

ARIZONA STATE SENATE

RESEARCH STAFF



TO: JOINT LEGISLATIVE AUDIT COMMITTEE
Senator Steve Pierce, Co-Chair
Representative Russell Bowers, Co-Chair

KAITLYN NEFF
LEGISLATIVE RESEARCH ANALYST
NATURAL RESOURCES COMMITTEE
TRANSPORTATION COMMITTEE
Telephone: (602) 926 -3171

DATE: October 5, 2016

SUBJECT: Sunset Review of the Arizona Outdoor Recreation Coordinating Commission

Attached is the final report of the sunset review of the Arizona Outdoor Recreation Coordinating Commission which was conducted by the Senate Natural Resources and the House Energy, Environment & Natural Resources Committee of Reference.

This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona
The Honorable Douglas A. Ducey

President of the Senate
Senator Andy Biggs

Speaker of the House of Representatives
Representative David Gowan

Senate Members
Senator Steve Pierce, Co-Chair
Senator Adam Driggs
Senator David Farnsworth
Senator Barbara McGuire
Senator Catherine Miranda

House Members
Representative Russell Bowers, Co-Chair
Representative Heather Carter
Representative Vince Leach
Representative Ken Clark
Representative Macario Saldate

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House Republican Staff
House Democratic Staff
House Research Staff

Arizona Outdoor Recreation Coordinating Commission
Arizona State Parks Department
Arizona State Library, Archives and Public Records

**Senate Natural Resources and
House Energy, Environment & Natural Resources
Committee of Reference Report**

Arizona Outdoor Recreation Coordinating Commission

Background

Pursuant to A.R.S. § 41-2953, the Joint Legislative Audit Committee assigned the sunset review of the Arizona Outdoor Recreation Coordinating Commission (AORCC) to the Senate Natural Resources and House Energy, Environment & Natural Resources Committee of Reference for review.

In 1965, AORCC was created in response to the Federal Land and Water Conservation Act. As a standalone agency, AORCC was responsible for planning, coordinating and administering Arizona's outdoor recreation program. In 1984, AORCC was melded with Arizona State Parks to serve in an advisory capacity to the State Parks Board. AORCC is statutorily charged with the following: 1) reviewing statewide outdoor recreation and land improvement plans and provide comments to the Board; 2) reviewing budget proposals and providing recommendations for the use of the Land and Water Conservation Fund surcharges and the State Lake Improvement Fund; and 3) establishing criteria and policies for application review and funding distribution for eligible projects from the Land and Water Conservation Fund, the State Lake Improvement Fund and the Off-Highway Vehicle Recreation Fund (A.R.S. § 41-511.25).

AORCC consists of seven members including the Director of the Arizona Game and Fish Department, the Director of the Arizona State Parks Board and five members who are appointed by the governor to serve three-year terms.

In accordance with A.R.S. § 41-3017.12, AORCC terminates on July 1, 2017, unless continued.

Committee of Reference Sunset Review Procedures

The Committee of Reference held one public meeting on September 22, 2016 to review the sunset factors and the responses to the agency questions and to receive public testimony.

Committee Recommendations

The Committee of Reference recommends that the Legislature continue AORCC for three years.

Attachments

1. Meeting Notice
2. Minutes of Committee of Reference Meeting with Applicable Attachments
3. List of Individuals who Registered their Position on Presentations
4. Department Response to the Sunset Factors

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SENATE NATURAL RESOURCES AND HOUSE ENERGY, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE ARIZONA OUTDOOR RECREATION COORDINATING COMMISSION

Date: Thursday, September 22, 2016

Time: 1:30 P.M. or upon adj. of Senate NR and House GHE COR

Place: SHR 109

AGENDA

1. Call to Order
2. Roll Call
3. Opening Remarks
4. Sunset Review of the Arizona Outdoor Recreation Coordinating Commission
 - a. Presentation by the Arizona Outdoor Recreation Coordinating Commission
 - b. Public Testimony
 - c. Discussion
 - d. Recommendation by the Committee of Reference
5. Adjourn

Members:

Senator Steve Pierce, Co-Chair
Senator Adam Driggs
Senator David C. Farnsworth
Senator Barbara McGuire
Senator Catherine Miranda

Representative Russell Bowers, Co-Chair
Representative Heather Carter
Representative Ken Clark
Representative Vince Leach
Representative Macario Saldate

9/13/16

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For questions regarding this agenda, please contact Senate Research Department.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA STATE LEGISLATURE

SENATE NATURAL RESOURCES AND HOUSE ENERGY, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE ARIZONA OUTDOOR RECREATION COORDINATING COMMISSION

Minutes of the Meeting
September 22, 2016
1:30 p.m., Senate Hearing Room 109

Members Present:

Senator Steve Pierce, Co-Chair
Senator Adam Driggs
Senator David C. Farnsworth
Senator Barbara McGuire
Senator Catherine Miranda

Representative Russell Bowers, Co-Chair
Representative Ken Clark

Members Excused:

Representative Heather Carter
Representative Vince Leach
Representative Macario Saldate

Staff:

Kaitlyn Neff, Senate Research Analyst
Brittany Green, House Assistant Research Analyst

Co-Chairman Pierce called the meeting to order at 1:31 p.m. and attendance was taken.

SUNSET REVIEW OF THE ARIZONA OUTDOOR RECREATION COORDINATING COMMISSION

Presentation by the Arizona Outdoor Recreation Coordinating Commission

Dawn Collins, Arizona State Parks, Chief, Resources and Public Programs, explained a PowerPoint presentation entitled "Arizona Outdoor Recreation Coordinating Commission" (Attachment A) and answered questions posed by the Committee.

Public Testimony

Tiffany Broberg, Chair, Arizona Outdoor Recreation Coordinating Commission, gave an overview of the Arizona Outdoor Recreation Commission and answered questions posed by the Committee.

Recommendation by the Committee of Reference

Representative Bowers moved that the Committee of Reference make the recommendation that the Arizona Outdoor Recreation Coordinating Commission be extended for three years.

The Committee discussed the length of the Commission extension.

Ms. Collins answered additional questions posed by the Committee.

Senator Pierce called for the vote. The motion CARRIED by voice vote.

Attached is a list noting the individuals who registered their position on the agenda items (Attachment B).

There being no further business, the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

Toy Brown
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)

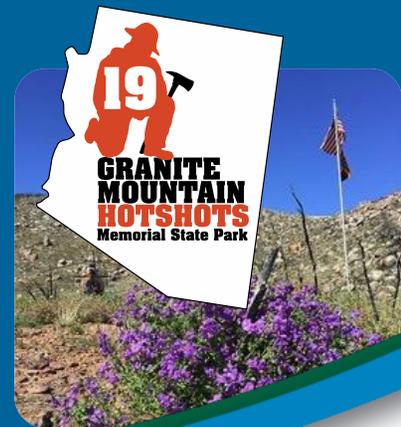
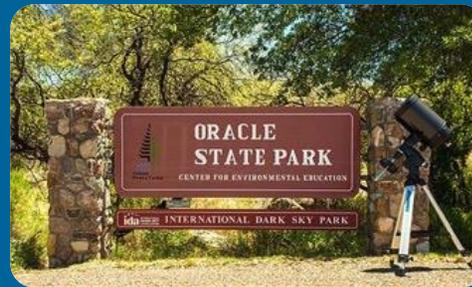
Arizona Outdoor Recreation Coordinating Commission Sunset Review

Date: September 22, 2016



Who are AORCC members?

- Executive Director of Arizona State Parks
- Executive Director of Arizona Game & Fish
- 3 full-time, professional Parks and Recreation Directors from cities, towns or counties statewide (no 2 shall reside in the same county)
- 2 Members of the public with broad experience in outdoor recreation
- Members may serve 3-year terms
- No more than 2 members of AORCC may reside in the same county



AORCC's Duties & Responsibilities

- Plan, coordinate and administer an outdoor recreation program
- Review and recommend
 - Land and Water Conservation Funds (LWCF)
 - State Lake Improvement Funds (SLIF)
 - Off-Highway Vehicle Recreation Funds (OHV)
 - Recreational Trails Program funds (RTP)
 - Statewide recreational planning efforts
 - Statewide Comprehensive Outdoor Recreation Plan (SCORP)
 - Statewide Motorized and Non-Motorized Trails Plans



AORCC Accomplishments

- Reviewed and recommended:
 - \$9.2 million in Land and Water Conservation Funds
 - \$8 million in Off-Highway Vehicle Recreation Funds
 - \$2.8 million in Recreational Trails Program funds
 - 2008 & 2013 SCORPs
 - 2010 & 2015 Trails Plans



Information Registered on the Request to Speak System

*Senate Senate Natural Resources Committee of Reference
(9/22/2016)*

4, Sunset Review of the Arizona Outdoor Recreation Coordinating Commission

Neutral:

Tiffany Broberg, representing self

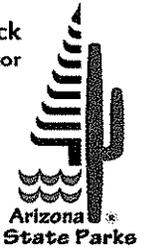
All Comments:

Tiffany Broberg, Self: In support of continuation of AORCC.



Doug Ducey
Governor

Sue Black
Executive Director



September 1, 2016

Ms. Kaitlyn Neff
Arizona State Senate
1700 W. Washington Street
Phoenix, AZ 85007

RE: Sunset Review of the Arizona Outdoor Recreation Coordinating Commission (AORCC)

Dear Ms. Neff:

In response to Senator Steve Pierce's letter regarding the Sunset Review of the Arizona Outdoor Recreation Coordinating Commission (AORCC), please find attached our answers to the factors set forth by the committee of reference.

The AORCC advises State Parks on many important issues regarding planning, coordinate and administration of outdoor recreation programs in the State of Arizona.

I sincerely hope that the committee of reference finds in favor of extending the operation of the Arizona Outdoor Recreation Coordinating Commission for another 3-year period.

Thank you for your consideration. If you have any questions, please feel free to contact me at (602) 542-7102 or email sblack@azstateparks.gov

Sincerely,

Sue Black,
Executive Director
Arizona State Parks

**Arizona Outdoor Recreation Coordinating Commission (AORCC)
Sunset Review 2017**

Overview of Sunset Factors

I. The objective & purpose in establishing the agency

The Arizona Outdoor Recreation Coordinating Commission (AORCC) was originally established in 1965 (Laws 1965, Chapter 68, § 1) to plan, coordinate and administer an outdoor recreation program in the state of Arizona. One of the responsibilities of the group was the oversight of the Land & Water Conservation Fund (LWCF) and the State Lake Improvement Fund (SLIF) (Title 41, Chapter 3, Article 1.2, §1 consisting of A.R.S. §41-511.25 & §41-511.26). AORCC's enabling legislation was amended in 1984 to combine its staff, equipment, and budget with the Arizona State Parks Board (ASPB) (Laws 1984, Chapter 182, §5).

AORCC's responsibilities also included the preparation and coordination of the Statewide Comprehensive Outdoor Recreation Plan (SCORP). Statewide planning serves the purpose of ensuring that grant funds distributed by Arizona State Parks to federal, state and local governments are expended for high priority purposes in the state.

II. The effectiveness with which the agency has met its objective and purpose and the efficiency with which it has operated.

In 2006, at the time of the last Sunset Review, AORCC was responsible for reviewing expenditures of grants from the Heritage Fund, State Lake Improvement Fund, the Law Enforcement Boating Safety Fund, and the Federal Land and Water Conservation Fund. They also reviewed and made recommendations on the SCORP & motorized and non-motorized Trails Plans.

Since this time, the Heritage Fund was swept by the legislature and the portion allocated to Arizona State Parks was removed from statute, therefore the grants program funded by this program was discontinued.

Due to sweeps in FY10, and removal of general fund support for the agency, agency leadership was directed to backfill expenses generated from non-revenue producing responsibilities of the agency (e.g., administration, marketing, statewide planning, resources management, etc.) using the State Lake Improvement Fund. These funds continue to be diverted to support agency functions to date; therefore AORCC no longer reviews grants and funding priorities for this program. If the program were to be reallocated to fund statewide grants, AORCC would be responsible for the review of grant funding.

The Law Enforcement Boating Safety Fund, which was administered by Arizona State Parks until 2010, was also used to backfill agency functions as a result of legislative sweeps. The responsibility for administering the LEBSF program was transferred to AZG&F in FY10/FY11.

Therefore, AORCC currently provides recommendations on the Federal Land and Water Conservation Fund (LWCF).

In addition, the Arizona State Parks Board (ASPB) recommended that AORCC also review and recommend funding for the OHV Recreation Fund (OHV). Because grant cycles and funding for OHV and Federal Recreational Trails Program (RTP) are combined in the January grant cycle, AORCC is also reviewing funding for RTP as well.

The Commission, which formerly was scheduled to meet every 2 months to conduct business, meets on an as needed basis to review 2 grant cycles annually (federal Recreational Trails Program & OHV Recreation Fund grants), and as needed to review LWCF grant applications. The Commission also meets as needed to review the SCORP planning and process and the Trails Plan planning and process. Each of these plans is done every 5 years. The last Trails Plan was completed in 2015. Work is currently underway for the 2018-2022 SCORP.

AORCC members have approached their duties and responsibilities with professionalism and sincere concern for the equitable distribution of these funds since 2006, despite the changes in state government and the agency since the last Sunset Review, that have sometimes made their effective participation in the current system challenging. However, the ASPB appreciates the input and perspective provided by this group of park professionals, with a focus on statewide resources.

III. The extent to which the agency has operated within the public interest

AORCC members have always strived to review grant funding and planning proposals and make recommendations that would be beneficial for recreation across the state. The group conducts itself professionally, and gives careful consideration to the subjects that come before the body. The feedback generated is thoughtful and helpful in ensuring that funds are distributed for the highest possible good.

IV. The extent to which rules adopted by the agency are consistent with the legislative mandate

As an advisory body, AORCC does promulgate rules.

V. The extent to which the agency has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

All AORCC meetings are conducted consistent with the requirements of Arizona's Open Meeting Law, as published by the Arizona Attorney General's Office. Therefore, the public is invited to attend and provide input or feedback on AORCC agenda items. In addition, grant sponsors and stakeholders who have submitted applications that AORCC is considering for recommendation, are notified of upcoming public meetings.

Arizona State Parks also utilizes press releases, postings on the agency website, the articles in the agency's e-newsletter, social media and other methods to notify members of the public of upcoming public participation opportunities. Once awarded, the agency puts out press releases notifying the public of grant awards and opportunities to participate in statewide planning.

VI. The extent to which the agency has been able to investigate and resolve complaints within its jurisdiction.

AORCC addresses complaints through the public participation process. Each individual wishing to address the Commission at meetings need only fill out a "Call to the Public" form. This form is presented to the Chairman. Although the Chairman may limit the length of time that participants can speak out of regard for the length and efficiency of the meeting, each individual or organization has the opportunity to provide comment to the group before a recommendation is sent to the ASPB.

In addition, a formal protocol to deal with differences of opinion between AORCC and the ASPB was established in 1994.

VII. The extent to which the Attorney General or any other applicable agency of state government has the authority to prosecute actions under the enabling legislation.

As an advisory committee, AORCC is not a regulatory agency and has no authority for these actions.

VIII. The extent to which the agency has addressed deficiencies in its enabling statutes which prevent it from fulfilling its statutory mandate.

AORCC is an advisory body to the ASPB; therefore, the original enabling statutes and statutory mandate have been subsumed under the agency's statutory mandate. No changes are required.

IX. The extent to which changes are necessary in the agency's laws to adequately comply with the factors listed in the subsection.

No legislative changes are necessary.

X. The extent to which termination of the agency would significantly harm the public health, safety or welfare.

Public participation in the process of identifying statewide outdoor recreation priorities and allocating grant program funding to eligible, high priority projects is very important. Also important is a well-defined, defensible public participation process that can be relied upon to protect the public's interests, now and in the future.

Current AORCC members, professionals in the field of Parks and Recreation statewide, may be the ones best able to provide useful feedback in what processes can be created and implemented in order to ensure a fair, efficient public process in the place of the old.

XI. The extent to which the level of regulation exercised by the agency is appropriate and whether less stringent levels of regulation would be appropriate.

AORCC is an advisory body to the ASPB, and if the above requested changes are made, would be advisory to the Executive Director of Arizona State Parks. The agency is not regulatory.

XII. The extent to which the agency has used private contractors in the performance of its duties and how the effective use of private contractors could be accomplished.

AORCC, as an advisory body, and has no need to contract privately, but Arizona State Parks will use private contractors to accomplish objectives whenever appropriate. AORCC receives updates and reviews draft and final documents provided by contractors of statewide planning projects.

Additional Questions

I. Identification of the problem or the needs that the agency is intended to address.

The AORCC was originally established in 1965 (Laws 1965, Chapter 68, § 1) to plan, coordinate and administer an outdoor recreation program in the state of Arizona. Resources for statewide recreation that are managed by the agency include: 1) development of the SCORP (which allows the state to receive Federal LWCF funds), 2) LWCF funding; 3) Trails Plan – motorized and non-motorized trail recreation priorities; 4) Federal RTP funding; 5) State OHV Recreation Funds.

II. A statement, to the extent practicable, in quantitative and qualitative terms, of the objectives of the agency and its anticipated accomplishments.

AORCC's objectives are to review proposed projects requesting LWCF, OHV & RTP funds and recommend projects that best represent the highest outdoor recreation priorities of the state. High priority projects are defined through public and provider participation by state outdoor recreation plans (SCORP and Trails Plan), which AORCC also reviews.

III. An identification of any other agencies having similar, conflicting, or duplicate objectives, and an explanation of the manner in which the agency avoids duplication or conflict with other such agencies

Although there are other advisory committees which review trails grants (The Arizona State Committee on Trails for non-motorized trail uses and the Off-Highway Vehicle Advisory Group for motorized trail uses), these groups consist mostly of users. The role of this group is to provide an informed perspective from land managers and park system administrators regarding the feasibility of projects.

In addition, there is no other body that reviews Land and Water Conservation.

IV. An assessment of the consequences of eliminating the agency.

AORCC provides a valuable and necessary perspective in the outdoor recreation funding and planning process, and citizens of the state benefit from the expertise of the members. Eliminating this group would result in gaps in the public participation process, which may lead to conflict and complaints regarding funding and planning decisions in the future. This group enhances the quality of decisions made regarding projects and plans

V. An assessment of the consequences of consolidating AORCC with another agency.

AORCC has already been consolidated into Arizona State Parks. No further consolidation is necessary.