

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1176

(Reference to Senate engrossed 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:

- 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.

1 3. The administration of the OFF-HIGHWAY VEHICLE USER indicia
2 program.

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

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

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

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

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

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

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

30 5. For off-highway vehicle related informational and environmental
31 education programs, information, signage, maps and responsible use
32 programs.

1 6. For the mitigation of damages to land, revegetation and the
2 prevention and restoration of damages to natural and cultural resources,
3 including the closure of existing access roads, off-highway vehicle use
4 areas and off-highway vehicle routes and trails.

5 7. For necessary environmental, historical and cultural clearance or
6 compliance activities.

7 8. TO DISBURSE TO COUNTY SHERIFFS FOR THE ENFORCEMENT OF OFF-HIGHWAY
8 VEHICLE LAWS.

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

13 G. Monies in the off-highway vehicle recreation fund shall not be
14 used to construct new off-highway vehicle trails or routes on
15 environmentally or culturally sensitive land unless the appropriate land
16 management agency determines that certain new trail construction would
17 benefit or protect cultural or sensitive sites. For the purposes of this
18 subsection, "environmentally or culturally sensitive land" means areas of
19 lands that are either:

20 1. Administratively or legislatively designated by the federal
21 government as any of the following:

- 22 (a) A national monument.
- 23 (b) An area of critical environmental concern.
- 24 (c) A conservation area.
- 25 (d) An inventoried roadless area.

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

28 H. The Arizona state parks board shall examine applications for
29 eligible projects and determine the amount of funding, if any, for each
30 project. In determining the amount of monies for eligible projects, the
31 Arizona state parks board shall give preference to applications for
32 projects with mitigation efforts and for projects that encompass a large

1 number of purposes described in subsection E, paragraphs 3 through ~~7~~ 8 of
2 this section.

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

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

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

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

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

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

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

1 J. For the purposes of this section, "off-highway vehicle
2 recreational plan" means a plan that is maintained by the Arizona state
3 parks board pursuant to section 41-511.04."
4 Amend title to conform

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