

COMMITTEE ON TRANSPORTATION
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2052
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-1176, Arizona Revised Statutes, is amended to
3 read:

4 28-1176. Off-highway vehicle recreation fund; annual reports;
5 definition

6 A. An off-highway vehicle recreation fund is established. The fund
7 consists of:

- 8 1. Monies appropriated by the legislature.
- 9 2. Monies deposited pursuant to sections 28-1177 and 28-5927.
- 10 3. Federal grants and private gifts.

11 B. Monies in the off-highway vehicle recreation fund are
12 appropriated to the Arizona state parks board solely for the purposes
13 provided in this article. Interest earned on monies in the fund shall be
14 credited to the fund. Monies in the off-highway vehicle recreation fund
15 are exempt from the provisions of section 35-190 relating to lapsing of
16 appropriations.

17 C. The Arizona game and fish department shall spend thirty-five
18 percent of the monies in the off-highway vehicle recreation fund for:

1 1. Informational and educational programs related to safety, the
2 environment and responsible use with respect to off-highway vehicle
3 recreation.

4 2. Law enforcement activities relating to this article.

5 3. The administration of the OFF-HIGHWAY VEHICLE USER indicia
6 program.

7 4. Off-highway vehicle law enforcement pursuant to title 17, chapter
8 4, article 3, including seven full-time employees to enforce this article
9 and title 17, chapter 4, article 3.

10 D. The state land department shall spend five percent of the monies
11 in the off-highway vehicle recreational fund to allow occupants of
12 off-highway vehicles with resident or nonresident off-highway vehicle user
13 indicia to cross state trust land on existing roads, trails and designated
14 routes. The state land department shall use these monies for costs
15 associated with off-highway vehicle use of lands within its jurisdiction,
16 to mitigate damage to the land, for necessary environmental, historical and
17 cultural clearance or compliance activities and to fund enforcement of
18 off-highway vehicle laws.

19 E. The Arizona state parks board shall spend sixty percent of the
20 monies in the off-highway vehicle recreation fund for the following
21 purposes:

22 1. ~~No~~ NOT more than twelve percent to fund staff support to plan and
23 administer the off-highway vehicle recreation fund.

1 2. To establish an off-highway vehicle program based on the
2 priorities established in the off-highway vehicle recreational plan.

3 3. To designate, construct, maintain, renovate, repair or connect
4 off-highway vehicle routes and trails and to designate, manage and acquire
5 land for access roads, off-highway vehicle recreation facilities and
6 off-highway vehicle use areas. After expenditures pursuant to paragraph 1
7 of this subsection, the Arizona state parks board shall not spend more than
8 thirty-five percent of the remaining monies received pursuant to this
9 subsection for construction of new off-highway vehicle trails.

10 4. For enforcement of off-highway vehicle laws.

11 5. For off-highway vehicle related informational and environmental
12 education programs, information, signage, maps and responsible use
13 programs.

14 6. For the mitigation of damages to land, revegetation and the
15 prevention and restoration of damages to natural and cultural resources,
16 including the closure of existing access roads, off-highway vehicle use
17 areas and off-highway vehicle routes and trails.

18 7. For necessary environmental, historical and cultural clearance or
19 compliance activities.

20 F. The allocation of the monies in subsection E, paragraphs 3
21 through 7 of this section and the percentages allocated to each of the
22 purposes prescribed in subsection E, paragraphs 3 through 7 of this section
23 shall be based on an off-highway vehicle recreational plan.

1 G. Monies in the off-highway vehicle recreation fund shall not be
2 used to construct new off-highway vehicle trails or routes on
3 environmentally or culturally sensitive land unless the appropriate land
4 management agency determines that certain new trail construction would
5 benefit or protect cultural or sensitive sites. For the purposes of this
6 subsection, "environmentally or culturally sensitive land" means areas of
7 lands that are either:

8 1. Administratively or legislatively designated by the federal
9 government as any of the following:

10 (a) A national monument.

11 (b) An area of critical environmental concern.

12 (c) A conservation area.

13 (d) An inventoried roadless area.

14 2. Determined by the applicable land management agency to contain
15 significant natural or cultural resources or values.

16 H. The Arizona state parks board shall examine applications for
17 eligible projects and determine the amount of funding, if any, for each
18 project. In determining the amount of monies for eligible projects, the
19 Arizona state parks board shall give preference to applications for
20 projects with mitigation efforts and for projects that encompass a large
21 number of purposes described in subsection E, paragraphs 3 through 7 of
22 this section.

23 I. Beginning September 1, 2011, and on or before September 1 of each
24 subsequent year, each agency that receives monies from the off-highway

1 vehicle recreation fund shall submit an off-highway vehicle report to the
2 president of the senate, the speaker of the house of representatives, the
3 chairperson of the senate natural resources and rural affairs committee, or
4 its successor committee, and the chairperson of the house of
5 representatives natural resources and public safety committee, or its
6 successor committee. The report shall be made available to the public [ON](#)
7 [THE DEPARTMENT'S WEBSITE](#). The report shall include information on all of
8 the following if applicable:

9 1. The amount of monies spent or encumbered in the fund during the
10 preceding fiscal year for the purposes of off-highway vehicle law
11 enforcement activities.

12 2. The amount of monies spent from the off-highway vehicle
13 recreation fund during the preceding fiscal year for employee services.

14 3. The number of full-time employees employed in the preceding
15 fiscal year in connection with off-highway vehicle law enforcement
16 activities.

17 4. The amount of monies spent from the off-highway vehicle
18 recreation fund during the preceding fiscal year for information and
19 education.

20 5. The number and specific location of verbal warnings, written
21 warnings and citations given or issued during the preceding fiscal year.

22 6. A specific and detailed accounting for all monies spent in
23 accordance with this section for construction of new off-highway vehicle
24 trails, mitigation of damages to lands, revegetation, the prevention and

1 restoration of damages to natural and cultural resources, signage, maps and
2 necessary environmental, historical and cultural clearance or compliance
3 activities.

4 J. For the purposes of this section, "off-highway vehicle
5 recreational plan" means a plan that is maintained by the Arizona state
6 parks board pursuant to section 41-511.04."

7 Amend title to conform

And, as so amended, it do pass

FRANK P. CARROLL
CHAIRMAN

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