTION 41-519.02 FOR REASONABLE EXPENSES IN TRAVELING ON AND ATTENDING TO OFFICIAL BOARD BUSINESS.

C. THE YARNELL HILL MEMORIAL SITE BOARD SHALL:

1. DETERMINE WHETHER TO ESTABLISH A MEMORIAL DEDICATED TO THE MEMBERS OF THE GRANITE MOUNTAIN HOTSHOT CREW WHO LOST THEIR LIVES FIGHTING THE YARNELL HILL FIRE AT THE LOCATION WHERE THE CREW LOST THEIR LIVES. IF THE BOARD DETERMINES THAT THE SITE SHOULD BE MEMORIALIZED, THE BOARD SHALL ESTABLISH THE MEMORIAL AND APPROVE ITS DESIGN AND CONSTRUCTION.

2. DETERMINE WHETHER THE ARIZONA STATE PARKS BOARD OR A PRIVATE PARTY SHOULD PURCHASE THE LAND FOR THE MEMORIAL SITE.

3. WORK WITH INTERESTED PARTIES TO DESIGN AND CONSTRUCT THE MEMORIAL.

4. PLAN FOR AND SECURE THE NECESSARY PERMISSIONS FOR INDIVIDUALS TO VISIT THE MEMORIAL.

5. SEEK TO MINIMIZE THE USE OF STATE GENERAL FUND MONIES FOR THE PURCHASE, MAINTENANCE AND PRESERVATION OF THE MEMORIAL.

6. PLAN FOR THE MAINTENANCE AND PRESERVATION OF THE MEMORIAL.

7. SOLICIT PRIVATE MONETARY DONATIONS OR PUBLIC MONIES FOR DEPOSIT IN THE YARNELL HILL MEMORIAL FUND ESTABLISHED BY SECTION 41-519.02.

8. SUBMIT A REPORT ON THE PROGRESS OF THE MEMORIAL TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ON OR BEFORE DECEMBER 31, 2015 AND PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE.

41-519.02. <u>Yarnell Hill memorial fund; exemption</u>

A. THE YARNELL HILL MEMORIAL FUND IS ESTABLISHED CONSISTING OF LEGISLATIVE APPROPRIATIONS AND DONATIONS TO THE FUND. THE YARNELL HILL MEMORIAL SITE BOARD SHALL ADMINISTER THE FUND. ON NOTICE FROM THE YARNELL HILL MEMORIAL SITE BOARD, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND. THE MONIES IN THE FUND ARE EXEMPT FROM SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. THE MONIES IN THE FUND AND ANY ADDITIONAL DONATIONS TO THE FUND MUST BE USED FOR THE PURPOSE OF PURCHASING LAND FOR THE MEMORIAL, MAINTAINING AND PRESERVING THE YARNELL HILL MEMORIAL AND ACCESS ROAD AND REIMBURSEMENT OF THE YARNELL HILL MEMORIAL SITE BOARD MEMBERS' TRAVEL EXPENSES.

B. BEGINNING ON JANUARY 1, 2017, THE ARIZONA STATE PARKS BOARD SHALL ADMINISTER THE FUND.

Sec. 3. <u>Delayed repeal</u>

Section 41-519.01, Arizona Revised Statutes, as added by this act, is repealed from and after December 31, 2016.

Sec. 4. <u>Arizona water protection fund; use; fiscal year 2014-2015</u>

Notwithstanding section 45-2114, Arizona Revised Statutes, in fiscal year 2014-2015, the Arizona water protection fund commission may grant to the department of water resources up to $336,000 of the unobligated balance in the Arizona water protection fund established by section 45-2111, Arizona

Revised Statutes, to pay for administrative costs of the department in fiscal year 2014-2015.

Sec. 5. Off-highway vehicle recreation fund; use

Notwithstanding section 28-1176, Arizona Revised Statutes, the Arizona state parks board may spend up to $692,100 from the Arizona state parks board portion of the off-highway vehicle recreation fund established by section 28-1176, Arizona Revised Statutes, in fiscal year 2014-2015 for parks board operating expenses.

Sec. 6. Underground storage tank assurance account; regulated substance fund; transfer of monies; uses

Notwithstanding any other law, the administrative caps established in section 49-1051, subsection B, paragraphs 2 and 3, Arizona Revised Statutes, are suspended for fiscal year 2014-2015, and the department of environmental quality may transfer a combined total of $6,531,000 from the assurance account of the underground storage tank revolving fund established by section 49-1051, Arizona Revised Statutes, and the regulated substance fund established by section 49-1015.01, Arizona Revised Statutes, for administrative costs of the department in fiscal year 2014-2015.

Sec. 7. Water resources fees; intent; exemption from rulemaking

A. Notwithstanding any other law, the director of water resources may increase fees in fiscal year 2014-2015 for services in fiscal year 2014-2015.

B. Monies received from any fees collected pursuant to subsection A of this section must be deposited in the water resources fund established by section 45-117, Arizona Revised Statutes.

C. It is the intent of the legislature that the revenue generated by the fees collected pursuant to subsection A of this section not exceed $100,200.

D. The department of water resources is exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, for the purpose of establishing fees pursuant to this section until July 1, 2015.

Sec. 8. Risk management revolving fund; use of monies

In addition to the purposes specified in section 41-622, Arizona Revised Statutes, of the monies appropriated in the general appropriations act for fiscal year 2014-2015 to the department of administration from the risk management revolving fund established by section 41-622, Arizona Revised Statutes, $80,000 may be used in fiscal year 2014-2015 to allow the Arizona navigable stream adjudication commission to pay one-time unpaid obligations relating to legal fees.

Sec. 9. Appropriation reduction; water quality assurance revolving fund

Notwithstanding section 49-282, Arizona Revised Statutes, the appropriation from the state general fund to the water quality assurance revolving fund established by section 49-282, Arizona Revised Statutes, for fiscal year 2014-2015 may not exceed $7,000,000.

Sec. 10. Appropriation; exemption

A. The sum of $500,000 is appropriated from the state general fund in fiscal year 2013-2014 to the Arizona state parks board for the purpose of purchasing the Yarnell Hill memorial site. Any amounts not used for the purchase revert to the state general fund.

B. The appropriation made in subsection A of this section is exempt from the provisions of section 35-190, Arizona Revised Statutes, relating to lapsing of appropriations.

Sec. 11. Emissions inspection fund; use; fiscal year 2014-2015

Notwithstanding section 49-544, Arizona Revised Statutes, in fiscal year 2014-2015, the department of environmental quality may use up to $1,800,000 from the emissions inspection fund established by section 49-544, Arizona Revised Statutes, for the department's safe drinking water program.

APPROVED BY THE GOVERNOR APRIL 11, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2014.

Passed the House March 27, 2014

by the following vote: 34 Ayes,

26 Nays, 0 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate April 1, 2014

by the following vote: 17 Ayes,

13 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

8 day of April, 2014

at 3:35 o'clock P M.

Mikhaila Howard
Secretary to the Governor

Approved this 11th day of

April

at 12:03 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 11th day of April, 2014

at 2:31 o'clock P M.

Secretary of State

H.B. 2707