

House Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 259

# **HOUSE BILL 2318**

AN ACT

AMENDING SECTIONS 28-9102, 48-5301 AND 48-5302, ARIZONA REVISED STATUTES;  
RELATING TO TRANSPORTATION AUTHORITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-9102, Arizona Revised Statutes, is amended to  
3 read:

4 28-9102. Formation

5 A. An intergovernmental public transportation authority may be  
6 organized as provided by this section in any county with a population of two  
7 hundred thousand persons or less.

8 B. The governing body of one or more incorporated cities or towns may  
9 petition the county board of supervisors to establish an authority consisting  
10 of the area within the incorporated boundary of the municipality or  
11 municipalities.

12 C. If the organizing municipalities are not contiguous, the  
13 unincorporated areas between the organizing municipalities must also be  
14 included in the authority with the approval of the county board of  
15 supervisors. The board of supervisors shall establish the boundaries of the  
16 unincorporated area to be included in the authority.

17 D. Incorporated cities and towns in different counties, each of which  
18 meet the population limit prescribed by subsection A, may petition their  
19 respective county boards of supervisors to establish a joint authority  
20 consisting of the combined areas within their respective municipal boundaries  
21 and including any intervening unincorporated areas in the counties.

22 E. The board of supervisors shall hold at least one hearing on the  
23 petition in one of the petitioning municipalities to determine public support  
24 for the authority and whether establishing the authority would be in the  
25 public interest. In the case of petitioning municipalities in different  
26 counties, the board of supervisors of each county shall hold separate  
27 hearings and each board shall make its determination separately.

28 F. If the board of supervisors determines that establishing the  
29 authority would serve the public convenience, necessity, safety or welfare,  
30 the board of supervisors shall establish the authority by a resolution that  
31 includes a description of the boundaries of the authority. In the case of an  
32 authority in different counties, the county boards of supervisors shall  
33 establish the authority by an intergovernmental agreement.

34 G. If an authority is established under this chapter, any university  
35 that is under the jurisdiction of the Arizona board of regents and that is  
36 located in a municipality in the authority, ANY COMMUNITY COLLEGE DISTRICT  
37 THAT IS LOCATED IN A MUNICIPALITY IN THE AUTHORITY, OR ANY INDIAN NATION THAT  
38 HAS A BOUNDARY WITHIN A COUNTY IN WHICH AN AUTHORITY IS ESTABLISHED, may  
39 become a member of the authority by intergovernmental agreement.

40 Sec. 2. Section 48-5301, Arizona Revised Statutes, is amended to read:

41 48-5301. Definitions

42 In this chapter, unless the context otherwise requires:

43 1. "Arterial street or highway" means a street or highway that is used  
44 primarily for through traffic such that vehicular traffic from intersecting

1 streets and highways is required by law to stop or yield before entering or  
2 crossing the street or highway.

3 2. "Authority" means a regional transportation authority organized  
4 under this chapter.

5 3. "Board" means the board of directors of a regional transportation  
6 authority established pursuant to section 48-5303.

7 4. "Controlled access highway" has the same meaning prescribed in  
8 section 28-601.

9 5. "County" means a county with a population of ~~more than two hundred~~  
10 ~~thousand but~~ less than one million two hundred thousand persons in which a  
11 regional transportation authority is established pursuant to section 48-5302.

12 6. "Fiscal agent" means a bank or trust company authorized to do  
13 business in this state or the county treasurer as designated by the board.

14 7. "Municipality" means an incorporated city or town.

15 8. "Population" means the population determined in the most recent  
16 United States decennial census or the most recent special census as provided  
17 in section 28-6532.

18 9. "Public transportation" means local transportation of passengers by  
19 means of a public conveyance, including para-transit.

20 Sec. 3. Section 48-5302, Arizona Revised Statutes, is amended to read:  
21 48-5302. Regional transportation authority; establishment

22 A. A regional transportation authority is established in a county with  
23 a population of more than four hundred thousand but less than one million two  
24 hundred thousand persons. The board of supervisors of a county with a  
25 population of four hundred thousand or fewer persons ~~but more than two~~  
26 ~~hundred thousand persons~~ may establish a regional transportation authority in  
27 the county.

28 B. An authority is a public, political, tax levying public improvement  
29 and taxing subdivision of this state and a municipal corporation to the  
30 extent of the powers and privileges conferred by this chapter or granted  
31 generally by the constitution and statutes of this state, including immunity  
32 of its property and the interest income and gain on its bonds from taxation.

33 C. The membership of the authority consists of each municipality in  
34 the county, the county and any other members of the regional council of  
35 governments. The authority may operate in all areas of the county in which  
36 it is organized.

37 D. The executive director of the regional council of governments acts  
38 as the executive director of the authority and serves in that specific role  
39 until replaced at the discretion of the board of the regional council of  
40 governments.

APPROVED BY THE GOVERNOR APRIL 26, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2011.

Passed the House March 9, 20 11

Passed the Senate April 20, 20 11

by the following vote: 34 Ayes,

by the following vote: 19 Ayes,

25 Nays, 1 Not Voting

11 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Cheryl Laube  
Chief Clerk of the House

Chermin Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 20 11

at 8:30 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 26<sup>th</sup> day of

[Signature]

at 3:50 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 26<sup>th</sup> day of April, 20 11

at 4:57 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2318