

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an **INITIATIVE** or a **REFERENDUM** (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the **MEASURE** or **CONSTITUTIONAL AMENDMENT** (circle appropriate word) intended to be **INITIATED** or **REFERRED** (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

This measure provides that all Arizona school children, from pre-kindergarten through twelfth grade, will receive free admission to Arizona State Parks when part of a school trip. It protects Arizona State Parks funds and Arizona Game and Fish Department's Heritage Fund allocation from legislative sweeps. It re-establishes the Arizona State Parks annual grant program for public and non-profit organizations. Annually, Arizonans who register their non-commercial motor vehicles will have the option of making a voluntary \$14 per vehicle donation to help fund this measure.

RECEIVED
SECRETARY OF STATE
2012 MAY 15 PM 1:36

Bill Meek
Signature of Applicant
Bill Meek
Printed Name of Applicant
544 W. Tam O'Shanter Dr.
Address
Phoenix, Arizona 85023
City State Zip
(602)375-1967
Telephone Number

Citizens to Save Arizona's Natural Resources
Name of Organization (if any)
2409 E. Solano Dr.
Address
Phoenix, Arizona 85016
City State Zip
(602)955-1066
Telephone Number
Bill Meek, Chairman
Name of Officer and Title
544 W. Tam O'Shanter Dr.
Address
Phoenix, Arizona 85023
City State Zip
(602)375-1967
Telephone Number
Name of Officer and Title
Address
City State Zip
Telephone Number

Date of Application May 15, 2012
Signatures Required 172,809
Deadline for Filing July 5, 2012
Serial Number Issued I-18-2012
FOR OFFICE USE ONLY

Revised 11/92

CF ID # 201200504

OFFICIAL TITLE

2012 MAY 15 PM 4: 37

AN INITIATIVE MEASURE

THE ARIZONA NATURAL RESOURCES PROTECTION ACT

AMENDING TITLE 41, CHAPTER 3, ARTICLE 1.2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-511.27, AMENDING TITLE 41, CHAPTER 3, ARTICLE 1.1 TO REPEAL SECTION 41-511.21 AND ADDING NEW SECTION 41-511.21; AMENDING TITLE 17, CHAPTER 2, ARTICLE 6, ARIZONA REVISED STATUTES, TO REPEAL SECTION 17-297 AND ADDING NEW SECTION 17-297; AMENDING TITLE 28, CHAPTER 16, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-5813; AMENDING TITLE 41, CHAPTER 3, ARTICLE 1.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-511.17; AMENDING TITLE 5, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY AMENDING SECTION 5-323; AMENDING TITLE 5, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY AMENDING SECTION 5-522; AMENDING TITLE 28, CHAPTER 3, ARTICLE 20, ARIZONA REVISED STATUTES, BY AMENDING SECTIONS 28-1176 AND 28-1177; AMENDING TITLE 28, CHAPTER 16, ARTICLE 5, ARIZONA REVISED STATUTES, BY AMENDING SECTIONS 28-5926 AND 28-5927; AMENDING TITLE 28, CHAPTER 18, ARTICLE 2, ARIZONA REVISED STATUTES, BY AMENDING SECTION 28-6538; AMENDING TITLE 41, CHAPTER 3, ARTICLE 1.1, ARIZONA REVISED STATUTES, BY AMENDING TITLE 41, CHAPTER 3, ARTICLE 1.2, BY ADDING SECTION 41-511.28; RELATING TO ACCESS TO ARIZONA STATE PARKS, AND FUNDING FOR ARIZONA STATE PARKS AND THE ARIZONA GAME AND FISH COMMISSION HERITAGE FUND.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of the State of Arizona:

Sec. 1. Short title.

This Act shall be known as "The Arizona Natural Resources Protection Act."

Sec. 2. Title 41, chapter 3, article 1.2 is amended by adding section 41-511.27, Arizona Revised Statutes, to read:

41-511.25. SCHOOL GROUP FREE ACCESS

ARIZONA SCHOOLCHILDREN IN ANY PUBLIC, PRIVATE, HOME, OR CHARTER SCHOOL, FROM PRE-KINDERGARTEN THROUGH GRADE TWELVE INCLUSIVE, SHALL BE ADMITTED FREE TO ANY ARIZONA STATE PARK OR MONUMENT WHEN PART OF A GROUP EDUCATIONAL TRIP.

Sec. 3. Repeal.

Section 41-511.21 is repealed.

2012 MAY 15 PM 4:37

Sec. 4. Title 41, chapter 3, article 1.1, Arizona Revised Statutes, is amended by adding a new section 41-511.21, to read:

41-511.21. STATE PARKS REVENUE FUND; PURPOSE; EXEMPTION

A. THE STATE PARKS REVENUE FUND IS ESTABLISHED CONSISTING OF:

1. MONIES RECEIVED FROM THE SALE OF PARK POSTERS, PARK POSTCARDS, BOOKS, SOUVENIRS AND SUNDRY ITEMS.

2. MONIES APPROPRIATED BY THE LEGISLATURE FOR THE PURPOSE OF ENHANCING STATE PARKS.

3. UNCONDITIONAL GIFTS AND DONATIONS SPECIFICALLY DESIGNATED TO THE REVENUE FUND, EXCEPT FOR UNCONDITIONAL GIFTS, DONATIONS, BEQUESTS AND ENDOWMENTS DEPOSITED IN THE STATE PARKS DONATIONS FUND PURSUANT TO SECTION 41-511.11.

4. ALL MONIES DERIVED FROM STATE PARK USER FEES, CONCESSION FEES AND OTHER REVENUE GENERATING ACTIVITIES.

5. SURCHARGES ON PARK RESERVATIONS.

6. SALE OF PARK ASSETS AND ALL LEASE REVENUES.

B. THE MONIES IN THE FUND ARE:

1. FOR THE OPERATION AND MAINTENANCE OF THE STATE PARK SYSTEM.

2. FOR USE BY THE BOARD TO ACQUIRE AND DEVELOP REAL PROPERTY AND IMPROVEMENTS AS STATE PARKS CONSISTENT WITH THE PURPOSES AND OBJECTIVES PRESCRIBED IN SECTION 41-511.03.

3. MONIES IN THE FUND SHALL NOT BE EXPENDED IN A MANNER THAT IS INCONSISTENT WITH RESTRICTIONS IN THE LEASE OR DEED TO THE PROPERTY.

C. THE BOARD MAY COLLECT MONIES AS A SURCHARGE ON PARK RESERVATIONS AND SHALL DETERMINE THE SURCHARGE RATE AS PROVIDED IN SECTION 41-511.05, PARAGRAPH 8, AFTER CONSIDERING THE COST TO PLAN AND ADMINISTER THE RESERVATION SYSTEM.

D. ON NOTICE FROM THE BOARD, THE STATE TREASURER SHALL INVEST AND DIVEST THE MONIES IN THE STATE PARKS REVENUE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

E. MONIES IN THE STATE PARKS REVENUE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM SECTION 35-190, RELATING TO LAPSING

2012 MAY 15 PM 4:37

OF APPROPRIATIONS. THE PURPOSES FOR WHICH MONIES WERE EXPENDED DURING THE PRECEDING FISCAL YEAR SHALL BE DELINEATED IN THE AGENCY'S ANNUAL REPORT PURSUANT OT SECTION 41-511.12.

Sec. 5. Section 17-297, Arizona Revised Statutes, is repealed.

Sec. 6. Title 17, chapter 2, article 6, Arizona Revised Statutes, is amended by adding a new section 17-297, to read:

17-297. ARIZONA GAME AND FISH COMMISSION HERITAGE FUND.

A. THE ARIZONA GAME AND FISH COMMISSION HERITAGE FUND IS ESTABLISHED CONSISTING OF MONIES:

1. DEPOSITED FROM THE STATE LOTTERY FUND PURSUANT TO SECTION 5-522 AND INTEREST EARNED ON THOSE MONIES; AND

2. PUBLIC AND PRIVATE GIFTS TO THE FUND.

B. THE FUND SHALL BE ADMINISTERED BY THE ARIZONA GAME AND FISH COMMISSION AND EXPENDITURES FROM THE FUND ARE NOT SUBJECT TO OUTSIDE APPROVAL NOTWITHSTANDING ANY PROVISION OF § 17-241 OR 17-261 OR ANY OTHER STATUTORY PROVISION. MONIES RECEIVED PURSUANT TO § 5-522 SHALL BE DEPOSITED DIRECTLY WITH THE ARIZONA GAME AND FISH COMMISSION HERITAGE FUND. ON NOTICE FROM THE ARIZONA STATE GAME AND FISH COMMISSION, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY § 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

C. ALL MONIES IN THE ARIZONA GAME AND FISH COMMISSION HERITAGE FUND SHALL BE SPENT BY THE ARIZONA GAME AND FISH COMMISSION ONLY FOR THE PURPOSES AND IN THE PERCENTAGES SET FORTH IN THIS ARTICLE. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF § 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

D. THE COMMISSION SHALL NOT USE ITS RIGHTS OF EMINENT DOMAIN TO ACQUIRE PROPERTY TO BE PAID FOR WITH MONIES IN THE ARIZONA GAME AND FISH COMMISSION HERITAGE FUND.

Sec. 7. Title 28, chapter 16, article 3, Arizona Revised Statutes, is amended by adding section 28-5813, to read:

28-5813. VOLUNTARY DONATION TO THE ARIZONA NATURAL RESOURCES PROTECTION ACT FUND

A. ANY PERSON REGISTERING A MOTOR VEHICLE, OTHER THAN A COMMERCIAL MOTOR VEHICLE AS DEFINED IN SECTION 28-601(1), SHALL HAVE THE OPTION OF MAKING A VOLUNTARY DONATION OF FOURTEEN DOLLARS,

2012 MAY 15 PM 4:37

FOR EACH YEAR OF THE MOTOR VEHICLE REGISTRATION TO THE ARIZONA NATURAL RESOURCES PROTECTION ACT FUND ESTABLISHED BY SECTION 41-511.17. THE DONATION SHALL NOT BE MANDATORY, AND ANYONE MAY FREELY OPT OUT OF MAKING THE DONATION BY CHECKING A BOX ON A MOTOR VEHICLE REGISTRATION OR LICENSING FORM, OR IN ANOTHER MANNER APPROVED BY THE STATE PARKS BOARD. IF A PERSON DOES NOT OPT OUT OF MAKING THE DONATION, THE DONATION SHALL BE COLLECTED WITH THE MONIES COLLECTED PURSUANT TO SECTION 28-5801.

B. THE DEPARTMENT OF TRANSPORTATION SHALL INCLUDE A CHECK BOX, OR SOME OTHER LINE OR SPACE APPROVED BY THE STATE PARKS BOARD, ON MOTOR VEHICLE REGISTRATION OR LICENSING FORMS THAT ALLOWS A PERSON REGISTERING MOTOR VEHICLES TO OPT OUT OF THE VOLUNTARY DONATION PROVIDED IN SUBSECTION A.

Sec. 8. Title 41, chapter 3, article 1.1, Arizona Revised Statutes, is amended by adding section 41-511.17, to read:

41-511.17. ARIZONA NATURAL RESOURCES PROTECTION ACT FUND

A. THE ARIZONA NATURAL RESOURCES PROTECTION ACT FUND IS ESTABLISHED CONSISTING OF:

1. ANY VOLUNTARY DONATIONS MADE PURSUANT TO SECTION 28-5813.
2. PUBLIC AND PRIVATE GIFTS TO THE FUND.
3. INTEREST AND INVESTMENT INCOME FROM THE FUND'S PRINCIPAL.

B. THE ARIZONA DEPARTMENT OF TRANSPORTATION SHALL REMIT TO THE ARIZONA NATURAL RESOURCES PROTECTION ACT FUND ANY FUNDS COLLECTED PURSUANT TO SECTION 28-5813 AS SOON AS PRACTICABLE, AND IN ANY EVENT WITHIN 20 CALENDAR DAYS OF THE END OF THE FISCAL QUARTER IN WHICH ANY SUCH FUNDS WERE COLLECTED. THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE ARIZONA NATURAL RESOURCES PROTECTION ACT FUND AS PROVIDED BY SECTION 35-313.

C. THE FUNDS IN THE ARIZONA NATURAL RESOURCES PROTECTION ACT FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF APPROPRIATIONS.

D. THE STATE PARKS BOARD SHALL HAVE SOLE AUTHORITY FOR EXPENDING FUNDS FROM THE ARIZONA NATURAL RESOURCES PROTECTION ACT FUND. NONE OF THE FUNDS IN THE ARIZONA NATURAL RESOURCES PROTECTION ACT FUND MAY BE USED TO ACQUIRE PROPERTY THROUGH EMINENT DOMAIN. THE FUNDS IN THE ARIZONA NATURAL RESOURCES PROTECTION ACT FUND SHALL BE SPENT AS FOLLOWS:

2012 MAY 15 PM 4:37

1. BASED ON APPLICATIONS SUBMITTED, THE STATE PARKS BOARD SHALL PROVIDE GRANTS TO CITIES, TOWNS, COUNTIES, INDIAN NATIONS, GOVERNMENT AGENCIES, NON-GOVERNMENTAL ORGANIZATIONS, OR NON-PROFIT ORGANIZATIONS WORKING IN ARIZONA, TO PROTECT WILDLIFE, SITES OF ARCHEOLOGICAL SIGNIFICANCE, PROMOTE THE MULTI-PURPOSE USE OF PUBLIC LAND, ASSIST HISTORIC PRESERVATION, OUTDOOR RECREATION, WILDLIFE EDUCATION, ENVIRONMENTAL IMPROVEMENT, HABITAT PROTECTION, TRAILS, OR OFF-ROAD VEHICLE PROJECTS IN THE STATE OF ARIZONA. THE MINIMUM AGGREGATE AMOUNT OF SUCH GRANTS IN ANY FISCAL YEAR SHALL BE THE LESSER OF \$10,000,000 OR ALL THE INCOME FOR THE ARIZONA NATURAL RESOURCES PROTECTION ACT FUND DURING THE FISCAL YEAR. AT LEAST FORTY PERCENT OF SUCH GRANTS SHALL BE ALLOCATED ANNUALLY TO ARIZONA CITIES AND TOWNS.

2. ANY INCOME NOT USED FOR THE GRANTS PROGRAM DESCRIBED IN SUBSECTION (D)(1) SHALL BE USED:

(a) TO HELP PAY FOR COSTS OF THE FREE ACCESS FOR SCHOOLCHILDREN PROVIDED IN SECTION 41-511.07(B);

(b) TO MAINTAIN, IMPROVE, ESTABLISH, AND OPERATE ARIZONA STATE PARKS AND MONUMENTS NOTWITHSTANDING ANY LIMITATION IN SECTION 41-511.05(3);

(c) TO ACQUIRE ANY AMOUNT OF REAL PROPERTY;

(d) TO CONDUCT ON ANY SITE ACTIVITIES THAT THE STATE PARKS BOARD DETERMINES TO BE CONSISTENT WITH THE PURPOSES AND OBJECTIVES OF THE ARIZONA STATE PARKS BOARD AS PROVIDED IN SECTION 41-511.03.

Sec. 9. Section 5-323, Arizona Revised Statutes, is amended to read:

5-323. Disposition of fees

Each month monies received from the registration fees received under this chapter for the numbering of watercraft shall be deposited, pursuant to sections 35-146 and 35-147, in a fund designated as the watercraft registration fee clearing account. Each month, on notification by the department, the state treasurer shall distribute the monies in the clearing account as follows:

1. All revenues collected from the registration fees collected pursuant to section 5-321, subsection A, paragraphs 1 and 2 shall be allocated as follows:

(a) Sixty-five percent shall be deposited in a special fund to be known as the watercraft licensing fund. The watercraft licensing fund is to be used by the department for administering and enforcing this chapter, providing an information and education program relating to boating and boating safety and administering any aquatic invasive species program established under this title or title 17. These monies are subject to legislative appropriation.

(b) Thirty-five percent of such revenues shall be further allocated as follows: 2012 MAY 15 PM 4: 38

~~(i) Fifteen percent to the state lake improvement fund to be used as prescribed by section 5-382.~~

(i) FIFTEEN PERCENT TO THE STATE LAKE IMPROVEMENT FUND TO BE USED AS PRESCRIBED BY SECTION 5-382.

(ii) Eighty-five percent to the law enforcement and boating safety fund to be used as prescribed by section 5-383.

2. All revenues collected from any additional registration fees collected pursuant to section 5-321, subsection C shall be paid to an account designated by a multi-county water conservation district established under title 48, chapter 22 to be used solely for the lower Colorado river multispecies conservation program and for no other purpose.

Sec. 10. Section 5-522, Arizona Revised Statutes, is amended to read:

5-522. Use of monies in state lottery fund; report

A. The monies in the state lottery fund shall be expended for the expenses of the commission incurred in carrying out its powers and duties and in the operation of the lottery.

B. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsection A of this section, three million five hundred thousand dollars shall be deposited in the Arizona competes fund established by section 41-1545.01.

~~C. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in sub sections a and b of this section, ten million dollars shall be deposited in the Arizona game and fish commission heritage fund established by section 17-297.~~

C. OF THE MONIES REMAINING IN THE STATE LOTTERY FUND EACH FISCAL YEAR AFTER APPROPRIATIONS AND DEPOSITS AUTHORIZED IN SUB SECTIONS A AND B OF THIS SECTION, TEN MILLION DOLLARS SHALL BE DEPOSITED IN THE ARIZONA GAME AND FISH COMMISSION HERITAGE FUND ESTABLISHED BY SECTION 17-297.

D. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A, B and C of this section, five million dollars shall be allocated to the department of economic security for the healthy families program established by section 8-701, four million dollars shall be allocated to the Arizona board of regents for the Arizona area health education system established by section 15-1643, three million dollars shall be allocated to the department of health services to fund the teenage pregnancy prevention programs established in Laws 1995, chapter 190, sections 2 and 3, two million dollars shall be allocated to the department of health services for the health start program established by section 36-697, two million dollars shall be deposited in the disease control research fund established by section 36-274 and one million dollars shall be allocated to the department of health services for the federal women, infants and children food program. The allocations in this subsection shall be

2012 MAY 15 PM 4:38

adjusted annually according to changes in the GDP price deflator as defined in section 41-563 and the allocations are exempt from the provisions of section 35-190, relating to lapsing of appropriations. If there are not sufficient monies available pursuant to this subsection, the allocation of monies for each program shall be reduced on a pro rata basis.

E. If the state lottery director determines that monies available to the state general fund may not equal eighty million six hundred fifty thousand dollars in a fiscal year, the director shall not authorize deposits to the Arizona game and fish commission heritage fund pursuant to subsection B of this section until the deposits to the state general fund equal eighty million six hundred fifty thousand dollars in a fiscal year.

F. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A through E of this section, one million dollars or the remaining balance in the fund, whichever is less, is appropriated to the department of economic security for grants to nonprofit organizations, including faith based organizations, for homeless emergency and transitional shelters and related support services. The department of economic security shall submit a report on the amounts, recipients, purposes and results of each grant to the governor, the speaker of the house of representatives and the president of the senate on or before December 31 of each year for the prior fiscal year and shall provide a copy of this report to the secretary of state.

G. Beginning in fiscal year 2010-2011, of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A through F of this section, and after a total of at least ninety-six million one hundred forty thousand dollars has been deposited in the state general fund, the remaining balance in the state lottery fund shall be deposited in the university capital improvement lease-to-own and bond fund established by section 15-1682.03, up to a maximum of eighty percent of the total annual payments of lease-to-own and bond agreements entered into by the Arizona board of regents.

H. All monies remaining in the state lottery fund after the appropriations and deposits authorized in this section shall be deposited in the state general fund.

I. Except for monies expended for prizes as provided in section 5-504, subsection G and section 41-1545.01, monies expended under subsection A of this section are subject to legislative appropriation.

Sec. 11. Section 28-1176, Arizona Revised Statutes, is amended to read:

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

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

1. Monies appropriated by the legislature.
2. ~~Monies deposited pursuant to sections 28-1177 and 28-5927.~~
2. MONIES DEPOSITED PURSUANT TO SECTIONS 28-1177 AND 28-5927.

2012 MAY 15 PM 4:38

3. Federal grants and private gifts.

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

B. MONIES IN THE OFF-HIGHWAY VEHICLE RECREATION FUND ARE APPROPRIATED TO THE ARIZONA STATE PARKS BOARD SOLELY FOR THE PURPOSES PROVIDED IN THIS ARTICLE. INTEREST EARNED ON MONIES IN THE FUND SHALL BE CREDITED TO THE FUND. MONIES IN THE OFF-HIGHWAY VEHICLE RECREATION FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

C. The Arizona game and fish department shall spend thirty-five percent of the monies in the off-highway vehicle recreation fund for informational and educational programs related to safety, the environment and responsible use with respect to off-highway vehicle recreation and law enforcement activities relating to this article and for off-highway vehicle law enforcement pursuant to title 17, chapter 4, article 3, including seven full-time employees to enforce this article and title 17, chapter 4, article 3.

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

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

~~1. No more than twelve percent to fund staff support to plan and administer the off-highway vehicle recreation fund.~~

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

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

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

2012 MAY 15 PM 4:38

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

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

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

E. THE ARIZONA STATE PARKS BOARD SHALL SPEND SIXTY PERCENT OF THE MONIES IN THE OFF-HIGHWAY VEHICLE RECREATION FUND FOR THE FOLLOWING PURPOSES:

1. NO MORE THAN TWELVE PERCENT TO FUND STAFF SUPPORT TO PLAN AND ADMINISTER THE OFF-HIGHWAY VEHICLE RECREATION FUND.

2. TO ESTABLISH AN OFF-HIGHWAY VEHICLE PROGRAM BASED ON THE PRIORITIES ESTABLISHED IN THE OFF-HIGHWAY VEHICLE RECREATIONAL PLAN.

3. TO DESIGNATE, CONSTRUCT, MAINTAIN, RENOVATE, REPAIR OR CONNECT OFF-HIGHWAY VEHICLE ROUTES AND TRAILS AND TO DESIGNATE, MANAGE AND ACQUIRE LAND FOR ACCESS ROADS, OFF-HIGHWAY VEHICLE RECREATION FACILITIES AND OFF-HIGHWAY VEHICLE USE AREAS. AFTER EXPENDITURES PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION, THE ARIZONA STATE PARKS BOARD SHALL NOT SPEND MORE THAN THIRTY-FIVE PERCENT OF THE REMAINING MONIES RECEIVED PURSUANT TO THIS SUBSECTION FOR CONSTRUCTION OF NEW OFF-HIGHWAY VEHICLE TRAILS.

4. FOR ENFORCEMENT OF OFF-HIGHWAY VEHICLE LAWS.

5. FOR OFF-HIGHWAY VEHICLE RELATED INFORMATIONAL AND ENVIRONMENTAL EDUCATION PROGRAMS, INFORMATION, SIGNAGE, MAPS AND RESPONSIBLE USE PROGRAMS.

6. FOR THE MITIGATION OF DAMAGES TO LAND, REVEGETATION AND THE PREVENTION AND RESTORATION OF DAMAGES TO NATURAL AND CULTURAL RESOURCES, INCLUDING THE CLOSURE OF EXISTING ACCESS ROADS, OFF-HIGHWAY VEHICLE USE AREAS AND OFF-HIGHWAY VEHICLE ROUTES AND TRAILS.

7. FOR NECESSARY ENVIRONMENTAL, HISTORICAL AND CULTURAL CLEARANCE OR COMPLIANCE ACTIVITIES.

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

2012 MAY 15 PM 4:38

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

1. Administratively or legislatively designated by the federal government as any of the following:
 - (a) A national monument.
 - (b) An area of critical environmental concern.
 - (c) A conservation area.
 - (d) An inventoried roadless area.
2. Determined by the applicable land management agency to contain significant natural or cultural resources or values.

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

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

1. The amount of monies spent or encumbered in the fund during the preceding fiscal year for the purposes of off-highway vehicle law enforcement activities.
2. The amount of monies spent from the off-highway vehicle recreation fund during the preceding fiscal year for employee services.
3. The number of full-time employees employed in the preceding fiscal year in connection with off-highway vehicle law enforcement activities.
4. The amount of monies spent from the off-highway vehicle recreation fund during the preceding fiscal year for information and education.
5. The number and specific location of verbal warnings, written warnings and citations given or issued during the preceding fiscal year.

2012 MAY 15 PM 4:38

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

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

Sec. 12. Section 28-1177, Arizona Revised Statutes, is amended to read:

28-1177. Off-highway vehicle user fee; indicia; registration; state trust land recreational permit; exception

A. A person shall not operate an all-terrain vehicle or an off-highway vehicle in this state without an off-highway vehicle user indicia issued by the department if the all-terrain vehicle or off-highway vehicle meets both of the following criteria:

1. Is designed by the manufacturer primarily for travel over unimproved terrain.
2. Has an unladen weight of eighteen hundred pounds or less.

B. A person shall apply to the department of transportation for the off-highway vehicle user indicia by submitting an application prescribed by the department of transportation and a user fee for the indicia in an amount to be determined by the director of the department of transportation in cooperation with the director of the Arizona game and fish department and the Arizona state parks board. The user indicia is valid for one year from the date of issuance and may be renewed. The department shall prescribe by rule the design and placement of the indicia.

C. When a person pays for an off-highway vehicle user indicia pursuant to this section, the person may request a motor vehicle registration if the vehicle meets all equipment requirements to be operated on a highway pursuant to article 16 of this chapter. If a person submits a signed affidavit to the department affirming that the vehicle meets all of the equipment requirements for highway use and that the vehicle will be operated primarily off of highways, the department shall register the vehicle for highway use and the vehicle owner is not required to pay the registration fee prescribed in section 28-2003. This subsection does not apply to vehicles that as produced by the manufacturer meet the equipment requirements to be operated on a highway pursuant to article 16 of this chapter.

~~D. The director shall deposit, pursuant to sections 35-146 and 35-147, seventy percent of the user fees collected pursuant to this section in the off highway vehicle recreation fund established by section 28-1176 and thirty percent of the user fees collected pursuant to this section in the Arizona highway user revenue fund.~~

D. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, SEVENTY PERCENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE OFF HIGHWAY VEHICLE RECREATION FUND ESTABLISHED BY SECTION 28-1176 AND THIRTY PERCENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE ARIZONA HIGHWAY USER REVENUE FUND.

2012 MAY 15 PM 4: 39

MONIES IN THE ARIZONA HIGHWAY USER REVENUE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF APPROPRIATIONS.

E. An occupant of an off-highway vehicle with a user indicia issued pursuant to this section who crosses state trust lands must comply with all of the rules and requirements under a state trust land recreational permit. All occupants of an off-highway vehicle with a user indicia shall obtain a state trust land recreational permit from the state land department for all other authorized recreational activities on state trust land.

F. This section does not apply to off-highway vehicles, all-terrain vehicles or off-road recreational motor vehicles that are used off-highway exclusively for agricultural, ranching, construction, mining or building trade purposes.

Sec. 13. Section 28-5926, Arizona Revised Statutes, is amended to read:

28-5926. Fuel used in watercraft; survey; costs

A. Every three years, the directors of the department of transportation, the Arizona game and fish department and the Arizona state parks board shall have a survey conducted by a public or private agency to determine at least the following information:

- 1. The percentage of the total taxes paid on motor vehicle fuel that is used for propelling watercraft.
- 2. The number of days of recreational watercraft use in each county.

B. The survey shall be completed by the fiscal year ending in 1982 and every three years thereafter.

C. The director shall:

1. Use the percentage determined pursuant to subsection A of this section to determine the amount of taxes collected on the sale of fuel used in watercraft.

~~2. Except as provided in subsection D of this section, deposit, pursuant to sections 35-146 and 35-147, the amount determined pursuant to paragraph 1 of this subsection on a monthly basis in the state lake improvement fund to be distributed pursuant to section 5-382.~~

2. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE AMOUNT DETERMINED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION ON A MONTHLY BASIS IN THE STATE LAKE IMPROVEMENT FUND TO BE DISTRIBUTED PURSUANT TO SECTION 5-382.

D. Of the percentage of motor vehicle tax paid on fuel used to propel watercraft, the department of transportation shall retain:

2012 MAY 15 PM 4: 39

2012 MAY 15 PM 4: 39

1. One percent to defray administrative expense.
2. An amount equal to the expenses of the survey provided for in subsection A of this section.

Sec. 14. Repeal.

Section 28-5927, Arizona Revised Statutes, is repealed.

Sec. 15. Title 28, article 5, Arizona Revised Statutes, is amended by adding a new section 28-5927, to read:

28-5927. Transfer; off-highway vehicle recreation fund

FIFTY-FIVE ONE HUNDRETHS OF ONE PERCENT OF THE TOTAL TAXES ON MOTOR VEHICLE FUEL SHALL BE TRANSFERRED FROM THE MONIES COLLECTED PURSUANT TO SECTION 28-5606 TO THE OFF-HIGHWAY VEHICLE RECREATION FUND ESTABLISHED BY SECTION 28-1176 ON A MONTHLY BASIS.

Sec. 16. Section 28-6538, Arizona Revised Statutes, is amended to read:

28-6538. Arizona highway user revenue fund distribution; remaining monies; highway fund distribution; contract authorization; regional transportation plan requirements

A. Each fiscal year the department shall allocate and the state treasurer shall distribute revenues of the Arizona highway user revenue fund remaining after the distribution provided in sections 28-6534 and 28-6537 as follows:

1. To the state highway fund, fifty and one-half percent.
2. To the counties, nineteen percent.
3. To the incorporated cities and towns, twenty-seven and one-half percent.
4. To incorporated cities with a population of three hundred thousand or more persons, three percent.

B. At least twelve and six-tenths percent of the revenues allocated each year to the state highway fund pursuant to subsection A of this section shall be further distributed in the following proportions and for the following purposes:

1. Seventy-five percent of the revenues shall be spent, pledged or accumulated in counties with a population of one million five hundred thousand or more persons for the design, right-of-way purchase or construction of controlled access highways that are included in the regional transportation plan of the county and that are accepted into the state highway system either as a state route or as a state highway.

2012 MAY 15 PM 4:39

2. Twenty-five percent of the revenues shall be spent, pledged or accumulated in counties with a population of more than eight hundred thousand but less than one million five hundred thousand persons for:

(a) The design, right-of-way purchase or construction of controlled access highways that are included in the regional transportation plan of the county and that are accepted into the state highway system either as a state route or as a state highway or related grade separations of controlled access highways that are included in the regional transportation plan of the county.

(b) Notwithstanding sections 28-6993 and 28-6995, the design, right-of-way purchase, construction, standard and reduced clearance grade separation, extension and widening of arterial streets and highways that are included in the regional transportation plan of the county.

~~C. — Of the monies allocated to the state highway fund pursuant to subsection a of this section, not more than five million dollars annually shall be spent for the acquisition, construction or improvement of entry roads to state parks or roads in state parks.~~

C. OF THE MONIES ALLOCATED TO THE STATE HIGHWAY FUND PURSUANT TO SUBSECTION A OF THIS SECTION, NOT MORE THAN FIVE MILLION DOLLARS ANNUALLY SHALL BE SPENT FOR THE ACQUISITION, CONSTRUCTION OR IMPROVEMENT OF ENTRY ROADS TO STATE PARKS OR ROADS IN STATE PARKS.

D. Expenditures for state matching monies for the federal interstate system shall be in addition to the amount provided in subsection B of this section.

E. The department may contract with a county, city or town to allow the county, city or town to construct the streets or highways prescribed in subsection B of this section.

F. A county described in subsection B of this section and the cities and towns in the county, through their regional planning agency, shall list transportation corridors by priority in the regional transportation plan. The regional transportation plan may also provide a suggested construction schedule for the transportation corridors contained in the plan.

Sec. 17. Title 41, chapter 3, article 1.2, Arizona Revised Statutes, is amended by adding section 41-511.28, to read:

41-511.28. NARROWING, LIMITING, OR ELIMINATING THE PURPOSES, DUTIES, AND POWERS OF THE STATE PARKS BOARD

THE LEGISLATURE SHALL NOT NARROW, LIMIT, OR ELIMINATE THE PURPOSES, OBJECTIVES, DUTIES, OR POWERS OF THE STATE PARKS BOARD AS PROVIDED IN SECTIONS 41-511.03, 41-511.04, AND 41-511.05 WITHOUT THE PRIOR CONSENT OF THE VOTERS.

Sec. 18. Severability

If any provision of this measure or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the measure that can be

given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

Sec. 19. Submission to voters

The Secretary of State shall submit this initiative measure to the voters at the next general election as provided by Article IV, part 1, section 1, Constitution of Arizona.

RECEIVED
SECRETARY OF STATE
2012 MAY 15 PM 4:39