

Senate Engrossed House Bill

~~conservation easements; maintenance; weeds~~
(now: water improvement district; Willcox basin)

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2022

AN ACT

AMENDING SECTIONS 48-901, 48-902 AND 48-909, ARIZONA REVISED STATUTES;
RELATING TO COUNTY IMPROVEMENT DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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
7 made under this article.

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

10 3. "Chairman of the board" means the person designated to preside
11 over 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
16 land by the raising of agricultural or horticultural products as a
17 principal source of the owner's livelihood.

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

20 7. "Contractor" includes personal representatives or assignee of
21 the 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
25 the engineering work authorized to be done by the district under this
26 article.

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

28 11. "Lighting plants" includes electric light plants, electric
29 power plants, gas plants, distribution systems, poles, parts, pipes,
30 conduits, wires, tanks, reservoirs, generators for gas or electricity,
31 transmission lines, towers, lamps, transformers of every character,
32 machinery, apparatus, equipment and all appliances and structures
33 necessary or incidental to the construction, installation or operation of
34 a complete electric light, power and gas plant and distribution system
35 placed on the streets improved, though extended beyond.

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

39 13. "Owner" means the person in whom legal title appears by
40 recorded deed, or the person in possession under claim or title, or the
41 person exercising acts of ownership for ~~himself~~ THE PERSON or as the
42 personal representative of the owner, including the boards of trustees of
43 school districts and the boards of education of high school districts
44 owning property within the proposed improvement district.

1 local improvements or acquisitions in the district or for the benefit of
2 the district that are ~~permitted~~ ALLOWED by this article, and may contract
3 for or in any other manner provide transportation services within the
4 district through special assessments in such districts, or the issuing of
5 bonds or making other contractual arrangements for improvements, and
6 levying taxes for the operation and maintenance of improvements and
7 streets within the district or for the benefit of the district.

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

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

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

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

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

22 3. Unpatented mining claims.

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

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

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

33 F. The owner of any property included in the classifications listed
34 in subsection E of this section may have the property excluded from the
35 proposed improvement district if the owner files a verified statement with
36 the board of supervisors prior to the adoption of the resolution ordering
37 the formation of the district, stating that the person executing the
38 statement is one of the owners of the respective lot or parcel, the
39 respective classification, that the lot or parcel is within such
40 classification on the date of the statement, the legal description of the
41 lot or parcel and that the signer requests that the lot or parcel be
42 excluded from the improvement district. Any property owner may contest
43 the statement at the hearing on formation of the improvement
44 district. The board of supervisors shall rule on all such objections.

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

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

8 48-909. Purposes for which public improvements may be
9 undertaken; powers incidental to public
10 improvements

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

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

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

19 3. The construction or reconstruction of sidewalks, crosswalks,
20 curbs, gutters, culverts, bridges, tunnels, siphons, manholes, steps,
21 parkings and parkways.

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

24 5. The acquisition, construction, reconstruction, maintenance or
25 repair of wastewater treatment facilities, sewers, ditches, drains,
26 conduits, pipelines and channels for sanitary and drainage purposes, with
27 outlets, cesspools, manholes, catch basins, flush tanks, septic tanks,
28 connecting sewers, ditches, drains, conduits, channels and other
29 appurtenances in, under, over or through any street or any land of the
30 district or any right-of-way granted or obtained for such a purpose,
31 either within or without the district limits.

32 6. The acquisition, construction, reconstruction, maintenance or
33 repair of waterworks, including WELLS, STANDPIPES AND drinking water
34 treatment facilities, for the delivery of water for domestic purposes,
35 INCLUDING DELIVERY BY WAY OF WATER HAULING, and of wells, DRY WELLS,
36 ditches, canals, channels, conduits, pipelines, RETENTION BASINS and
37 siphons, together with the necessary or usual appurtenances for carrying,
38 ~~storm water~~ STORING OR RECHARGING STORMWATER or water from irrigation
39 ditches, watercourses, streams or springs into, through or out of the
40 district in, under, over or through any street, or any land of the
41 district or any right-of-way granted or obtained for such a purpose,
42 either within or without the district limits. This section does not
43 prohibit the board of directors of an improvement district from purchasing
44 an existing domestic water delivery system within the district or outside

1 the district or constructing an initial or improving an existing domestic
2 water delivery system inside or outside the district.

3 7. The construction, reconstruction or repair of breakwater levees
4 or walls, riverbank protection or replacement of riverbanks and supporting
5 land. A district established for this purpose shall cooperate and
6 coordinate its plans and activities with the county flood control district
7 established in the county and any incorporated city or town in which the
8 district is established.

9 8. The acquisition, construction, reconstruction or repair of
10 lighting plants and poles, wire conduits, lamps, standards and other
11 appliances for the purpose of lighting and beautifying streets or other
12 public lands.

13 9. The construction, reconstruction or repair of any work
14 incidental to or connected with any improvement.

15 10. The acquisition, in the name of the district, by gift, purchase
16 or otherwise and the maintenance, repair, improvement or disposal of any
17 real or personal property necessary or convenient for district operation
18 for a community center, park or recreational area.

19 11. Pursuant to section 48-902, the board of directors of an
20 improvement district may contract for or in any other manner provide
21 transportation services within the district.

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

25 1. Acquire by gift, purchase, condemnation or otherwise in the name
26 of the district and own, control, manage and dispose of any real or
27 personal property or interest in the property necessary or convenient for
28 the construction, operation and maintenance of any of the improvements
29 provided for by this article.

30 2. Join with any other improvement district, any city, town,
31 governmental agency or Indian tribe, or any agency or instrumentality of
32 an Indian tribe, or any person in the construction, operation or
33 maintenance of any of the improvements hereby authorized.

34 3. Join with any other improvement district or any city, town,
35 county or Indian tribe, or any agency or instrumentality of an Indian
36 tribe, in improving streets running on or along the boundary of the
37 district and levy assessments and issue bonds for the district's part of
38 the cost of those improvements.

39 4. Sell, lease or otherwise dispose of any property of the district
40 or interest in the property when the property is no longer required for
41 the purposes of the district or the use of which may be permitted without
42 interfering with the use thereof by the district.

43 5. Sell or otherwise dispose of any property or material acquired
44 in the construction or operation of any improvements as a by-product or

1 otherwise, and acquire rights-of-way for the disposal by condemnation or
2 otherwise.

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

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

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

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

20 10. Do all things incidental to the exercise of the powers granted
21 by this article.

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

27 D. An improvement district that proposes to provide domestic water
28 service within the certificated area of a public service corporation
29 serving domestic water shall provide just compensation to the public
30 service corporation pursuant to section 9-516 for the facilities or
31 certificated area taken. The right to compensation for a public service
32 corporation from an improvement district shall not apply if no facilities
33 of the public service corporation are actually acquired by the improvement
34 district and either of the following conditions exist:

35 1. At the time the law providing for compensation became effective
36 the certificated area for which compensation is sought is an area that was
37 within the boundaries of an improvement district.

38 2. A certificate is issued to a public service corporation for any
39 area that is within an improvement district at the time the certificate is
40 issued.

41 E. If the county board of supervisors determines that the public
42 interest or convenience so requires, an improvement district that is
43 formed for the purposes of providing domestic water service pursuant to
44 article 4 of this chapter may also provide domestic wastewater service.

