



Arizona House of Representatives

House Majority Research

MEMORANDUM

Carolyn Atwater
 Legislative Research Analyst
 Government Reform and Government
 Finance Accountability Committee

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To: JOINT LEGISLATIVE AUDIT COMMITTEE
Re: Arizona Outdoor Recreation Coordinating Commission
Date: December 22, 2006

Attached is the final report of the sunset review of the Arizona Outdoor Recreation Coordinating Committee, which was conducted by the House of Representatives Government Reform and Government Finance Accountability and Senate Natural Resources and Government Affairs Committee.

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

Governor of the State of Arizona
 The Honorable Janet Napolitano

President of the Senate
 Senator Ken Bennett

Speaker of the House of Representatives
 Representative Jim Weiers

Senate Members
 Senator Jake Flake, Cochair
 Senator Marsha Arzberger
 Senator Tim Bee
 Senator Robert Blendu
 Senator Robert Cannell

House Members
 Representative Bill Konopnicki, Cochair
 Representative Kirk Adams
 Representative Ted Downing
 Representative Phil Lopes
 Representative John McComish

Arizona Outdoor Recreation Coordinating Commission
 Department of Library, Archives & Public Records
 Auditor General

Senate Republican Staff
 Senate Research Staff
 Senate Democratic Staff
 Senate Resource Center

House Majority Staff
 House Research Staff
 House Democratic Staff
 Chief Clerk

COMMITTEE OF REFERENCE REPORT:

ARIZONA OUTDOOR RECREATION COORDINATING COMMISSION

Background

Pursuant to § 41-2953, Arizona Revised Statutes, the Joint Legislative Audit Committee (JLAC) assigned the sunset review of the Arizona Outdoor Recreation Coordinating Commission (AORCC) to the House of Representatives Government Reform and Government Finance Accountability and the Senate Natural Resources and Rural Affairs Committee of Reference.

AORCC was created in response to the Federal Land and Water Conservation Act of 1965. It was melded with Arizona State Parks in 1984 and has since served in an advisory capacity to the State Parks Board.

Committee of Reference Sunset Review Procedures

The Committee of Reference held a public hearing on December 5, 2006, to review AORCC's response to the sunset factors as required by A.R.S. § 41-2954, subsection F, and to receive public testimony (*see Attachment 4*). There was no public testimony heard.

Committee of Reference Recommendations

The Committee of Reference recommended a ten-year continuation of the Arizona Outdoor Recreation Coordinating Commission.

SUNSET REPORT REQUIREMENTS

Pursuant to Section 41-2954 subsection F, Arizona Revised Statutes

**** Note: The following answers are a summary of the information provided by AORCC. Please see Attachment 2 for the complete response to the sunset factors required by A.R.S. § 41-2954, subsection F.*

I. The objective and purpose in establishing the agency.

The AORCC was originally established as a stand-alone agency in 1965, in response to the Federal Land and Water Conservation Act. AORCC was responsible for planning, coordinating and administering Arizona's outdoor recreation program. In 1984, AORCC was melded with Arizona State Parks, and serves in an advisory capacity to the State Parks Board (Board).

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

AORCC annually reviews and makes recommendations to the Board on priorities and expenditures of grant funds from the Heritage Fund, State Lake Improvement Fund, Law Enforcement Boating Safety fund and the Federal Land and Water Conservation Fund. They also reviewed and made recommendations to the Board on major statewide recreational planning efforts, including the Arizona Statewide Comprehensive Outdoor Recreation Plan in 2003 and the Arizona Statewide Motorized and Nonmotorized Trails Plan in 2005.

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

The communities that AORCC benefits most are those throughout the state that receive grants to enhance their cultural and recreational resources.

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

AORCC does not promulgate rules, as it is an advisory body.

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.

AORCC consists of members who live all over the state, and bring "a high level of expertise and commitment to public service that the Board relies upon." In addition to

advisory committees, Arizona State Parks engages the public through a variety of methods and conducts meetings, which are open to the public, all over the state.

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

AORCC deals with disputes between competing grant applicants seeking limited grant dollars. A formal protocol to deal with differences of opinion between AORCC and the Board 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.

AORCC is not a regulatory agency.

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

AORCC does not directly seek legislative changes, as they are an advisory body.

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.

The Board relies upon the service of AORCC members, and "their efforts have resulted in model planning efforts and exemplary grant programs."

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.

Arizona State Parks is not a regulatory agency.

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 has no need to contract privately, but Arizona State Parks will use private contractors whenever appropriate.

Additional Questions

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

AORCC provides critical recreation management expertise to the Board, and is a valuable link to partners of Arizona State Parks through various grant programs.

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

Numerous grants have been awarded from 1996 to 2006.

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.

Arizona State Parks utilizes other advisory committees to assist with grant programs, but the members of those committees have knowledge specifically related to their programs, while AORCC's expertise is related to public recreation.

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

AORCC plays a critical role in allowing the Board to make decisions on grant priorities, and statewide recreation planning.

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

AORCC plays a critical role in allowing the Board to make decisions on grant priorities, and statewide recreation planning.

Attachments

1. Letter from Rep. John Nelson to AORCC requesting information.
2. Sunset factors pursuant to A.R.S. § 41-2954, subsection F.
3. Meeting Notice.
4. Minutes of Committee of Reference Meeting.

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COMMITTEES:
COUNTIES, MUNICIPALITIES AND
MILITARY AFFAIRS, CHAIRMAN
GOVERNMENT REFORM AND
GOVERNMENT FINANCE
ACCOUNTABILITY
NATURAL RESOURCES AND
AGRICULTURE
TRANSPORTATION

DISTRICT 12

September 23, 2005

Arizona State Parks
Arizona Outdoor Recreation Council
Acting Director Jeff Bell
1300 W. Washington
Phoenix, Arizona 85007

Dear Director Bell,

The sunset review process prescribed in Title 41, Chapter 27, Arizona Revised Statutes, provides a system for the Legislature to evaluate the need to continue the existence of state agencies. During the sunset review process, an agency is reviewed by a legislative committee of reference. On completion of the sunset review, the committee of reference recommends to continue, revise, consolidate, or terminate the agency.

The Joint Legislative Audit Committee (JLAC) has assigned the sunset review of the Arizona Outdoor Recreation Council comprised of members of the House Counties, Municipalities, and Military Affairs Committee and the Senate Natural Resources and Rural Affairs Committee

Pursuant to A.R.S. §41-2954, the committee of reference is required to consider certain factors in deciding whether to recommend continuance, modification or termination of an agency. Please provide your response to those factors as provided below:

1. The objective and purpose in establishing the agency.
2. The effectiveness with which the agency has met its objective and purpose and the efficiency with which it has operated.
3. The extent to which the agency has operated within the public interest.
4. The extent to which rules adopted by the agency are consistent with the legislative mandate.
5. 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.
6. The extent to which the agency has been able to investigate and resolve complaints that are within its jurisdiction.

7. 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.
8. The extent to which agencies have addressed deficiencies in their enabling statutes which prevent them from fulfilling their statutory mandate.
9. The extent to which changes are necessary in the laws of the agency to adequately comply with the factors listed in this subsection.
10. The extent to which the termination of the agency would significantly harm the public health, safety or welfare.
11. The extent to which the level of regulation exercised by the agency is appropriate and whether less or more stringent levels of regulation would be appropriate.
12. The extent to which the agency has used private contractors in the performance of its duties and how effective use of private contractors could be accomplished.

Additionally, please provide written responses to the following:

1. An identification of the problem or the needs that the agency is intended to address.
2. A statement, to the extent practicable, in quantitative and qualitative terms, of the objectives of such agency and its anticipated accomplishments.
3. 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.
4. An assessment of the consequences of eliminating the agency or of consolidating it with another agency.

In addition to responding to the factors in A.R.S. §41-2954, please provide the committee of reference with copies of minutes from your meetings for the current fiscal year and your most recent annual report. Your response should be received by September 15th so we may proceed with the sunset review and schedule the required public hearing. Please submit the requested information to: Todd Sanders, Arizona House of Representatives, Legislative Research Analyst, 1700 West Washington, Phoenix, Arizona 85007.

Thank you for your cooperation. If you have any questions, please feel free to contact me at (602) 926-4583 or Mr. Sanders at (602) 926-3705.

Sincerely,

John Nelson
State Representative
Chairman, Counties, Municipalities, and Military Affairs Committee

CC. Mr. Jay Ziemann, Assistant Director

SUNSET FACTORS

1. Objective and purpose in establishing the Agency.

The Arizona Outdoor Recreation Coordinating Commission (AORCC) was established as a stand-alone agency by the legislature in 1965, in response to the Federal Land and Water Conservation Act (Public Law 88-578) of 1965. AORCC was responsible for planning coordinating and administering Arizona's outdoor recreation program. Following an Auditor General's report in 1984 (84-3), AORCC was melded with Arizona State Parks. Since the mid-1980s, AORCC has served as an advisory body to the State Parks Board (Board).

2. The effectiveness with which the Agency has met its objectives and purposes and the efficiency with which the Agency has operated.

Every year, AORCC reviews and makes recommendations to the Board on the priorities and expenditure of grant funds from the Heritage Fund (A.R.S. § 41-501 - § 41-504), State Lake Improvement Fund (A.R.S. § 5-382), Law Enforcement Boating Safety Fund (A.R.S. § 5-383), and the Federal Land and Water Conservation Fund. (A copy of the grant awards for each grant program from 1996-2006 is attached.)

AORCC also reviews and makes recommendations to the Board on major, statewide recreational planning efforts. The most recent Arizona Statewide Comprehensive Outdoor Recreation Plan (2003), and the Arizona Statewide Motorized and Nonmotorized Trails Plan (2005), are attached.

3. The extent to which the Agency has operated within the public interest.

The most obvious beneficiaries of AORCC's efforts are the communities throughout the state which receive grants to enhance their cultural and recreational resources.

4. The extent to which rules and regulations promulgated by the Agency are consistent with the legislative mandate.

As an advisory body, AORCC does not promulgate rules. State Parks has the requisite authority to promulgate rules, and those drafted are consistent with legislative mandate and intent.

5. **The extent to which the Agency has encouraged input from the public before promulgating its rules and regulations and the extent to which it has informed the public as to its actions and their expected impact on the public.**

Arizona State Parks values public involvement, and AORCC is a key component to those efforts. AORCC members have resided in virtually every corner of the state (a list of AORCC members who have served between 1996-2006 is attached). They have brought a high level of expertise and commitment to public service that the Board relies upon.

In addition to its advisory committees such as AORCC, Arizona State Parks engages the public through a variety of methods including: press releases, advertisements in local newspapers and magazines, formally posting meeting agendas, and a web page on the internet (<http://www.azstateparks.com>). Finally, the Board's meetings are open to the public, and have been held regularly in communities around the state.

6. **The extent to which the Agency has been able to investigate and resolve complaints that are within its jurisdiction.**

Most of the disputes that AORCC deals with are between competing grant applicants seeking limited grant dollars. A protocol to deal with differences of opinion was established between AORCC and the Parks Board (November 1994), and this formal process has worked very well.

Additionally, State Parks has a designated ombudsman who is authorized to respond, investigate and resolve the public's complaints within the framework of state law. Fortunately, the agency has received very few formal complaints. The agency's disciplinary options for employees are in conformance with the Department of Administration rules.

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

Neither AORCC or Arizona State Parks is a regulatory agency.

8. **The extent to which the Agency has addressed deficiencies in the enabling legislation which prevent it from fulfilling its statutory mandate.**

As an advisory body, AORCC does not directly seek legislative changes to the statutes.

9. **The extent to which changes are necessary in the laws of the Agency to adequately comply with the factors listed in the Sunset laws.**

There are none identified at this time.

10. **The extent to which the termination of the Agency would significantly harm the public health, safety or welfare.**

The Board relies heavily upon the service and expertise of the AORCC members. Their efforts have resulted in model planning efforts and exemplary grant programs.

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

Arizona State Parks is not a regulatory agency.

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

It is not necessary for AORCC to use contractors to do its work. State Parks utilizes private contractors whenever appropriate and cost effective.

Additionally...

1. **An identification of the problem or the needs that the agency is intended to address.**

The Arizona State Parks Board is called upon in statute to provide recreational opportunities for the benefit of the people of Arizona. The Board accomplishes that goal through the management of its park facilities, and through the grant programs it administers, which enables other entities to provide recreational and educational venues for the public. AORCC provides critical recreation management expertise, and a valuable link to State Parks' partners through the various grant programs.

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

See attached charts of grant awards between 1996-2006.

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

State Parks utilizes other advisory committees to help with other grant programs (e.g. Historic Preservation, Natural Areas). But the members of those committees have knowledge and expertise specifically related to their programs, just as AORCC's expertise is related to public recreation.

- 4. An assessment of the consequences of eliminating the agency of consolidating it with another agency.**

AORCC's role is critical in allowing the Board to make wise decisions on grant priorities and expenditures, as well as statewide recreation planning.

Interim agendas can be obtained via the Internet at <http://www.azleg.state.az.us/InterimCommittees.asp>

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

**SENATE NATURAL RESOURCES AND RURAL AFFAIRS COMMITTEE AND HOUSE OF
REPRESENTATIVES GOVERNMENT REFORM AND GOVERNMENT FINANCE ACCOUNTABILITY
COMMITTEE OF REFERENCE
FOR THE SUNSET REVIEW OF
THE ARIZONA OUTDOOR RECREATION COORDINATING COMMISSION**

Date: Tuesday, December 5, 2006

Time: 9:00 A.M.

Place: HHR 3

AGENDA

1. Call to Order
2. Opening Remarks
3. Presentation
4. Public Testimony
5. Discussion
6. Recommendations by Committee of Reference
7. Adjourn

Members:

Senator Jake Flake, Co-Chair
Senator Marsha Arzberger
Senator Tim Bee
Senator Robert Blendu
Senator Robert Cannell

Representative Bill Konopnicki, Co-Chair
Representative Kirk Adams
Representative Ted Downing
Representative Phil Lopes
Representative John McComish

11/30/06

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ARIZONA STATE LEGISLATURE**SENATE NATURAL RESOURCES AND RURAL AFFAIRS COMMITTEE AND HOUSE OF REPRESENTATIVES GOVERNMENT REFORM AND GOVERNMENT FINANCE ACCOUNTABILITY COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE ARIZONA OUTDOOR RECREATION COORDINATING COMMISSION**

Minutes of the Meeting
Tuesday, December 5, 2006
9:00 a.m., House Hearing Room 3

Members Present:

Senator Jake Flake, Co-Chair
Senator Marsha Arzberger
Senator Robert Blendu

Representative Bill Konopnicki, Co-Chair
Representative Kirk Adams
Representative Ted Downing
Representative Phil Lopes
Representative John McComish

Members Absent:

Senator Tim Bee
Senator Robert Cannell

Staff:

Steve Moortel, House Government Research Analyst

Co-chairman Konopnicki called the meeting to order at 9:15 a.m. and attendance was noted.

Recess

Representative Konopnicki announced that due to a lack of a quorum, the Committee would recess until 2:00 p.m.

Reconvene

Co-chairman Flake reconvened the meeting at 2:06 p.m. and attendance was noted. He stated that the Committee met earlier in the day without a quorum and now a quorum was present.

Opening Remarks

Steve Moortel, House Government Research Analyst, gave the charge of this Committee of Reference. He explained that the Arizona Outdoor Recreation Coordinating Commission had met several times but was not able to produce a quorum. He added that the Commission's Director was in attendance to answer any questions that might be posed by the Committee.

Senator Blendu moved that the Committee recommend a ten year continuation for the Arizona Outdoor Recreation Coordinating Commission. The motion carried by voice vote.

There being no further business, the meeting was adjourned at 2:08 p.m.

Respectfully submitted,

Jeff Turner
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)

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Senate NRRRA Committee and House Government Reform
And Government Finance Accountability COR for the
Sunset Review of the AORCC
December 5, 2006
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