

PROPOSED AMENDMENT
SENATE AMENDMENTS TO S.B. 1240
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 1-215, Arizona Revised Statutes, is amended to
3 read:

4 1-215. Definitions

5 In the statutes and laws of this state, unless the context otherwise
6 requires:

7 1. "Action" includes any matter or proceeding in a court, civil or
8 criminal.

9 2. "Adopted rule" means a final rule as defined in section 41-1001.

10 3. "Adult" means a person who has attained eighteen years of age.

11 4. "Alternative fuel" means:

12 (a) Electricity.

13 (b) Solar energy.

14 (c) Liquefied petroleum gas, natural gas, hydrogen or a blend of
15 hydrogen with liquefied petroleum or natural gas that complies with any of
16 the following:

17 (i) Is used in an engine that is certified to meet at a minimum the
18 United States environmental protection agency low emission vehicle standard
19 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

20 (ii) Is used in an engine that is certified by the engine modifier to
21 meet the addendum to memorandum 1-A of the United States environmental
22 protection agency as printed in the federal register, volume 62, number 207,
23 October 27, 1997, pages 55635 through 55637.

24 (iii) Is used in an engine that is the subject of a waiver for that
25 specific engine application from the United States environmental protection
26 agency's memorandum 1-A addendum requirements and that waiver is documented

1 to the reasonable satisfaction of the director of the department of
2 environmental quality.

3 (d) Only for vehicles that use alcohol fuels before August 21, 1998,
4 alcohol fuels that contain not less than eighty-five per cent alcohol by
5 volume.

6 (e) A combination of at least seventy per cent alternative fuel and no
7 more than thirty per cent petroleum based fuel that operates in an engine
8 that meets the United States environmental protection agency low emission
9 vehicle standard pursuant to 40 Code of Federal Regulations section 88.104-94
10 or 88.105-94 and that is certified by the engine manufacturer to consume at
11 least seventy per cent alternative fuel during normal vehicle operations.

12 5. "Bribe" means anything of value or advantage, present or
13 prospective, asked, offered, given, accepted or promised with a corrupt
14 intent to influence, unlawfully, the person to whom it is given in that
15 person's action, vote or opinion, in any public or official capacity.

16 6. "Child" or "children" as used in reference to age of persons means
17 persons under eighteen years of age.

18 7. "Clean burning fuel" means:

19 (a) An emulsion of water-phased hydrocarbon fuel that contains not
20 less than twenty per cent water by volume and that complies with any of the
21 following:

22 (i) Is used in an engine that is certified to meet at a minimum the
23 United States environmental protection agency low emission vehicle standard
24 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

25 (ii) Is used in an engine that is certified by the engine modifier to
26 meet the addendum to memorandum 1-A of the United States environmental
27 protection agency as printed in the federal register, volume 62, number 207,
28 October 27, 1997, pages 55635 through 55637.

29 (iii) Is used in an engine that is the subject of a waiver for that
30 specific engine application from the United States environmental protection
31 agency's memorandum 1-A addendum requirements and that waiver is documented
32 to the reasonable satisfaction of the director of the department of
33 environmental quality.

1 (b) A diesel fuel substitute that is produced from nonpetroleum
2 renewable resources if the qualifying volume of the nonpetroleum renewable
3 resources meets the standards for California diesel fuel as adopted by the
4 California air resources board pursuant to 13 California Code of Regulations
5 sections 2281 and 2282 in effect on January 1, 2000, the diesel fuel
6 substitute meets the registration requirement for fuels and additives
7 established by the United States environmental protection agency pursuant to
8 section 211 of the clean air act as defined in section 49-401.01 and the use
9 of the diesel fuel substitute complies with the requirements listed in 10
10 Code of Federal Regulations part 490, as printed in the federal register,
11 volume 64, number 96, May 19, 1999.

12 (c) A diesel fuel that complies with all of the following:

13 (i) Contains a maximum of fifteen parts per million by weight of
14 sulfur.

15 (ii) Meets ASTM D975.

16 (iii) Meets the registration requirements for fuels and additives
17 established by the United States environmental protection agency pursuant to
18 section 211 of the clean air act as defined in section 49-401.01.

19 (iv) Is used in an engine that is equipped or has been retrofitted
20 with a device that has been certified by the California air resources board
21 diesel emission control strategy verification procedure, the United States
22 environmental protection agency voluntary diesel retrofit program or the
23 United States environmental protection agency verification protocol for
24 retrofit catalyst, particulate filter and engine modification control
25 technologies for highway and nonroad use diesel engines.

26 (d) A blend of unleaded gasoline that contains at minimum eighty-five
27 per cent ethanol by volume or eighty-five per cent methanol by volume.

28 (e) Neat methanol.

29 (f) Neat ethanol.

30 8. "Corruptly" means a wrongful design to acquire or cause some
31 pecuniary or other advantage to the person guilty of the act or omission
32 referred to, or to some other person.

33 9. "Daytime" means the period between sunrise and sunset.

1 10. "Depose" includes every manner of written statement under oath or
2 affirmation.

3 11. "Federal poverty guidelines" means the poverty guidelines as
4 updated annually in the federal register by the United States department of
5 health and human services.

6 12. "Grantee" includes every person to whom an estate or interest in
7 real property passes, in or by a deed.

8 13. "Grantor" includes every person from or by whom an estate or
9 interest in real property passes, in or by a deed.

10 14. "Includes" or "including" means not limited to and is not a term of
11 exclusion.

12 15. "Inhabitant" means a resident of a city, town, village, district,
13 county or precinct.

14 16. "Issue" as used in connection with descent of estates includes all
15 lawful, lineal descendants of the ancestor.

16 17. "Knowingly":

17 (a) Means only a knowledge that the facts exist that bring the act or
18 omission within the provisions of the statute using such word.

19 (b) Does not require any knowledge of the unlawfulness of the act or
20 omission.

21 18. "Magistrate" means an officer having power to issue a warrant for
22 the arrest of a person charged with a public offense and includes the chief
23 justice and justices of the supreme court, judges of the superior court,
24 judges of the court of appeals, justices of the peace and judges of a
25 municipal court.

26 19. "Majority" or "age of majority" as used in reference to age of
27 persons means ~~the age of~~ eighteen years OF AGE or more.

28 20. "Malice" and "maliciously" mean a wish to vex, annoy or injure
29 another person, or an intent to do a wrongful act, established either by
30 proof or presumption of law.

31 21. "Minor" means a person under the age of eighteen years.

32 22. "Minor children" means persons under the age of eighteen years.

33 23. "Month" means a calendar month unless otherwise expressed.

1 24. "Neglect", "negligence", "negligent" and "negligently" import a
2 want of such attention to the nature or probable consequence of the act or
3 omission as a prudent man ordinarily bestows in acting in his own concerns.

4 25. "Nighttime" means the period between sunset and sunrise.

5 26. "Oath" includes an affirmation or declaration.

6 27. "Peace officers" means sheriffs of counties, constables, marshals,
7 policemen of cities and towns, commissioned personnel of the department of
8 public safety, personnel who are employed by the state department of
9 corrections and the department of juvenile corrections and who have received
10 a certificate from the Arizona peace officer standards and training board,
11 peace officers who are appointed by a multicounty water conservation district
12 and who have received a certificate from the Arizona peace officer standards
13 and training board, police officers who are appointed by community college
14 district governing boards and who have received a certificate from the
15 Arizona peace officer standards and training board, police officers who are
16 appointed by the Arizona board of regents and who have received a certificate
17 from the Arizona peace officer standards and training board, police officers
18 who are appointed by the governing body of a public airport pursuant to
19 section 28-8426 and who have received a certificate from the Arizona peace
20 officer standards and training board **PEACE OFFICERS WHO ARE APPOINTED BY A
21 PRIVATE POSTSECONDARY INSTITUTION PURSUANT TO SECTION 15-1897 AND WHO HAVE
22 RECEIVED A CERTIFICATE FROM THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING
23 BOARD** and special agents from the office of the attorney general, or of a
24 county attorney, and who have received a certificate from the Arizona peace
25 officer standards and training board.

26 28. "Person" includes a corporation, company, partnership, firm,
27 association or society, as well as a natural person. When the word "person"
28 is used to designate the party whose property may be the subject of a
29 criminal or public offense, the term includes the United States, this state,
30 or any territory, state or country, or any political subdivision of this
31 state that may lawfully own any property, or a public or private corporation,
32 or partnership or association. When the word "person" is used to designate

1 the violator or offender of any law, it includes corporation, partnership or
2 any association of persons.

3 29. "Personal property" includes money, goods, chattels, things in
4 action and evidences of debt.

5 30. "Population" means the population according to the most recent
6 United States decennial census.

7 31. "Process" means a citation, writ or summons issued in the course of
8 judicial proceedings.

9 32. "Property" includes both real and personal property.

10 33. "Real property" is coextensive with lands, tenements and
11 hereditaments.

12 34. "Registered mail" includes certified mail.

13 35. "Seal" as used in reference to a paper issuing from a court or
14 public office to which the seal of such court or office is required to be
15 affixed means an impression of the seal on that paper, an impression of the
16 seal affixed to that paper by a wafer or wax, a stamped seal, a printed seal,
17 a screened seal or a computer generated seal.

18 36. "Signature" or "subscription" includes a mark, if a person cannot
19 write, with the person's name written near it and witnessed by a person who
20 writes the person's own name as witness.

21 37. "State", as applied to the different parts of the United States,
22 includes the District of Columbia, this state and the territories.

23 38. "Testify" includes every manner of oral statement under oath or
24 affirmation.

25 39. "United States" includes the District of Columbia and the
26 territories.

27 40. "Vessel", as used in reference to shipping, includes ships of all
28 kinds, steamboats, steamships, barges, canal boats and every structure
29 adapted to navigation from place to place for the transportation of persons
30 or property.

31 41. "Wilfully" means, with respect to conduct or to a circumstance
32 described by a statute defining an offense, that a person is aware or

1 believes that the person's conduct is of that nature or that the circumstance
2 exists.

3 42. "Will" includes codicils.

4 43. "Workers' compensation" means workmen's compensation as used in
5 article XVIII, section 8, Constitution of Arizona.

6 44. "Writ" means an order or precept in writing issued in the name of
7 the state or by a court or judicial officer.

8 45. "Writing" includes printing.

9 Sec. 2. Title 15, chapter 14, Arizona Revised Statutes, is amended by
10 adding article 15-1897, to read:

11 ARTICLE 12. PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICERS

12 15-1897. Private postsecondary institutions; appointment of
13 peace officers; powers; qualifications; liability

14 A. A PRIVATE POSTSECONDARY INSTITUTION THAT OFFERS BACCALAUREATE
15 DEGREES AND THAT HAS A DORMITORY ON ITS CAMPUS WITH FULL TIME RESIDENTS MAY
16 APPOINT ONE OR MORE PERSONS TO BE DESIGNATED BY THE PRIVATE POSTSECONDARY
17 INSTITUTION AS A PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICER TO AID AND
18 SUPPLEMENT THE LAW ENFORCEMENT AGENCIES OF THIS STATE IN THE PROTECTION OF
19 PRIVATE POSTSECONDARY INSTITUTION PROPERTY AND THE PERSONS AND PROPERTY OF
20 PRIVATE POSTSECONDARY INSTITUTION STUDENTS, FACULTY AND EMPLOYEES. WHILE ON
21 PRIVATE POSTSECONDARY INSTITUTION PROPERTY AND ENGAGED IN THE CONDUCT OF THIS
22 EMPLOYMENT, EACH APPOINTED PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICER
23 POSSESSES AND EXERCISES ALL OF THE LAW ENFORCEMENT POWERS OF A PEACE OFFICER
24 IN THIS STATE.

25 B. A PERSON WHO IS APPOINTED AS A PRIVATE POSTSECONDARY INSTITUTION
26 PEACE OFFICER BY A PRIVATE POSTSECONDARY INSTITUTION PURSUANT TO SUBSECTION A
27 OF THIS SECTION MAY ENFORCE THE LAW ONLY ON PROPERTY THAT IS UNDER THE
28 CONTROL OF THE PRIVATE POSTSECONDARY INSTITUTION. THE AUTHORITY AND
29 JURISDICTION OF A LAW ENFORCEMENT AGENCY IN THIS STATE IS NOT PREEMPTED BY A
30 PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICER. A PRIVATE POSTSECONDARY
31 INSTITUTION PEACE OFFICER MUST NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY
32 IN THIS STATE AFTER MAKING A FELONY ARREST OR BEGINNING AN INVESTIGATION OF A
33 FELONY WITHIN THE JURISDICTION OF THAT AGENCY. A PRIVATE POSTSECONDARY

1 INSTITUTION PEACE OFFICER SHALL HAVE AT LEAST THE MINIMUM QUALIFICATIONS
2 PRESCRIBED BY SECTION 41-1822 AND MUST COMPLY WITH ALL RULES ESTABLISHED BY
3 THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD. THE PRIVATE
4 POSTSECONDARY INSTITUTION SHALL REIMBURSE THE ARIZONA PEACE OFFICER STANDARDS
5 AND TRAINING BOARD FOR ALL TRAINING EXPENSES INCURRED BY THE BOARD FOR A
6 PRIVATE POSTSECONDARY INSTITUTION AND ALL AUDIT EXPENSES INCURRED BY THE
7 BOARD IN REVIEWING THE PRIVATE POSTSECONDARY INSTITUTION'S COMPLIANCE WITH
8 PEACE OFFICER AND LAW ENFORCEMENT STANDARDS THAT ARE ESTABLISHED BY THE
9 BOARD. THE PRIVATE POSTSECONDARY INSTITUTION SHALL FILE THE NAME OF EACH
10 PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICER WITH THE ARIZONA PEACE
11 OFFICER STANDARDS AND TRAINING BOARD ON THE DATE OF THE PEACE OFFICER'S
12 APPOINTMENT. IF THE PROPOSED PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICER
13 MEETS AT LEAST THE MINIMUM QUALIFICATIONS ESTABLISHED UNDER SECTION 41-1822,
14 THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD SHALL ISSUE THE
15 APPOINTEE A CERTIFICATE OF AUTHORITY TO ACT AS A PEACE OFFICER AND MAY
16 THEREAFTER REVOKE THE CERTIFICATE FOR GOOD CAUSE.

17 C. A PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICER WHO IS APPOINTED
18 PURSUANT TO THIS SECTION IS NOT ELIGIBLE TO PARTICIPATE IN THE PUBLIC SAFETY
19 PERSONNEL RETIREMENT SYSTEM BASED SOLELY ON THE SERVICE PROVIDED TO A PRIVATE
20 POSTSECONDARY INSTITUTION. THE PRIVATE POSTSECONDARY INSTITUTION IS NOT
21 ELIGIBLE TO RECEIVE FUNDS FROM THE PEACE OFFICERS' TRAINING FUND ESTABLISHED
22 BY SECTION 41-1825. TITLE 38, CHAPTER 8, ARTICLE 1 DOES NOT APPLY TO A
23 PRIVATE POSTSECONDARY INSTITUTION PEACE OFFICER.

24 D. A PRIVATE POSTSECONDARY INSTITUTION THAT APPOINTS A PRIVATE
25 POSTSECONDARY INSTITUTION PEACE OFFICER IS LIABLE FOR A PRIVATE POSTSECONDARY
26 INSTITUTION PEACE OFFICER'S ACTS THAT ARE WITHIN THE SCOPE OF THE OFFICER'S
27 EMPLOYMENT. THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS STATE IS NOT
28 LIABLE FOR ANY ACT OR FAILURE TO ACT BY ANY PRIVATE POSTSECONDARY INSTITUTION
29 PEACE OFFICER.

30 E. ALL RECORDS, REPORTS OR OTHER DOCUMENTATION MADE OR RECEIVED BY A
31 PRIVATE POSTSECONDARY INSTITUTION POLICE DEPARTMENT ARE PUBLIC RECORDS AND
32 ARE SUBJECT TO THE PROVISIONS OF TITLE 39.

33 Sec. 3. Section 28-8426, Arizona Revised Statutes, is amended to read:

1 have the minimum qualifications established for peace officers and police
2 officers pursuant to section 41-1822. The railroad company shall file the
3 name of each such railroad policeman, on the date of ~~his~~ THE PEACE OFFICER'S
4 appointment, with the ~~director of the department of public safety~~ ARIZONA
5 PEACE OFFICER STANDARDS AND TRAINING BOARD. If the proposed railroad
6 policeman meets the minimum qualifications established under section 41-1822,
7 the ~~director of the department of public safety~~ ARIZONA PEACE OFFICER
8 STANDARDS AND TRAINING BOARD shall issue ~~him~~ THE APPOINTEE a certificate of
9 authority to act as a peace officer and may thereafter revoke such
10 certificate for good cause shown.

11 C. Each railroad company appointing any railroad police shall be
12 liable for any and all acts of such railroad police within the scope of their
13 employment. Neither the state nor any political subdivision shall be liable
14 for any act or failure to act by any such railroad policeman.”

15 Amend title to conform

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