

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 291

# HOUSE BILL 2625

AN ACT

AMENDING SECTION 28-7011, ARIZONA REVISED STATUTES; RELATING TO THE STATE  
HIGHWAY FUND AND BUDGET.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-7011, Arizona Revised Statutes, is amended to  
3 read:

4 28-7011. Roads of regional significance congestion mitigation  
5 account; program termination

6 A. The roads of regional significance congestion mitigation account is  
7 established as a separate subaccount of the statewide transportation  
8 acceleration needs account established by section 28-7009. The subaccount  
9 may include:

10 1. Legislative appropriations.

11 2. Monies designated for deposit in the account by the transportation  
12 board, a state agency or a political subdivision of this state.

13 3. Monies received from the United States government for the purpose  
14 of transportation projects relating to congestion mitigation.

15 4. Monies received from an Indian tribe, this state, a state agency or  
16 a political subdivision of this state for the purpose of transportation  
17 projects relating to congestion mitigation.

18 5. Interest and other income received from investing monies in the  
19 account.

20 6. Gifts, grants, donations or other amounts received from any public  
21 source for deposit in the account for the purpose of transportation projects  
22 relating to congestion mitigation.

23 B. On notice from the transportation board, the state treasurer shall  
24 invest and divest monies, as provided by section 35-313, in the roads of  
25 regional significance congestion mitigation account, and monies earned from  
26 investment shall be credited to the account.

27 C. The transportation board may establish any subaccount in the roads  
28 of regional significance congestion mitigation account that the board  
29 determines is necessary or appropriate to carry out the purposes of this  
30 section.

31 D. When a governmental entity deposits monies in the roads of regional  
32 significance congestion mitigation account for a specific project and the  
33 transportation board approves the project, the board shall designate the  
34 monies deposited by the governmental entity solely for the project for which  
35 the monies are deposited.

36 E. Notwithstanding sections 28-6993 and 28-7009, and any other  
37 agreements entered into by the department of transportation for the  
38 distribution and expenditure of monies from the state highway fund, the  
39 transportation board shall not approve any expenditures from the roads of  
40 regional significance congestion mitigation account unless both:

41 1. The expenditure is made in accordance with this section and is for  
42 the construction, design or planning of roads or bridges that are contained,  
43 but not funded, in the transportation plan of a city, town or county.

44 2. The project receiving the monies is in a regional planning agency's  
45 transportation improvement plan or a county transportation improvement plan.

1 F. To be eligible to receive monies from the account, the city, town  
2 or county must identify the participating jurisdictions. Those jurisdictions  
3 must include at least one of the following:

4 1. A county that has an average growth rate that exceeds the average  
5 county growth rate in this state by at least fifty per cent in the last five  
6 years.

7 2. A city or town that has an average growth rate that exceeds the  
8 average city or town growth rate in this state by at least fifty per cent in  
9 the last five years.

10 G. Each governmental entity that is awarded monies from the account  
11 for a project shall enter into a memorandum of understanding with every other  
12 governmental entity involved in the project that outlines each entity's  
13 fiscal responsibility for the project. The memorandum of understanding shall  
14 be entered into before the governmental entity receives funding to begin the  
15 project.

16 H. EXCEPT AS PROVIDED IN SUBSECTION J OF THIS SECTION, a governmental  
17 entity that receives monies from the account pursuant to this section shall  
18 reimburse the account the entire amount of the monies received for a project  
19 as outlined in the memorandum of understanding.

20 I. Notwithstanding subsection ~~J~~ K of this section AND EXCEPT AS  
21 PROVIDED IN SUBSECTION J OF THIS SECTION, a city or town that receives monies  
22 pursuant to this section must reimburse the statewide transportation  
23 acceleration needs account within fifteen years after receiving the monies.  
24 This subsection applies to monies that the city or town receives before, on  
25 and after the ~~effective date of this amendment to this section~~ SEPTEMBER 30,  
26 2009.

27 J. A CITY OR TOWN THAT RECEIVES MONIES FROM THE ACCOUNT PURSUANT TO  
28 THIS SECTION BEFORE JULY 1, 2012, IS NOT REQUIRED TO REIMBURSE THE ACCOUNT.  
29 THIS SUBSECTION APPLIES TO MONIES THAT THE CITY OR TOWN RECEIVES BEFORE, ON  
30 AND AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION IF THE MONIES  
31 ARE RECEIVED BEFORE JULY 1, 2012.

32 ~~J~~ K. The program established by this section ends on July 1, 2012  
33 pursuant to section 41-3102.

APPROVED BY THE GOVERNOR MAY 10, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2010.

Passed the House March 15, 2010

Passed the Senate April 28, 2010

by the following vote: 44 Ayes,

by the following vote: 28 Ayes,

10 Nays, 5 Not Voting  
1 Vacancy

2 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

29 day of April, 2010

at 11:50 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 10 day of

May, 2010

at 12:00 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 10<sup>th</sup> day of May, 2010

at 4:10 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2625