

Senate Engrossed

~~continuation; department of transportation~~
(now: transportation department; continuation; prohibitions)

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1184

AN ACT

AMENDING TITLE 28, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-340; REPEALING SECTION 41-3024.25, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3029.13; RELATING TO THE DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 28, chapter 2, article 2, Arizona Revised
3 Statutes, is amended by adding section 28-340, to read:

4 28-340. Department prohibitions; public monies or resources

5 NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY NOT SPEND PUBLIC
6 MONIES OR USE PUBLIC RESOURCES:

7 1. TO BUILD OR MAINTAIN FACILITIES THAT CHARGE MOTOR VEHICLES
8 EXCEPT THAT THE DEPARTMENT MAY FUND THE INSTALLATION OF CHARGING EQUIPMENT
9 ON GOVERNMENT-OWNED PROPERTY FOR THE CHARGING OF GOVERNMENT-OWNED MOTOR
10 VEHICLES.

11 2. ON ANYTHING THAT IS PROHIBITED BY SECTION 41-1494. IF THE
12 DEPARTMENT VIOLATES THIS SECTION, THE DEPARTMENT SHALL PAY TO THE
13 AGGRIEVED EMPLOYEE AN AMOUNT EQUAL TO THE PUBLIC MONIES THAT WERE SPENT OR
14 THE VALUE OF PUBLIC RESOURCES THAT WERE USED.

15 3. TO DEVELOP A CARBON REDUCTION PLAN OR A PLAN OR STRATEGY TO
16 REDUCE GREENHOUSE GAS EMISSIONS, EXCEPT THAT THE DEPARTMENT MAY DEVELOP A
17 PLAN IF NECESSARY TO ACCEPT FEDERAL MONIES. IF THE DEPARTMENT DEVELOPS A
18 PLAN TO ACCEPT FEDERAL MONIES, THE DEPARTMENT MAY NOT IMPLEMENT ANY
19 STRATEGIES IDENTIFIED IN THE PLAN WITHOUT EXPRESS LEGISLATIVE
20 AUTHORIZATION.

21 Sec. 2. Repeal

22 Section 41-3024.25, Arizona Revised Statutes, is repealed.

23 Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes,
24 is amended by adding section 41-3029.13, to read:

25 41-3029.13. Department of transportation; termination; report

26 A. THE DEPARTMENT OF TRANSPORTATION'S TERMINATION DATE IS
27 CONTINGENT ON ITS IMPLEMENTATION OF THE RECOMMENDATIONS DIRECTED TO IT BY
28 THE AUDITOR GENERAL IN THE DEPARTMENT OF TRANSPORTATION'S PERFORMANCE
29 AUDIT REPORT ISSUED IN AUGUST 2023 AND SUNSET REVIEW REPORT ISSUED IN
30 SEPTEMBER 2023 AS PART OF THE DEPARTMENT OF TRANSPORTATION'S SUNSET
31 REVIEW.

32 B. THE DEPARTMENT OF TRANSPORTATION TERMINATES ON:

33 1. JULY 1, 2029 IF THE DEPARTMENT OF TRANSPORTATION HAS IMPLEMENTED
34 LESS THAN EIGHTY PERCENT OF THE AUDITOR GENERAL'S RECOMMENDATIONS DIRECTED
35 TO THE DEPARTMENT OF TRANSPORTATION.

36 2. JULY 1, 2030 IF THE DEPARTMENT HAS IMPLEMENTED AT LEAST EIGHTY
37 PERCENT BUT LESS THAN NINETY PERCENT OF THE AUDITOR GENERAL'S
38 RECOMMENDATIONS DIRECTED TO THE DEPARTMENT OF TRANSPORTATION.

39 3. JULY 1, 2031 IF THE DEPARTMENT HAS IMPLEMENTED AT LEAST NINETY
40 PERCENT BUT LESS THAN ONE HUNDRED PERCENT OF THE AUDITOR GENERAL'S
41 RECOMMENDATIONS DIRECTED TO THE DEPARTMENT OF TRANSPORTATION.

42 4. JULY 1, 2032 IF THE DEPARTMENT OF TRANSPORTATION HAS IMPLEMENTED
43 ONE HUNDRED PERCENT OF THE AUDITOR GENERAL'S RECOMMENDATIONS DIRECTED TO
44 THE DEPARTMENT OF TRANSPORTATION.

1 C. THE AUDITOR GENERAL SHALL WRITE A FOLLOW-UP REPORT EIGHTEEN
2 MONTHS AFTER THE SUNSET REVIEW REPORT DESCRIBED IN SUBSECTION A OF THIS
3 SECTION. THE FOLLOW-UP REPORT SHALL STATE THE PERCENTAGE OF AUDITOR
4 GENERAL RECOMMENDATIONS IN THE REPORTS DESCRIBED IN SUBSECTION A OF THIS
5 SECTION IMPLEMENTED BY THE DEPARTMENT OF TRANSPORTATION. THE TERMINATION
6 DATES PRESCRIBED IN SUBSECTION B OF THIS SECTION SHALL BE BASED ON THE
7 INFORMATION IN THE AUDITOR GENERAL'S FOLLOW-UP REPORT. THE AUDITOR
8 GENERAL SHALL PROVIDE THE FOLLOW-UP REPORT TO THE PRESIDENT OF THE SENATE,
9 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE GOVERNOR DESCRIBING
10 THE PERCENTAGE OF RECOMMENDATIONS IMPLEMENTED BY THE DEPARTMENT OF
11 TRANSPORTATION.

12 D. A DISPUTE REGARDING THE AUDITOR GENERAL'S DETERMINATION OF THE
13 PERCENTAGE OF IMPLEMENTED RECOMMENDATIONS MAY ONLY BE OVERCOME BY CLEAR
14 AND CONVINCING EVIDENCE.

15 E. TITLE 28 AND THIS SECTION ARE REPEALED ON JANUARY 1 OF THE YEAR
16 IMMEDIATELY FOLLOWING THE DEPARTMENT OF TRANSPORTATION'S TERMINATION DATE
17 PURSUANT TO SUBSECTION B OF THIS SECTION.

18 Sec. 4. Purpose

19 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
20 the legislature continues the department of transportation to:

- 21 1. Design, construct and maintain the state highway system and
22 state routes for the entire state.
- 23 2. Provide for orderly registration and titling of vehicles and
24 licensure of motor vehicle drivers.
- 25 3. Assist and promote the aviation industry in this state.
- 26 4. Provide for orderly registration and licensure of general
27 aviation aircraft.

28 Sec. 5. Retroactivity

29 Sections 2 and 3 of this act apply retroactively to from and after
30 July 1, 2024.