



th
**48 Legislature,
First Regular Session**



**Arizona Department of
Transportation
Legislative Summaries
2007**



Arizona Department of Transportation

Policy and Governmental Affairs
206 South Seventeenth Avenue Phoenix, Arizona 85007

Janet Napolitano
Governor

Victor M. Mendez
ADOT Director

July 16, 2007

Gail Lewis
Assistant Director

Victor Mendez, Director
Arizona Department of Transportation
206 South 17th Avenue, MD 100A
Phoenix, AZ 85007

Dear Director Mendez:

Attached is the final summary of transportation-related legislation considered during the First Regular Session of the 48th Legislature. The 2007 Legislative Session lasted 164 days during which time 1548 bills, resolutions and memorials were introduced, of which 296 were enacted, 22 were vetoed and 0 were line-item vetoed.

This document and *Final Summaries* from previous years can be found online by visiting our agency web site at <http://azdot.gov/>. Full legislative chapter text, fact sheets and other legislative information and links can be found at www.azleg.state.az.us/.

Unless otherwise specified, the general effective date for legislation enacted during the First Regular Session is Wednesday, September 19, 2007.

Sincerely,

YOUR 2007 ADOT LEGISLATIVE TEAM

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**Information for Legislative Summaries was gathered from Legislative Research Staff Bill Summaries which can be viewed at www.azleg.state.az.us.*

***Official copies of all 2007 Chapter Laws and complete files of action for public review (for both the Regular and Special Sessions) are available upon request by contacting the Arizona Department of Transportation Government Relations Office at (602) 712-7412, or visiting us at the ADOT Administration Building located at 206 S. 17th Avenue, Room 157, Phoenix, AZ 85007. For large quantity copy requests, we ask that you contact the Secretary of State's Office of Publications at (602) 542-4086, or visit their Customer Service Center at 14 N. 18th Ave, Phoenix, AZ 85007.*

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48th Legislature, First Regular Session Legislative Members

DISTRICT	SENATE	HOUSE
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2	Albert Hale (D)	Ann Kirkpatrick (D) Albert Tom (D)
3	Ron Gould (R)	Nancy McClain (R) Trish Groe (R)
4	Jack Harper (R)	Judy Burges (R) Tom Boone (R)
5	Jake Flake (R)	Bill Konopnicki (R) Jack Brown (D)
6	Pamela Gorman (R)	Sam Crump (R) Doug Clark (R)
7	Jim Waring (R)	Ray Barnes (R) Nancy Barto (R)
8	Carolyn Allen (R)	Michelle Reagan (R) John Kavanagh (R)
9	Robert Burns (R)	Rick Murphy (R) Bob Stump (R)
10	Linda Gray (R)	Jim Weiers (R) Jackie Thrasher (R)
11	Barbara Leff (R)	Mark A. DeSimone (R) Adam Driggs (R)
12	Robert Blendu (R)	John Nelson (R) Jerry Weiers (R)
13	Richard Miranda (D)	Steve Gallardo (D) Martha Garcia (D)
14	Debbie McCuneDavis (D)	Robert Meza (D) Chad Campbell (D)
15	Ken Chuevront (D)	Kyrsten Sinema (D) David Lujan (D)
16	Leah Landrum Taylor (D)	Ben Miranda (D)

17	Meg Burton Cahill (D)	Ed Ableser (D)
		David Schapira (D)
18	Karen Johnson (R)	Russell Pearce (R)
		Mark Anderson (R)
19	Chuck Gray (R)	Kirk Adams (R)
		Rich Crandall (R)
20	John Huppenthal (R)	Bob Robson (R)
		John McComish (R)
21	Jay Tibshraney (R)	Steve Yarborough (R)
		Warde Nichols (R)
22	Thayer Verschoor (R)	Eddie Farnsworth (R)
		Andy Biggs (R)
23	Rebecca Rios (D)	Pete Rios (D)
		Barbara McGuire (D)
24	Amanda Aguirre (D)	Theresa Ulmer (D)
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		Lena Saradnik (D)
27	Jorge Garcia (D)	Olivia Cajero Bedford (D)
		Phil Lopes (D)
28	Paula Aboud (D)	David Bradley (D)
		Ted Downing (D)
29	Victor Soltero (D)	Tom Prezelski (D)
		Linda Lopez (D)
30	Tim Bee (R)	John Paton (R)
		Marian McClure (R)

Transportation-Related Legislation

Sorted by Short Title

SHORT TITLE	BILL NUMBER	CHAPTER LAW
ADOT; bid requirements; annual adjustment (Rep. Biggs)	HB 2367	77
air quality program (Sen. Allen)	SB 1552	292
automobile theft authority; continuation (Sen. Gorman)	SB 1061	27
commercial driver licenses (Rep. McClure)	HB 2228	214
county assessors; appeals; procedures (Sen. Tibshraeny)	SB 1553	104
critical infrastructure; information; penalty (Rep. Nelson)	HB 2067	223
defensive driving schools (Rep. Jim Weiers)	HB 2001	182
diesel fuel standards; low sulfur (Sen. Allen)	SB 1455	145
driver license information; retailer use (Rep. Konopnicki)	HB 2291	208
DUI; extreme; 0.20 concentration enhancement (Sen. Waring)	SB 1029	219
extreme DUI; sentencing (Sen. Waring)	SB 1252	195
foreign motor carriers (Sen. Verschoor)	SB 1640	296
HOV lanes; motorcycles; buses (Sen. Tibshraeny)	SB 1161	32
motorcycle safety fund; max balance (Rep. McClure)	HB 2051	146
pedestrian control signals (Sen. Linda Gray)	SB 1076	29
personal information; public records; redaction (Sen. Waring)	SB 1006	141
registered nurse practitioners; authority (Sen. Allen)	SB 1100	97
revised uniform anatomical gift act (Sen. Allen)	SB 1099	281
salvage titles; insurance company applications (Sen. Gould)	SB 1596	60

school bus accidents; causing death, injury (Rep. Biggs)	HB 2052	39
special districts; road improvement (Rep. Mason)	HB 2486	254
special license plates; golden rule (Sen. Linda Gray)	SB 1223	251
state ombudsman; access to records (Rep. Nelson)	HB 2563	92
teenage driver safety act (Rep. McComish)	HB 2033	206
theft of means of transportation; affidavit (Sen. Chuck Gray)	SB 1043	24
traffic tickets; fines; collection (Rep. McClure)	HB 2226	185
traffic violations; statute of limitations (Sen. Chuck Gray)	SB 1131	155
vehicle accidents; hit-and-run & police reports (Sen. Chuck Gray)	SB 1118	154
vehicle emissions inspection; sunset extension (Sen. Allen)	SB 1531	171
vehicle impoundment and immobilization (Rep. Pearce)	HB 2753	278
vehicle license tax; military exemption (Sen. Waring)	SB 1007	239
well impacts; contamination (Rep. Mason)	HB 2484	209

Transportation-Related Legislative Summaries

Sorted by Short Title

HB 2367 ADOT; bid requirements; annual adjustments (Rep. Biggs) (Laws 2007, Chapter 77)

Increases the minimum bid threshold from \$50,000 to \$189,000. Adjusts the construction project threshold annually by the percentage change in the GDP Price Deflator.

SB 1552 air quality program (Sen. Allen) (Laws 2007, Chapter 292)

Makes numerous changes to statutes pertaining to air quality control. Statute changes add or modify laws related to unpaved roads, parking areas, vacant lots, leaf blowers, street sweepers, off-highway vehicles, agricultural best management practices, dust control training and coordinators, a voluntary diesel retrofit program, covered loads, open and unlawful burning, vehicle emissions, construction contracts and public entities, a dust-free developments program, reporting requirements, the state air quality study committee, and motor fuel emissions studies.

Seeks to reduce PM₁₀ emissions by 10,425 tons per year, Volatile Organic Compound (VOC) emissions by 12,243 tons per year and Nitrogen Oxide (Nox) by 5,529 tons per year in Area A (Phoenix metropolitan area, a portion of Apache Junction and a portion of Yavapai County). This is approximately 80% of the 5% reduction required by the Environmental Protection Agency (EPA). On April 15, 2004 the EPA designated Area A as nonattainment for the National Ambient Air Quality Standards (NAAQS) for ozone; the Maricopa County nonattainment area is classified as basic and is required to reach attainment of the standard at all ozone monitors by June 15, 2009. Maricopa Association of Government was also required to submit a State Implementation Plan to the EPA by June 15, 2007 that demonstrated an approach to reducing the ozone level in the air and emissions of ozone precursors. By December 31, 2007, ADEQ must submit a plan to the EPA that reduces PM₁₀ in the Phoenix nonattainment area. According to MAG, the total reduction of PM₁₀ needed for attainment is 13,782 tons. If the state does not attain the 5% reduction it may be penalized through the withholding of federal transportation funds. Counties may seek to impose additional measures to meet the additional 20% necessary to reach full compliance.

SB 1061 automobile theft authority; continuation (Sen. Gorman) (Laws 2007, Chapter 27)

Establishes a new termination date of the Automobile Theft Authority as July 1, 2012.

HB 2228 commercial driver licenses (Rep. McClure) (Laws 2007, Chapter 214)

Makes numerous changes to statutes relating to commercial driver licenses (CDLs) and commercial motor vehicles to conform to federal regulations. Major provisions include exempting members of the US military reserve or National Guard from CDL requirements while operating a commercial vehicle for military purposes, prohibiting the

Dept of Transportation from issuing a CDL to a person who fails to demonstrate proficiency in English, and modifying penalties for CDL holders who commit traffic violations and people who operate commercial vehicles without the proper level of CDL.

**SB 1553 county assessors; appeals; procedures
(Sen. Tibshraeny) (Laws 2007, Chapter 104)**

Modifies the appeals process for agricultural land classification and changes the valuation determination for land splits or consolidations that result from a government action.

**HB 2067 critical infrastructure; information; penalty
(Rep. Nelson) (Laws 2007, Chapter 223)**

Establishes a class 5 felony penalty for certain governmental employees who knowingly divulge critical infrastructure information (CII) contained in and protected by the statewide CII system.

**HB 2001 defensive driving schools
(Rep. Jim Weiers) (Laws 2007, Chapter 182)**

Allows an eligible person to attend any Supreme Court certified defensive driving school (DDS) after December 31, 2008. Specifies the court must allow an eligible individual to attend any certified DDS beginning on January 1, 2009, if the court had a contract with a primary provider that expired or was renewed after July 1, 2007. Considers all contracts that are renewed after July 1, 2007 between a court and a DDS provider as a new contract. Allows the court, subject to the approval of the Defensive Driving Board, to require a DDS to transfer funds and electronically report course completions. Has a delayed effective date of December 31, 2008.

**SB 1455 diesel standards; low sulfur
(Sen. Allen) (Laws 2007, Chapter 145)**

Prohibits persons from selling low sulfur diesel fuel with a sulfur content in excess of 500 parts per million and ultra low sulfur diesel fuel with a sulfur content in excess of 15 parts per million.

Requires that a label be placed on each low sulfur and ultra low sulfur diesel fuel dispenser that conforms with federal regulation as to inform the customer of the sulfur content of the diesel fuel being dispensed.

Requires any person who transfers custody or title of a diesel fuel or distillate, except if the diesel is dispensed into a motor vehicle or non-road locomotive or marine equipment, to provide product transfer documents to the transferee that conform with federal regulations.

Stipulates that transfer documents and the name and address of the final destination for the shipment of motor fuel transfers from a terminal, storage facility, or transmix facility must accompany the shipment to its final destination as prescribed by Department rule.

**HB 2291 driver license information; retailer use
(Rep. Konopnicki) (Laws 2007, Chapter 208)**

Permits a retailer to retain a customer's driver license information (or other state-issued ID) for the purpose of verifying the customer's identity or confirming that the customer is properly licensed to operate a vehicle. Also allows a retailer to retain this information in order to disclose it to The Arizona Department of Transportation, a person licensed by the Department of Insurance, a Notary Public, specified businesses (such as credit bureaus and account collections agencies), or Financial Institutions (if permitted by law).

Prohibits a retailer from transmitting the information to a third party for any purpose, except to a law enforcement agency for the purpose of an investigation. Permits the use of information in a court proceeding or administrative proceeding.

Prescribes enforcement by either a county attorney or the Arizona Attorney General.

Assesses a maximum civil penalty for each incident as follows: \$500 for a 1st violation; \$1,000 for a 2nd violation; \$5,000 for a 3rd or subsequent violation.

**SB 1029 DUI; extreme; 0.20 concentration enhancement
(Sen. Waring) (Laws 2007, Chapter 219)**

Increases the penalties for driving with an alcohol concentration of 0.20 percent or greater and requires the installation of an Ignition Interlock Device for a person convicted of driving under the influence.

**SB 1252 extreme DUI; sentencing
(Sen. Waring) (Laws 2007, Chapter 195)**

Removes the judge's discretion to suspend a portion of the jail time for a first offense conviction of an Extreme Driving Under the Influence (EDUI) violation.

Allows the judge to order the person to not consume alcohol for a period of 30 days or more demonstrated through continuous alcohol monitoring or twice daily alcohol testing if the person is convicted of a first EDUI offense.

Removes the judge's discretion to suspend a portion of the jail time for a second offense conviction of an EDUI violation if the person completes a court ordered alcohol or other drug screening, education or treatment program.

Allows the judge to order the person to not consume alcohol for a period of 90 days or more demonstrated through continuous alcohol monitoring or twice daily alcohol testing if the person is convicted for a second EDUI offense.

**SB 1640 foreign motor carriers
(Sen. Verschoor) (Laws 2007, Chapter 296)**

Conforms regulations and restrictions on foreign motor carriers and foreign private motor carriers to Federal rules and regulations.

Allows the Department of Transportation to purchase property that was originally purchased with monies from the Regional Area Road Fund or Highway User Revenue Fund. Requires that the department determine the amount of reimbursement according to the *fair market value* of the property, based on an independent appraisal. ADOT shall allocate and reimburse the amount to the fund from which the monies were taken. Previous law only allowed for reimbursement of the *fair rental value* and not the *fair market value*.

Establishes and sets forth the duties of the Blue Ribbon Transportation Committee.

Allows the Department of Transportation to accept donated plaques or monuments from veteran's organizations to be placed along the Veteran's Highway portion of I-17. The monument must be approved by the department and the department is not responsible for costs related to maintenance.

Provides municipal courts and justice courts concurrent jurisdiction over civil and misdemeanor criminal violations in specific chapters of title 28. The bill is a modified version of HB 2150, which was vetoed by Governor Napolitano because it was overbroad in its application of concurrent jurisdiction.

**SB 1161 HOV lanes; motorcycles; buses
(Sen. Tibshraeny) (Laws 2007, Chapter 32)**

Clarifies that motorcycles and public transportation vehicles are allowed to use high occupancy vehicle (HOV) lanes at any time regardless of the number of passengers.

**HB 2051 motorcycle safety fund; max balance
(Rep. McClure) (Laws 2007, Chapter 146)**

Removes the \$150,000 cap from the Motorcycle Safety Fund (MSF) and renames the existing Council as the "Arizona Motorcycle Safety Advisory Council".

**SB 1076 pedestrian control signals
(Sen. Linda Gray) (Laws 2007, Chapter 29)**

Allows the symbols of a walking person and an upraised hand to be used as pedestrian control signals.

**SB 1006 personal information; public records; redaction
(Sen. Waring) (Laws 2007, Chapter 141)**

Adds to the categories of people eligible for redaction of personal information maintained by governmental entities by incorporating the following into statute: a victim of domestic violence or stalking who are protected by an Order of Protection (OOP) or Injunction Against harassment (IAH), a person with an Order of Protection (OOP) or Injunction Against Harassment (IAH), a corrections or detention officer or law enforcement or court support staff member.

**SB 1100 registered nurse practitioners; authority
(Sen. Allen) (Laws 2007, Chapter 97)**

Extends to nurse practitioners some of the same responsibilities currently granted to physicians in statute.

Requires changes on some MVD forms.

**SB 1099 revised uniform anatomical gift act
(Sen. Allen) (Laws 2007, Chapter 281)**

Rewrites the Revised Arizona Anatomical Gift Act to conform to recommendations by the National Conference of Commissioners on Uniform State Laws. Some of the new provisions include allowing agents of organ donors and parents of minor organ donors to make, change, or revoke an organ donation in some circumstances; establishing procedures for the distribution of organs if the donor does not specify a donee and/or a purpose; modifying requirements for organ donor registries; and requiring law enforcement, paramedics, and hospitals to search individuals believed to be dead or near death for organ donation information.

Clarifies that revocation, suspension, expiration or cancellation of a driver license or an identification card on which an anatomical gift is indicated does not invalidate the gift.

**SB 1596 salvage titles; insurance company applications
(Sen. Gould) (Laws 2007, Chapter 60)**

Removes the requirement for an insurance company or authorized agent to supply the registration card and license plates of a vehicle to obtain a salvage certificate of title or non-repairable vehicle certificate of title.

**HB 2052 school bus accidents; causing death, injury
(Rep. Biggs) (Laws 2007, Chapter 39)**

Resolves a conflict created by different amendments to the same section of law during the 2006 legislative session. This conflict is related to the violation for causing death or serious injury when a driver fails to stop for a school bus that is displaying a flashing "stop" arm to load or unload passengers.

The bill also adds the failure to stop for a school bus violation to sections 28-675 and 28-676, Arizona Revised Statutes, which is the felony crime of causing death or serious physical injury by use of a vehicle if it is determined the operator obtained the driver's license by submitting false information and commits a civil traffic violation.

**HB 2486 special districts; road improvement
(Rep. Mason) (Laws 2007, Chapter 254)**

Permits county residents to establish a road improvement and maintenance district for the purpose of building a community road to less-than-county standards.

**SB 1223 special license plates; golden rule
(Sen. Linda Gray) (Laws 2007, Chapter 251)**

Requires the non-profit organization that provided funding for the golden rule special plates to design the golden rule special license plates, rather than the Secretary of State.

**HB 2563 state ombudsman; access to records
(Rep. Nelson) (Laws 2007, Chapter 92)**

Prohibits the Ombudsman-Citizens Aide from accessing the following documents: Section 214 of the Critical Infrastructure Information Act of 2002 (6 United States Code Section 133a), 49 Code of Federal Regulations Part 1520 and Critical Infrastructure Information as defined by A.R.S. § 41-1801.

**HB 2033 teenage driver safety act
(Rep. McComish) (Laws 2007, Chapter 206)**

Establishes the *Teenage Driver Safety Act* (TDSA). The TDSA creates curfew and passenger restrictions for persons under 18 years of age for the first six months of possessing a Class G driver's license. In addition, the TDSA requires that a person at least twenty-one years of age and who holds a valid class of driver's license occupy the seat beside the Class D or Class G permittee while the permittee is operating the vehicle.

**SB 1043 theft; means of transportation; affidavit
(Sen. Chuck Gray) (Laws 2007, Chapter 24)**

Requires persons alleging vehicle theft to sign an affidavit attesting to that fact. This affidavit must be provided by law enforcement when the report is made. Requires affidavit to state that those who report falsely may be subject to criminal prosecution. Requires that the affidavit must be signed in person if an officer comes to take the report or be signed, notarized and mailed within 7 days if the report is not taken in person.

Removes the stolen vehicle information from the databases of the NCIC and the ACJIS if the signed affidavit is not received by the appropriate law enforcement agency within 30 days.

**HB 2226 traffic tickets; fines; collection
(Rep. McClure) (Laws 2007, Chapter 185)**

Prohibits the court from initiating collection procedures resulting from non-payment of a civil traffic penalty if the court has taken no action to collect the penalty or suspend the person's driver license or registration within thirty-six months of the final disposition of the civil violation. In addition, if a person offers reasonable evidence to the court that the penalty and any other fees have been paid the court shall cease collection activities and rescind any suspension actions related to the paid civil penalty.

**SB 1131 traffic violations; statute of limitations
(Sen. Chuck Gray) (Laws 2007, Chapter 155)**

Increases the time allowed to commence a civil traffic violation case involving death from 180 days to one year.

**SB 1118 vehicle accidents; hit-and-run & police reports
(Sen. Chuck Gray) (Laws 2007, Chapter 154)**

Increases the penalties for drivers involved in a vehicle accident who fail to stop at the scene or who fail to give their personal information and assistance.

**SB 1531 vehicle emissions inspection; sunset extension
(Sen. Allen) (Laws 2007, Chapter 171)**

Extends the VEI Program from January 1, 2009 until January 1, 2017.

Delays the repeal date of the *Annual Emissions Inspection of Motor Vehicles* section to July 1, 2017.

Requires all diesel powered motor vehicles applying for registration or re-registration in Area A to take and pass an annual emissions test.

Allows a motorcycle or constant four wheel drive vehicle to pass an onboard diagnostic check required by the emission standards established in the Clean Air Act.

Clarifies that fleet operators in Area B must comply with emissions inspection requirements except for a motor vehicle dealer that sells used vehicles and is a fleet operator and has been issued a permit to establish an emissions inspection program.

Stipulates that a vehicle is subject to a tampering inspection if the vehicle is manufactured after 1974 and is not subject to an onboard diagnostic check as required by the emission standards established in the Clean Air Act.

Allows the Director to adopt rules regarding an emissions inspection exemption for new vehicles before the sixth registration year after the initial purchase or lease.

Eliminates the requirement that an independent contractor, at the time of inspection, collect the fees charged for official emissions by either an approved check or cash.

Includes a purpose statement and a conditional enactment.

**HB 2753 vehicle impoundment and immobilization
(Rep. Pearce) (Laws 2007, Chapter 278)**

Makes numerous changes to existing statutes related to the impoundment and immobilization of motor vehicles operated by persons who do not have a valid driving privilege.

**SB 1007 vehicle license tax; military exemption
(Sen. Waring) (Laws 2007, Chapter 239)**

Limits the Vehicle License Tax (VLT) and registration fee exemption to Arizona residents who are members of the U.S. Armed Forces and who are deployed in support of a worldwide contingency operation of the U.S. Armed Forces.

Expands the VLT and registration fee exemptions to include registration fees for newly acquired vehicles.

Specifies that exemptions may only be taken a total of one time by the member, the member's spouse or the member's legally designated representative and must be taken between the time when the member is deployed and one year after the member is discharged from the military.

Clarifies that the exemptions apply to the legally designated representative, rather than personal representative, of a qualified member of the U.S. Armed Forces killed or missing in action.

**HB 2484 well impacts; contamination
(Rep. Mason) (Laws 2007, Chapter 209)**

Prohibits drilling a new well that is likely to cause contaminated groundwater to move from one polluted site to another well.

Requires the Director of DWR to consult with the Director of the Department of Environmental Quality and consider the potential for damage to surrounding land or other water users from the concentration of wells in the area.

Could potentially impact ADOT's ability to install new drywells as a storm water disposal method (e.g. when highways are widened) in areas which are contaminated.

Transportation-Related Budget Legislation

Sorted by Short Title

SHORT TITLE	BILL NUMBER	CHAPTER LAW
appropriations; capital outlay (Rep. McComish)	HB 2783	257
budget reconciliation; transportation (Rep. McComish)	HB 2793	267
general appropriations; 2007- 2008; 2008-2009 (Rep. Boone)	HB 2781	255

Transportation-Related Budget Legislative Summaries

Sorted by Short Title

HB 2783 appropriations; capital outlay (Rep. McComish) (Laws 2007, Chapter 257)

Appropriates \$286 million for Transportation related Capital Projects: \$286, 291,700

SPECIFIC APPROPRIATIONS:

Statewide Highway Construction:	\$239, 801, 800
Airport Planning and Development:	\$25, 306,000
Payson MVD Service Center:	\$1,229, 400
Surprise MVD Service Center:	\$3,956,300
De-Icer Buildings:	\$1,850,000
Oil and Asphalt Storage Tanks:	\$1,365,000
Safford Vehicle Maintenance Shop:	\$3,215,000
Far Southeast Valley Multiuse Facility:	\$6,701,900

HB 2793 budget reconciliation; transportation (Rep. McComish) (Laws 2007, Chapter 267)

Extends the maximum transportation bond term to 30 years from 20 years.

Makes up to \$10 million available for capital transit project loans, for communities of 50,000 people or less, from the Highway Expansion and Extension Loan Program fund. Additional provision removes the current prohibition of issuing Board Funding Obligation after December 31, 2004.

Allows ADOT to utilize the \$650,000, which was appropriated in 2002 for acquisition of a specific railroad corridor, for costs related to study, planning and acquisition of a railroad right-of-way and railroad support infrastructure necessary to accommodate future freight or passenger rail service.

Extends the lapsing date to June 2008 for the \$500,000 appropriated to MVD last year for an assessment of the MVD computer system.

Creates the Roads of Regional Congestion Mitigation account, as a sub-account of STAN and \$10 million is appropriated into the account from STAN.

Creates the Transportation Acceleration Interest Reimbursement account, as a sub-account of STAN, and \$10 million is appropriated into the account from STAN.

Repeals previous law to again allow DPS and ADOT to utilize Safety Enforcement Transportation Infrastructure Fund (SETIF) monies to enforce vehicle safety and maintain transportation facilities within 25 miles of the Arizona-Mexico border.

Transfers \$600,000 from SETIF to ADOT for the purpose of ADOT entering into agreements with the AZ-Mexico Commission, the Dept. of Homeland Security and the Arizona International Development Authority to improve traffic safety, border security and infrastructure planning.

Appropriates \$2 million from SETIF to ADOT for design, planning and construction of a state safety inspection station at the San Luis II port of entry.

**HB 2781 general appropriations; 2007-2008; 2008-2009
(Rep. Boone) (Laws 2007, Chapter 255)**

Appropriates \$454 million to the Department of Transportation (\$454,518, 800 total appropriation).

Appropriates \$107 million to the Motor Vehicle Division (\$107,721,500 total appropriation).

Appropriates \$2.5 million to the Aeronautics Division (\$2,567,600 total appropriation).

Provides a 3.25% state employee pay increase, 0.25% to be designated for performance pay (\$86,755,000 total appropriation).

Includes 5% engineer pay increase for the Department of Transportation (\$2,663,000 total appropriation).

Includes language which shifts \$62 million from the State Highway Fund to State Transportation Accelerated Needs account.

Transportation-Related Agency/Personnel Legislation

Sorted by Short Title

SHORT TITLE	BILL NUMBER	CHAPTER LAW
employment; fingerprint clearance (Sen. Linda Gray)	SB 1045	95
fair and legal employment act (Rep. Pearce)	HB 2779	279
firearms; peace officers (Rep. Pearce)	HB 2457	79
peace officers; cancer insurance (Rep. McClure)	HB 2268	147
retirement; ASRS; long-term disability (Rep. McClure)	HB 2145	114
state employees; performance (Sen. Huppenthal)	SB 1444	170
workers' compensation; death benefits (Rep. Konopnicki)	HB 2195	271
worker's compensation; lump sum payment (Rep. Barnes)	HB 2185	12

Transportation-Related Agency/Personnel Legislative Summaries

Sorted by Short Title

SB 1045 employment; fingerprint clearance (Sen. Linda Gray) (Laws 2007, Chapter 95)

Expands the list of offenses which preclude a person from being issued a fingerprint clearance card (and therefore barring them from jobs that require one) to include sexual predator offenses such as: sex trafficking, sexual abuse, furnishing harmful items to minors, obscene telephone calls to minors and luring a minor for sexual exploitation. Also, the list of non-sexual predator offenses which may preclude a clearance card from being issued is expanded to include negligent homicide, criminal damage, misappropriation of charter school money, cruelty to animals, various acts associated with prostitution and welfare fraud.

Allows, instead of requires, the Board of Fingerprinting to appoint a hearing officer to determine good cause exemptions.

Stipulates that awaiting trial on or being convicted of soliciting or facilitating a precluding offense will result in denial or revocation of a fingerprint clearance card.

HB 2779 fair and legal employment act (Rep. Pearce) (Laws 2007, Chapter 279)

Contains provisions relating to identity theft, license eligibility of employers in Arizona, verification of the employment eligibility of employees and establishes the eight-member

Employer Sanctions Legislative Study Committee. In addition, HB 2779 appropriates \$2,600,000 from the state General Fund (GF) FY 2007-08 for carrying out the provisions of the bill.

**HB 2457 firearms; peace officers
(Rep. Pearce) (Laws 2007, Chapter 79)**

Restricts this state, a county, a city or town or any other political subdivision of this state from prohibiting a peace officer from carrying a firearm if the peace officer is in compliance with AZPOST firearm requirements.

**HB 2268 peace officers; cancer insurance
(Rep. McClure) (Laws 2007, Chapter 147)**

Changes the name of the "Fire Fighter Cancer Insurance Policy Program" to "the Fire Fighter and Peace Officer Cancer Insurance Policy Program." Extends coverage to certified peace officers under the Fire Fighter and Peace Officer Cancer Insurance Policy Program.

**HB 2145 retirement; ASRS; long-term disability
(Rep. McClure) (Laws 2007, Chapter 114)**

Modifies eligibility and income offsets for the Long-term Disability (LTD) Program within the Arizona State Retirement System (ASRS).

**HB 1444 state employees; performance
(Sen. Huppenthal) (Law 2007, Chapter 170)**

Increases the maximum monthly compensation for state employees, under the performance based incentives program, to \$275 from \$250.

**HB 2195 workers' compensation; death benefits
(Rep. Konopnicki) (Laws 2007, Chapter 271)**

Increases the cap on workers' compensation benefits and the amount of compensation that is paid to the surviving children of a worker whose death is caused by an employment-related injury under specified circumstances.

**HB 2185 worker's compensation; lump sum payment
(Rep. Barnes) (Laws 2007, Chapter 12)**

Increases to a maximum \$150,000, the lump sum payout for *permanent partial disability* or *permanent total disability* in workers' compensation claims.

Transportation-Related Legislation

Sorted by Bill Number

BILL NUMBER	SHORT TITLE	CHAPTER LAW
HB 2001	defensive driving schools (Rep. Jim Weiers)	182
HB 2033	teenage driver safety act (Rep. McComish)	206
HB 2051	motorcycle safety fund; max balance (Rep. McClure)	146
HB 2052	school bus accidents; causing death, injury (Rep. Biggs)	39
HB 2067	critical infrastructure; information; penalty (Rep. Nelson)	223
HB 2226	traffic tickets; fines; collection (Rep. McClure)	185
HB 2228	commercial driver licenses (Rep. McClure)	214
HB 2291	driver license information; retailer use (Rep. Konopnicki)	208
HB 2367	ADOT; bid requirements; annual adjustment (Rep. Biggs)	77
HB 2484	well impacts; contamination (Rep. Mason)	209
HB 2486	special districts; road improvement (Rep. Mason)	254
HB 2563	state ombudsman; access to records (Rep. Nelson)	92
HB 2753	vehicle impoundment and immobilization (Rep. Pearce)	278
SB 1006	personal information; public records; redaction (Sen. Waring)	141
SB 1007	vehicle license tax; military exemption (Sen. Waring)	239
SB 1029	DUI; extreme; 0.20 concentration enhancement (Sen. Waring)	219
SB 1043	theft; means of transportation; affidavit (Sen. Chuck Gray)	24
SB 1061	automobile theft authority; continuation (Sen. Gorman)	27
SB 1076	pedestrian control signals (Sen. Linda Gray)	29

SB 1099	revised uniform anatomical gift act (Sen. Allen)	281
SB 1100	registered nurse practitioners; authority (Sen. Allen)	97
SB 1118	vehicle accidents; hit-and-run & police reports (Sen. Chuck Gray)	154
SB 1131	traffic violations; statute of limitations (Sen. Chuck Gray)	155
SB 1161	HOV lanes; motorcycles; buses (Sen. Tibshraeny)	32
SB 1223	special license plates; golden rule (Sen. Linda Gray)	251
SB 1252	extreme DUI; sentencing (Sen. Waring)	195
SB 1455	diesel fuel standards; low sulfur (Sen. Allen)	145
SB 1531	vehicle emissions inspection; sunset extension (Sen. Allen)	171
SB 1552	air quality program (Sen. Allen)	292
SB 1553	county assessors; appeals; procedures (Sen. Tibshraeny)	104
SB 1596	salvage titles; insurance company applications (Sen. Gould)	60
SB 1640	foreign motor carriers (Sen. Verschoor)	296

Transportation-Related Legislative Summaries

Sorted by Bill Number

HB 2001 defensive driving schools (Rep. Jim Weiers) (Laws 2007, Chapter 182)

Allows an eligible person to attend any Supreme Court certified defensive driving school (DDS) after December 31, 2008. Specifies the court must allow an eligible individual to attend any certified DDS beginning on January 1, 2009, if the court had a contract with a primary provider that expired or was renewed after July 1, 2007. Considers all contracts that are renewed after July 1, 2007 between a court and a DDS provider as a new contract. Allows the court, subject to the approval of the Defensive Driving Board, to require a DDS to transfer funds and electronically report course completions. Has a delayed effective date of December 31, 2008.

HB 2033 teenage driver safety act (Rep. McComish) (Laws 2007, Chapter 206)

Establishes the *Teenage Driver Safety Act* (TDSA). The TDSA creates curfew and passenger restrictions for persons under 18 years of age for the first six months of possessing a Class G driver's license. In addition, the TDSA requires that a person at least twenty-one years of age and who holds a valid class of driver's license occupy the seat beside the Class D or Class G permittee while the permittee is operating the vehicle.

HB 2051 motorcycle safety fund; max balance (Rep. McClure) (Laws 2007, Chapter 146)

Removes the \$150,000 cap from the Motorcycle Safety Fund (MSF) and renames the existing Council as the "Arizona Motorcycle Safety Advisory Council".

HB 2052 school bus accidents; causing death, injury (Rep. Biggs) (Laws 2007, Chapter 39)

Resolves a conflict created by different amendments to the same section of law during the 2006 legislative session. This conflict is related to the violation for causing death or serious injury when a driver fails to stop for a school bus that is displaying a flashing "stop" arm to load or unload passengers.

The bill also adds the failure to stop for a school bus violation to sections 28-675 and 28-676, Arizona Revised Statutes, which is the felony crime of causing death or serious physical injury by use of a vehicle if it is determined the operator obtained the driver's license by submitting false information and commits a civil traffic violation.

HB 2067 critical infrastructure; information; penalty (Rep. Nelson) (Laws 2007, Chapter 223)

Establishes a class 5 felony penalty for certain governmental employees who knowingly divulge critical infrastructure information (CII) contained in and protected by the statewide CII system.

**HB 2226 traffic tickets; fines; collection
(Rep. McClure) (Laws 2007, Chapter 185)**

Prohibits the court from initiating collection procedures resulting from non-payment of a civil traffic penalty if the court has taken no action to collect the penalty or suspend the person's driver license or registration within thirty-six months of the final disposition of the civil violation. In addition, if a person offers reasonable evidence to the court that the penalty and any other fees have been paid the court shall cease collection activities and rescind any suspension actions related to the paid civil penalty.

**HB 2228 commercial driver licenses
(Rep. McClure) (Laws 2007, Chapter 214)**

Makes numerous changes to statutes relating to commercial driver licenses (CDLs) and commercial motor vehicles to conform to federal regulations. Major provisions include exempting members of the US military reserve or National Guard from CDL requirements while operating a commercial vehicle for military purposes, prohibiting the Dept of Transportation from issuing a CDL to a person who fails to demonstrate proficiency in English, and modifying penalties for CDL holders who commit traffic violations and people who operate commercial vehicles without the proper level of CDL.

**HB 2291 driver license information; retailer use
(Rep. Konopnicki) (Laws 2007, Chapter 208)**

Permits a retailer to retain a customer's driver license information (or other state-issued ID) for the purpose of verifying the customer's identity or confirming that the customer is properly licensed to operate a vehicle. Also allows a retailer to retain this information in order to disclose it to The Arizona Department of Transportation, a person licensed by the Department of Insurance, a Notary Public, specified businesses (such as credit bureaus and account collections agencies), or Financial Institutions (if permitted by law).

Prohibits a retailer from transmitting the information to a third party for any purpose, except to a law enforcement agency for the purpose of an investigation. Permits the use of information in a court proceeding or administrative proceeding.

Prescribes enforcement by either a county attorney or the Arizona Attorney General.

Assesses a maximum civil penalty for each incident as follows: \$500 for a 1st violation; \$1,000 for a 2nd violation; \$5,000 for a 3rd or subsequent violation.

**HB 2367 ADOT; bid requirements; annual adjustments
(Rep. Biggs) (Laws 2007, Chapter 77)**

Increases the minimum bid threshold from \$50,000 to \$189,000. Adjusts the construction project threshold annually by the percentage change in the GDP Price Deflator.

**HB 2457 firearms; peace officers
(Rep. Pearce) (Laws 2007, Chapter 79)**

Restricts this state, a county, a city or town or any other political subdivision of this state from prohibiting a peace officer from carrying a firearm if the peace officer is in compliance with AZPOST firearm requirements.

**HB 2484 well impacts; contamination
(Rep. Mason) (Laws 2007, Chapter 209)**

Prohibits drilling a new well that is likely to cause contaminated groundwater to move from one polluted site to another well.

Requires the Director of DWR to consult with the Director of the Department of Environmental Quality and consider the potential for damage to surrounding land or other water users from the concentration of wells in the area.

Could potentially impact ADOT's ability to install new drywells as a storm water disposal method (e.g. when highways are widened) in areas which are contaminated.

**HB 2486 special districts; road improvement
(Rep. Mason) (Laws 2007, Chapter 254)**

Permits county residents to establish a road improvement and maintenance district for the purpose of building a community road to less-than-county standards.

**HB 2563 state ombudsman; access to records
(Rep. Nelson) (Laws 2007, Chapter 92)**

Prohibits the Ombudsman-Citizens Aide from accessing the following documents: Section 214 of the Critical Infrastructure Information Act of 2002 (6 United States Code Section 133a), 49 Code of Federal Regulations Part 1520 and Critical Infrastructure Information as defined by A.R.S. § 41-1801.

**HB 2753 vehicle impoundment and immobilization
(Rep. Pearce) (Laws 2007, Chapter 278)**

Makes numerous changes to existing statutes related to the impoundment and immobilization of motor vehicles operated by persons who do not have a valid driving privilege.

**SB 1006 personal information; public records; redaction
(Sen. Waring) (Laws 2007, Chapter 141)**

Adds to the categories of people eligible for redaction of personal information maintained by governmental entities by incorporating the following into statute: a victim of domestic violence or stalking who are protected by an Order of Protection (OOP) or Injunction Against harassment (IAH), a person with an Order of Protection (OOP) or Injunction Against Harassment (IAH), a corrections or detention officer or law enforcement or court support staff member.

**SB 1007 vehicle license tax; military exemption
(Sen. Waring) (Laws 2007, Chapter 239)**

Limits the Vehicle License Tax (VLT) and registration fee exemption to Arizona residents who are members of the U.S. Armed Forces and who are deployed in support of a worldwide contingency operation of the U.S. Armed Forces.

Expands the VLT and registration fee exemptions to include registration fees for newly acquired vehicles.

Specifies that exemptions may only be taken a total of one time by the member, the member's spouse or the member's legally designated representative and must be taken between the time when the member is deployed and one year after the member is discharged from the military.

Clarifies that the exemptions apply to the legally designated representative, rather than personal representative, of a qualified member of the U.S. Armed Forces killed or missing in action.

**SB 1029 DUI; extreme; 0.20 concentration enhancement
(Sen. Waring) (Laws 2007, Chapter 219)**

Increases the penalties for driving with an alcohol concentration of 0.20 percent or greater and requires the installation of an Ignition Interlock Device for a person convicted of driving under the influence.

**SB 1043 theft; means of transportation; affidavit
(Sen. Chuck Gray) (Laws 2007, Chapter 24)**

Requires persons alleging vehicle theft to sign an affidavit attesting to that fact. This affidavit must be provided by law enforcement when the report is made. Requires affidavit to state that those who report falsely may be subject to criminal prosecution. Requires that the affidavit must be signed in person if an officer comes to take the report or be signed, notarized and mailed within 7 days if the report is not taken in person.

Removes the stolen vehicle information from the databases of the NCIC and the ACJIS if the signed affidavit is not received by the appropriate law enforcement agency within 30 days.

**SB 1061 automobile theft authority; continuation
(Sen. Gorman) (Laws 2007, Chapter 27)**

Establishes a new termination date of the Automobile Theft Authority as July 1, 2012.

**SB 1076 pedestrian control signals
(Sen. Linda Gray) (Laws 2007, Chapter 29)**

Allows the symbols of a walking person and an upraised hand to be used as pedestrian control signals.

**SB 1099 revised uniform anatomical gift act
(Sen. Allen) (Laws 2007, Chapter 281)**

Rewrites the Revised Arizona Anatomical Gift Act to conform to recommendations by the National Conference of Commissioners on Uniform State Laws. Some of the new provisions include allowing agents of organ donors and parents of minor organ donors to make, change, or revoke an organ donation in some circumstances; establishing procedures for the distribution of organs if the donor does not specify a donee and/or a purpose; modifying requirements for organ donor registries; and requiring law enforcement, paramedics, and hospitals to search individuals believed to be dead or near death for organ donation information.

Clarifies that revocation, suspension, expiration or cancellation of a driver license or an identification card on which an anatomical gift is indicated does not invalidate the gift.

**SB 1100 registered nurse practitioners; authority
(Sen. Allen) (Laws 2007, Chapter 97)**

Extends to nurse practitioners some of the same responsibilities currently granted to physicians in statute.

Requires changes on some MVD forms.

**SB 1118 vehicle accidents; hit-and-run & police reports
(Sen. Chuck Gray) (Laws 2007, Chapter 154)**

Increases the penalties for drivers involved in a vehicle accident who fail to stop at the scene or who fail to give their personal information and assistance.

**SB 1131 traffic violations; statute of limitations
(Sen. Chuck Gray) (Laws 2007, Chapter 155)**

Increases the time allowed to commence a civil traffic violation case involving death from 180 days to one year.

**SB 1161 HOV lanes; motorcycles; buses
(Sen. Tibshraeny) (Laws 2007, Chapter 32)**

Clarifies that motorcycles and public transportation vehicles are allowed to use high occupancy vehicle (HOV) lanes at any time regardless of the number of passengers.

**SB 1223 special license plates; golden rule
(Sen. Linda Gray) (Laws 2007, Chapter 251)**

Requires the non-profit organization that provided funding for the golden rule special plates to design the golden rule special license plates, rather than the Secretary of State.

**SB 1252 extreme DUI; sentencing
(Sen. Waring) (Laws 2007, Chapter 195)**

Removes the judge's discretion to suspend a portion of the jail time for a first offense conviction of an Extreme Driving Under the Influence (EDUI) violation.

Allows the judge to order the person to not consume alcohol for a period of 30 days or more demonstrated through continuous alcohol monitoring or twice daily alcohol testing if the person is convicted of a first EDUI offense.

Removes the judge's discretion to suspend a portion of the jail time for a second offense conviction of an EDUI violation if the person completes a court ordered alcohol or other drug screening, education or treatment program.

Allows the judge to order the person to not consume alcohol for a period of 90 days or more demonstrated through continuous alcohol monitoring or twice daily alcohol testing if the person is convicted for a second EDUI offense.

**SB 1455 diesel standards; low sulfur
(Sen. Allen) (Laws 2007, Chapter 145)**

Prohibits persons from selling low sulfur diesel fuel with a sulfur content in excess of 500 parts per million and ultra low sulfur diesel fuel with a sulfur content in excess of 15 parts per million.

Requires that a label be placed on each low sulfur and ultra low sulfur diesel fuel dispenser that conforms with federal regulation as to inform the customer of the sulfur content of the diesel fuel being dispensed.

Requires any person who transfers custody or title of a diesel fuel or distillate, except if the diesel is dispensed into a motor vehicle or non-road locomotive or marine equipment, to provide product transfer documents to the transferee that conform with federal regulations.

Stipulates that transfer documents and the name and address of the final destination for the shipment of motor fuel transfers from a terminal, storage facility, or transmix facility must accompany the shipment to its final destination as prescribed by Department rule.

**SB 1531 vehicle emissions inspection; sunset extension
(Sen. Allen) (Laws 2007, Chapter 171)**

Extends the VEI Program from January 1, 2009 until January 1, 2017.

Delays the repeal date of the *Annual Emissions Inspection of Motor Vehicles* section to July 1, 2017.

Requires all diesel powered motor vehicles applying for registration or re-registration in Area A to take and pass an annual emissions test.

Allows a motorcycle or constant four wheel drive vehicle to pass an onboard diagnostic check required by the emission standards established in the Clean Air Act.

Clarifies that fleet operators in Area B must comply with emissions inspection requirements except for a motor vehicle dealer that sells used vehicles and is a fleet operator and has been issued a permit to establish an emissions inspection program.

Stipulates that a vehicle is subject to a tampering inspection if the vehicle is manufactured after 1974 and is not subject to an onboard diagnostic check as required by the emission standards established in the Clean Air Act.

Allows the Director to adopt rules regarding an emissions inspection exemption for new vehicles before the sixth registration year after the initial purchase or lease.

Eliminates the requirement that an independent contractor, at the time of inspection, collect the fees charged for official emissions by either an approved check or cash.

Includes a purpose statement and a conditional enactment.

**SB 1552 air quality program
(Sen. Allen) (Laws 2007, Chapter 292)**

Makes numerous changes to statutes pertaining to air quality control. Statute changes add or modify laws related to unpaved roads, parking areas, vacant lots, leaf blowers, street sweepers, off-highway vehicles, agricultural best management practices, dust control training and coordinators, a voluntary diesel retrofit program, covered loads, open and unlawful burning, vehicle emissions, construction contracts and public entities, a dust-free developments program, reporting requirements, the state air quality study committee, and motor fuel emissions studies.

Seeks to reduce Particulate Matter₁₀ emissions by 10,425 tons per year, Volatile Organic Compound (VOC) emissions by 12,243 tons per year and Nitrogen Oxide (Nox) by 5,529 tons per year in Area A (Phoenix metropolitan area, a portion of Apache Junction and a portion of Yavapai County). This is approximately 80% of the 5% reduction required by the Environmental Protection Agency (EPA). On April 15, 2004 the EPA designated Area A as nonattainment for the National Ambient Air Quality Standards (NAAQS) for ozone; the Maricopa County nonattainment area is classified as basic and is required to reach attainment of the standard at all ozone monitors by June 15, 2009. Maricopa Association of Government was also required to submit a State Implementation Plan to the EPA by June 15, 2007 that demonstrated an approach to reducing the ozone level in the air and emissions of ozone precursors. By December 31, 2007, ADEQ must submit a plan to the EPA that reduces PM₁₀ in the Phoenix nonattainment area. According to MAG, the total reduction of PM₁₀ needed for attainment is 13,782 tons. If the state does not attain the 5% reduction it may be penalized through the withholding of federal transportation funds. Counties may seek to impose additional measures to meet the additional 20% necessary to reach full compliance.

**SB 1553 county assessors; appeals; procedures
(Sen. Tibshraeny) (Laws 2007, Chapter 104)**

Modifies the appeals process for agricultural land classification and changes the valuation determination for land splits or consolidations that result from a government action.

**SB 1596 salvage titles; insurance company applications
(Sen. Gould) (Laws 2007, Chapter 60)**

Removes the requirement for an insurance company or authorized agent to supply the registration card and license plates of a vehicle to obtain a salvage certificate of title or non-repairable vehicle certificate of title.

**SB 1640 foreign motor carriers
(Sen. Verschoor) (Laws 2007, Chapter 296)**

Conforms regulations and restrictions on foreign motor carriers and foreign private motor carriers to Federal rules and regulations.

Allows the Department of Transportation to purchase property that was originally purchased with monies from the Regional Area Road Fund or Highway User Revenue Fund. Requires that the department determine the amount of reimbursement according to the *fair market value* of the property, based on an independent appraisal. ADOT shall allocate and reimburse the amount to the fund from which the monies were taken. Previous law only allowed for reimbursement of the *fair rental value* and not the *fair market value*.

Establishes and sets forth the duties of the Blue Ribbon Transportation Committee.

Allows the Department of Transportation to accept donated plaques or monuments from veteran's organizations to be placed along the Veteran's Highway portion of I-17. The monument must be approved by the department and the department is not responsible for costs related to maintenance.

Provides municipal courts and justice courts concurrent jurisdiction over civil and misdemeanor criminal violations in specific chapters of title 28. The bill is a modified version of HB 2150, which was vetoed by Governor Napolitano because it was overbroad in its application of concurrent jurisdiction.

Transportation-Related Budget Legislation

Sorted by Bill Number

BILL NUMBER	SHORT TITLE	CHAPTER LAW
HB 2781	general appropriations; 2007-2008; 2008-2009 (Rep. Boone)	255
HB 2783	appropriations; capital outlay (Rep. McComish)	257
HB 2793	budget reconciliation; transportation (Rep. McComish)	267

Transportation-Related Budget Legislative Summaries

Sorted by Bill Number

HB 2781 general appropriations; 2007-2008; 2008-2009 (Rep. Boone) (Laws 2007, Chapter 255)

Appropriates \$454 million to the Department of Transportation (\$454,518, 800 total appropriation).

Appropriates \$107 million to the Motor Vehicle Division (\$107,721,500 total appropriation).

Appropriates \$2.5 million to the Aeronautics Division (\$2,567,600 total appropriation).

Provides a 3.25% state employee pay increase, 0.25% to be designated for performance pay (\$86,755,000 total appropriation).

Includes 5% engineer pay increase for the Department of Transportation (\$2,663,000 total appropriation).

Includes language which shifts \$62 million from the State Highway Fund to State Transportation Accelerated Needs account.

HB 2783 appropriations; capital outlay (Rep. McComish) (Laws 2007, Chapter 257)

Appropriates \$286 million for Transportation related Capital Projects: \$286, 291,700

SPECIFIC APPROPRIATIONS:

Statewide Highway Construction:	\$239, 801, 800
Airport Planning and Development:	\$25, 306,000
Payson MVD Service Center:	\$1,229, 400
Surprise MVD Service Center:	\$3,956,300
De-Icer Buildings:	\$1,850,000
Oil and Asphalt Storage Tanks:	\$1,365,000
Safford Vehicle Maintenance Shop:	\$3,215,000
Far Southeast Valley Multiuse Facility:	\$6,701,900

**HB 2793 budget reconciliation; transportation
(Rep. McComish) (Laws 2007, Chapter 267)**

Extends the maximum transportation bond term to 30 years from 20 years.

Makes up to \$10 million available for capital transit project loans, for communities of 50,000 people or less, from the Highway Expansion and Extension Loan Program fund. Additional provision removes the current prohibition of issuing Board Funding Obligation after December 31, 2004.

Allows ADOT to utilize the \$650,000, which was appropriated in 2002 for acquisition of a specific railroad corridor, for costs related to study, planning and acquisition of a railroad right-of-way and railroad support infrastructure necessary to accommodate future freight or passenger rail service.

Extends the lapsing date to June 2008 for the \$500,000 appropriated to MVD last year for an assessment of the MVD computer system.

Creates the Roads of Regional Congestion Mitigation account, as a sub-account of STAN and \$10 million is appropriated into the account from STAN.

Creates the Transportation Acceleration Interest Reimbursement account, as a sub-account of STAN, and \$10 million is appropriated into the account from STAN.

Repeals previous law to again allow DPS and ADOT to utilize Safety Enforcement Transportation Infrastructure Fund (SETIF) monies to enforce vehicle safety and maintain transportation facilities within 25 miles of the Arizona-Mexico border.

Transfers \$600,000 from SETIF to ADOT for the purpose of ADOT entering into agreements with the AZ-Mexico Commission, the Dept. of Homeland Security and the Arizona International Development Authority to improve traffic safety, border security and infrastructure planning.

Appropriates \$2 million from SETIF to ADOT for design, planning and construction of a state safety inspection station at the San Luis II port of entry.

Transportation-Related Agency/Personnel Legislation

Sorted by Bill Number

BILL NUMBER	SHORT TITLE	CHAPTER LAW
HB 2145	retirement; ASRS; long-term disability (Rep. McClure)	114
HB 2185	worker's compensation; lump sum payment (Rep. Barnes)	12
HB 2195	workers' compensation; death benefits (Rep. Konopnicki)	271
HB 2268	peace officers; cancer insurance (Rep. McClure)	147
HB 2457	firearms; peace officers (Rep. Pearce)	79
HB 2779	fair and legal employment act (Rep. Pearce)	279
SB 1045	employment; fingerprint clearance (Sen. Linda Gray)	95
SB 1444	state employees; performance (Sen. Huppenthal)	170

Transportation-Related Agency/Personnel Legislative Summaries

Sorted by Bill Number

HB 2145 retirement; ASRS; long-term disability (Rep. McClure) (Laws 2007, Chapter 114)

Modifies eligibility and income offsets for the Long-term Disability (LTD) Program within the Arizona State Retirement System (ASRS).

HB 2185 worker's compensation; lump sum payment (Rep. Barnes) (Laws 2007, Chapter 12)

Increases to a maximum \$150,000, the lump sum payout for *permanent partial disability* or *permanent total disability* in workers' compensation claims.

HB 2195 workers' compensation; death benefits (Rep. Konopnicki) (Laws 2007, Chapter 271)

Increases the cap on workers' compensation benefits and the amount of compensation that is paid to the surviving children of a worker whose death is caused by an employment-related injury under specified circumstances.

**HB 2268 peace officers; cancer insurance
(Rep. McClure) (Laws 2007, Chapter 147)**

Changes the name of the “Fire Fighter Cancer Insurance Policy Program” to “the Fire Fighter and Peace Officer Cancer Insurance Policy Program.” Extends coverage to certified peace officers under the Fire Fighter and Peace Officer Cancer Insurance Policy Program.

**HB 2457 firearms; peace officers
(Rep. Pearce) (Laws 2007, Chapter 79)**

Restricts this state, a county, a city or town or any other political subdivision of this state from prohibiting a peace officer from carrying a firearm if the peace officer is in compliance with AZPOST firearm requirements.

**HB 2779 fair and legal employment act
(Rep. Pearce) (Laws 2007, Chapter 279)**

Contains provisions relating to identity theft, license eligibility of employers in Arizona, verification of the employment eligibility of employees and establishes the eight-member Employer Sanctions Legislative Study Committee. In addition, HB 2779 appropriates \$2,600,000 from the state General Fund (GF) FY 2007-08 for carrying out the provisions of the bill.

**SB 1045 employment; fingerprint clearance
(Sen. Linda Gray) (Laws 2007, Chapter 95)**

Expands the list of offenses which preclude a person from being issued a fingerprint clearance card (and therefore barring them from jobs that require one) to include sexual predator offenses such as: sex trafficking, sexual abuse, furnishing harmful items to minors, obscene telephone calls to minors and luring a minor for sexual exploitation. Also, the list of non-sexual predator offenses which may preclude a clearance card from being issued is expanded to include negligent homicide, criminal damage, misappropriation of charter school money, cruelty to animals, various acts associated with prostitution and welfare fraud.

Allows, instead of requires, the Board of Fingerprinting to appoint a hearing officer to determine good cause exemptions.

Stipulates that awaiting trial on or being convicted of soliciting or facilitating a precluding offense will result in denial or revocation of a fingerprint clearance card.

**HB 1444 state employees; performance
(Sen. Huppenthal) (Law 2007, Chapter 170)**

Increases the maximum monthly compensation for state employees, under the performance based incentives program, to \$275 from \$250.

Transportation-Related Legislation

Sorted by Chapter Number

CHAPTER LAW	BILL NUMBER	SHORT TITLE
24	SB 1043	theft of means of transportation (Sen. Chuck Gray)
27	SB 1061	automobile theft authority; continuation (Sen. Gorman)
29	SB 1076	pedestrian control signals (Sen. Linda Gray)
32	SB 1161	HOV lanes; motorcycles; buses (Sen. Tibshraeny)
39	HB 2052	school bus accidents; causing death, injury (Rep. Biggs)
60	SB 1596	salvage titles; insurance company applications (Sen. Gould)
77	HB 2367	ADOT; bid requirements; annual adjustment (Rep. Biggs)
92	HB 2563	state ombudsman; access to records (Rep. Nelson)
97	SB 1100	registered nurse practitioners; authority (Sen. Allen)
104	SB 1553	county assessors; appeals; procedures (Sen. Tibshraeny)
141	SB 1006	personal information; public records; redaction (Sen. Waring)
145	SB 1455	diesel standards; low sulfur (Sen. Allen)
146	HB 2051	motorcycle safety fund; max balance (Rep. McClure)
154	SB 1118	vehicle accidents; hit-and-run & police reports (Sen. Chuck Gray)
155	SB 1131	traffic violations; statute of limitations (Sen. Chuck Gray)
171	SB 1531	vehicle emissions inspection; sunset extension (Sen. Allen)
182	HB 2001	defensive driving schools (Rep. Jim Weiers)
185	HB 2226	traffic tickets; fines; collection (Rep. McClure)
195	SB 1252	extreme DUI; sentencing (Sen. Waring)

206	HB 2033	teenage driver safety act (Rep. McComish)
208	HB 2291	driver license information; retailer use (Rep. Konopnicki)
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223	HB 2067	critical infrastructure; information; penalty (Rep. Nelson)
239	SB 1007	vehicle license tax; military exemption (Sen. Waring)
251	SB 1223	special license plates; golden rule (Sen. Linda Gray)
254	HB 2486	special districts; road improvement (Rep. Mason)
278	HB 2753	vehicle impoundment and immobilization (Rep. Pearce)
281	SB 1099	revised uniform anatomical gift act (Sen. Allen)
292	SB 1552	air quality program (Sen. Allen)
296	SB 1640	foreign motor carriers (Sen. Verschoor)

Transportation-Related Legislative Summaries

Sorted by Chapter Law

SB 1043 theft; means of transportation; affidavit (Sen. Chuck Gray) (Laws 2007, Chapter 24)

Requires persons alleging vehicle theft to sign an affidavit attesting to that fact. This affidavit must be provided by law enforcement when the report is made. Requires affidavit to state that those who report falsely may be subject to criminal prosecution. Requires that the affidavit must be signed in person if an officer comes to take the report or be signed, notarized and mailed within 7 days if the report is not taken in person.

Removes the stolen vehicle information from the databases of the NCIC and the ACJIS if the signed affidavit is not received by the appropriate law enforcement agency within 30 days.

SB 1061 automobile theft authority; continuation (Sen. Gorman) (Laws 2007, Chapter 27)

Establishes a new termination date of the Automobile Theft Authority as July 1, 2012.

SB 1076 pedestrian control signals (Sen. Linda Gray) (Laws 2007, Chapter 29)

Allows the symbols of a walking person and an upraised hand to be used as pedestrian control signals.

SB 1161 HOV lanes; motorcycles; buses (Sen. Tibshraeny) (Laws 2007, Chapter 32)

Clarifies that motorcycles and public transportation vehicles are allowed to use high occupancy vehicle (HOV) lanes at any time regardless of the number of passengers.

HB 2052 school bus accidents; causing death, injury (Rep. Biggs) (Laws 2007, Chapter 39)

Resolves a conflict created by different amendments to the same section of law during the 2006 legislative session. This conflict is related to the violation for causing death or serious injury when a driver fails to stop for a school bus that is displaying a flashing "stop" arm to load or unload passengers.

The bill also adds the failure to stop for a school bus violation to sections 28-675 and 28-676, Arizona Revised Statutes, which is the felony crime of causing death or serious physical injury by use of a vehicle if it is determined the operator obtained the driver's license by submitting false information and commits a civil traffic violation.

**SB 1596 salvage titles; insurance company applications
(Sen. Gould) (Laws 2007, Chapter 60)**

Removes the requirement for an insurance company or authorized agent to supply the registration card and license plates of a vehicle to obtain a salvage certificate of title or non-repairable vehicle certificate of title.

**HB 2367 ADOT; bid requirements; annual adjustments
(Rep. Biggs) (Laws 2007, Chapter 77)**

Increases the minimum bid threshold from \$50,000 to \$189,000. Adjusts the construction project threshold annually by the percentage change in the GDP Price Deflator.

**HB 2457 firearms; peace officers
(Rep. Pearce) (Laws 2007, Chapter 79)**

Restricts this state, a county, a city or town or any other political subdivision of this state from prohibiting a peace officer from carrying a firearm if the peace officer is in compliance with AZPOST firearm requirements.

**HB 2563 state ombudsman; access to records
(Rep. Nelson) (Laws 2007, Chapter 92)**

Prohibits the Ombudsman-Citizens Aide from accessing the following documents: Section 214 of the Critical Infrastructure Information Act of 2002 (6 United States Code Section 133a), 49 Code of Federal Regulations Part 1520 and Critical Infrastructure Information as defined by A.R.S. § 41-1801.

**SB 1100 registered nurse practitioners; authority
(Sen. Allen) (Laws 2007, Chapter 97)**

Extends to nurse practitioners some of the same responsibilities currently granted to physicians in statute.

Requires changes on some MVD forms.

**SB 1553 county assessors; appeals; procedures
(Sen. Tibshraeny) (Laws 2007, Chapter 104)**

Modifies the appeals process for agricultural land classification and changes the valuation determination for land splits or consolidations that result from a government action.

**SB 1006 personal information; public records; redaction
(Sen. Waring) (Laws 2007, Chapter 141)**

Adds to the categories of people eligible for redaction of personal information maintained by governmental entities by incorporating the following into statute: a victim of domestic violence or stalking who are protected by an Order of Protection (OOP) or Injunction Against harassment (IAH), a person with an Order of Protection (OOP) or Injunction

Against Harassment (IAH), a corrections or detention officer or law enforcement or court support staff member.

**SB 1455 diesel standards; low sulfur
(Sen. Allen) (Laws 2007, Chapter 145)**

Prohibits persons from selling low sulfur diesel fuel with a sulfur content in excess of 500 parts per million and ultra low sulfur diesel fuel with a sulfur content in excess of 15 parts per million.

Requires that a label be placed on each low sulfur and ultra low sulfur diesel fuel dispenser that conforms with federal regulation as to inform the customer of the sulfur content of the diesel fuel being dispensed.

Requires any person who transfers custody or title of a diesel fuel or distillate, except if the diesel is dispensed into a motor vehicle or non-road locomotive or marine equipment, to provide product transfer documents to the transferee that conform with federal regulations.

Stipulates that transfer documents and the name and address of the final destination for the shipment of motor fuel transfers from a terminal, storage facility, or transmex facility must accompany the shipment to its final destination as prescribed by Department rule.

**HB 2051 motorcycle safety fund; max balance
(Rep. McClure) (Laws 2007, Chapter 146)**

Removes the \$150,000 cap from the Motorcycle Safety Fund (MSF) and renames the existing Council as the "Arizona Motorcycle Safety Advisory Council".

**SB 1118 vehicle accidents; hit-and-run & police reports
(Sen. Chuck Gray) (Laws 2007, Chapter 154)**

Increases the penalties for drivers involved in a vehicle accident who fail to stop at the scene or who fail to give their personal information and assistance.

**SB 1131 traffic violations; statute of limitations
(Sen. Chuck Gray) (Laws 2007, Chapter 155)**

Increases the time allowed to commence a civil traffic violation case involving death from 180 days to one year.

**SB 1531 vehicle emissions inspection; sunset extension
(Sen. Allen) (Laws 2007, Chapter 171)**

Extends the VEI Program from January 1, 2009 until January 1, 2017.

Delays the repeal date of the *Annual Emissions Inspection of Motor Vehicles* section to July 1, 2017.

Requires all diesel powered motor vehicles applying for registration or re-registration in Area A to take and pass an annual emissions test.

Allows a motorcycle or constant four wheel drive vehicle to pass an onboard diagnostic check required by the emission standards established in the Clean Air Act.

Clarifies that fleet operators in Area B must comply with emissions inspection requirements except for a motor vehicle dealer that sells used vehicles and is a fleet operator and has been issued a permit to establish an emissions inspection program.

Stipulates that a vehicle is subject to a tampering inspection if the vehicle is manufactured after 1974 and is not subject to an onboard diagnostic check as required by the emission standards established in the Clean Air Act.

Allows the Director to adopt rules regarding an emissions inspection exemption for new vehicles before the sixth registration year after the initial purchase or lease.

Eliminates the requirement that an independent contractor, at the time of inspection, collect the fees charged for official emissions by either an approved check or cash.

Includes a purpose statement and a conditional enactment.

**HB 2001 defensive driving schools
(Rep. Jim Weiers) (Laws 2007, Chapter 182)**

Allows an eligible person to attend any Supreme Court certified defensive driving school (DDS) after December 31, 2008. Specifies the court must allow an eligible individual to attend any certified DDS beginning on January 1, 2009, if the court had a contract with a primary provider that expired or was renewed after July 1, 2007. Considers all contracts that are renewed after July 1, 2007 between a court and a DDS provider as a new contract. Allows the court, subject to the approval of the Defensive Driving Board, to require a DDS to transfer funds and electronically report course completions. Has a delayed effective date of December 31, 2008.

**HB 2226 traffic tickets; fines; collection
(Rep. McClure) (Laws 2007, Chapter 185)**

Prohibits the court from initiating collection procedures resulting from non-payment of a civil traffic penalty if the court has taken no action to collect the penalty or suspend the person's driver license or registration within thirty-six months of the final disposition of the civil violation. In addition, if a person offers reasonable evidence to the court that the penalty and any other fees have been paid the court shall cease collection activities and rescind any suspension actions related to the paid civil penalty.

**SB 1252 extreme DUI; sentencing
(Sen. Waring) (Laws 2007, Chapter 195)**

Removes the judge's discretion to suspend a portion of the jail time for a first offense conviction of an Extreme Driving Under the Influence (EDUI) violation.

Allows the judge to order the person to not consume alcohol for a period of 30 days or more demonstrated through continuous alcohol monitoring or twice daily alcohol testing if the person is convicted of a first EDUI offense.

Removes the judge's discretion to suspend a portion of the jail time for a second offense conviction of an EDUI violation if the person completes a court ordered alcohol or other drug screening, education or treatment program.

Allows the judge to order the person to not consume alcohol for a period of 90 days or more demonstrated through continuous alcohol monitoring or twice daily alcohol testing if the person is convicted for a second EDUI offense.

**HB 2033 teenage driver safety act
(Rep. McComish) (Laws 2007, Chapter 206)**

Establishes the *Teenage Driver Safety Act* (TDSA). The TDSA creates curfew and passenger restrictions for persons under 18 years of age for the first six months of possessing a Class G driver's license. In addition, the TDSA requires that a person at least twenty-one years of age and who holds a valid class of driver's license occupy the seat beside the Class D or Class G permittee while the permittee is operating the vehicle.

**HB 2291 driver license information; retailer use
(Rep. Konopnicki) (Laws 2007, Chapter 208)**

Permits a retailer to retain a customer's driver license information (or other state-issued ID) for the purpose of verifying the customer's identity or confirming that the customer is properly licensed to operate a vehicle. Also allows a retailer to retain this information in order to disclose it to The Arizona Department of Transportation, a person licensed by the Department of Insurance, a Notary Public, specified businesses (such as credit bureaus and account collections agencies), or Financial Institutions (if permitted by law).

Prohibits a retailer from transmitting the information to a third party for any purpose, except to a law enforcement agency for the purpose of an investigation. Permits the use of information in a court proceeding or administrative proceeding.

Prescribes enforcement by either a county attorney or the Arizona Attorney General.

Assesses a maximum civil penalty for each incident as follows: \$500 for a 1st violation; \$1,000 for a 2nd violation; \$5,000 for a 3rd or subsequent violation.

**HB 2484 well impacts; contamination
(Rep. Mason) (Laws 2007, Chapter 209)**

Prohibits drilling a new well that is likely to cause contaminated groundwater to move from one polluted site to another well.

Requires the Director of DWR to consult with the Director of the Department of Environmental Quality and consider the potential for damage to surrounding land or other water users from the concentration of wells in the area.

Could potentially impact ADOT's ability to install new drywells as a storm water disposal method (e.g. when highways are widened) in areas which are contaminated.

**HB 2228 commercial driver licenses
(Rep. McClure) (Laws 2007, Chapter 214)**

Makes numerous changes to statutes relating to commercial driver licenses (CDLs) and commercial motor vehicles to conform to federal regulations. Major provisions include exempting members of the US military reserve or National Guard from CDL requirements while operating a commercial vehicle for military purposes, prohibiting the Dept of Transportation from issuing a CDL to a person who fails to demonstrate proficiency in English, and modifying penalties for CDL holders who commit traffic violations and people who operate commercial vehicles without the proper level of CDL.

**SB 1029 DUI; extreme; 0.20 concentration enhancement
(Sen. Waring) (Laws 2007, Chapter 219)**

Increases the penalties for driving with an alcohol concentration of 0.20 percent or greater and requires the installation of an Ignition Interlock Device for a person convicted of driving under the influence.

**HB 2067 critical infrastructure; information; penalty
(Rep. Nelson) (Laws 2007, Chapter 223)**

Establishes a class 5 felony penalty for certain governmental employees who knowingly divulge critical infrastructure information (CII) contained in and protected by the statewide CII system.

**SB 1007 vehicle license tax; military exemption
(Sen. Waring) (Laws 2007, Chapter 239)**

Limits the Vehicle License Tax (VLT) and registration fee exemption to Arizona residents who are members of the U.S. Armed Forces and who are deployed in support of a worldwide contingency operation of the U.S. Armed Forces.

Expands the VLT and registration fee exemptions to include registration fees for newly acquired vehicles.

Specifies that exemptions may only be taken a total of one time by the member, the member's spouse or the member's legally designated representative and must be taken between the time when the member is deployed and one year after the member is discharged from the military.

Clarifies that the exemptions apply to the legally designated representative, rather than personal representative, of a qualified member of the U.S. Armed Forces killed or missing in action.

**SB 1223 special license plates; golden rule
(Sen. Linda Gray) (Laws 2007, Chapter 251)**

Requires the non-profit organization that provided funding for the golden rule special plates to design the golden rule special license plates, rather than the Secretary of State.

**HB 2486 special districts; road improvement
(Rep. Mason) (Laws 2007, Chapter 254)**

Permits county residents to establish a road improvement and maintenance district for the purpose of building a community road to less-than-county standards.

**HB 2753 vehicle impoundment and immobilization
(Rep. Pearce) (Laws 2007, Chapter 278)**

Makes numerous changes to existing statutes related to the impoundment and immobilization of motor vehicles operated by persons who do not have a valid driving privilege.

**SB 1099 revised uniform anatomical gift act
(Sen. Allen) (Laws 2007, Chapter 281)**

Rewrites the Revised Arizona Anatomical Gift Act to conform to recommendations by the National Conference of Commissioners on Uniform State Laws. Some of the new provisions include allowing agents of organ donors and parents of minor organ donors to make, change, or revoke an organ donation in some circumstances; establishing procedures for the distribution of organs if the donor does not specify a donee and/or a purpose; modifying requirements for organ donor registries; and requiring law enforcement, paramedics, and hospitals to search individuals believed to be dead or near death for organ donation information.

Clarifies that revocation, suspension, expiration or cancellation of a driver license or an identification card on which an anatomical gift is indicated does not invalidate the gift.

**SB 1552 air quality program
(Sen. Allen) (Laws 2007, Chapter 292)**

Makes numerous changes to statutes pertaining to air quality control. Statute changes add or modify laws related to unpaved roads, parking areas, vacant lots, leaf blowers, street sweepers, off-highway vehicles, agricultural best management practices, dust control training and coordinators, a voluntary diesel retrofit program, covered loads, open and unlawful burning, vehicle emissions, construction contracts and public entities, a dust-free developments program, reporting requirements, the state air quality study committee, and motor fuel emissions studies.

Seeks to reduce Particulate Matter₁₀ emissions by 10,425 tons per year, Volatile Organic Compound (VOC) emissions by 12,243 tons per year and Nitrogen Oxide (Nox) by 5,529 tons per year in Area A (Phoenix metropolitan area, a portion of Apache Junction and a portion of Yavapai County). This is approximately 80% of the 5% reduction required by the Environmental Protection Agency (EPA). On April 15, 2004 the EPA designated Area A as nonattainment for the National Ambient Air Quality Standards (NAAQS) for ozone; the Maricopa County nonattainment area is classified as basic and is required to reach attainment of the standard at all ozone monitors by June 15, 2009. Maricopa Association of Government was also required to submit a State Implementation Plan to the EPA by June 15, 2007 that demonstrated an approach to reducing the ozone level in the air and emissions of ozone precursors. By

December 31, 2007, ADEQ must submit a plan to the EPA that reduces PM₁₀ in the Phoenix nonattainment area. According to MAG, the total reduction of PM₁₀ needed for attainment is 13,782 tons. If the state does not attain the 5% reduction it may be penalized through the withholding of federal transportation funds. Counties may seek to impose additional measures to meet the additional 20% necessary to reach full compliance.

**SB 1640 foreign motor carriers
(Sen. Verschoor) (Laws 2007, Chapter 296)**

Conforms regulations and restrictions on foreign motor carriers and foreign private motor carriers to Federal rules and regulations.

Allows the Department of Transportation to purchase property that was originally purchased with monies from the Regional Area Road Fund or Highway User Revenue Fund. Requires that the department determine the amount of reimbursement according to the *fair market value* of the property, based on an independent appraisal. ADOT shall allocate and reimburse the amount to the fund from which the monies were taken. Previous law only allowed for reimbursement of the *fair rental value* and not the *fair market value*.

Establishes and sets forth the duties of the Blue Ribbon Transportation Committee.

Allows the Department of Transportation to accept donated plaques or monuments from veteran's organizations to be placed along the Veteran's Highway portion of I-17. The monument must be approved by the department and the department is not responsible for costs related to maintenance.

Provides municipal courts and justice courts concurrent jurisdiction over civil and misdemeanor criminal violations in specific chapters of title 28. The bill is a modified version of HB 2150, which was vetoed by Governor Napolitano because it was overbroad in its application of concurrent jurisdiction.

Transportation-Related Budget Legislation

Sorted by Chapter Law

CHAPTER LAW	BILL NUMBER	SHORT TITLE
255	HB 2781	general appropriations; 2007-2008; 2008-2009 (Rep. Boone)
257	HB 2783	appropriations; capital outlay (Rep. McComish)
267	HB 2793	budget reconciliation; transportation(Rep. McComish)

Transportation-Related Budget Legislative Summaries

Sorted by Bill Number

HB 2781 general appropriations; 2007-2008; 2008-2009 (Rep. Boone) (Laws 2007, Chapter 255)

Appropriates \$454 million to the Department of Transportation (\$454,518, 800 total appropriation).

Appropriates \$107 million to the Motor Vehicle Division (\$107,721,500 total appropriation).

Appropriates \$2.5 million to the Aeronautics Division (\$2,567,600 total appropriation).

Provides a 3.25% state employee pay increase, 0.25% to be designated for performance pay (\$86,755,000 total appropriation).

Includes 5% engineer pay increase for the Department of Transportation (\$2,663,000 total appropriation).

Includes language which shifts \$62 million from the State Highway Fund to State Transportation Accelerated Needs account.

HB 2783 appropriations; capital outlay (Rep. McComish) (Laws 2007, Chapter 257)

Appropriates \$286 million for Transportation related Capital Projects: \$286, 291,700

SPECIFIC APPROPRIATIONS:

Statewide Highway Construction:	\$239, 801, 800
Airport Planning and Development:	\$25, 306,000
Payson MVD Service Center:	\$1,229, 400
Surprise MVD Service Center:	\$3,956,300
De-Icer Buildings:	\$1,850,000
Oil and Asphalt Storage Tanks:	\$1,365,000
Safford Vehicle Maintenance Shop:	\$3,215,000
Far Southeast Valley Multiuse Facility:	\$6,701,900

**HB 2793 budget reconciliation; transportation
(Rep. McComish) (Laws 2007, Chapter 267)**

Extends the maximum transportation bond term to 30 years from 20 years.

Makes up to \$10 million available for capital transit project loans, for communities of 50,000 people or less, from the Highway Expansion and Extension Loan Program fund. Additional provision removes the current prohibition of issuing Board Funding Obligation after December 31, 2004.

Allows ADOT to utilize the \$650,000, which was appropriated in 2002 for acquisition of a specific railroad corridor, for costs related to study, planning and acquisition of a railroad right-of-way and railroad support infrastructure necessary to accommodate future freight or passenger rail service.

Extends the lapsing date to June 2008 for the \$500,000 appropriated to MVD last year for an assessment of the MVD computer system.

Creates the Roads of Regional Congestion Mitigation account, as a sub-account of STAN and \$10 million is appropriated into the account from STAN.

Creates the Transportation Acceleration Interest Reimbursement account, as a sub-account of STAN, and \$10 million is appropriated into the account from STAN.

Repeals previous law to again allow DPS and ADOT to utilize Safety Enforcement Transportation Infrastructure Fund (SETIF) monies to enforce vehicle safety and maintain transportation facilities within 25 miles of the Arizona-Mexico border.

Transfers \$600,000 from SETIF to ADOT for the purpose of ADOT entering into agreements with the AZ-Mexico Commission, the Dept. of Homeland Security and the Arizona International Development Authority to improve traffic safety, border security and infrastructure planning.

Appropriates \$2 million from SETIF to ADOT for design, planning and construction of a state safety inspection station at the San Luis II port of entry.

Transportation-Related Agency/Personnel Legislation

Sorted by Chapter Law

CHAPTER LAW	BILL NUMBER	SHORT TITLE
12	HB 2185	worker's compensation; lump sum payment (Rep. Barnes)
79	HB 2457	firearms; peace officers (Rep. Pearce)
95	SB 1045	employment; fingerprint clearance (Sen. Linda Gray)
114	HB 2145	retirement; ASRS; long-term disability (Rep. McClure)
147	HB 2268	peace officers; cancer insurance (Rep. McClure)
170	SB 1444	state employees; performance (Sen. Huppenthal)
271	HB 2195	workers' compensation; death benefits (Rep. Konopnicki)
279	HB 2779	fair and legal employment act (Rep. Pearce)

Transportation-Related Agency/Personnel Legislative Summaries

Sorted by Chapter Law

HB 2185 worker's compensation; lump sum payment (Rep. Barnes) (Laws 2007, Chapter 12)

Increases to a maximum \$150,000, the lump sum payout for *permanent partial disability* or *permanent total disability* in workers' compensation claims.

HB 2457 firearms; peace officers (Rep. Pearce) (Laws 2007, Chapter 79)

Restricts this state, a county, a city or town or any other political subdivision of this state from prohibiting a peace officer from carrying a firearm if the peace officer is in compliance with AZPOST firearm requirements.

SB 1045 employment; fingerprint clearance (Sen. Linda Gray) (Laws 2007, Chapter 95)

Expands the list of offenses which preclude a person from being issued a fingerprint clearance card (and therefore barring them from jobs that require one) to include sexual predator offenses such as: sex trafficking, sexual abuse, furnishing harmful items to minors, obscene telephone calls to minors and luring a minor for sexual exploitation. Also, the list of non-sexual predator offenses which may preclude a clearance card from being issued is expanded to include negligent homicide, criminal damage,

misappropriation of charter school money, cruelty to animals, various acts associated with prostitution and welfare fraud.

Allows, instead of requires, the Board of Fingerprinting to appoint a hearing officer to determine good cause exemptions.

Stipulates that awaiting trial on or being convicted of soliciting or facilitating a precluding offense will result in denial or revocation of a fingerprint clearance card.

**HB 2145 retirement; ASRS; long-term disability
(Rep. McClure) (Laws 2007, Chapter 114)**

Modifies eligibility and income offsets for the Long-term Disability (LTD) Program within the Arizona State Retirement System (ASRS).

**HB 2268 peace officers; cancer insurance
(Rep. McClure) (Laws 2007, Chapter 147)**

Changes the name of the "Fire Fighter Cancer Insurance Policy Program" to "the Fire Fighter and Peace Officer Cancer Insurance Policy Program." Extends coverage to certified peace officers under the Fire Fighter and Peace Officer Cancer Insurance Policy Program.

**HB 1444 state employees; performance
(Sen. Huppenthal) (Law 2007, Chapter 170)**

Increases the maximum monthly compensation for state employees, under the performance based incentives program, to \$275 from \$250.

**HB 2195 workers' compensation; death benefits
(Rep. Konopnicki) (Laws 2007, Chapter 271)**

Increases the cap on workers' compensation benefits and the amount of compensation that is paid to the surviving children of a worker whose death is caused by an employment-related injury under specified circumstances.

**HB 2779 fair and legal employment act
(Rep. Pearce) (Laws 2007, Chapter 279)**

Contains provisions relating to identity theft, license eligibility of employers in Arizona, verification of the employment eligibility of employees and establishes the eight-member Employer Sanctions Legislative Study Committee. In addition, HB 2779 appropriates \$2,600,000 from the state General Fund (GF) FY 2007-08 for carrying out the provisions of the bill.

Transportation-Related Vetoed Legislation

BILL NUMBER	SHORT TITLE
HB 2020	railroads siting authority; eminent domain (Rep. McClure)
HB 2150	courts; municipal & justice; jurisdiction (Rep. Biggs)
HB 2369	municipal sign code; sign walkers (Rep. Robson)
SB 1236	consular cards; invalid ID (Sen. Chuck Gray)
SB 1251	deadly weapons; storage (Sen. Chuck Gray)

Transportation-Related Vetoed Legislation

HB 2020 railroads siting authority; eminent domain (Rep. McClure)

allows the Arizona Corporation Commission (ACC) to review any proposal by a railroad to acquire lands or materials by eminent domain, threat of eminent domain or at auction and, if there is a review, requires the ACC to hold at least one public hearing on the proposal.

GOVERNOR'S VETO MESSAGE: While railroads must use their eminent domain authority responsibly, the fact remains that railroads are regulated primarily, if not exclusively, at the federal level. See 49 U.S.C. § 10501(b)(2) (creating exclusive federal jurisdiction over the "construction, acquisition, operation, abandonment or discontinuance" of most types of rail tracks, even if located exclusively in one state).

In the near future, we must aggressively explore a host of new transportation options, including commuter rail and more efficient rail delivery of goods and other commodities, including ethanol. In that process, the Executive Branch will insist that railroads take into account environmental and other important community concerns. House Bill 2020 would only complicate those efforts.

HB 2150 courts; municipal & justice; jurisdiction (Rep. Biggs)

Concurrent jurisdiction of municipal and justice courts would have been expanded to include all misdemeanor criminal violations referenced in several chapters of transportation statutes not currently covered, including abandoned vehicles, motor carrier safety, state highways and public transportation authorities.

GOVERNOR'S VETO MESSAGE: This bill is overbroad. One of the chapters over which it would have given these courts jurisdiction is Chapter 2 of Title 28, which deals with the statutory duties and authority of the Arizona Department of Transportation and the Transportation Board. This means municipal judges and justices of the peace could hear civil and misdemeanor criminal cases regarding whether ADOT or the Transportation Board have complied with their statutory responsibilities. Any such claims should be adjudicated in superior court, or another court of record as described in Art. VI § 30(A) of the Arizona Constitution.

**HB 2369 municipal sign code; sign walkers
(Rep. Robson)**

Notwithstanding the authority granted to municipalities to issue ordinances regulating signs and signage within their boundaries, cities and towns would have been required to issue permits to sign walkers and to assess a fee not to exceed \$25 for a permit for up to 10 walkers for 30 days. Violators would have been fined up to \$150 per sign walker. Permit and fine proceeds were to have been deposited in a beautification enhancement naturalization fund to be created in all municipalities. Uses of the fund would have been limited to litter removal and the planting of native flora. An annual report from the League of Arizona Cities and Towns would have been required on cleanup efforts and plantings.

GOVERNOR'S VETO MESSAGE: I appreciate the problem that the sponsor of this bill is trying to address. Free speech is important, and government at any level must tread carefully when enacting time, place, or manner restrictions on even commercial expression. This bill, however, is overly broad and would force every municipality in the state to allow at least ten sign walkers, regardless of the size of the city, the configuration of its streets, or the traffic flow patterns within the community.

Depending on the size and configuration of a city's streets, sign walkers can pose safety hazards by distracting or obstructing the view of motorists and pedestrians. Municipal leaders, who are most familiar with their community's roads and traffic accident history, must retain the regulatory flexibility to ensure the safety of their residents.

This issue is not appropriate for a statewide mandate. For these and other reasons, I have vetoed House Bill 2369.

**SB 1236 consular cards; invalid ID
(Sen. Chuck Gray)**

The state and all political subdivisions would have been prohibited from accepting consular ID cards issued by foreign governments as a valid form of ID.

GOVERNOR'S VETO MESSAGE: ...I vetoed Senate Bill 1236... for many of the same reasons I vetoed Senate Bill 1511 on May 6, 2005. Without the ability to accept a consular ILK card, Arizona's law enforcement officers may be unable to confirm the identities of foreign nationals who are stopped for any reason. If a foreign national is pulled over for a traffic violation and presents a consular ID, our law enforcement officers must have the ability to use that ID to determine whether the person is wanted for other crimes. It makes no sense to hamstring our law enforcement agencies' efforts to know the criminal histories of foreign nationals they encounter.

And, as I stated in 2005, if foreign nationals are unable to use consular identification cards, they will be more likely to try to obtain forged documents that are accepted by state government, including social security cards or other documents that are accepted for the purpose of gaining access to state and local public benefits. The state is better served by having foreign nationals use identification that accurately identifies them as foreign nationals.

**SB 1251 deadly weapons; storage
(Sen. Chuck Gray)**

Requires that an operator of a public establishment can request that a person carrying a deadly weapon remove the weapon only if secure storage is provided for the weapon within close proximity of the main public entrance of any public establishment or public event.

GOVERNOR'S VETO MESSAGE: The current weapons storage legislation became effective September 21, 2006 and has been implemented successfully so far. It is premature to consider amendments. In addition, Senate Bill 1251 places unfounded and unwise caps on the fees that the Department of Public Safety can charge for a concealed weapons permit. The Department of Public Safety must retain the ability to charge a fee that covers its actual costs of running the background checks associated with issuing a concealed weapons permit.