

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 140

HOUSE BILL 2199

AN ACT

AMENDING SECTIONS 48-912, 48-915 AND 48-1013, 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 48-912, Arizona Revised Statutes, is amended to
3 read:

4 48-912. Resolution of intention to order improvement

5 A. Before ordering an improvement authorized by this article THAT WILL
6 RESULT IN AN ASSESSMENT AGAINST ONE OR MORE LOTS WITHIN THE DISTRICT, the
7 board of directors of the district shall pass a resolution of intention ~~so~~
8 ~~to do~~, briefly describing the improvement. By the resolution of intention,
9 and the SUBSEQUENT proceedings ~~subsequent thereto~~, one or more of the
10 improvements may be made on one or more streets or any portion ~~or portions~~
11 thereof OF ANY STREET and shall constitute one improvement and be constructed
12 under one contract. If any such work is already done for any lot, the lot
13 shall be excepted from the THAT assessment therefor to the extent of the work
14 done.

15 B. When the proposed improvement, ~~in the opinion of the board of~~
16 ~~directors,~~ is of more than local or ordinary public benefit, it may order
17 the expense of the improvement chargeable upon an assessment district, and
18 shall describe the extent of such assessment district in general terms in its
19 resolution of intention, either by reference to street lines or block
20 numbers, or by designating its exterior boundaries by their courses and
21 distances from the street or streets the improvement of which is
22 contemplated, and may refer for a more particular description thereof OF THE
23 DISTRICT to a map on file with the district engineer, showing the exterior
24 boundary lines of the assessment district, and delineating block and lot
25 numbers or containing such details as will show the location of the lines.

26 C. The board of directors, ~~in the resolution of intention,~~ may
27 provide that the improvement described therein IN THE RESOLUTION may be made
28 according to any of several alternative plans and specifications, or methods,
29 classes or kinds of construction, ~~or classes or kinds of material to be~~
30 thereafter determined by the board of directors.

31 Sec. 2. Section 48-915, Arizona Revised Statutes, is amended to read:

32 48-915. Petition to incur expense; sufficiency

33 A. Before incurring any expenses for which the district may become
34 liable AND THAT WILL RESULT IN AN ASSESSMENT AGAINST ONE OR MORE LOTS WITHIN
35 THE DISTRICT, the board of directors shall require that there be filed with
36 the clerk a petition signed by property owners as provided by this section.

37 B. The petition may consist of one or more like or similar instruments
38 filed with the clerk. The sufficiency of the signatures thereto shall be
39 determined by the rules prescribed for determining the sufficiency of
40 protests against the improvement.

41 C. The petition may be accepted as sufficient by the board of
42 directors if it or the ITS several parts thereof have attached thereto the
43 affidavit of a property owner whose property is subject to assessment for the
44 improvement, stating on his oath that he THE PROPERTY OWNER has examined the
45 petition and that the signatures thereto are the genuine signatures of the

1 owners of a majority of the frontage of the property, fronting on the
2 proposed improvement, or, if the cost of the improvement is proposed to be
3 made chargeable upon an assessment district, the owners of a majority of the
4 frontage of property contained within the limit of the assessment district.

5 D. Notwithstanding subsection C, if the board of supervisors of a
6 county finds that a proposed assessment by the district is a matter of public
7 health, welfare and safety and on a showing that a reasonable effort has been
8 made by first class mail to contact absentee owners, the board of directors
9 may accept the petition as sufficient if it is signed by the majority of
10 resident and responding absentee owners, as determined by the board of
11 directors, of a majority of the frontage of the property fronting on the
12 proposed improvement or contained within the district, as the case may be.
13 Mailed petitions shall provide for either acceptance or rejection by the
14 owner and shall include a notice stating that only returned petitions will
15 be counted. The absentee owners who are contacted by first class mail have
16 thirty days from the date the mail is postmarked to return the petition. The
17 maximum amount of the proposed assessment under petitions authorized by this
18 subsection shall be no more than one dollar fifty cents per one hundred
19 dollars of assessed valuation.

20 Sec. 3. Section 48-1013, Arizona Revised Statutes, is amended to read:

21 48-1013. Compensation; expenses

22 A. Each director of an elected domestic water improvement district or
23 domestic wastewater improvement district board of directors is eligible to
24 receive not more than fifteen SEVENTY-FIVE dollars for each meeting of the
25 board attended and reimbursement for necessary travel expenses for attending
26 not more than four meetings of the board during a calendar
27 month. Compensation shall be paid by the district.

28 B. EACH DIRECTOR SHALL RECEIVE REIMBURSEMENT FOR NECESSARY EXPENSES
29 WHILE ENGAGED IN OFFICIAL BUSINESS OF THE DISTRICT AS AUTHORIZED BY THE
30 BOARD.

APPROVED BY THE GOVERNOR MAY 6, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2002.

Passed the House April 4, 2002,

by the following vote: 52 Ayes,

3 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate April 30, 2002,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2002,

at 2:56 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 6th day of

May, 2002,

at 3:46 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2002

at 3:13 o'clock P M.

[Signature]
Secretary of State

H.B. 2199