

Senate Engrossed

State of Arizona  
Senate  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 201

# SENATE BILL 1277

AN ACT

AMENDING SECTIONS 11-495, 11-496 AND 48-721, ARIZONA REVISED STATUTES;  
RELATING TO COMMUNITY FACILITIES DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Senate Engrossed

State of Arizona  
Senate  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 201

# SENATE BILL 1277

AN ACT

AMENDING SECTIONS 11-495, 11-496 AND 48-721, ARIZONA REVISED STATUTES;  
RELATING TO COMMUNITY FACILITIES DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-495, Arizona Revised Statutes, is amended to  
3 read:

4 11-495. Taxpayers' information fund

5 A. A taxpayers' information fund is established in each county  
6 treasury consisting of monies collected from the public records copy  
7 surcharge imposed pursuant to section 11-496, the tax lien processing fee  
8 imposed pursuant to section 42-18116, subsection C, and fifteen dollars of  
9 each judgment deed fee collected pursuant to section 42-18205, subsection A  
10 AND THE COMMUNITY FACILITIES DISTRICT SPECIAL ASSESSMENT FEE IMPOSED PURSUANT  
11 TO SECTION 48-721.

12 B. The county treasurer shall administer the fund and spend monies in  
13 the fund only to defray the cost of converting or upgrading an automated  
14 public information system as follows:

- 15 1. Purchasing computer hardware and software.
- 16 2. Training employees to operate the system.
- 17 3. Maintaining the system, including purchasing equipment maintenance  
18 agreements.
- 19 4. Updating the system hardware and software.

20 C. The county treasurer shall annually submit to the board of  
21 supervisors the amount of anticipated revenues under this section. If the  
22 projected revenues are considered to be insufficient to establish and  
23 maintain the fund at an adequate level, the monies may accumulate until  
24 sufficient monies are available in the fund.

25 Sec. 2. Section 11-496, Arizona Revised Statutes, is amended to read:

26 11-496. Public records copy; proceeds of sale; agent duties;  
27 surcharge; special district assessments; deposit

28 A. In addition to the fee prescribed by section 39-121.01, subsection  
29 D, paragraph 1 or section 39-121.03, subsection A, the county treasurer may  
30 impose a surcharge of not more than twenty-five per cent of the fee charged  
31 for furnishing a copy, printout or photograph.

32 B. A county treasurer who is designated as a registrar pursuant to  
33 section 35-491 may impose a surcharge of not more than twenty-five per cent  
34 of the average fee charged by commercial bank trust departments during the  
35 previous calendar year for discharging registrar, transfer and paying agent  
36 duties.

37 C. THE COUNTY TREASURER MAY IMPOSE AND COLLECT A FEE FOR EXPENSES  
38 DIRECTLY RELATED TO THE COLLECTION OF SPECIAL ASSESSMENTS FOR A COMMUNITY  
39 FACILITIES DISTRICT PURSUANT TO SECTION 48-721.

40 ~~G.~~ D. The county treasurer shall deposit monies collected pursuant to  
41 this section in the taxpayers' information fund established by section  
42 11-495.

1           Sec. 3. Section 48-721, Arizona Revised Statutes, is amended to read:  
2           48-721. Special assessments; assessment lien bonds

3           A. The district board, by resolution and pursuant to the procedures  
4 prescribed by sections 48-576 through 48-589, as nearly as practicable, or  
5 such other procedures as the district board provides, may levy an assessment  
6 of the costs of any public infrastructure purpose, any operation and  
7 maintenance of public infrastructure or any enhanced municipal services on  
8 any land in the district based on the benefit determined by the district  
9 board to be received by the land. Prior to the issuance of special  
10 assessment bonds the district may enter into a written agreement with a  
11 landowner as to the manner in which the assessment is to be allocated if the  
12 land is to be divided into more than one parcel. If an issue of special  
13 assessment lien bonds finances more than one purpose or service, the benefit  
14 received by the land, in the discretion of the district, may be determined by  
15 reference to the purposes and services as a whole or individually. The  
16 assessment may be based on estimated costs and amended to reflect actual  
17 costs, and the preparation of plans and specifications and the awarding of  
18 the contract are not a prerequisite to the levying of the assessment. An  
19 owner of land on which an assessment has been levied may seek judicial review  
20 of whether the land is benefited by the proposed infrastructure, on the  
21 merits, by special action filed with the court of appeals pursuant to the  
22 procedures of section 48-706, within thirty days of the effective date of the  
23 resolution.

24           B. After adoption by the district board of a resolution levying a  
25 special assessment on property in the district pursuant to section 48-709,  
26 subsection A, paragraph 11 the district board may issue and sell special  
27 assessment lien bonds payable from amounts collected from the special  
28 assessments, from amounts available from time to time in any reserve fund  
29 established for those bonds and from any other amounts available for those  
30 purposes as prescribed by section 48-717. THE DISTRICT AND THE COUNTY  
31 TREASURER FOR THE COUNTY IN WHICH THE DISTRICT IS LOCATED MAY ENTER INTO AN  
32 AGREEMENT FOR THE COUNTY TREASURER TO COLLECT THE DISTRICT'S SPECIAL  
33 ASSESSMENTS IN THE MANNER AND BY THE OFFICERS PROVIDED BY LAW FOR THE  
34 COLLECTION AND ENFORCEMENT OF GENERAL TAXES. THE DISTRICT AND THE COUNTY  
35 TREASURER MAY PROVIDE BY AGREEMENT FOR THE PAYMENT OF THE COUNTY TREASURER'S  
36 COLLECTION EXPENSES DIRECTLY RELATED TO THE LEVY OF THE SPECIAL ASSESSMENT  
37 AND, IF SO PROVIDED, THE LEVY OF THE SPECIAL ASSESSMENT MAY INCLUDE AN AMOUNT  
38 FOR COMPENSATION OF THE COUNTY TREASURER DIRECTLY RELATED TO THE COLLECTION  
39 OF THE SPECIAL ASSESSMENT. THE COMPENSATION RECEIVED BY THE COUNTY TREASURER  
40 PURSUANT TO THE AGREEMENT SHALL BE GOVERNED BY SECTION 11-496. The district  
41 board may also issue and sell bond anticipation notes pursuant to the  
42 procedures prescribed in section 48-2081 or with procedures as similar to  
43 those as is practicable. The assessment shall be a first lien on the  
44 property assessed subject only to general property taxes and prior special  
45 assessments. In the event of nonpayment of an assessment AND EXCEPT AS

1 OTHERWISE PROVIDED IN AN AGREEMENT BETWEEN THE DISTRICT AND THE COUNTY  
2 TREASURER PURSUANT TO THIS SECTION, the procedures for collection of  
3 delinquent assessments, sale of delinquent property and issuance and effect  
4 of THE superintendent's deed prescribed by sections 48-601 through 48-607  
5 apply, as nearly as practicable, except that neither IN NO EVENT IS the  
6 district nor OR the municipality is required to purchase the delinquent land  
7 at the sale if there is no other purchaser. If the landowner owns more than  
8 one parcel in the district, the district board may provide procedures for the  
9 collection and enforcement of assessments as the board deems appropriate by  
10 contract with a landowner to permit the sale of any or all of the landowner's  
11 parcels in the district if the landowner becomes delinquent as to any parcel  
12 that the landowner owns in the district.

13 C. On adoption of the resolution, but before issuance of the special  
14 assessment lien bonds, the district may direct the treasurer to make demand  
15 on the owners of the property so assessed, as shown on the property tax roll,  
16 for advance payment of the amount assessed. The demand shall state a date  
17 not less than twenty days after the date of adoption of the ordinance after  
18 which the treasurer may refuse to accept advance payments of the  
19 assessment. The treasurer shall certify to the clerk on or after the date  
20 specified in the demand the amount collected and the assessments remaining  
21 unpaid against each parcel of land assessed. Special assessment lien bonds  
22 may not be issued in an amount in excess of the amount assessed in the  
23 ordinance or, if advance payments are demanded, the amount certified to the  
24 clerk. The district may adopt procedures for prepayment and provisions for  
25 payment and reallocation of assessments.

26 D. The district may issue and sell refunding bonds to refund any  
27 special assessment bonds of the district.

**APPROVED BY THE GOVERNOR APRIL 25, 2005.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2005.**



Passed the House April 18, 2005

by the following vote: 36 Ayes,

20 Nays, 4 Not Voting

Passed the Senate February 23, 2005

by the following vote: 28 Ayes,

2 Nays, 0 Not Voting

Speaker of the House  
*Pro Tempore*

Chief Clerk of the House

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2005

at 12:05 o'clock P. M.

Secretary to the Governor

Approved this 25 day of

April, 2005,

at 9:50 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Secretary of State

S.B. 1277