

House Engrossed

~~defensive driving school fund; report~~
(now: off-highway recreation fund; report; definition)

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2052

AN ACT

AMENDING SECTION 28-1176, ARIZONA REVISED STATUTES; RELATING TO TRAFFIC
AND VEHICLE REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
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:
19 1. Informational and educational programs related to safety, the
20 environment and responsible use with respect to off-highway vehicle
21 recreation.
22 2. Law enforcement activities relating to this article.
23 3. The administration of the OFF-HIGHWAY VEHICLE USER indicia
24 program.
25 4. Off-highway vehicle law enforcement pursuant to title 17,
26 chapter 4, article 3, including seven full-time employees to enforce this
27 article and title 17, chapter 4, article 3.
28 D. The state land department shall spend five percent of the monies
29 in the off-highway vehicle recreational fund to allow occupants of
30 off-highway vehicles with resident or nonresident off-highway vehicle user
31 indicia to cross state trust land on existing roads, trails and designated
32 routes. The state land department shall use these monies for costs
33 associated with off-highway vehicle use of lands within its jurisdiction,
34 to mitigate damage to the land, for necessary environmental, historical
35 and cultural clearance or compliance activities and to fund enforcement of
36 off-highway vehicle laws.
37 E. The Arizona state parks board shall spend sixty percent of the
38 monies in the off-highway vehicle recreation fund for the following
39 purposes:
40 1. ~~No~~ NOT more than twelve percent to fund staff support to plan
41 and administer the off-highway vehicle recreation fund.
42 2. To establish an off-highway vehicle program based on the
43 priorities established in the off-highway vehicle recreational plan.

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

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

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

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

16 7. For necessary environmental, historical and cultural clearance
17 or compliance activities.

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

22 G. Monies in the off-highway vehicle recreation fund shall not be
23 used to construct new off-highway vehicle trails or routes on
24 environmentally or culturally sensitive land unless the appropriate land
25 management agency determines that certain new trail construction would
26 benefit or protect cultural or sensitive sites. For the purposes of this
27 subsection, "environmentally or culturally sensitive land" means areas of
28 lands that are either:

29 1. Administratively or legislatively designated by the federal
30 government as any of the following:

31 (a) A national monument.

32 (b) An area of critical environmental concern.

33 (c) A conservation area.

34 (d) An inventoried roadless area.

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

37 H. The Arizona state parks board shall examine applications for
38 eligible projects and determine the amount of funding, if any, for each
39 project. In determining the amount of monies for eligible projects, the
40 Arizona state parks board shall give preference to applications for
41 projects with mitigation efforts and for projects that encompass a large
42 number of purposes described in subsection E, paragraphs 3 through 7 of
43 this section.

1 I. Beginning September 1, 2011, and on or before September 1 of
2 each subsequent year, each agency that receives monies from the
3 off-highway vehicle recreation fund shall submit an off-highway vehicle
4 report to the president of the senate, the speaker of the house of
5 representatives, the chairperson of the senate natural resources and rural
6 affairs committee, or its successor committee, and the chairperson of the
7 house of representatives natural resources and public safety committee, or
8 its successor committee. The report shall be made available to the public
9 [ON THE DEPARTMENT'S WEBSITE](#). The report shall include information on all
10 of the following if applicable:

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

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

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

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

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

24 6. A specific and detailed accounting for all monies spent in
25 accordance with this section for construction of new off-highway vehicle
26 trails, mitigation of damages to lands, revegetation, the prevention and
27 restoration of damages to natural and cultural resources, signage, maps
28 and necessary environmental, historical and cultural clearance or
29 compliance activities.

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