

REFERENCE TITLE: irrigation water conservation districts; administration

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

SB 1080

Introduced by
Senator Kerr

AN ACT

AMENDING SECTIONS 48-2971, 48-2975, 48-2976, 48-2978 AND 48-3128, ARIZONA
REVISED STATUTES; RELATING TO IRRIGATION AND WATER CONSERVATION DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-2971, Arizona Revised Statutes, is amended to
3 read:

4 48-2971. Officers; office of district

5 The officers of an irrigation district shall consist of a board of
6 directors and a secretary appointed by the board. The treasurer of the
7 county in which the office of the district is located shall be ex officio
8 treasurer of the district. The officers shall hold office until their
9 successors are elected or appointed and qualified. The office of the
10 board of directors shall be the business office of the district and shall
11 be located in the county where the organization is perfected. **THE**
12 **SECRETARY OF A DISTRICT SHALL SERVE AS THE CLERK FOR PURPOSES OF SERVICE**
13 **OF PROCESS ON THE DISTRICT.**

14 Sec. 2. Section 48-2975, Arizona Revised Statutes, is amended to
15 read:

16 48-2975. Meetings of board of directors; records

17 A. The board of directors shall hold a regular ~~monthly~~ meeting in
18 the district office ~~on the first Tuesday in each month~~ **OR ANOTHER LOCATION**
19 and **SHALL HOLD** such special meetings necessary for the transaction of
20 business. Special meetings shall be called by the president of the board,
21 or any two directors. Meetings of the board shall be public, and a
22 majority of the board shall constitute a quorum for the transaction of
23 business. **IF THE MEETING IS NOT HELD AT THE DISTRICT OFFICE, THE LOCATION**
24 **OF THE MEETING SHALL BE INCLUDED ON THE MEETING NOTICE.** On questions
25 requiring a vote there shall be a concurrence of at least a majority of
26 the board.

27 B. All records of the board shall be open to inspection of any
28 elector during business hours.

29 Sec. 3. Section 48-2976, Arizona Revised Statutes, is amended to
30 read:

31 48-2976. Publication of minutes; effective date of bylaws,
32 rules, regulations and resolutions

33 A. The minutes of proceedings of the board of directors or an
34 abstract thereof may be published when the board by resolution entered
35 ~~upon~~ **ON** its minutes so direct.

36 B. All ~~by-laws~~ **BYLAWS**, rules, regulations or resolutions of a
37 general nature governing drainage ditches, laterals, canals and the use
38 and distribution of irrigation water or other commodities shall be posted
39 at least five days in not less than two public places in each division of
40 the district, ~~or~~ published twice in a newspaper published within the
41 county in which the office of the district is located **OR POSTED ON A**
42 **WEBSITE MAINTAINED BY THE DISTRICT**, as the board may order. ~~By-laws~~
43 **BYLAWS**, rules, regulations and resolutions of the board shall become
44 effective at the time designated by the board, or in the absence of such
45 designation, ~~upon~~ **ON THEIR** adoption ~~thereof~~.

1 Sec. 4. Section 48-2978, Arizona Revised Statutes, is amended to
2 read:

3 48-2978. General powers of board of directors

4 In order to accomplish the purposes of the district the board may:

- 5 1. Purchase or acquire water rights.
- 6 2. Acquire or lease real estate and personal property when
7 necessary.
- 8 3. Acquire and hold stock in irrigation ditch and reservoir
9 companies.
- 10 4. Lease, sell and otherwise dispose of real estate and personal
11 property.
- 12 5. Construct, acquire or purchase canals, ditches, reservoirs,
13 reservoir sites, water, water rights, rights-of-way or other property
14 deemed necessary for the use of the district.
- 15 6. Acquire the right to enlarge any ditch, canal or reservoir
16 already constructed or partially constructed.
- 17 7. Provide for the construction, operation, leasing and control of
18 plants for the generation, distribution, sale and lease of electrical
19 energy, including sale to municipalities, corporations, public utility
20 districts or individuals of electrical energy so generated.
- 21 8. Make appropriations of water for irrigation and power purposes.
- 22 9. Refer to the qualified electors of the district any optional or
23 administrative measure or method of procedure or any other matter or
24 proposition the board deems necessary or advisable.
- 25 10. Establish tolls or charges for service of irrigation, domestic
26 water, electricity and other commodities.
- 27 11. Control the finances and property of the district, **INCLUDING**
28 **BORROWING MONEY THROUGH A LOAN OR LINE OF CREDIT PURSUANT TO SECTION**
29 **48-3128.**
- 30 12. Appropriate money and provide for the payment of district debts
31 and expenses.
- 32 13. Exercise exclusive control over the laterals, ditches, canals,
33 rights-of-way and other property of the district, prevent encumbering
34 thereof, abate and remove all encumbrances and obstructions thereon, make
35 improvements thereon, vacate any right-of-way not necessary for the
36 further use of the district and protect such right-of-way from
37 encroachment and injuries.
- 38 14. Erect and maintain transmission lines and pipelines, culverts,
39 roads and crossways, and prevent obstructions thereon.
- 40 15. Provide the district with water, electricity and other public
41 conveniences and necessities, and engage in any and all activities,
42 enterprises and occupations within the powers and privileges of
43 municipalities generally.

1 16. Apply surplus money in the district treasury to liquidation of
2 district debts or to the creation of a sinking fund pursuant to section
3 48-2979.

4 17. Make, amend or repeal resolutions, bylaws and rules necessary
5 for the government of or for carrying into effect the powers vested in
6 irrigation districts or any department or officer thereof, and enforce
7 observance thereof by imposition of penalties. The board may impose
8 penalties not exceeding:

9 (a) ~~Five hundred dollars~~ \$500 for violations by persons who use
10 water for domestic purposes, as defined in section 45-454.

11 (b) ~~Five thousand dollars~~ \$5,000 for violations by persons who use
12 water for purposes other than domestic purposes.

13 Sec. 5. Section 48-3128, Arizona Revised Statutes, is amended to
14 read:

15 48-3128. Issuance of warrants or promissory notes for loans

16 A. The board of directors may borrow money for necessary district
17 expenses, obligations and expenditures ~~upon~~ ON the security of and not
18 exceeding the amount of district taxes then levied and assessed and as
19 evidence of the loan may issue and deliver district warrants drawn ~~upon~~ ON
20 the district fund or funds levied and assessed for paying the expense
21 items, obligations or expenditures for which such money is borrowed. No
22 borrowing shall be made for any purpose in excess of the taxes then levied
23 and assessed for such purpose.

24 B. The board of directors ~~may~~, in lieu of warrants, MAY deliver
25 promissory notes as evidence of loans. The notes may be secured by
26 collateral pledge of district assessments or tax monies as collected and
27 not otherwise appropriated. District notes shall be payable at the
28 district office or at a bank or place designated therein, but shall not be
29 receivable in the payment of taxes.

30 C. THE BOARD OF DIRECTORS MAY ESTABLISH A REVOLVING LINE OF CREDIT
31 WITH A BANK OR OTHER FINANCIAL INSTITUTION IN A MAXIMUM AMOUNT OF NOT MORE
32 THAN TWENTY-FIVE PERCENT OF THE IMMEDIATELY PRECEDING FISCAL YEAR'S ACTUAL
33 EXPENDITURES. THE LINE OF CREDIT MAY BE USED FOR OPERATING OR CAPITAL
34 PURPOSES AS APPROVED BY THE BOARD OF DIRECTORS. THE LINE OF CREDIT MAY BE
35 SECURED BY AND REPAYED WITH ANY LAWFULLY AVAILABLE OR BUDGETED MONIES OR
36 REVENUE OF THE DISTRICT AT THE OPTION OF THE BOARD OF DIRECTORS.