

REFERENCE TITLE: public highway authorities

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1576

Introduced by
Senator Tibshraeny

AN ACT

AMENDING SECTION 28-5611, ARIZONA REVISED STATUTES; REPEALING TITLE 28, CHAPTER 22, ARIZONA REVISED STATUTES; AMENDING SECTIONS 35-701, 42-5069 AND 42-6208, ARIZONA REVISED STATUTES; AMENDING TITLE 48, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 37; RELATING TO PUBLIC HIGHWAY AUTHORITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-5611, Arizona Revised Statutes, is amended to
3 read:

4 28-5611. Refunds; motor vehicle fuel

5 A. Except as provided in subsection B of this section, on application
6 to the director pursuant to this article and if section 28-5612 is complied
7 with, a person who buys and uses motor vehicle fuel shall receive a refund in
8 the amount of the tax if the person pays the tax on the fuel and either:

9 1. Uses the fuel other than in ~~any~~ EITHER of the following:

10 (a) A motor vehicle on a highway in this state.

11 (b) Watercraft on the waterways of this state.

12 ~~(c) A motor vehicle operating on a transportation facility or toll~~
13 ~~road pursuant to chapter 22 of this title.~~

14 2. Buys aviation fuel for use in aircraft applying seeds, fertilizer
15 or pesticides.

16 3. Loses the fuel by fire, theft or other accident.

17 B. If a claim for refund is based on the use of motor vehicle fuel in
18 aircraft, five cents of the tax collected on each gallon of motor vehicle
19 fuel claimed shall remain in the state aviation fund, and the department
20 shall refund the remainder of the tax pursuant to section 28-5612.

21 Sec. 2. Repeal

22 Title 28, chapter 22, Arizona Revised Statutes, is repealed.

23 Sec. 3. Section 35-701, Arizona Revised Statutes, is amended to read:

24 35-701. Definitions

25 In this chapter, unless the context otherwise requires:

26 1. "Corporation" means any corporation organized as an authority as
27 provided in this chapter.

28 2. "Designated area" means any area of this state which is either
29 designated pursuant to section 36-1479 as a slum or blighted area as defined
30 in section 36-1471, designated by regulation as a pocket of poverty or a
31 neighborhood strategy area by the United States department of housing and
32 urban development pursuant to title I of the housing and community
33 development act of 1977 (P.L. 95-128; 42 United States Code sections 5301
34 through 5320), as amended, and the department of housing and urban
35 development act (P.L. 89-174; 42 United States Code section 3535(d)) or
36 designated by the United States department of housing and urban development
37 as an empowerment or enterprise zone pursuant to the federal omnibus budget
38 reconciliation act of 1993 (P.L. 103-66; 26 United States Code section
39 1391(g)) or an area certified as an enterprise zone pursuant to section
40 41-1524, subsection B.

41 3. "Governing body" means:

42 (a) The board or body in which the general legislative powers of the
43 municipality or the county are vested.

44 (b) The Arizona board of regents with respect to a corporation formed
45 with the permission of the Arizona board of regents.

1 4. "Income" means gross earnings from wages, salary, commissions,
2 bonuses or tips from all jobs, net earnings from such person's or family's
3 own nonfarm business, professional practice or partnership, and net earnings
4 from such person's or family's own farm. Income includes income, other than
5 earnings, that consists of amounts received from social security or railroad
6 retirement, interest, dividends, veterans payments, pensions and other
7 regular payments, public assistance or welfare payments, including aid for
8 dependent children, old age assistance, general assistance and aid to the
9 blind or totally disabled, but excluding separate payments for hospital or
10 other medical care.

11 5. "Manufactured house" means a structure that is manufactured in a
12 factory after June 15, 1976, that is delivered to a homesite in more than one
13 section and that is placed on a permanent foundation. The dimensions of the
14 completed house shall not be less than twenty feet by forty feet, the roof
15 must be sloping, the siding and roofing must be the same as those found in
16 site-built houses and the house must be eligible for thirty year real estate
17 mortgage financing.

18 6. "Municipality" or "county" means the Arizona board of regents or
19 any incorporated city or town, including charter cities, or any county in
20 this state in which a corporation may be organized and in which it is
21 contemplated the corporation will function.

22 7. "Persons of low and moderate income" means, for the purposes of
23 financing owner-occupied single family dwelling units in areas which the
24 municipality has found, pursuant to section 36-1479, to be slum or blighted
25 areas, as defined in section 36-1471, persons and families whose income does
26 not exceed two and one-half times the median family income of this state. In
27 all other areas it means persons and families whose income does not exceed
28 one and one-half times the median family income of this state.

29 8. "Project" means any land, any building or any other improvement and
30 all real and personal properties, including machinery and equipment whether
31 or not now in existence or under construction and whether located within or
32 without this state or the municipality or county approving the formation of
33 the corporation, that are suitable for any of the following:

34 (a) With respect to a corporation formed with the permission of a
35 municipality or county other than the Arizona board of regents:

36 (i) Any enterprise for the manufacturing, processing or assembling of
37 any agricultural or manufactured products.

38 (ii) Any commercial enterprise for the storing, warehousing,
39 distributing or selling of products of agriculture, mining or industry, or of
40 processes related thereto, including research and development.

41 (iii) Any office building or buildings for use as corporate or company
42 headquarters or regional offices or the adaptive use for offices of any
43 building within this state that is on the national register of historic
44 places or rehabilitation of residential buildings located in registered
45 historic neighborhoods.

- 1 (iv) A health care institution as defined in section 36-401.
- 2 (v) Residential real property for dwelling units located within the
- 3 municipality or county approving the formation of the corporation and, in the
- 4 case of a county, whether or not also within a municipality that is within
- 5 the county.
- 6 (vi) Repairing or rehabilitating single family dwelling units or
- 7 constructing or repairing residential fences and walls.
- 8 (vii) Convention or trade show facilities.
- 9 (viii) Airports, docks, wharves, mass commuting facilities, parking
- 10 facilities or storage or training facilities directly related to any of the
- 11 facilities as provided in this item.
- 12 (ix) Sewage or solid waste disposal facilities or facilities for the
- 13 furnishing of electric energy, gas or water.
- 14 (x) Industrial park facilities.
- 15 (xi) Air or water pollution control facilities.
- 16 (xii) Any educational institution that is operated by a nonprofit
- 17 educational organization that is exempt from taxation under section 501(c)(3)
- 18 of the United States internal revenue code and that is not otherwise funded
- 19 by state monies, any educational institution or organization that is
- 20 established under title 15, chapter 1, article 8 and that is owned by a
- 21 nonprofit organization, any private nonsectarian school or any private
- 22 nonsectarian organization established for the purpose of funding a joint
- 23 technological education school district.
- 24 (xiii) Research and development facilities.
- 25 (xiv) Commercial enterprises, including facilities for office,
- 26 recreational, hotel, motel and service uses if the facilities authorized by
- 27 this item are to be located in a designated area.
- 28 (xv) A child welfare agency, as defined in section 8-501, owned and
- 29 operated by a nonprofit organization.
- 30 ~~(xvi) A transportation facility constructed or operated pursuant to~~
- 31 ~~title 28, chapter 22, article 1 or 2.~~
- 32 ~~(xvii)~~ (xvi) A museum operated by a nonprofit organization.
- 33 ~~(xviii)~~ (xvii) Facilities owned or operated by a nonprofit
- 34 organization described in section 501(c) of the United States internal
- 35 revenue code of 1986.
- 36 ~~(xix)~~ (xviii) New or existing correctional facilities within this
- 37 state.
- 38 (b) With respect to a corporation formed with the permission of the
- 39 Arizona board of regents, any facility consisting of classrooms, lecture
- 40 halls or conference centers or any facility for research and development or
- 41 for manufacturing, processing, assembling, marketing, storing and
- 42 transferring items developed through or connected with research and
- 43 development or in which the results of such research and development are
- 44 utilized, but only if the facility is located in an area designated as a
- 45 research park by the Arizona board of regents.

1 9. "Property" means any land, improvements thereon, buildings and any
2 improvements thereto, machinery and equipment of any and all kinds necessary
3 to a project and any other personal properties deemed necessary in connection
4 with a project.

5 10. "Research park" means an area of land that has been designated by
6 the Arizona board of regents as a research park for a university and that, at
7 the date of designation, is owned by this state or by the Arizona board of
8 regents.

9 11. "Single family dwelling unit" includes any new, used or
10 manufactured house that meets the insuring requirements of the federal
11 housing administration, the veterans administration or any other insuring
12 entity of the United States government or any private mortgage insurance or
13 surety company that is approved by the federal home loan mortgage corporation
14 or the federal national mortgage association.

15 Sec. 4. Section 42-5069, Arizona Revised Statutes, is amended to read:
16 42-5069. Commercial lease classification; definitions

17 A. The commercial lease classification is comprised of the business of
18 leasing for a consideration the use or occupancy of real property.

19 B. A person who, as a lessor, leases or rents for a consideration
20 under one or more leases or rental agreements the use or occupancy of real
21 property that is used by the lessee for commercial purposes is deemed to be
22 engaged in business and subject to the tax imposed by article 1 of this
23 chapter, but this subsection does not include leases or rentals of real
24 property used for residential or agricultural purposes.

25 C. The commercial lease classification does not include:

26 1. Any business activities that are classified under the transient
27 lodging classification.

28 2. Activities engaged in by the Arizona exposition and state fair
29 board or county fair commissions in connection with events sponsored by those
30 entities.

31 3. Leasing real property to a lessee who subleases the property if the
32 lessee is engaged in business classified under the commercial lease
33 classification or the transient lodging classification.

34 4. Leasing real property pursuant to a written lease agreement entered
35 into before December 1, 1967. This exclusion does not apply to the
36 businesses of hotels, guest houses, dude ranches and resorts, rooming houses,
37 apartment houses, office buildings, automobile storage garages, parking lots
38 or tourist camps, or to the extension or renewal of any such written lease
39 agreement.

40 5. Leasing real property by a corporation to an affiliated
41 corporation. For the purposes of this paragraph, "affiliated corporation"
42 means a corporation that owns or controls at least eighty per cent of the
43 lessor, that is at least eighty per cent owned or controlled by the lessor or
44 that is at least eighty per cent owned or controlled by a corporation that

1 also owns or controls at least eighty per cent of the lessor. Ownership and
2 control are determined by reference to the voting shares of a corporation.

3 ~~6. Leasing real property for sublease if the tenant in possession of~~
4 ~~the property is subject to the rental occupancy tax pursuant to article 9 of~~
5 ~~this chapter.~~

6 ~~7.~~ 6. Leasing real property for boarding horses.

7 ~~8.~~ 7. Leasing or renting real property or the right to use real
8 property at exhibition events in this state sponsored, operated or conducted
9 by a nonprofit organization that is exempt from taxation under section
10 501(c)(3), 501(c)(4) or 501(c)(6) of the internal revenue code if the
11 organization is associated with major league baseball teams or a national
12 touring professional golfing association and no part of the organization's
13 net earnings inures to the benefit of any private shareholder or individual.

14 ~~9.~~ 8. Leasing or renting real property or the right to use real
15 property for use as a rodeo featuring primarily farm and ranch animals in
16 this state sponsored, operated or conducted by a nonprofit organization that
17 is exempt from taxation under section 501(c)(3), 501(c)(4), 501(c)(6),
18 501(c)(7) or 501(c)(8) of the internal revenue code and no part of the
19 organization's net earnings inures to the benefit of any private shareholder
20 or individual.

21 ~~10.~~ 9. Leasing or renting dwelling units, lodging facilities or
22 trailer or mobile home spaces if the units, facilities or spaces are intended
23 to serve as the principal or permanent place of residence for the lessee or
24 renter or if the unit, facility or space is leased or rented to a single
25 tenant thirty or more consecutive days.

26 ~~11.~~ 10. Leasing or renting real property and improvements for use
27 primarily for religious worship by a nonprofit organization that is exempt
28 from taxation under section 501(c)(3) of the internal revenue code and no
29 part of the organization's net earnings inures to the benefit of any private
30 shareholder or individual.

31 ~~12.~~ 11. Leasing or renting real property used for agricultural
32 purposes under either of the following circumstances:

33 (a) The lease or rental is between family members, trusts, estates,
34 corporations, partnerships, joint venturers or similar entities, or any
35 combination thereof, if the individuals or at least eighty per cent of the
36 beneficiaries, shareholders, partners or joint venturers share a family
37 relationship as parents or ancestors of parents, children or descendants of
38 children, siblings, cousins of the first degree, aunts, uncles, nieces or
39 nephews of the first degree, spouses of any of the listed relatives and
40 listed relatives by the half-blood or by adoption.

41 (b) The lessor leases or rents real property used for agricultural
42 purposes under no more than three leases or rental agreements.

43 ~~13.~~ 12. Leasing, renting or granting the right to use real property to
44 vendors or exhibitors by a trade or industry association that is a qualifying
45 organization pursuant to section 513(d)(3)(C) of the internal revenue code

1 for a period not to exceed twenty-one days in connection with an event that
2 meets all of the following conditions:

3 (a) The majority of such vending or exhibition activities relate to
4 the nature of the trade or business sponsoring the event.

5 (b) The event is held in conjunction with a formal business meeting of
6 the trade or industry association.

7 (c) The event is organized by the persons engaged in the particular
8 trade or industry.

9 ~~14.~~ 13. Leasing, renting or granting the right to use real property
10 for a period not to exceed twenty-one days by a coliseum, civic center, civic
11 plaza, convention center, auditorium or arena owned by this state or any of
12 its political subdivisions.

13 ~~15.~~ 14. Leasing or subleasing real property used by a nursing care
14 institution as defined in section 36-401 that is licensed pursuant to title
15 36, chapter 4.

16 ~~16. Leasing or renting a transportation facility as provided in section~~
17 ~~28-7705, subsections A and B.~~

18 ~~17.~~ 15. Granting or providing rights to real property that constitute
19 a profit à prendre for the severance of minerals, including all rights to use
20 the surface or subsurface of the property as is necessary or convenient to
21 the right to sever the minerals. This paragraph does not exclude from the
22 commercial lease classification leasehold rights to the real property that
23 are granted in addition to and not included within the right of profit à
24 prendre, but the tax base for the grant of such a leasehold right, if the
25 gross income derived from the grant is not separately stated from the gross
26 income derived from the grant of the profit à prendre, shall not exceed the
27 fair market value of the leasehold rights computed after excluding the value
28 of all rights under the profit à prendre. For the purposes of this
29 paragraph, "profit à prendre" means a right to use the land of another to
30 mine minerals, and carries with it the right of entry and the right to remove
31 and take the minerals from the land and also includes the right to use the
32 surface of the land as is necessary and convenient for exercise of the
33 profit.

34 D. The tax base for the commercial lease classification is the gross
35 proceeds of sales or gross income derived from the business, but
36 reimbursements to the lessor for utility service shall be deducted from the
37 tax base.

38 E. Notwithstanding section 42-1104, subsection B, paragraph 1,
39 subdivision (b) and paragraph 2, the failure to file tax returns for the
40 commercial lease classification that report gross income derived from any
41 agreement that constitutes, in whole or in part, a grant of a right of profit
42 à prendre for the severance of minerals does not constitute an exception to
43 the general rule for the statute of limitations.

1 F. For the purposes of this section:

2 1. "Leasing" includes renting.

3 2. "Real property" includes any improvements, rights or interest in
4 such property.

5 Sec. 5. Section 42-6208, Arizona Revised Statutes, is amended to read:
6 42-6208. Exempt government property improvements

7 The tax under this article does not apply with respect to:

8 1. Property that is used for a governmental activity.

9 2. Property that is used for public housing.

10 3. Easements and rights-of-way of railroads and gas, electric, water,
11 pipeline and telephone utilities.

12 4. Interests in all or any part of a facility that is owned of record
13 by a government lessor and used primarily for athletic, recreational,
14 entertainment, artistic, cultural or convention activities if the interest is
15 used for those activities or activities directly related and incidental to
16 these uses including concession stands.

17 5. Property that is located on municipal airports and airports that
18 operate pursuant to sections 28-8423, 28-8424 and 28-8425, if the property is
19 used for or in connection with aviation, including hangars, tie-downs,
20 aircraft maintenance, sale of aviation related items, charter and rental
21 activities, commercial aircraft terminal franchises, parking facilities and
22 restaurants, stores and other services that are located in a terminal.

23 6. The use by a commercial airline of the runways and terminal
24 facilities of state, city, town or county airports and public airports
25 operating pursuant to sections 28-8423, 28-8424 and 28-8425.

26 ~~7. Leases of property or interests in a transportation facility that~~
27 ~~is constructed or operated pursuant to title 28, chapter 22, article 1 or 2.~~

28 ~~8.~~ 7. Interests in property held in trust for an Indian or an Indian
29 tribe by the United States government.

30 ~~9.~~ 8. Interests in property that is defined as "contractor-acquired
31 property" or "government-furnished property" in the federal acquisition
32 regulations (48 Code of Federal Regulations section 45.101) and that is owned
33 by the government and used to perform a government contract.

34 ~~10.~~ 9. Property of a corporation that is organized by or at the
35 direction of a county, city or town to develop, construct, improve, repair,
36 replace or own any property, improvement, building or other facility to be
37 used for public purposes that the county, city or town pledges to lease or
38 lease-purchase with county or municipal special or general revenues.

39 ~~11.~~ 10. Interests in property used by a chamber of commerce recognized
40 under section 501(c)(6) of the United States internal revenue code if the
41 property is used predominately for those federal tax exempt purposes.

42 ~~12.~~ 11. Interests in property used by organizations that are exempt
43 from taxation under section 501(c)(3) of the internal revenue code.

44 ~~13.~~ 12. Interests in parking garages or decks if the parking garages
45 or decks are owned and operated by a government lessor or operated on behalf

1 of a government lessor, by an entity other than the prime lessee, pursuant to
2 a management agreement with the government lessor.

3 ~~14-~~ 13. Residential rentals if the prime lessee is the occupant.

4 Sec. 6. Title 48, Arizona Revised Statutes, is amended by adding
5 chapter 37, to read:

6 CHAPTER 37

7 PUBLIC HIGHWAY AUTHORITIES

8 ARTICLE 1. GENERAL PROVISIONS

9 48-6301. Definitions

10 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 1. "AUTHORITY" MEANS A BODY CORPORATE AND POLITICAL SUBDIVISION OF
12 THIS STATE ESTABLISHED PURSUANT TO THIS CHAPTER.

13 2. "BOARD" MEANS THE BOARD OF DIRECTORS OF AN AUTHORITY.

14 3. "BOND" MEANS ANY BOND, NOTE, INTERIM CERTIFICATE, CONTRACT OR OTHER
15 EVIDENCE OF INDEBTEDNESS OF AN AUTHORITY AUTHORIZED BY THIS CHAPTER.

16 4. "COMBINATION":

17 (a) MEANS ANY TWO OR MORE MUNICIPALITIES, TWO OR MORE COUNTIES OR ONE
18 OR MORE MUNICIPALITIES AND ONE OR MORE COUNTIES.

19 (b) INCLUDES THIS STATE TO THE EXTENT AUTHORIZED BY SECTION 48-6302.

20 5. "CONSTRUCT" OR "CONSTRUCTION" MEANS THE PLANNING, DESIGNING,
21 ENGINEERING, ACQUISITION, INSTALLATION, CONSTRUCTION AND RECONSTRUCTION OF
22 PUBLIC HIGHWAYS.

23 6. "GOVERNMENTAL UNIT" MEANS THIS STATE OR ANY POLITICAL SUBDIVISION
24 OF THIS STATE THAT IS LOCATED IN A METROPOLITAN REGION, EXCEPT SCHOOL
25 DISTRICTS OR AUTHORITIES.

26 7. "METROPOLITAN REGION" MEANS AN AREA THAT IS DESIGNATED A
27 CONSOLIDATED METROPOLITAN STATISTICAL AREA BY THE FEDERAL OFFICE OF
28 MANAGEMENT AND BUDGET AND THAT HAS A POPULATION OF MORE THAN ONE MILLION
29 PERSONS.

30 8. "PUBLIC HIGHWAY" MEANS A BELTWAY OR OTHER TRANSPORTATION
31 IMPROVEMENT THAT IS LOCATED IN A METROPOLITAN REGION, THAT IS AN EXPRESSWAY
32 THAT GENERALLY CIRCUMSCRIBES A METROPOLITAN REGION AND THAT WILL BE PRIMARILY
33 USED FOR MAJOR TRAFFIC MOVEMENT AT HIGHER TRAFFIC SPEEDS. AS THE BOARD
34 DETERMINES, A PUBLIC HIGHWAY MAY CONSIST OF IMPROVEMENTS, INCLUDING PAVING,
35 GRADING, LANDSCAPING, CURBS, GUTTERS, CULVERTS, SIDEWALKS, BIKEWAYS,
36 LIGHTING, BRIDGES, OVERPASSES, UNDERPASSES, RAIL CROSSINGS, FRONTAGE ROADS,
37 ACCESS ROADS, INTERCHANGES, DRAINAGE FACILITIES, MASS TRANSIT LANES,
38 PARK-AND-RIDE FACILITIES, TOLL COLLECTION FACILITIES, SERVICE AREAS,
39 ADMINISTRATIVE OR MAINTENANCE FACILITIES, GAS, ELECTRIC, WATER, SEWER AND
40 OTHER UTILITIES LOCATED OR TO BE LOCATED IN THE RIGHT-OF-WAY FOR A PUBLIC
41 HIGHWAY AND OTHER REAL OR PERSONAL PROPERTY, INCLUDING EASEMENTS,
42 RIGHTS-OF-WAY AND OTHER INTERESTS RELATING TO THE FINANCING, CONSTRUCTION,
43 OPERATION OR MAINTENANCE OF A PUBLIC HIGHWAY.

44 9. "REVENUES" MEANS ANY TOLLS, FEES, RATES, CHARGES, ASSESSMENTS,
45 GRANTS, CONTRIBUTIONS OR OTHER INCOME AND REVENUES RECEIVED BY THE AUTHORITY.

1 48-6302. Establishment of authorities

2 A. ANY COMBINATION MAY ESTABLISH BY CONTRACT AN AUTHORITY THAT IS
3 AUTHORIZED TO EXERCISE THE FUNCTIONS CONFERRED BY THIS CHAPTER ON THE
4 ISSUANCE BY THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OF A CERTIFICATE
5 STATING THAT THE AUTHORITY HAS BEEN DULY ESTABLISHED ACCORDING TO THE LAWS OF
6 THIS STATE. THE CERTIFICATE SHALL BE ISSUED BY THE DIRECTOR ON THE FILING OF
7 A COPY OF THE CONTRACT BY THE COMBINATION JOINING IN THE ESTABLISHMENT OF THE
8 AUTHORITY AND ON A DETERMINATION BY THE DIRECTOR THAT EACH MEMBER OF THE
9 COMBINATION IS LOCATED IN THE SAME METROPOLITAN REGION. THE DIRECTOR SHALL
10 CAUSE THE CERTIFICATE TO BE RECORDED IN THE REAL ESTATE RECORDS IN EACH
11 COUNTY THAT HAS TERRITORY INCLUDED IN THE BOUNDARIES OF THE AUTHORITY. ON
12 ISSUANCE OF THE CERTIFICATE BY THE DIRECTOR, THE AUTHORITY CONSTITUTES A
13 SEPARATE POLITICAL SUBDIVISION AND BODY CORPORATE OF THIS STATE AND HAS ALL
14 OF THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS, LIABILITIES AND DISABILITIES
15 OF A PUBLIC BODY POLITIC AND CORPORATE.

16 B. ANY CONTRACT ESTABLISHING AN AUTHORITY SHALL SPECIFY ALL OF THE
17 FOLLOWING:

18 1. THE NAME AND PURPOSE OF THE AUTHORITY AND THE PUBLIC HIGHWAYS TO BE
19 PROVIDED.

20 2. THE ESTABLISHMENT AND ORGANIZATION OF THE BOARD OF DIRECTORS IN
21 WHICH ALL LEGISLATIVE POWER OF THE AUTHORITY IS VESTED, INCLUDING:

22 (a) THE NUMBER OF DIRECTORS. EXCEPT AS PROVIDED IN SUBSECTION D, THE
23 BOARD OF DIRECTORS SHALL INCLUDE AT LEAST ONE ELECTED OFFICIAL FROM EACH
24 MEMBER OF THE COMBINATION AND ALL OF THE DIRECTORS SHALL BE ELECTED OFFICIALS
25 FROM THE MEMBERS OF THE COMBINATION.

26 (b) THE MANNER OF THEIR APPOINTMENT, THEIR QUALIFICATIONS, THEIR
27 COMPENSATION, IF ANY, AND THE PROCEDURE FOR FILLING VACANCIES.

28 (c) THE OFFICERS OF THE AUTHORITY, THE MANNER OF THEIR APPOINTMENT AND
29 THEIR DUTIES.

30 (d) THE VOTING REQUIREMENTS FOR ACTION BY THE BOARD. UNLESS
31 SPECIFICALLY PROVIDED OTHERWISE, A MAJORITY OF THE VOTING MEMBERS OF THE
32 BOARD CONSTITUTES A QUORUM AND A MAJORITY OF THE QUORUM IS NECESSARY FOR
33 ACTION BY THE BOARD OF DIRECTORS.

34 3. PROVISIONS FOR THE DISTRIBUTION, DISPOSITION OR DIVISION OF ASSETS
35 OF THE AUTHORITY.

36 4. THE BOUNDARIES OF THE AUTHORITY, WHICH MAY INCLUDE TERRITORY THAT,
37 AT THE TIME OF DESIGNATION, IS NOT MORE THAN ONE AND ONE-HALF MILES FROM THE
38 PROPOSED CENTERLINE OF THE PUBLIC HIGHWAY TO BE CONSTRUCTED BUT THAT MAY NOT
39 INCLUDE TERRITORY OUTSIDE OF THE BOUNDARIES OF THE MEMBERS OF THE
40 COMBINATION. THE BOUNDARIES OF THE AUTHORITY MAY NOT INCLUDE TERRITORY THAT,
41 AT THE TIME THE TERRITORY IS INCLUDED WITHIN THE BOUNDARIES OF THE AUTHORITY,
42 IS LOCATED WITHIN THE BOUNDARIES OF A MUNICIPALITY, UNLESS THE MUNICIPALITY
43 IS EITHER A MEMBER OF THE COMBINATION OR CONSENTS TO THE INCLUSION OF THE
44 TERRITORY WITHIN THE BOUNDARIES OF THE AUTHORITY.

1 5. THE TERM OF THE CONTRACT, WHICH MAY BE FOR A DEFINITE TERM OR UNTIL
2 RESCINDED OR TERMINATED, AND THE METHOD, IF ANY, BY WHICH IT MAY BE
3 TERMINATED OR RESCINDED. THE CONTRACT MAY NOT BE RESCINDED IF THE AUTHORITY
4 HAS BONDS OUTSTANDING.

5 6. PROVISIONS FOR AMENDMENT OF THE CONTRACT.

6 7. LIMITATIONS, IF ANY, ON THE POWERS THAT ARE GRANTED BY THIS CHAPTER
7 AND THAT MAY BE EXERCISED BY THE AUTHORITY PURSUANT TO THIS CHAPTER.

8 8. THE CONDITIONS TO BE SATISFIED TO ADD OR DELETE PARTIES TO THE
9 CONTRACT.

10 C. A MUNICIPALITY OR COUNTY SHALL NOT ENTER INTO A CONTRACT
11 ESTABLISHING AN AUTHORITY WITHOUT HOLDING A HEARING. NOTICE OF THE TIME,
12 PLACE AND PURPOSE OF THE HEARING SHALL BE GIVEN BY PUBLICATION IN A NEWSPAPER
13 OF GENERAL CIRCULATION IN THE MUNICIPALITY OR COUNTY, AS APPLICABLE, AT LEAST
14 TEN DAYS BEFORE THE DATE OF THE HEARING.

15 D. THIS STATE, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION
16 AND ON THE APPROVAL OF THE GOVERNOR, MAY JOIN IN THE CONTRACT ESTABLISHING
17 THE AUTHORITY. THE NUMBER OF MEMBERS ON THE BOARD TO WHICH THIS STATE IS
18 ENTITLED SHALL BE ESTABLISHED IN THE CONTRACT, BUT IN NO CASE IS THIS STATE
19 ENTITLED TO LESS THAN ONE MEMBER ON THE BOARD. THE STATE MEMBERS OF THE
20 BOARD SHALL BE APPOINTED BY THE GOVERNOR, WITH THE CONSENT OF THE SENATE, FOR
21 A TERM ESTABLISHED BY THE GOVERNOR.

22 48-6303. Board of directors

23 A. ALL POWERS, PRIVILEGES AND DUTIES VESTED IN OR IMPOSED ON THE
24 AUTHORITY SHALL BE EXERCISED AND PERFORMED BY AND THROUGH THE BOARD. THE
25 BOARD, BY RESOLUTION, MAY DELEGATE ANY OF THE POWERS OF THE BOARD TO ANY OF
26 THE OFFICERS OR AGENTS OF THE BOARD. TO ENSURE PUBLIC PARTICIPATION IN
27 POLICY DECISIONS, THE BOARD SHALL NOT DELEGATE THE FOLLOWING:

28 1. ADOPTION OF BOARD POLICIES AND PROCEDURES.

29 2. APPROVAL OF FINAL ROADWAY ALIGNMENTS.

30 3. RATIFICATION OF ACQUISITION OF LAND BY NEGOTIATED SALE.

31 4. THE INSTITUTION OF AN EMINENT DOMAIN ACTION, WHICH MAY BE AT A
32 PUBLIC HEARING OR IN EXECUTIVE SESSION.

33 5. THE INITIATION OR CONTINUATION OF LEGAL ACTION, NOT INCLUDING
34 TRAFFIC OR TOLL VIOLATIONS.

35 6. ESTABLISHMENT OF FEE POLICIES.

36 B. THE BOARD SHALL ADOPT AND ADHERE TO POLICIES AND PROCEDURES THAT
37 GOVERN ITS CONDUCT AND PROVIDE MEANINGFUL OPPORTUNITIES FOR PUBLIC INPUT.
38 THE POLICIES SHALL INCLUDE STANDARDS AND PROCEDURES FOR CALLING AN EMERGENCY
39 MEETING.

40 C. ANY MEMBER OF THE BOARD SHALL BE DISQUALIFIED FROM VOTING ON ANY
41 ISSUE WITH RESPECT TO WHICH THE MEMBER HAS A CONFLICT OF INTEREST, UNLESS THE
42 MEMBER HAS DISCLOSED THE CONFLICT OF INTEREST.

43 D. THE BOARD, IN ADDITION TO ALL OTHER POWERS AUTHORIZED BY THIS
44 CHAPTER, MAY DO ALL OF THE FOLLOWING:

- 1 1. ADOPT BYLAWS.
- 2 2. FIX THE TIME AND PLACE OF MEETINGS, WHETHER IN OR OUTSIDE THE
- 3 BOUNDARIES OF THE AUTHORITY, AND THE METHOD OF PROVIDING NOTICE OF THE
- 4 MEETINGS.
- 5 3. MAKE AND PASS ORDERS AND RESOLUTIONS NECESSARY FOR THE GOVERNMENT
- 6 AND MANAGEMENT OF THE AFFAIRS OF THE AUTHORITY AND THE EXECUTION OF THE
- 7 POWERS VESTED IN THE AUTHORITY.
- 8 4. ADOPT AND USE A SEAL.
- 9 5. MAINTAIN OFFICES AT PLACES THAT IT DESIGNATES.
- 10 6. APPOINT, HIRE AND RETAIN EMPLOYEES, AGENTS, ENGINEERS, ATTORNEYS,
- 11 ACCOUNTANTS, FINANCIAL ADVISORS, INVESTMENT BANKERS AND OTHER CONSULTANTS.
- 12 7. PRESCRIBE METHODS FOR AUDITING AND ALLOWING OR REJECTING CLAIMS AND
- 13 DEMANDS AND METHODS FOR THE LETTING OF CONTRACTS FOR THE CONSTRUCTION OF
- 14 IMPROVEMENTS, WORKS OR STRUCTURES, FOR THE ACQUISITION OF EQUIPMENT OR FOR
- 15 THE PERFORMANCE OR FURNISHING OF LABOR, MATERIALS OR SUPPLIES AS MAY BE
- 16 REQUIRED FOR CARRYING OUT THE PURPOSES OF THIS CHAPTER.
- 17 8. APPOINT ADVISORY COMMITTEES AND PRESCRIBE THE DUTIES OF THE
- 18 COMMITTEES.
- 19 48-6304. Powers of the authority; inclusion or exclusion of
- 20 property; determination of public highway alignment
- 21 A. IN ADDITION TO ANY OTHER POWERS GRANTED TO THE AUTHORITY PURSUANT
- 22 TO THIS CHAPTER, THE AUTHORITY MAY DO ALL OF THE FOLLOWING:
- 23 1. HAVE PERPETUAL EXISTENCE, EXCEPT AS OTHERWISE PROVIDED IN THE
- 24 CONTRACT.
- 25 2. SUE AND BE SUED.
- 26 3. ENTER INTO CONTRACTS AND AGREEMENTS AFFECTING THE AFFAIRS OF THE
- 27 AUTHORITY.
- 28 4. ESTABLISH, COLLECT AND INCREASE OR DECREASE FEES, TOLLS, RATES AND
- 29 CHARGES FOR THE PRIVILEGE OF TRAVELING ON ANY PUBLIC HIGHWAY FINANCED,
- 30 CONSTRUCTED, OPERATED OR MAINTAINED BY THE AUTHORITY, WITHOUT ANY SUPERVISION
- 31 OR REGULATION OF THE FEES, TOLLS, RATES AND CHARGES BY ANY BOARD, AGENCY,
- 32 DEPARTMENT OR OFFICIAL.
- 33 5. PLEDGE ALL OR ANY PORTION OF THE REVENUES TO THE PAYMENT OF BONDS
- 34 OF THE AUTHORITY.
- 35 6. CONSTRUCT, FINANCE, OPERATE OR MAINTAIN PUBLIC HIGHWAYS WITHIN OR
- 36 OUTSIDE THE BOUNDARIES OF THE AUTHORITY, EXCEPT THAT:
- 37 (a) THE AUTHORITY SHALL NOT CONSTRUCT PUBLIC HIGHWAYS IN ANY TERRITORY
- 38 LOCATED OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND WITHIN THE BOUNDARIES OF
- 39 A MUNICIPALITY WITHOUT THE CONSENT OF THE GOVERNING BODY OF THE MUNICIPALITY
- 40 OR WITHIN THE UNINCORPORATED BOUNDARIES OF A COUNTY WITHOUT THE CONSENT OF
- 41 THE COUNTY BOARD OF SUPERVISORS.
- 42 (b) ON COMPLETION, NO PUBLIC HIGHWAY OF MORE THAN THREE LANES MAY HAVE
- 43 AT-GRADE INTERSECTIONS UNLESS THE AUTHORITY IS CONSTRUCTING A PUBLIC HIGHWAY
- 44 TO USE OR CONNECT TO EXISTING AT-GRADE INFRASTRUCTURE, THE GOVERNING BODY OF
- 45 THE MUNICIPALITY, COUNTY OR ENTITY THAT OWNS THE AT-GRADE INFRASTRUCTURE HAS

1 APPROVED THE USE OF THE EXISTING AT-GRADE INFRASTRUCTURE AS A PART OF THE
2 PUBLIC THREE-LANE HIGHWAY AND THE AUTHORITY AND THE DEPARTMENT OF
3 TRANSPORTATION HAVE EXECUTED AN INTERGOVERNMENTAL AGREEMENT THAT SPECIFIES
4 THE CIRCUMSTANCES UNDER WHICH THE CONSTRUCTION OF AN ABOVE-GRADE OR
5 BELOW-GRADE INTERSECTION IS REQUIRED AND THE ENTITY RESPONSIBLE FOR PAYMENT
6 OF CONSTRUCTION COSTS TO BUILD THE INTERSECTION.

7 (c) IF THE AUTHORITY IS CONNECTING WITH THE AT-GRADE INFRASTRUCTURE OF
8 THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF TRANSPORTATION SHALL GIVE
9 THE APPROVAL REQUIRED BY SUBDIVISION (b) OF THIS PARAGRAPH.

10 7. PURCHASE, TRADE, EXCHANGE, ACQUIRE, BUY, SELL, LEASE, LEASE WITH AN
11 OPTION TO PURCHASE, DISPOSE OF AND ENCUMBER REAL OR PERSONAL PROPERTY AND ANY
12 INTEREST IN THE REAL OR PERSONAL PROPERTY, INCLUDING EASEMENTS AND
13 RIGHTS-OF-WAY, WITHOUT RESTRICTION OR LIMITATION BY OTHER STATUTORY OR
14 CHARTER PROVISIONS.

15 8. HAVE AND EXERCISE THE POWER OF EMINENT DOMAIN IN THE MANNER
16 PROVIDED BY LAW FOR THE CONDEMNATION OF PRIVATE PROPERTY FOR PUBLIC USE AND
17 TAKE ANY PRIVATE PROPERTY NECESSARY TO EXERCISE THE POWERS GRANTED IN THIS
18 CHAPTER, EITHER WITHIN OR OUTSIDE THE BOUNDARIES OF THE AUTHORITY. THE
19 AUTHORITY SHALL NOT EXERCISE THE POWER OF EMINENT DOMAIN WITH RESPECT TO
20 PROPERTY LOCATED OUTSIDE THE BOUNDARIES OF THE AUTHORITY AND WITHIN THE
21 BOUNDARIES OF A MUNICIPALITY WITHOUT THE CONSENT OF THE GOVERNING BODY OF THE
22 MUNICIPALITY OR WITHIN THE UNINCORPORATED BOUNDARIES OF A COUNTY WITHOUT THE
23 CONSENT OF THE COUNTY BOARD OF SUPERVISORS. IN ADDITION TO ANY COMPENSATION
24 AWARDED TO THE OWNER IN AN EMINENT DOMAIN PROCEEDING PURSUANT TO THIS
25 PARAGRAPH, THE AUTHORITY SHALL ADDITIONALLY REIMBURSE THE OWNER WHOSE
26 PROPERTY IS BEING ACQUIRED OR CONDEMNED BY THE AUTHORITY THE FOLLOWING:

27 (a) AN AMOUNT REPRESENTING THE REASONABLE COSTS OF RELOCATING THE
28 INDIVIDUALS, FAMILIES AND BUSINESS CONCERNS THAT WILL BE DISPLACED BY THE
29 AUTHORITY, INCLUDING MOVING EXPENSES AND ACTUAL DIRECT LOSSES OF PROPERTY
30 RESULTING FROM THE DISPLACEMENT. IN THE CASE OF AN OWNER THAT IS A BUSINESS
31 CONCERN, THE AMOUNT SHALL ALSO COVER EXPENSES INCURRED IN CONNECTION WITH THE
32 REESTABLISHMENT OF THE CONCERN, INCLUDING EXPENSES INCURRED IN CONNECTION
33 WITH THE CONSTRUCTION OF REPLACEMENT FACILITIES OR UTILITY, WATER OR SEWER
34 CONNECTIONS, AS WELL AS LOST PROFITS THAT ARE REASONABLY RELATED TO
35 RELOCATION OF THE BUSINESS AND THAT ARE THE RESULT OF THE DISPLACEMENT FOR
36 WHICH REIMBURSEMENT OR COMPENSATION IS NOT OTHERWISE MADE.

37 (b) IN CONNECTION WITH PROCEEDINGS FOR THE AUTHORITY'S ACQUISITION OR
38 CONDEMNATION OF PROPERTY PURSUANT TO THIS CHAPTER IN WHICH THE FINAL VALUE OF
39 THE PROPERTY AS DETERMINED BY THE COURT EXCEEDS TEN THOUSAND DOLLARS, THE
40 COURT SHALL AWARD THE OWNER ALL OF THE OWNER'S REASONABLE ATTORNEY FEES AND
41 THE REASONABLE COSTS OF THE LITIGATION INCURRED BY THE OWNER IF THE AWARD BY
42 THE COURT EQUALS OR EXCEEDS ONE HUNDRED THIRTY PER CENT OF THE LAST WRITTEN
43 OFFER GIVEN TO THE PROPERTY OWNER BEFORE THE FILING OF THE CONDEMNATION
44 ACTION.

1 9. ACCEPT REAL OR PERSONAL PROPERTY FOR THE USE OF THE AUTHORITY AND
2 ACCEPT GIFTS AND CONVEYANCES ON TERMS AND CONDITIONS AS THE BOARD MAY
3 APPROVE.

4 10. ESTABLISH AND INCREASE OR DECREASE A HIGHWAY EXPANSION FEE AND
5 COLLECT THE FEE FROM PERSONS WHO OWN PROPERTY LOCATED WITHIN THE BOUNDARIES
6 OF THE AUTHORITY AND WHO APPLY FOR A BUILDING PERMIT FOR IMPROVEMENTS ON THE
7 PROPERTY IF THE PERMIT IS ISSUED IN ACCORDANCE WITH APPLICABLE ORDINANCES,
8 RESOLUTIONS OR REGULATIONS OF ANY COUNTY OR MUNICIPALITY. AFTER THE FEES ARE
9 ESTABLISHED BY THE AUTHORITY, NO BUILDING PERMIT MAY BE ISSUED BY ANY COUNTY
10 OR MUNICIPALITY FOR ANY IMPROVEMENT CONSTRUCTED WITHIN THE BOUNDARIES OF THE
11 AUTHORITY UNTIL THE FEES HAVE BEEN PAID TO THE AUTHORITY.

12 11. HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO
13 OR IMPLIED FROM THE SPECIFIC POWERS GRANTED BY THIS CHAPTER. SPECIFIC POWERS
14 DO NOT LIMIT ANY POWER NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES AND
15 INTENT OF THIS CHAPTER.

16 B. A PUBLIC HIGHWAY AUTHORITY SHALL NOT ACCEPT OR SPEND FEDERAL MONIES
17 UNLESS THE FEDERAL MONIES ARE IN EXCESS OF FEDERAL MONIES FOR THE FISCAL YEAR
18 BEGINNING JULY 1, 2007 OR UNLESS THE FEDERAL MONIES ARE SPECIFICALLY
19 AUTHORIZED, ALLOCATED OR MADE AVAILABLE BY THE FEDERAL GOVERNMENT.

20 C. THE BOARD MAY INCLUDE PROPERTY WITHIN OR EXCLUDE PROPERTY FROM THE
21 BOUNDARIES OF THE AUTHORITY IN THE MANNER PROVIDED IN THIS SUBSECTION.
22 PROPERTY MAY NOT BE INCLUDED WITHIN THE BOUNDARIES OF THE AUTHORITY UNLESS IT
23 IS WITHIN THE BOUNDARIES OF THE MEMBERS OF THE COMBINATION, IS CONTIGUOUS TO
24 PROPERTY WITHIN THE BOUNDARIES OF THE AUTHORITY AT THE TIME OF THE INCLUSION
25 AND IS NOT MORE THAN TWO AND ONE-HALF MILES FROM THE PROPOSED CENTERLINE OF
26 THE PUBLIC HIGHWAY AS DESCRIBED IN THE CONTRACT REQUIRED BY SECTION 48-6302.

27 D. BEFORE ANY INCLUSION OR EXCLUSION OF PROPERTY, THE BOARD SHALL
28 CAUSE NOTICE OF THE PROPOSED INCLUSION OR EXCLUSION TO BE PUBLISHED IN A
29 NEWSPAPER OF GENERAL CIRCULATION WITHIN THE BOUNDARIES OF THE AUTHORITY AND
30 CAUSE THE NOTICE TO BE MAILED TO THE DEPARTMENT OF TRANSPORTATION AND TO THE
31 OWNERS OF PROPERTY TO BE INCLUDED OR EXCLUDED AT THE LAST KNOWN ADDRESS
32 DESCRIBED FOR THE OWNERS IN THE REAL ESTATE RECORDS OF THE COUNTY IN WHICH
33 THE PROPERTY IS LOCATED. THE NOTICE SHALL DESCRIBE THE PROPERTY TO BE
34 INCLUDED WITHIN OR EXCLUDED FROM THE BOUNDARIES OF THE AUTHORITY, SHALL
35 SPECIFY THE DATE, TIME AND PLACE AT WHICH THE BOARD SHALL HOLD A PUBLIC
36 HEARING ON THE PROPOSED INCLUSION OR EXCLUSION AND SHALL STATE THAT PERSONS
37 HAVING OBJECTIONS TO THE INCLUSION OR EXCLUSION MAY APPEAR AT THE HEARING TO
38 OBJECT TO THE PROPOSED INCLUSION OR EXCLUSION. THE DATE OF THE PUBLIC
39 HEARING CONTAINED IN THE NOTICE SHALL BE NOT LESS THAN TWENTY DAYS AFTER THE
40 MAILING AND PUBLICATION OF THE NOTICE. THE BOARD AT THE TIME AND PLACE
41 DESIGNATED IN THE NOTICE OR AT TIMES AND PLACES TO WHICH THE HEARING MAY BE
42 ADJOURNED SHALL HEAR ALL OBJECTIONS TO THE PROPOSED INCLUSION OR EXCLUSION.
43 ON THE AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS OF THE BOARD, THE BOARD
44 MAY ADOPT A RESOLUTION INCLUDING OR EXCLUDING ALL OR ANY PORTION OF THE
45 PROPERTY DESCRIBED IN THE NOTICE. ON THE ADOPTION OF THE RESOLUTION, THE

1 PROPERTY SHALL BE INCLUDED WITHIN OR EXCLUDED FROM THE BOUNDARIES OF THE
2 AUTHORITY AS SET FORTH IN THE RESOLUTION. THE RESOLUTION MAY BE ADOPTED BY
3 THE BOARD WITHOUT AMENDING THE CONTRACT REQUIRED BY SECTION 48-6302. THE
4 RESOLUTION SHALL BE FILED WITH THE DIRECTOR OF THE DEPARTMENT OF
5 TRANSPORTATION, WHO SHALL CAUSE THE RESOLUTION TO BE RECORDED IN THE REAL
6 ESTATE RECORDS OF EACH COUNTY THAT HAS TERRITORY INCLUDED IN THE BOUNDARIES
7 OF THE AUTHORITY.

8 E. ALL PROPERTY EXCLUDED FROM THE AUTHORITY SHALL BE SUBJECT TO THE
9 REVENUE RAISING POWERS OF THE AUTHORITY ONLY TO THE EXTENT THAT THE POWERS
10 HAVE BEEN EXERCISED BY THE AUTHORITY AGAINST THE PROPERTY BEFORE THE
11 EXCLUSION AND TO THE EXTENT REQUIRED TO COMPLY WITH AGREEMENTS WITH THE
12 HOLDERS OF BONDS OUTSTANDING AT THE TIME OF THE EXCLUSION. ALL PROPERTY
13 INCLUDED WITHIN THE AUTHORITY SHALL BE SUBJECT TO THE REVENUE RAISING POWERS
14 OF THE AUTHORITY. THIS SECTION DOES NOT AFFECT OR INCREASE PROPERTY TAXES IN
15 THE AFFECTED TERRITORY OR JURISDICTION.

16 F. ON THE AFFIRMATIVE VOTE OF TWO-THIRDS OF THE MEMBERS OF THE BOARD,
17 THE BOARD MAY DETERMINE THE LOCATION OF THE ALIGNMENT OF THE PUBLIC HIGHWAY,
18 SUBJECT ONLY TO ANY LIMITATION EXISTING PURSUANT TO SUBSECTION A, PARAGRAPH
19 6, SUBDIVISION (a) OF THIS SECTION.

20 48-6305. Traffic laws; toll collection; civil penalty

21 A. THE TRAFFIC LAWS OF THIS STATE, AND THOSE OF ANY MUNICIPALITY
22 THROUGH WHICH PASSES A PUBLIC HIGHWAY CONSTRUCTED, OPERATED OR MAINTAINED BY
23 AN AUTHORITY, AND THE AUTHORITY'S RULES REGARDING TOLL COLLECTION AND
24 ENFORCEMENT SHALL PERTAIN TO AND GOVERN THE USE OF THE PUBLIC HIGHWAY. STATE
25 AND LOCAL LAW ENFORCEMENT AUTHORITIES MAY ENTER INTO TRAFFIC AND TOLL
26 ENFORCEMENT AGREEMENTS WITH AUTHORITIES. ANY MONIES RECEIVED BY A STATE LAW
27 ENFORCEMENT AUTHORITY PURSUANT TO A TOLL ENFORCEMENT AGREEMENT IS SUBJECT TO
28 ANNUAL APPROPRIATION BY THE LEGISLATURE TO THE LAW ENFORCEMENT AUTHORITY FOR
29 THE PURPOSE OF PERFORMING ITS DUTIES PURSUANT TO THE AGREEMENT.

30 B. ANY AUTHORITY MAY ADOPT, BY RESOLUTION OF ITS BOARD, RULES
31 PERTAINING TO THE ENFORCEMENT OF TOLL COLLECTION AND EVASION AND PROVIDING
32 FOR A CIVIL PENALTY FOR TOLL EVASION. THE CIVIL PENALTY ESTABLISHED BY AN
33 AUTHORITY FOR ANY TOLL EVASION SHALL BE AT LEAST TEN DOLLARS AND NOT MORE
34 THAN TWO HUNDRED FIFTY DOLLARS IN ADDITION TO ANY COSTS IMPOSED BY A COURT.
35 AN AUTHORITY MAY USE STATE OF THE ART TECHNOLOGY, INCLUDING AUTOMATIC VEHICLE
36 IDENTIFICATION PHOTOGRAPHY, TO AID IN THE COLLECTION OF TOLLS AND ENFORCEMENT
37 OF TOLL VIOLATIONS. THE USE OF STATE OF THE ART TECHNOLOGY TO AID IN
38 ENFORCEMENT OF TOLL VIOLATIONS IS GOVERNED SOLELY BY THIS SECTION.

39 C. ANY PERSON WHO EVADES A TOLL ESTABLISHED BY AN AUTHORITY IS SUBJECT
40 TO THE CIVIL PENALTY ESTABLISHED BY THAT AUTHORITY FOR TOLL EVASION. ANY
41 PEACE OFFICER MAY ISSUE COMPLAINTS FOR TOLL EVASION IF AUTHORIZED PURSUANT TO
42 A MUNICIPAL ORDINANCE.

43 D. AT ANY TIME THAT A PERSON IS CITED FOR TOLL EVASION, THE PERSON
44 OPERATING THE MOTOR VEHICLE INVOLVED SHALL BE GIVEN A NOTICE IN THE FORM OF A
45 MUNICIPAL SUMMONS AND COMPLAINT.

1 E. IF A MUNICIPAL SUMMONS AND COMPLAINT IS ISSUED, THE ADJUDICATION OF
2 THE VIOLATION SHALL BE CONDUCTED AND THE FORMAT OF THE SUMMONS AND COMPLAINT
3 SHALL BE DETERMINED PURSUANT TO THE TERMS OF THE MUNICIPAL ORDINANCE
4 AUTHORIZING ISSUANCE OF A SUMMONS AND COMPLAINT. THE PENALTY ON CONVICTION
5 FOR VIOLATION OF A MUNICIPAL ORDINANCE FOR TOLL EVASION SHALL NOT EXCEED THE
6 LIMIT ESTABLISHED IN SUBSECTION B.

7 F. MUNICIPAL AND JUSTICE COURTS ARE GIVEN JURISDICTION TO TRY ALL
8 CASES ARISING UNDER MUNICIPAL ORDINANCES AND STATE LAWS GOVERNING THE USE OF
9 A PUBLIC HIGHWAY OPERATED BY AN AUTHORITY AND ARISING UNDER THE TOLL EVASION
10 CIVIL PENALTY RULES ADOPTED BY AUTHORITIES. VENUE FOR THE CASES SHALL BE IN
11 THE MUNICIPALITY OR COUNTY IN WHICH THE ALLEGED VIOLATION OF MUNICIPAL
12 ORDINANCE OR STATE LAW OR OF THE AUTHORITY RULE OCCURRED.

13 G. AT THE REQUEST OF THE JUDICIAL DEPARTMENT, AN AUTHORITY SHALL
14 CONSIDER ESTABLISHING AN ADMINISTRATIVE TOLL ENFORCEMENT PROCESS AND, BY
15 RESOLUTION, MAY ADOPT RULES ESTABLISHING THE PROCESS. THE RULES PERTAINING
16 TO THE ADMINISTRATIVE ENFORCEMENT OF TOLL EVASION SHALL REQUIRE NOTICE TO THE
17 PERSON CITED FOR TOLL EVASION AND PROVIDE TO THE PERSON AN OPPORTUNITY TO
18 APPEAR AT AN OPEN HEARING CONDUCTED BY AN IMPARTIAL HEARING OFFICER AND A
19 RIGHT TO APPEAL THE FINAL ADMINISTRATIVE DETERMINATION OF TOLL EVASION TO THE
20 SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED.

21 H. IF AN AUTHORITY ESTABLISHES AN ADMINISTRATIVE TOLL ENFORCEMENT
22 PROCESS, A MUNICIPAL OR JUSTICE COURT DOES NOT HAVE JURISDICTION TO HEAR TOLL
23 EVASION CASES ARISING ON A PUBLIC HIGHWAY OPERATED BY THE AUTHORITY.

24 I. A TOLL EVASION CASE MAY BE ADJUDICATED BY AN IMPARTIAL HEARING
25 OFFICER IN AN ADMINISTRATIVE HEARING CONDUCTED PURSUANT TO THIS SECTION AND
26 THE RULES ADOPTED BY AN AUTHORITY. THE HEARING OFFICER MAY BE AN
27 ADMINISTRATIVE LAW JUDGE EMPLOYED BY THIS STATE OR AN INDEPENDENT CONTRACTOR
28 OF THE AUTHORITY. THE CONTRACT FOR AN INDEPENDENT CONTRACTOR SHALL GRANT TO
29 THE HEARING OFFICER THE SAME DEGREE OF INDEPENDENCE GRANTED TO AN
30 ADMINISTRATIVE LAW JUDGE EMPLOYED BY THIS STATE. AN AUTHORITY MAY ENTER INTO
31 CONTRACTS FOR JOINT ADJUDICATION OF TOLL EVASION CASES PURSUANT TO THIS
32 SECTION.

33 J. AN AUTHORITY MAY FILE A CERTIFIED COPY OF AN ORDER IMPOSING A TOLL,
34 FEE AND CIVIL PENALTY THAT IS ENTERED BY THE HEARING OFFICER IN AN
35 ADJUDICATION OF A TOLL EVASION WITH THE CLERK OF THE COURT IN THE COUNTY IN
36 WHICH THE VIOLATION OCCURRED AT ANY TIME AFTER THE ORDER IS ENTERED. THE
37 CLERK SHALL RECORD THE ORDER IN THE JUDGMENT BOOK OF THE COURT AND ENTER IT
38 IN THE JUDGMENT DOCKET. THE ORDER SHALL HAVE THE EFFECT OF A JUDGMENT OF THE
39 COURT AND EXECUTION MAY ISSUE ON THE ORDER OUT OF THE COURT AS IN OTHER
40 CASES.

41 K. AN ADMINISTRATIVE ADJUDICATION OF A TOLL EVASION BY AN AUTHORITY IS
42 SUBJECT TO JUDICIAL REVIEW. THE ADMINISTRATIVE ADJUDICATION MAY BE APPEALED
43 AS TO MATTERS OF LAW AND FACT TO THE SUPERIOR COURT IN THE COUNTY IN WHICH
44 THE VIOLATION OCCURRED. THE APPEAL SHALL BE A REVIEW OF THE RECORD OF THE
45 ADMINISTRATIVE ADJUDICATION AND NOT A DE NOVO HEARING.

1 L. NOTWITHSTANDING THE SPECIFIC REMEDIES PROVIDED BY THIS SECTION, AN
2 AUTHORITY HAS EVERY REMEDY AVAILABLE UNDER THE LAW TO ENFORCE UNPAID TOLLS
3 AND FEES AS DEBTS OWED TO THE AUTHORITY.

4 M. THE AGGREGATE AMOUNT OF PENALTIES, EXCLUSIVE OF COURT COSTS,
5 COLLECTED AS A RESULT OF CIVIL PENALTIES IMPOSED PURSUANT TO RESOLUTIONS
6 ADOPTED AS AUTHORIZED IN SUBSECTION B SHALL BE REMITTED TO THE AUTHORITY IN
7 WHOSE NAME THE CIVIL PENALTY ASSESSMENT NOTICE WAS ISSUED AND SHALL BE
8 APPLIED BY THE AUTHORITY TO DEFRAY THE COSTS AND EXPENSES OF ENFORCING THE
9 LAWS OF THIS STATE AND THE RULES OF THE AUTHORITY. IF A MUNICIPAL SUMMONS OR
10 COMPLAINT IS ISSUED, THE AGGREGATE PENALTY SHALL BE APPORTIONED PURSUANT TO
11 THE TERMS OF ANY ENFORCEMENT AGREEMENT.

12 N. IN ADDITION TO THE PENALTY ASSESSMENT PROCEDURE PROVIDED FOR IN
13 SUBSECTION C, IF AN INSTANCE OF TOLL EVASION IS EVIDENCED BY AUTOMATIC
14 VEHICLE IDENTIFICATION PHOTOGRAPHY, OR OTHER TECHNOLOGY NOT INVOLVING A PEACE
15 OFFICER, A CIVIL PENALTY ASSESSMENT NOTICE MAY BE ISSUED AND SENT BY FIRST
16 CLASS MAIL, OR BY ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN
17 THE UNITED STATES POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO FIRST
18 CLASS MAIL WITH RESPECT TO DELIVERY SPEED, RELIABILITY AND PRICE, BY THE
19 PUBLIC HIGHWAY AUTHORITY TO THE REGISTERED OWNER OF THE MOTOR VEHICLE
20 INVOLVED. THE NOTICE SHALL CONTAIN THE NAME AND ADDRESS OF THE REGISTERED
21 OWNER OF THE VEHICLE INVOLVED, THE LICENSE NUMBER OF THE VEHICLE INVOLVED,
22 THE TIME AND LOCATION OF THE VIOLATION, THE AMOUNT OF THE PENALTY PRESCRIBED
23 FOR THE VIOLATION, A PLACE FOR THE REGISTERED OWNER OF THE VEHICLE TO EXECUTE
24 A SIGNED ACKNOWLEDGMENT OF LIABILITY FOR THE CITED VIOLATION AND OTHER
25 INFORMATION AS MAY BE REQUIRED BY LAW TO CONSTITUTE NOTICE AS A COMPLAINT TO
26 APPEAR FOR ADJUDICATION OF A TOLL EVASION CIVIL PENALTY. THE REGISTERED
27 OWNER OF THE VEHICLE INVOLVED IN A TOLL EVASION SHALL BE LIABLE FOR THE TOLL,
28 FEE AND CIVIL PENALTY IMPOSED BY THE AUTHORITY EXCEPT AS OTHERWISE PROVIDED
29 BY SUBSECTION O.

30 O. IN ADDITION TO ANY OTHER LIABILITY PROVIDED FOR IN THIS SECTION,
31 THE OWNER OF A MOTOR VEHICLE WHO IS ENGAGED IN THE BUSINESS OF LEASING OR
32 RENTING MOTOR VEHICLES IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION
33 CIVIL PENALTY. AT THE DISCRETION OF THE OWNER:

34 1. THE OWNER MAY OBTAIN PAYMENT FOR A TOLL EVASION VIOLATION CIVIL
35 PENALTY FROM THE PERSON OR COMPANY THAT LEASED OR RENTED THE VEHICLE AT THE
36 TIME OF THE TOLL EVASION THROUGH A CREDIT OR DEBIT CARD PAYMENT AND FORWARD
37 THE PAYMENT TO THE PUBLIC HIGHWAY AUTHORITY.

38 2. THE OWNER MAY SEEK TO AVOID LIABILITY FOR A TOLL EVASION VIOLATION
39 CIVIL PENALTY IF THE OWNER OF THE LEASED OR RENTED MOTOR VEHICLE FURNISHES
40 SUFFICIENT EVIDENCE THAT, AT THE TIME OF THE TOLL EVASION VIOLATION, THE
41 VEHICLE WAS LEASED OR RENTED TO ANOTHER PERSON. TO AVOID LIABILITY FOR
42 PAYMENT, THE OWNER OF THE MOTOR VEHICLE, WITHIN THIRTY DAYS AFTER RECEIPT OF
43 THE NOTIFICATION OF THE TOLL EVASION VIOLATION, SHALL FURNISH TO THE PUBLIC
44 HIGHWAY AUTHORITY AN AFFIDAVIT CONTAINING THE NAME, ADDRESS AND DRIVER
45 LICENSE NUMBER OF THE PERSON OR COMPANY THAT LEASED OR RENTED THE VEHICLE.

1 AS A CONDITION TO AVOID LIABILITY FOR PAYMENT OF A TOLL EVASION VIOLATION
2 CIVIL PENALTY, ANY PERSON OR COMPANY THAT LEASES OR RENTS MOTOR VEHICLES TO A
3 PERSON SHALL INCLUDE A NOTICE IN THE LEASING OR RENTAL AGREEMENT STATING
4 THAT, PURSUANT TO THE REQUIREMENTS OF THIS SECTION, THE PERSON RENTING OR
5 LEASING THE VEHICLE IS LIABLE FOR PAYMENT OF A TOLL EVASION VIOLATION CIVIL
6 PENALTY INCURRED ON OR AFTER THE DATE THE PERSON RENTING OR LEASING THE
7 VEHICLE TAKES POSSESSION OF THE MOTOR VEHICLE. THE NOTICE SHALL INFORM THE
8 PERSON RENTING OR LEASING THE MOTOR VEHICLE THAT THE PERSON'S NAME, ADDRESS
9 AND DRIVER LICENSE NUMBER SHALL BE FURNISHED TO THE PUBLIC HIGHWAY AUTHORITY
10 IF A TOLL EVASION VIOLATION CIVIL PENALTY IS INCURRED DURING THE TERM OF THE
11 LEASE OR RENTAL AGREEMENT.

12 P. IF THE PRESCRIBED PENALTY IS NOT PAID WITHIN TWENTY DAYS, IN ORDER
13 TO ENSURE THAT ADEQUATE NOTICE HAS BEEN GIVEN, THE PUBLIC HIGHWAY AUTHORITY
14 SHALL SEND A SECOND NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY
15 ANY MAIL DELIVERY SERVICE OFFERED BY AN ENTITY OTHER THAN THE UNITED STATES
16 POSTAL SERVICE THAT IS EQUIVALENT TO OR SUPERIOR TO CERTIFIED MAIL, RETURN
17 RECEIPT REQUESTED, WITH RESPECT TO RECEIPT VERIFICATION AND DELIVERY SPEED,
18 RELIABILITY AND PRICE, CONTAINING THE SAME INFORMATION SET FORTH IN
19 SUBSECTION N. THE NOTICE SHALL SPECIFY THAT THE REGISTERED OWNER OF THE
20 VEHICLE MAY PAY THE SAME PENALTY AT ANY TIME BEFORE THE SCHEDULED HEARING.
21 IF THE REGISTERED OWNER OF THE VEHICLE DOES NOT PAY THE PRESCRIBED TOLL, FEE
22 AND CIVIL PENALTY WITHIN TWENTY DAYS AFTER THE NOTICE, THE CIVIL PENALTY
23 NOTICE CONSTITUTES A COMPLAINT TO APPEAR FOR ADJUDICATION OF A TOLL EVASION
24 IN COURT OR IN AN ADMINISTRATIVE TOLL ENFORCEMENT PROCEEDING AND THE
25 REGISTERED OWNER OF THE VEHICLE, WITHIN THE TIME SPECIFIED IN THE CIVIL
26 PENALTY NOTICE, SHALL FILE AN ANSWER TO THE COMPLAINT IN THE MANNER SPECIFIED
27 IN THE NOTICE. IF THE REGISTERED OWNER OF THE VEHICLE FAILS TO PAY IN FULL
28 THE OUTSTANDING TOLL, FEE AND CIVIL PENALTY SET FORTH IN THE NOTICE OR TO
29 APPEAR AND ANSWER THE NOTICE AS SPECIFIED IN THE NOTICE, THE REGISTERED OWNER
30 OF THE VEHICLE IS DEEMED TO HAVE ADMITTED LIABILITY AND WAIVED THE RIGHT TO A
31 HEARING, AND A FINAL ORDER OF LIABILITY IN DEFAULT AGAINST THE REGISTERED
32 OWNER OF THE VEHICLE MAY BE ENTERED.

33 Q. A COURT WITH JURISDICTION IN A TOLL EVASION CASE OR AN AUTHORITY
34 WITH JURISDICTION IN A TOLL EVASION CASE MAY REPORT TO THE DEPARTMENT OF
35 TRANSPORTATION ANY OUTSTANDING JUDGMENT OR WARRANT OR ANY FAILURE TO PAY THE
36 TOLL, FEE AND CIVIL PENALTY FOR ANY TOLL EVASION. ON RECEIPT OF A CERTIFIED
37 REPORT FROM A COURT OR AN AUTHORITY STATING THAT THE OWNER OF A REGISTERED
38 VEHICLE HAS FAILED TO PAY A TOLL, FEE AND CIVIL PENALTY RESULTING FROM A
39 FINAL ORDER ENTERED BY THE AUTHORITY, THE DEPARTMENT OF TRANSPORTATION SHALL
40 NOT RENEW THE VEHICLE REGISTRATION OF THE VEHICLE UNTIL THE TOLL, FEE AND
41 CIVIL PENALTY ARE PAID IN FULL. THE AUTHORITY SHALL CONTRACT WITH AND
42 COMPENSATE A VENDOR APPROVED BY THE DEPARTMENT OF TRANSPORTATION FOR THE
43 DIRECT COSTS ASSOCIATED WITH THE NONRENEWAL OF A VEHICLE REGISTRATION
44 PURSUANT TO THIS SUBSECTION. A DEPARTMENT OR AGENCY OF THIS STATE SHALL NOT
45 CONSIDER TOLL EVASION FOR THE PURPOSE OF DETERMINING WHETHER A PERSON'S

1 DRIVER LICENSE SHOULD BE SUSPENDED OR REVOKED AND THE COURT SHALL NOT
2 TRANSMIT AN ABSTRACT OF THE RECORD OF JUDGMENT OR CONVICTION FOR THE
3 VIOLATION TO THE DEPARTMENT OF TRANSPORTATION.

4 48-6306. Local improvement districts

5 THE BOARD MAY ESTABLISH LOCAL IMPROVEMENT DISTRICTS WITHIN THE
6 BOUNDARIES OF THE AUTHORITY TO FACILITATE THE FINANCING, CONSTRUCTION,
7 OPERATION OR MAINTENANCE OF PUBLIC HIGHWAYS WITHIN OR OUTSIDE THE BOUNDARIES
8 OF THE AUTHORITY. LOCAL IMPROVEMENT DISTRICTS MAY BE ESTABLISHED BY THE
9 BOARD WHENEVER ANY AREA WITHIN THE BOUNDARIES OF THE AUTHORITY, IN THE
10 OPINION OF THE BOARD, WILL BE ESPECIALLY BENEFITED BY THE FINANCING,
11 CONSTRUCTION, OPERATION OR MAINTENANCE OF THE PUBLIC HIGHWAY. NO LOCAL
12 IMPROVEMENT DISTRICT MAY BE ESTABLISHED BY THE BOARD UNLESS IT RECEIVES A
13 PETITION SIGNED BY THE OWNERS OF PROPERTY THAT WILL BEAR A MAJORITY OF THE
14 PROPOSED ASSESSMENTS AND BY A PETITION SIGNED BY THE LESSER OF A MAJORITY OF
15 THE REGISTERED ELECTORATE IN THE PROPOSED DISTRICT OR ONE THOUSAND REGISTERED
16 ELECTORS IN THE PROPOSED DISTRICT.

17 ARTICLE 2. FINANCING

18 48-6341. Value capture areas; definition

19 A. THE BOARD MAY ESTABLISH ONE OR MORE VALUE CAPTURE AREAS WITHIN ITS
20 BOUNDARIES TO FACILITATE THE FINANCING AND CONSTRUCTION, OPERATION OR
21 MAINTENANCE OF PUBLIC HIGHWAYS WITHIN OR OUTSIDE THE BOUNDARIES OF THE
22 AUTHORITY. THE BOARD MAY ESTABLISH VALUE CAPTURE AREAS IF THE MARKET VALUE
23 OF ANY AREA WITHIN THE BOUNDARIES OF THE AUTHORITY, IN THE OPINION OF THE
24 BOARD, WILL INCREASE AS A RESULT OF THE FINANCING, CONSTRUCTION, OPERATION OR
25 MAINTENANCE OF A PUBLIC HIGHWAY.

26 B. BEFORE THE ESTABLISHMENT OF A VALUE CAPTURE AREA, THE BOARD SHALL
27 PREPARE A VALUE CAPTURE PLAN THAT IDENTIFIES THE PUBLIC HIGHWAY TO BE
28 FINANCED, CONSTRUCTED, OPERATED OR MAINTAINED, THE PROPERTY TO BE INCLUDED IN
29 THE VALUE CAPTURE AREA, THE PERIOD OF TIME THAT THE VALUE CAPTURE AREA WILL
30 BE IN EFFECT AND THE PORTION OF THE PROPERTY TAXES OR TRANSACTION PRIVILEGE
31 TAXES LEVIED OR COLLECTED IN THE VALUE CAPTURE AREA THAT WILL BE RETAINED BY
32 THE AUTHORITY DURING THE PERIOD THE VALUE CAPTURE AREA REMAINS IN EFFECT. A
33 COPY OF THE VALUE CAPTURE PLAN SHALL BE SUBMITTED TO THE DEPARTMENT OF
34 TRANSPORTATION, THE DEPARTMENT OF REVENUE AND THE GOVERNING BODY OF EACH
35 GOVERNMENTAL UNIT THAT HAS THE POWER TO LEVY OR IMPOSE A PROPERTY TAX OR
36 TRANSACTION PRIVILEGE TAX WITHIN THE BOUNDARIES OF THE PROPOSED VALUE CAPTURE
37 AREA. AT LEAST TWENTY DAYS BEFORE THE HEARING ON THE VALUE CAPTURE PLAN,
38 NOTICE OF THE TIME AND PLACE OF THE HEARING ON THE VALUE CAPTURE PLAN SHALL
39 BE PUBLISHED AT LEAST ONE TIME IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
40 PROPOSED VALUE CAPTURE AREA AND SHALL BE MAILED TO THE DEPARTMENT OF
41 TRANSPORTATION AND THE GOVERNMENTAL UNITS THAT RECEIVE THE VALUE CAPTURE
42 PLAN.

43 C. THE BOARD SHALL HOLD A HEARING THAT IS OPEN TO THE PUBLIC, AND A
44 RECORD OF THE PROCEEDINGS SHALL BE MADE. ALL GOVERNMENTAL UNITS THAT RECEIVE
45 NOTICE OF THE HEARING AS SET FORTH IN SUBSECTION B AND EACH OWNER OF PROPERTY

1 IN THE PROPOSED VALUE CAPTURE AREA ARE INTERESTED PARTIES AND SHALL BE
2 AFFORDED AN OPPORTUNITY TO BE HEARD. AFTER THE HEARING, THE BOARD MAY
3 APPROVE OR DISAPPROVE THE VALUE CAPTURE PLAN. AFTER APPROVAL, ANY VALUE
4 CAPTURE PLAN MAY BE MODIFIED IN SUBSTANTIALLY THE SAME MANNER AS THE ORIGINAL
5 APPROVAL.

6 D. ANY VALUE CAPTURE PLAN AS ORIGINALLY ADOPTED OR LATER MODIFIED MAY
7 CONTAIN A PROVISION THAT PROPERTY TAXES, IF ANY, LEVIED OR IMPOSED BY A
8 GOVERNMENTAL UNIT AFTER THE EFFECTIVE DATE OF THE VALUE CAPTURE PLAN ON
9 TAXABLE PROPERTY IN THE VALUE CAPTURE AREA OR THAT ANY TRANSACTION PRIVILEGE
10 TAXES COLLECTED WITHIN THE VALUE CAPTURE AREA AFTER THE EFFECTIVE DATE OF THE
11 VALUE CAPTURE PLAN, OR ALL SUCH TAXES, SHALL BE DIVIDED FOR A PERIOD SET
12 FORTH IN THE VALUE CAPTURE PLAN AFTER THE EFFECTIVE DATE OF THE VALUE CAPTURE
13 PLAN, AS FOLLOWS:

14 1. THAT PORTION OF THE PROPERTY TAXES THAT ARE PRODUCED BY THE LEVY AT
15 THE RATE FIXED EACH YEAR BY OR FOR EACH GOVERNMENTAL UNIT ON THE VALUATION
16 FOR ASSESSMENT OF TAXABLE PROPERTY WITHIN THE BOUNDARIES OF THE VALUE CAPTURE
17 AREA LAST CERTIFIED BEFORE THE EFFECTIVE DATE OF THE VALUE CAPTURE PLAN OR
18 THAT PORTION OF THE TRANSACTION PRIVILEGE TAXES COLLECTED WITHIN THE
19 BOUNDARIES OF THE VALUE CAPTURE AREA IN THE TWELVE-MONTH PERIOD ENDING ON THE
20 LAST DAY OF THE MONTH BEFORE THE EFFECTIVE DATE OF THE VALUE CAPTURE PLAN, OR
21 BOTH PORTIONS, SHALL BE PAID INTO THE FUNDS OF EACH GOVERNMENTAL UNIT AS ARE
22 ALL OTHER TAXES COLLECTED BY OR FOR THE GOVERNMENTAL UNIT.

23 2. TWENTY-FIVE PER CENT, OR DIFFERENT AMOUNTS AS MAY BE AGREED TO BY
24 EACH AFFECTED GOVERNMENTAL UNIT, OF THE AMOUNT OF THE PROPERTY TAXES OR
25 TRANSACTION PRIVILEGE TAXES, OR BOTH, THAT IS IN EXCESS OF THE PORTION
26 DETERMINED IN PARAGRAPH 1 SHALL BE ALLOCATED AND, WHEN COLLECTED, PAID INTO A
27 SPECIAL FUND OF THE AUTHORITY FOR THE PAYMENT OF OR THE FUNDING OF RESERVES,
28 SINKING OR OTHER FUNDS FOR THE PAYMENT OF THE PRINCIPAL OF, INTEREST ON AND
29 ANY PREMIUMS DUE IN CONNECTION WITH THE BONDS OF THE AUTHORITY INCURRED FOR
30 THE FINANCING OF A PUBLIC HIGHWAY. THE BALANCE, IF ANY, OF THE EXCESS SHALL
31 BE PAID INTO THE FUNDS OF EACH GOVERNMENTAL UNIT AS ARE ALL OTHER TAXES
32 COLLECTED BY OR FOR THE GOVERNMENTAL UNIT.

33 E. IF THERE IS A GENERAL REASSESSMENT OF TAXABLE PROPERTY IN ANY
34 COUNTY, INCLUDING ALL OR PART OF A VALUE CAPTURE AREA OR A CHANGE IN THE RATE
35 OF THE TRANSACTION PRIVILEGE TAX COLLECTED BY A COUNTY OR MUNICIPALITY IN A
36 VALUE CAPTURE AREA, THE PORTIONS OF TAXES SPECIFIED IN SUBSECTION D SHALL BE
37 PROPORTIONATELY ADJUSTED IN ACCORDANCE WITH THE REASSESSMENT OR CHANGE.

38 F. WHEN BONDS OF THE AUTHORITY, INCLUDING REFUNDING BONDS, HAVE BEEN
39 PAID, ALL TAXES IN THE VALUE CAPTURE AREA SHALL BE PAID INTO THE FUNDS OF THE
40 RESPECTIVE GOVERNMENTAL UNITS.

41 G. FOR THE PURPOSES OF THIS SECTION, "TRANSACTION PRIVILEGE TAXES"
42 MEANS COUNTY OR MUNICIPAL SALES AND USE TAXES LEVIED AND COLLECTED IN A VALUE
43 CAPTURE AREA.

1 48-6342. Bonds

2 A. THE AUTHORITY MAY ISSUE BONDS FOR ANY OF ITS CORPORATE PURPOSES.
3 THE BONDS SHALL BE ISSUED PURSUANT TO RESOLUTION OF THE BOARD AND SHALL BE
4 PAYABLE SOLELY OUT OF ALL OR A SPECIFIED PORTION OF THE REVENUES AS
5 DESIGNATED BY THE BOARD.

6 B. AS PROVIDED IN THE RESOLUTION OF THE AUTHORITY UNDER WHICH THE
7 BONDS ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE BETWEEN
8 THE AUTHORITY AND ANY COMMERCIAL BANK OR TRUST COMPANY HAVING FULL TRUST
9 POWERS, BONDS MAY:

10 1. BE EXECUTED AND DELIVERED BY THE AUTHORITY AT SUCH TIMES PROVIDED
11 BY THE AUTHORITY.

12 2. BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE SUCH TERMS AND
13 MATURITIES AS PROVIDED BY THE AUTHORITY.

14 3. BE SUBJECT TO OPTIONAL OR MANDATORY REDEMPTION BEFORE MATURITY WITH
15 OR WITHOUT A PREMIUM.

16 4. BE IN FULLY REGISTERED FORM OR BEARER FORM REGISTRABLE AS TO
17 PRINCIPAL OR INTEREST, OR BOTH.

18 5. BEAR CONVERSION PRIVILEGES.

19 6. BE PAYABLE IN INSTALLMENTS AND AT TIMES NOT EXCEEDING FORTY YEARS
20 AFTER THE DATE OF THE BOND ISSUANCE.

21 7. BE PAYABLE IN OR OUTSIDE THIS STATE.

22 8. BEAR INTEREST AT RATES PER ANNUM THAT MAY BE FIXED OR VARY
23 ACCORDING TO INDEX, PROCEDURE OR FORMULA OR AS DETERMINED BY THE AUTHORITY OR
24 ITS AGENTS WITHOUT REGARD TO ANY INTEREST RATE LIMITATION APPEARING IN ANY
25 OTHER LAW OF THIS STATE.

26 9. BE SUBJECT TO PURCHASE AT THE OPTION OF THE HOLDER OR THE
27 AUTHORITY.

28 10. BE EVIDENCED IN SUCH MANNER AND BE EXECUTED BY OFFICERS OF THE
29 AUTHORITY, INCLUDING THE USE OF ONE OR MORE FAX SIGNATURES, IF AT LEAST ONE
30 MANUAL SIGNATURE APPEARS ON THE BONDS, THAT MAY BE EITHER OF AN OFFICER OF
31 THE AUTHORITY OR OF AN AGENT AUTHENTICATING THE SAME.

32 11. BE IN THE FORM OF COUPON BONDS THAT HAVE ATTACHED INTEREST COUPONS
33 BEARING A MANUAL OR FAX SIGNATURE OF AN OFFICER OF THE AUTHORITY.

34 12. CONTAIN PROVISIONS NOT INCONSISTENT WITH THIS CHAPTER.

35 C. THE BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT A PRICE AND IN A
36 MANNER AND TIME AS DETERMINED BY THE BOARD AND THE BOARD MAY PAY ALL FEES,
37 EXPENSES AND COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN
38 CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE OF SALE OF
39 THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND SELL BONDS, TO FIX
40 INTEREST RATES AND TO TAKE ALL OTHER ACTION NECESSARY TO SELL AND DELIVER THE
41 BONDS MAY BE DELEGATED TO AN OFFICER OR AGENT OF THE AUTHORITY. ANY
42 OUTSTANDING BONDS MAY BE REFUNDED BY THE AUTHORITY. ALL BONDS AND ANY
43 INTEREST COUPONS ARE NEGOTIABLE INSTRUMENTS.

44 D. THE RESOLUTION OR TRUST INDENTURE AUTHORIZING THE ISSUANCE OF THE
45 BONDS MAY PLEDGE ALL OR A PORTION OF THE REVENUES OF THE AUTHORITY, MAY

1 CONTAIN PROVISIONS FOR PROTECTING AND ENFORCING THE RIGHTS AND REMEDIES OF
2 HOLDERS OF ANY OF THE BONDS AS THE AUTHORITY DEEMS APPROPRIATE, MAY SET FORTH
3 THE RIGHTS AND REMEDIES OF THE HOLDERS OF ANY OF THE BONDS AND MAY CONTAIN
4 PROVISIONS THAT THE AUTHORITY DEEMS APPROPRIATE FOR THE SECURITY OF THE
5 HOLDERS OF THE BONDS, INCLUDING PROVISIONS FOR LETTERS OF CREDIT, INSURANCE,
6 STANDBY CREDIT AGREEMENTS OR OTHER FORMS OF CREDIT INSURING TIMELY PAYMENT OF
7 THE BONDS, INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

8 E. ANY PLEDGE OF REVENUES OR PROPERTY MADE BY THE AUTHORITY OR BY ANY
9 PERSON OR GOVERNMENTAL UNIT WITH WHICH THE AUTHORITY CONTRACTS SHALL BE VALID
10 AND BINDING FROM THE TIME THE PLEDGE IS MADE. THE REVENUES OR PROPERTY SO
11 PLEDGED SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF THE PLEDGE WITHOUT ANY
12 PHYSICAL DELIVERY OR FURTHER ACT AND THE LIEN OF THE PLEDGE SHALL BE VALID
13 AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF ANY KIND IN TORT, CONTRACT
14 OR OTHERWISE AGAINST THE PLEDGING PARTY, IRRESPECTIVE OF WHETHER THE CLAIMING
15 PARTY HAS NOTICE OF THE LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED
16 NEED NOT BE RECORDED OR FILED.

17 F. THE MEMBERS OF THE BOARD, EMPLOYEES OF THE AUTHORITY OR ANY PERSON
18 EXECUTING THE BONDS SHALL NOT BE LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO
19 ANY PERSONAL LIABILITY OR ACCOUNTABILITY BY REASON OF THE ISSUANCE OF THE
20 BONDS.

21 G. THE AUTHORITY MAY PURCHASE ITS BONDS OUT OF ANY AVAILABLE MONIES
22 MAY HOLD, PLEDGE, CANCEL OR RESELL BONDS SUBJECT TO AND IN ACCORDANCE WITH
23 AGREEMENTS WITH THE HOLDERS.

24 48-6343. Cooperative powers

25 THE AUTHORITY MAY COOPERATE WITH ANY PERSON TO DO ALL OF THE FOLLOWING:

26 1. ACCEPT CONTRIBUTIONS, LOANS OR ADVANCES FROM ANY PERSON WITH
27 RESPECT TO THE FINANCING, CONSTRUCTION, OPERATION OR MAINTENANCE OF A PUBLIC
28 HIGHWAY AND IN CONNECTION WITH ANY LOAN OR ADVANCE TO ENTER INTO CONTRACTS
29 ESTABLISHING THE REPAYMENT TERMS.

30 2. ENTER INTO CONTRACTS WITH RESPECT TO AND COOPERATE IN THE
31 FINANCING, CONSTRUCTION, OPERATION OR MAINTENANCE OF A SPECIFIED PUBLIC
32 HIGHWAY.

33 3. ENTER INTO JOINT OPERATING CONTRACTS CONCERNING A PUBLIC HIGHWAY.

34 4. COOPERATE IN ACQUIRING EASEMENTS OR RIGHTS-OF-WAY FOR A PUBLIC
35 HIGHWAY.

36 5. TRANSFER DOMINION OVER ALL OR ANY PORTION OF A PUBLIC HIGHWAY
37 FINANCED, OPERATED, MAINTAINED OR CONSTRUCTED BY THE AUTHORITY TO THE FEDERAL
38 GOVERNMENT, THIS STATE, OTHER GOVERNMENTAL UNITS OR ANY PERSON.

39 6. DESIGNATE A PUBLIC HIGHWAY AS PART OF THE FEDERAL HIGHWAY SYSTEM,
40 THE STATE HIGHWAY SYSTEM, A COUNTY HIGHWAY SYSTEM OR A MUNICIPAL HIGHWAY
41 SYSTEM IF THE PERSON WITH JURISDICTION OVER THE HIGHWAY SYSTEM CONSENTS TO
42 THE DESIGNATION.

1 48-6344. Powers of governmental units

2 FOR THE PURPOSE OF AIDING AND COOPERATING IN THE FINANCING,
3 CONSTRUCTION, OPERATION OR MAINTENANCE OF ANY PUBLIC HIGHWAY, A GOVERNMENTAL
4 UNIT MAY DO ALL OF THE FOLLOWING:

5 1. SELL, LEASE, LOAN, DONATE, GRANT, CONVEY, ASSIGN, TRANSFER AND
6 OTHERWISE DISPOSE TO THE AUTHORITY ANY REAL OR PERSONAL PROPERTY OR
7 INTERESTS.

8 2. ENTER INTO AGREEMENTS WITH ANY PERSON FOR THE JOINT FINANCING,
9 CONSTRUCTION, OPERATION OR MAINTENANCE OF ANY PUBLIC HIGHWAY. ON COMPLIANCE
10 WITH APPLICABLE CONSTITUTIONAL OR CHARTER LIMITATIONS, THE GOVERNMENTAL UNIT
11 MAY AGREE TO MAKE PAYMENTS WITHOUT LIMITATION AS TO AMOUNT EXCEPT AS SET
12 FORTH IN THE AGREEMENT, FROM REVENUES FROM ONE OR MORE FISCAL YEARS, TO THE
13 AUTHORITY OR ANY PERSON TO DEFRAY THE COSTS OF THE FINANCING, CONSTRUCTION,
14 OPERATION OR MAINTENANCE OF A PUBLIC HIGHWAY.

15 3. TRANSFER OR ASSIGN TO THE AUTHORITY ANY CONTRACTS THAT MAY HAVE
16 BEEN AWARDED BY THE GOVERNMENTAL UNIT FOR CONSTRUCTION, OPERATION OR
17 MAINTENANCE OF ANY PUBLIC HIGHWAY.

18 4. BY CONTRACT, PLEDGE TO THE AUTHORITY ALL OR A PORTION OF THE
19 REVENUES IT RECEIVES FROM THE ARIZONA HIGHWAY USER REVENUE FUND. THE
20 AUTHORITY SHALL APPLY REVENUES THAT IT RECEIVES PURSUANT TO A PLEDGE TO THE
21 FINANCING, CONSTRUCTION, OPERATION OR MAINTENANCE OF PUBLIC HIGHWAYS.

22 48-6345. Notice; opportunity for comment

23 A. AT LEAST FORTY-FIVE DAYS BEFORE ANY MEETING AT WHICH THE BOARD
24 CONSIDERS OR TAKES ACTION ON A PROPOSAL TO ESTABLISH, INCREASE OR DECREASE
25 ANY FEE AUTHORIZED BY THIS CHAPTER, THE BOARD SHALL DELIVER WRITTEN NOTICE OF
26 THE MEETING AND PROPOSAL TO ANY MUNICIPALITY IN WHICH THE PROPOSED FEE WOULD
27 BE IMPOSED. BEFORE THE TAKING OF ANY ACTION ON THE PROPOSAL BY THE BOARD,
28 MUNICIPALITIES ENTITLED TO RECEIVE NOTICE PURSUANT TO THIS SECTION SHALL BE
29 AFFORDED A REASONABLE OPPORTUNITY FOR COMMENT, EITHER AT A REGULAR MEETING OF
30 THE BOARD OR AT A SPECIAL MEETING CONVENED TO RECEIVE COMMENT.

31 B. AT LEAST SEVEN BUSINESS DAYS BEFORE ANY REGULARLY SCHEDULED
32 MEETING, THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC WRITTEN OR ELECTRONIC
33 NOTICE OF THE TIME AND AGENDA OF THE MEETING. THE BOARD SHALL DESIGNATE
34 DURING EACH MEETING A PUBLIC COMMENT PERIOD THAT IS AT LEAST ONE HOUR IN
35 DURATION AND SHALL OFFER THE PUBLIC AN OPPORTUNITY TO COMMENT. THE PERIOD
36 MAY BE ABRIDGED WHEN THE PUBLIC IS FINISHED OFFERING COMMENTS.

37 48-6346. Notice; reports on authorities

38 A. AT LEAST FORTY-FIVE DAYS BEFORE THE ESTABLISHMENT OF ANY AUTHORITY
39 OR VALUE CAPTURE AREA PURSUANT TO THIS CHAPTER, A NOTICE CONTAINING THE
40 PROPOSED BOUNDARIES OF THE AUTHORITY OR VALUE CAPTURE AREA AND THE METHODS
41 PROPOSED FOR FINANCING PUBLIC HIGHWAYS IN THE AUTHORITY OR A COPY OF THE
42 VALUE CAPTURE PLAN SHALL BE SENT TO THE DEPARTMENT OF TRANSPORTATION AND TO
43 THE DEPARTMENT OF REVENUE.

44 B. AT LEAST FORTY-FIVE DAYS BEFORE THE IMPOSITION OF OR ANY INCREASE
45 IN ANY FEE OR BEFORE THE ISSUANCE OF ANY BONDS AUTHORIZED IN THIS CHAPTER, A

1 NOTICE SPECIFYING THE AMOUNT OF THE FEE AND ITS PROPOSED DURATION OR THE
2 VALUE AND NUMBER OF BONDS TO BE ISSUED SHALL BE SENT TO THE DEPARTMENT OF
3 TRANSPORTATION. THE NOTICE REQUIRED BY THIS SUBSECTION IS NOT NECESSARY IF
4 THE REQUIRED INFORMATION HAS PREVIOUSLY BEEN PROVIDED IN THE NOTICE REQUIRED
5 BY SUBSECTION A.

6 C. AT THE TIME THE NOTICE REQUIRED IN SUBSECTION A OR B IS SENT TO THE
7 DEPARTMENT OF TRANSPORTATION, A COPY SHALL BE SENT TO THE GOVERNOR, THE
8 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

9 D. THE DEPARTMENT OF TRANSPORTATION SHALL FILE AN ANNUAL REPORT WITH
10 THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
11 REPRESENTATIVES CONCERNING THE ACTIVITIES OF AUTHORITIES ESTABLISHED PURSUANT
12 TO THIS CHAPTER. THE REPORT SHALL DETAIL HOW MANY AUTHORITIES HAVE BEEN
13 ESTABLISHED, DESCRIBE THEIR BOUNDARIES AND SPECIFY THE PUBLIC HIGHWAYS THAT
14 ARE BEING CONSTRUCTED AND HOW THEY ARE BEING FINANCED.

15 E. THE DEPARTMENT OF TRANSPORTATION SHALL NOTIFY THE GOVERNOR, THE
16 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
17 EITHER IN THE REPORT REQUIRED BY SUBSECTION D OR BY LETTER, IF IT DEEMS THAT
18 IMMEDIATE NOTIFICATION IS WARRANTED, OF ANY SITUATION RELATING TO THE
19 ESTABLISHMENT OF AN AUTHORITY OR VALUE CAPTURE AREA, THE IMPOSITION OF ANY
20 FEE OR THE ISSUANCE OF ANY BONDS BY AN AUTHORITY THAT THE DEPARTMENT OF
21 TRANSPORTATION BELIEVES OR HAS REASON TO BELIEVE WILL ADVERSELY AFFECT THE
22 TAX RAISING ABILITY OR THE CREDIT OR BOND RATING OF ANY GOVERNMENTAL UNIT OR
23 ANY SCHOOL DISTRICT.

24 F. AN AUTHORITY SHALL REPORT ANNUALLY IN THE MONTH OF AUGUST TO THE
25 GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
26 REPRESENTATIVES ON ITS ACTIVITIES DURING THE PRECEDING TWELVE MONTHS AND ON
27 ITS PROPOSED ACTIVITIES DURING THE SUCCEEDING TWELVE MONTHS.

28 48-6347. Successor to prior entity; assumption of obligations
29 and liabilities; action for mandamus or injunctive
30 relief

31 A. AN AUTHORITY, IF THE CONTRACT ESTABLISHING IT PROVIDES, SHALL BE
32 THE SUCCESSOR TO ANY NONPROFIT CORPORATION, AGENCY OR OTHER ENTITY ORGANIZED
33 TO PROVIDE PUBLIC HIGHWAYS, SHALL BE ENTITLED TO ALL RIGHTS AND PRIVILEGES
34 AND SHALL ASSUME ALL OBLIGATIONS AND LIABILITIES OF THE OTHER ENTITY UNDER
35 EXISTING CONTRACTS TO WHICH THE ENTITY IS A PARTY. AN AUTHORITY AND A COUNTY
36 OR MUNICIPALITY THAT IS A MEMBER OF THE COMBINATION MAY ENTER INTO A CONTRACT
37 BY WHICH THE COUNTY OR MUNICIPALITY ASSIGNS ITS LIABILITIES AND OBLIGATIONS
38 AND THE AUTHORITY ASSUMES LIABILITIES AND OBLIGATIONS UNDER ANY CONTRACT,
39 RESOLUTION, ORDINANCE OR OTHER PUBLIC ACT THAT THE COUNTY OR MUNICIPALITY HAS
40 ENTERED INTO OR ADOPTED WITH RESPECT TO THE FINANCING, CONSTRUCTION,
41 OPERATION OR MAINTENANCE OF A PUBLIC HIGHWAY, INCLUDING BONDS THAT IT HAS
42 ISSUED.

43 B. A COUNTY OR MUNICIPALITY THAT HAS ISSUED BONDS TO FINANCE A PUBLIC
44 HIGHWAY BEFORE THE ESTABLISHMENT OF AN AUTHORITY AND THAT HAS LENT ALL OR A
45 PORTION OF THE PROCEEDS OF THE BONDS TO THE AUTHORITY SHALL NOT TAKE ANY

1 ACTION OR FAIL TO TAKE ANY ACTION THAT WOULD LIMIT THE AVAILABILITY OF THE
 2 PROCEEDS OF THE BONDS TO THE AUTHORITY OR ADVERSELY AFFECT THE ABILITY OF THE
 3 AUTHORITY TO FINANCE THE PUBLIC HIGHWAY UNLESS THE AUTHORITY CONSENTS OR
 4 UNLESS ACTION OR FAILURE TO ACT IS REQUIRED BY THE AGREEMENTS WITH THE
 5 HOLDERS OF THE BONDS. IF A COUNTY OR MUNICIPALITY HAS ASSIGNED TO AN
 6 AUTHORITY ITS RIGHTS AND PRIVILEGES REGARDING BONDS ISSUED TO FINANCE A
 7 PUBLIC HIGHWAY, THE COUNTY OR MUNICIPALITY SHALL TAKE ANY ACTION REQUESTED BY
 8 THE AUTHORITY IN CONNECTION WITH THE BONDS AND THE DOCUMENTS GOVERNING THE
 9 BONDS. A COUNTY OR MUNICIPALITY THAT HAS ASSIGNED TO AN AUTHORITY ALL OF ITS
 10 RIGHTS AND PRIVILEGES REGARDING BONDS ISSUED BY THE COUNTY OR MUNICIPALITY TO
 11 FINANCE A PUBLIC HIGHWAY SHALL NOT HAVE ANY FINANCIAL LIABILITY WITH RESPECT
 12 TO THE REPAYMENT OF THE BONDS EXCEPT TO THE EXTENT EXPRESSLY PROVIDED IN THE
 13 BONDS OR THE ASSIGNMENT. THE ASSUMPTION OF OBLIGATIONS AND LIABILITIES BY AN
 14 AUTHORITY PURSUANT TO THIS SECTION SHALL NOT BE DEEMED TO BE THE CREATION OF
 15 ANY NEW DEBT OR OBLIGATION FOR THE PURPOSES OF THE CONSTITUTION OR LAWS OF
 16 THIS STATE.

17 C. SUBSECTION B MAY BE ENFORCED BY THE AUTHORITY FILING AN ACTION FOR
 18 MANDAMUS OR INJUNCTIVE RELIEF WITH THE SUPERIOR COURT. THE SUPERIOR COURT
 19 SHALL ENTER AN ORDER WITHIN THIRTY DAYS AFTER THE FILING OF ANY ACTION.

20 48-6348. Agreement of state not to limit or alter rights of
 21 obligees

22 THIS STATE PLEDGES AND AGREES WITH THE HOLDERS OF ANY BONDS ISSUED
 23 UNDER THIS CHAPTER AND WITH THOSE PARTIES WHO ENTER INTO CONTRACTS WITH THE
 24 AUTHORITY OR ANY MEMBER OF THE COMBINATION PURSUANT TO THIS CHAPTER THAT THIS
 25 STATE WILL NOT LIMIT, ALTER, RESTRICT OR IMPAIR THE RIGHTS VESTED IN THE
 26 AUTHORITY OR THE RIGHTS OR OBLIGATIONS OF ANY PERSON WITH WHICH IT CONTRACTS
 27 TO FULFILL THE TERMS OF ANY AGREEMENTS MADE PURSUANT TO THIS CHAPTER. THE
 28 STATE FURTHER AGREES THAT IT WILL NOT IN ANY WAY IMPAIR THE RIGHTS OR
 29 REMEDIES OF THE HOLDERS OF ANY BONDS OF THE AUTHORITY UNTIL THE BONDS HAVE
 30 BEEN PAID OR UNTIL ADEQUATE PROVISION FOR PAYMENT HAS BEEN MADE. THE
 31 AUTHORITY MAY INCLUDE THIS PROVISION AND UNDERTAKING FOR THIS STATE IN THE
 32 BONDS.

33 48-6349. Investments; deposits

34 THE AUTHORITY MAY INVEST OR DEPOSIT ANY MONIES. IN ADDITION, THE
 35 AUTHORITY MAY DIRECT A CORPORATE TRUSTEE THAT HOLDS MONIES OF THE AUTHORITY
 36 TO INVEST OR DEPOSIT SUCH MONIES IN INVESTMENTS OR DEPOSITS IF THE BOARD
 37 DETERMINES, BY RESOLUTION, THAT THE INVESTMENT OR DEPOSIT MEETS THE STANDARD
 38 ESTABLISHED BY THE BOARD AND THE INVESTMENT WILL ASSIST THE AUTHORITY IN THE
 39 FINANCING, CONSTRUCTION, MAINTENANCE OR OPERATION OF PUBLIC HIGHWAYS.

40 48-6350. Bonds eligible for investment

41 ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN ASSOCIATIONS, INSURANCE
 42 COMPANIES, EXECUTORS, ADMINISTRATORS, GUARDIANS, TRUSTEES AND OTHER
 43 FIDUCIARIES MAY LEGALLY INVEST ANY MONIES WITHIN THEIR CONTROL IN ANY BONDS
 44 ISSUED UNDER THIS CHAPTER.

