

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2336

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 48-901, Arizona Revised Statutes, is amended to  
3 read:

4 48-901. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Assessment" or "assessment roll" means a special assessment made  
7 under this article.

8 2. "Block" means a parcel of ground, regular or irregular, bounded by  
9 streets or by streets and district boundary lines.

10 3. "Chairman of the board" means the person designated to preside over  
11 meetings of the board of directors.

12 4. "Clerk" or "district clerk" means the clerk of the board of  
13 supervisors, who shall be the clerk under this article and in whose office  
14 shall be filed all papers directed or required to be filed with the clerk.

15 5. "Commercial farming" means the intensive cultivation of arable land  
16 by the raising of agricultural or horticultural products as a principal  
17 source of the owner's livelihood.

18 6. "Commercial stock raising" means the breeding, raising and care of  
19 domestic animals as a principal source of the owner's livelihood.

20 7. "Contractor" includes personal representatives or assignee of the  
21 contractor.

22 8. "Delinquency" means delinquency in the payment of an assessment.

23 9. "Engineer" or "district engineer" means a person designated or  
24 employed by the board of directors of a district to perform any or all of the  
25 engineering work authorized to be done by the district under this article.

26 10. "Improvement bond" means a bond issued under this article.

27 11. "Lighting plants" includes electric light plants, electric power  
28 plants, gas plants, distribution systems, poles, parts, pipes, conduits,

1 wires, tanks, reservoirs, generators for gas or electricity, transmission  
2 lines, towers, lamps, transformers of every character, machinery, apparatus,  
3 equipment and all appliances and structures necessary or incidental to the  
4 construction, installation or operation of a complete electric light, power  
5 and gas plant and distribution system placed on the streets improved, though  
6 extended beyond.

7 12. "Lot" includes any portion, piece, parcel or subdivision of land,  
8 but not property owned or controlled by any person as a railroad right of  
9 way.

10 13. "Owner" means the person in whom legal title appears by recorded  
11 deed, or the person in possession under claim or title, or the person  
12 exercising acts of ownership for himself or as the personal representative of  
13 the owner, including the boards of trustees of school districts and the  
14 boards of education of high school districts owning property within the  
15 proposed improvement district.

16 14. "RENEWABLE ENERGY INFRASTRUCTURE" INCLUDES ANY AND ALL EQUIPMENT  
17 NECESSARY TO ACQUIRE AND CREATE ELECTRICITY FROM A RENEWABLE SOURCE INCLUDING  
18 PHOTOVOLTAIC ARRAYS AND WIND TURBINES.

19 ~~14.~~ 15. "Sewers" include wastewater treatment facilities, tunnels,  
20 excavations, ditches, drains, conduits, channels, outlets, outfalls,  
21 cesspools, manholes, catch basins, flush tanks, septic tanks, connecting  
22 sewers of every character, machinery, apparatus, equipment and all appliances  
23 and structures necessary or incidental to the construction, installation or  
24 operation of a complete sewer system for either sanitary or drainage  
25 purposes.

26 ~~15.~~ 16. "Street" includes avenues, alleys, highways, lanes, crossings,  
27 intersections, courts, places and grounds opened or dedicated to public use  
28 and public ways.

29 ~~16.~~ 17. "Street superintendent" or "superintendent" means a county  
30 employee designated by the board of supervisors to perform the duties of  
31 street superintendent for all the districts organized under this article in  
32 any county.



1 contractual arrangements for improvements, and levying taxes for the  
2 operation and maintenance of improvements and streets within the district or  
3 for the benefit of the district.

4 B. With written consent of the state land commissioner an improvement  
5 district may include state lands or state trust lands within its boundaries,  
6 but those lands shall not be included for purposes of forming or objecting to  
7 the formation or expansion of a district.

8 C. Notwithstanding subsection A of this section, an improvement  
9 district established for the purposes described in section 48-909, subsection  
10 A, paragraph 1, 6, 7, 8 or ~~10~~ 11 may include areas in an incorporated city  
11 or town with the consent of the city's or town's governing body.

12 D. At the time of the establishment of an improvement district, none  
13 of the following shall be included in the improvement district:

14 1. Territory lying within an incorporated city or town except as  
15 provided in subsection C of this section.

16 2. Lands owned or held by any common carrier for use in connection  
17 with interstate or intrastate commerce.

18 3. Unpatented mining claims.

19 E. Unless the improvement district is formed for the purposes  
20 described in section 48-909, subsection A, paragraph 7, at the time of  
21 establishment of an improvement district, none of the following shall be  
22 included in the improvement district if the owner objects to such inclusion  
23 as provided in subsection F of this section:

24 1. Lands owned or held for mining or metallurgical purposes.

25 2. Any tract of land of twenty or more acres in area actually used for  
26 commercial farming or commercial stock raising, or any subdivided lands of  
27 which lots or blocks have not been offered generally for sale since the lands  
28 were subdivided.

29 F. The owner of any property included in the classifications listed in  
30 subsection E of this section may have the property excluded from the proposed  
31 improvement district if the owner files a verified statement with the board  
32 of supervisors prior to the adoption of the resolution ordering the formation

1 of the district, stating that the person executing the statement is one of  
2 the owners of the respective lot or parcel, the respective classification,  
3 that the lot or parcel is within such classification on the date of the  
4 statement, the legal description of the lot or parcel and that the signer  
5 requests that the lot or parcel be excluded from the improvement  
6 district. Any property owner may contest the statement at the hearing on  
7 formation of the improvement district. The board of supervisors shall rule  
8 on all such objections.

9 G. A domestic water improvement district may be formed or expanded in  
10 noncontiguous areas. If the proposed boundaries of a noncontiguous district  
11 are located within six miles of an incorporated city or town, the district  
12 shall obtain the consent of the governing body of the city or town prior to  
13 the formation or expansion of the district.

14  
15 Sec. 3. Section 48-909, Arizona Revised Statutes, is amended to read:

16 48-909. Purposes for which public improvements may be  
17 undertaken; powers incidental to public improvements

18 A. When the public interest or convenience requires, the board of  
19 directors of an improvement district may order:

20 1. The whole or any portion, either in length or width, of one or more  
21 of the streets of the district graded or regraded, paved or repaved,  
22 landscaped or otherwise maintained, improved or reimproved.

23 2. The acquisition, construction, reconstruction or repair of any  
24 street, tunnel, subway, viaduct or conduit in, on, under or over which the  
25 district may have an easement or right-of-way therefor.

26 3. The construction or reconstruction of sidewalks, crosswalks, curbs,  
27 gutters, culverts, bridges, tunnels, siphons, manholes, steps, parkings and  
28 parkways.

29 4. The placement, replacement or repair of pipes, hydrants and  
30 appliances for fire protection.

31 5. The acquisition, construction, reconstruction, maintenance or  
32 repair of wastewater treatment facilities, sewers, ditches, drains, conduits,  
33 pipelines and channels for sanitary and drainage purposes, with outlets,

1 cesspools, manholes, catch basins, flush tanks, septic tanks, connecting  
2 sewers, ditches, drains, conduits, channels and other appurtenances in,  
3 under, over or through any street or any land of the district or any  
4 right-of-way granted or obtained for such purpose, either within or without  
5 the district limits.

6 6. The acquisition, construction, reconstruction or repair of  
7 waterworks for the delivery of water for domestic purposes, and of wells,  
8 ditches, canals, channels, conduits, pipelines and siphons, together with the  
9 necessary or usual appurtenances for carrying storm water or water from  
10 irrigation ditches, watercourses, streams or springs into, through or out of  
11 such district in, under, over or through any street, or any land of the  
12 district or any right-of-way granted or obtained for such purpose, either  
13 within or without the district limits. Nothing in this section shall be  
14 construed to prohibit the board of directors of an improvement district from  
15 purchasing an existing domestic water delivery system within the district or  
16 outside the district or constructing an initial or improving an existing  
17 domestic water delivery system inside or outside the district.

18 7. The construction, reconstruction or repair of breakwater levees or  
19 walls, riverbank protection or replacement of riverbanks and supporting  
20 land. A district established for this purpose shall cooperate and coordinate  
21 its plans and activities with the county flood control district established  
22 in the county and any incorporated city or town in which the district is  
23 established.

24 8. THE CONSTRUCTION AND MAINTENANCE OF RENEWABLE ENERGY  
25 INFRASTRUCTURE.

26 ~~8.~~ 9. The acquisition, construction, reconstruction or repair of  
27 lighting plants and poles, wire conduits, lamps, standards and other  
28 appliances for the purpose of lighting and beautifying streets or other  
29 public lands.

30 ~~9.~~ 10. The construction, reconstruction or repair of any work  
31 incidental to or connected with any such improvement.

1           ~~10.~~ 11. The acquisition, in the name of the district, by gift,  
2 purchase or otherwise and the maintenance, repair, improvement or disposal of  
3 any real or personal property necessary or convenient for district operation  
4 for a community center, park or recreational area.

5           ~~11.~~ 12. Pursuant to section 48-902, the board of directors of an  
6 improvement district may contract for or in any other manner provide  
7 transportation services within the district.

8           B. In addition to the powers specifically granted by or reasonably  
9 inferred from this article, an improvement district through its board of  
10 directors may:

11           1. Acquire by gift, purchase, condemnation or otherwise in the name of  
12 the district and own, control, manage and dispose of any real or personal  
13 property or interest in such property necessary or convenient for the  
14 construction, operation and maintenance of any of the improvements provided  
15 for by this article.

16           2. Join with any other improvement district, any city, town,  
17 governmental agency or Indian tribe, or any agency or instrumentality of an  
18 Indian tribe, or any person in the construction, operation or maintenance of  
19 any of the improvements hereby authorized.

20           3. Join with any other improvement district or any city, town, county  
21 or Indian tribe, or any agency or instrumentality of an Indian tribe, in  
22 improving streets running upon or along the boundary of the district and levy  
23 assessments and issue bonds for the district's part of the cost of such  
24 improvements.

25           4. Sell, lease or otherwise dispose of any property of the district or  
26 interest in such property when the property is no longer required for the  
27 purposes of the district or the use of which may be permitted without  
28 interfering with the use thereof by the district.

29           5. Sell or otherwise dispose of any property or material acquired in  
30 the construction or operation of any improvements as a by-product or  
31 otherwise, and acquire rights-of-way for such disposal by condemnation or  
32 otherwise.

1           6. Accept from the state of Arizona or the federal government, or any  
2 agency, department or instrumentality of either, grants for or in aid of the  
3 construction of any of the improvements provided for by this chapter.

4           7. Notwithstanding any other law, sell improvement bonds to the  
5 federal government, or any agency, department or instrumentality of the  
6 federal government, for the construction of any of the improvements provided  
7 by this chapter.

8           8. Enter into contracts with the state of Arizona or the federal  
9 government, or any agency, department or instrumentality of either or both,  
10 for the construction or supervision of construction by the state of Arizona  
11 or the federal government, or any agency, department or instrumentality of  
12 either or both, but reserving to the district the right to assess against the  
13 property benefited by the improvement, and located within the district, that  
14 portion of the cost of the improvement which does not qualify for aid under a  
15 state or federal grant.

16           9. Operate, maintain and repair the streets within the district and  
17 any improvements made pursuant to this chapter.

18           10. Do all things incidental to the exercise of the powers granted by  
19 this article.

20           C. A county improvement district formed for the purpose of purchasing  
21 an existing or constructing a new domestic water delivery system within the  
22 district or outside the district shall have the same authority and  
23 responsibility as an incorporated city or town pursuant to title 45 and  
24 chapters 22 and 28 of this title.

25           D. A COUNTY IMPROVEMENT DISTRICT FORMED FOR THE PURPOSE OF PURCHASING  
26 AN EXISTING OR CREATING RENEWABLE ENERGY INFRASTRUCTURE WITHIN THE DISTRICT  
27 OR OUTSIDE THE DISTRICT SHALL HAVE THE SAME AUTHORITY AND RESPONSIBILITY AS  
28 AN INCORPORATED CITY OR TOWN PURSUANT TO TITLE 45 AND CHAPTERS 22 AND 28 OF  
29 THIS TITLE.

30           ~~E.~~ E. An improvement district which proposes to provide domestic  
31 water service OR RENEWABLE ENERGY INFRASTRUCTURE within the certificated area  
32 of a public service corporation serving domestic water OR ELECTRICITY shall



1 provide just compensation to the public service corporation pursuant to  
2 section 9-516 for the facilities or certificated area taken. The right to  
3 compensation for a public service corporation from an improvement district  
4 shall not apply if no facilities of the public service corporation are  
5 actually acquired by the improvement district and either of the following  
6 conditions exist:

7 1. At the time the law providing for compensation became effective the  
8 certificated area for which compensation is sought is an area which was  
9 within the boundaries of an improvement district.

10 2. A certificate is issued to a public service corporation for any  
11 area which is within an improvement district at the time the certificate is  
12 issued.

13 ~~E.~~ F. If the county board of supervisors determines that the public  
14 interest or convenience so requires, an improvement district that is formed  
15 for the purposes of providing domestic water service pursuant to article 4 of  
16 this chapter may also provide domestic wastewater service."

17 Amend title to conform

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