

House Engrossed Senate Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 201

# **SENATE BILL 1063**

AN ACT

AMENDING SECTIONS 48-5103, 48-5106, 48-5121, 48-5122 AND 48-5141, ARIZONA  
REVISED STATUTES; RELATING TO PUBLIC TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-5103, Arizona Revised Statutes, is amended to  
3 read:

4 48-5103. Public transportation fund

5 A. A public transportation fund is established for the authority. The  
6 fund consists of:

7 1. Monies appropriated by each municipality that is a member of the  
8 authority or the county, if it elected to enter into the authority. Each  
9 member municipality and member county shall appropriate monies to the public  
10 transportation fund in an amount determined by the board.

11 2. Monies appropriated by a county that has not elected to enter into  
12 the authority in an amount determined by the county board of supervisors.

13 3. Transportation excise tax revenues that are allocated to the fund  
14 pursuant to section 42-6104 or 42-6105. The board shall separately account  
15 for monies from transportation excise tax revenues allocated pursuant to  
16 section 42-6105, subsection E, paragraph 3 for:

17 (a) A light rail public transit system.

18 (b) Capital costs for other public transportation.

19 (c) Operation and maintenance costs for other public transportation.

20 4. Monies distributed under title 28, chapter 17, article 1.

21 5. Grants, gifts or donations from public or private sources.

22 6. Monies granted by the federal government or appropriated by the  
23 legislature.

24 7. Fares or other revenues collected in operating a public  
25 transportation system.

26 8. Local transportation assistance monies that are distributed to each  
27 member under section 28-8102 and as provided in section 48-5104.

28 9. Local transportation assistance monies that are distributed to a  
29 member pursuant to section 28-8102 and that must be used for public  
30 transportation.

31 10. Local transportation assistance monies that are distributed  
32 pursuant to section 28-8103, subsection A, paragraph 1.

33 B. On behalf of the authority, the fiscal agent shall administer  
34 monies paid into the public transportation fund. Monies in the fund may be  
35 spent pursuant to or to implement the PUBLIC TRANSPORTATION ELEMENT OF THE  
36 regional ~~public~~ transportation system plan DEVELOPED AND APPROVED BY THE  
37 REGIONAL PLANNING AGENCY, including reimbursement for utility relocation  
38 costs as prescribed in section 48-5107, adopted pursuant to section 48-5121  
39 and for projects identified in the regional transportation plan adopted by  
40 the regional planning agency pursuant to section 28-6308.

41 C. Monies in the fund shall not be spent to promote or advocate a  
42 position, alternative or outcome of an election, to influence public opinion  
43 or to pay or contract for consultants or advisors to influence public opinion  
44 with respect to an election regarding taxes or other sources of revenue for  
45 the fund or regarding the regional ~~public~~ transportation system plan.



1 prescribed in subsection B of this section, the following items presented on  
2 an individual fiscal year basis:

3 1. The capital and operating costs of the planned regional public  
4 transportation system.

5 2. The revenue needed by source, according to section 48-5103, to fund  
6 the TRANSPORTATION ELEMENT OF THE regional ~~public transportation system~~ plan.

7 D. If the plan includes a rail component and if the ~~board~~ RAIL  
8 OPERATOR adopts estimates of capital and maintenance and operation costs of  
9 the rail system, each member municipality in which the rail system is  
10 constructed shall pay to the public transportation fund amounts by which the  
11 actual capital, maintenance and operation costs exceed the estimated costs by  
12 more than fifteen per cent, computed in constant dollars. The excess costs  
13 shall be allocated among the affected member municipalities according to the  
14 proportion of the rail system facilities that are located in each  
15 municipality. The affected member municipalities shall:

16 1. Pay the monies from their respective general funds to the public  
17 transportation fund in the fiscal year following the fiscal year in which the  
18 excess costs were incurred.

19 2. Not pay to the public transportation fund under this subsection  
20 monies that it received from any source pursuant to title 28.

21 3. Not reduce its support of transportation projects funded by any  
22 source pursuant to title 28 in order to make payments under this subsection.

23 E. The board may ~~modify~~ RECOMMEND MODIFICATIONS TO the ~~regional~~ public  
24 transportation ~~system~~ ELEMENT OF THE REGIONAL TRANSPORTATION plan to reflect  
25 changes in population density or technological advances in the approved  
26 public transportation modes. A majority of the members of the board voting  
27 at a public hearing called for that purpose must approve ~~a modification to~~  
28 ~~the plan~~ THE RECOMMENDED MODIFICATIONS.

29 Sec. 4. Section 48-5122, Arizona Revised Statutes, is amended to read:  
30 48-5122. Board powers and duties

31 The board shall:

32 1. IMPLEMENT THE REGIONAL PUBLIC TRANSPORTATION ELEMENT OF THE  
33 TRANSPORTATION PLAN FUNDED BY THE PUBLIC TRANSPORTATION FUND.

34 ~~1- 2. Determine the exclusive public transportation systems to be~~  
35 ~~acquired and constructed, the means to finance the systems and whether to~~  
36 ~~operate the PUBLIC TRANSPORTATION systems or to let contracts for their~~  
37 ~~operation.~~

38 ~~2- 3. Adopt an annual budget and fix the compensation of its~~  
39 ~~employees.~~

40 ~~3- 4. Adopt an administrative code by ordinance that:~~

41 (a) Prescribes the powers and duties of the employees of the authority  
42 that are not inconsistent with this chapter.

43 (b) Prescribes the method of appointing board employees.

44 (c) Prescribes methods, procedures and systems of operating and  
45 managing the board.

1 (d) May provide for, among other things, appointing a general manager  
2 and organizing the employees of the board into units for administration,  
3 design and construction, planning and operation, property acquisition and  
4 community relations and other units as the board deems necessary.

5 ~~4.~~ 5. Cause a postaudit of the financial transactions and records of  
6 the board to be made at least annually by a certified public accountant.

7 ~~5.~~ 6. Adopt all ordinances and make all rules proper or necessary to:

8 (a) Regulate the use, operation and maintenance of its property and  
9 facilities, including its public transportation systems and related  
10 transportation facilities and services operating in its area of jurisdiction.

11 (b) Carry into effect the powers granted to the board.

12 ~~6.~~ 7. Appoint advisory commissions as it deems necessary.

13 ~~7.~~ 8. Do all things necessary to carry out the purposes of this  
14 chapter.

15 Sec. 5. Section 48-5141, Arizona Revised Statutes, is amended to read:

16 48-5141. Regional bus system

17 ~~A. The board shall establish and operate a regional bus system. The~~  
18 ~~monies distributed under section 28-6305, subsection B shall be spent for~~  
19 ~~incremental increases in a regional bus system and for community funded~~  
20 ~~transportation services including dial a ride programs and special needs~~  
21 ~~transportation services and shall not be used to supplant any existing~~  
22 ~~sources of monies currently being used in operating an existing bus system.~~  
23 ~~The monies shall only be spent for community funded transportation services~~  
24 ~~including dial a ride programs and special needs transportation services and~~  
25 ~~to establish and operate a regional bus system, including extending existing~~  
26 ~~bus routes into regional routes, adding new regional routes, increasing the~~  
27 ~~service on existing regional routes and capital expenditures.~~

28 ~~B. The board may contract with a public agency or with a person on the~~  
29 ~~terms and conditions the board finds in its best interest to operate a~~  
30 ~~regional bus system.~~

APPROVED BY THE GOVERNOR APRIL 28, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2010.

Passed the House April 20, 2010,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

Passed the Senate February 22, 2010,

by the following vote: 18 Ayes,

12 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**S.B. 1063**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 22, 20 10

by the following vote: 23 Ayes,

5 Nays, 2 Not Voting

Barbara Luff  
President of the Senate  
President Pro Tempore  
Cherrin Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

23 day of April, 20 10

at 9:05 o'clock A. M.

Michele Bondle  
Secretary to the Governor

Approved this 28<sup>th</sup> day of

April

at 1:29 o'clock P. M.

Janice K. Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 28<sup>th</sup> day of April, 20 10

at 4:29 o'clock P M.

Ken Blumett  
Secretary of State