House Engrossed Senate Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 191

SENATE BILL 1122

AN ACT

AMENDING SECTION 15-460, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT BOUNDARIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-460, Arizona Revised Statutes, is amended to read:

15-460. Change of school district boundaries

A. On request of the governing board of a school district or on receipt of a petition bearing the signatures of ten per cent or more of the qualified electors residing in the school district to change the boundaries of the school district in such a manner as to include adjacent unorganized territory, setting forth the boundaries desired and the reasons for such change, the county school superintendent shall submit the question of including the unorganized territory within the existing school district to the qualified electors of the new proposed school district. The election shall be held as provided in section 15-459, except that a majority of the qualified electors voting on the question in the unorganized territory and a majority of the qualified electors voting on the question in the existing school district must approve the change. If approved, the change is effective from and after June 30 next following the election.

B. When ten per cent or more of the qualified electors residing in a school district desire that the boundaries of the school district be diminished, they may present a petition to the county school superintendent setting forth the change of boundaries desired and the reasons for such change. The county school superintendent shall prepare and transmit to the governing board of the school district proposed to be diminished a report providing specific information regarding the future availability of educational programs in the area of the district to be detached and in the area which will constitute the remaining district, availability of pupil transportation services and the financial impact on taxpayers. The governing board shall mail or distribute the report to all households located in the school district. The county school superintendent shall submit the question of diminishing the school district boundaries to the qualified electors of the school district. The election shall be held as provided in section 15-459. A majority of the qualified electors voting on the question in the territory to remain in the existing school district and a majority of the qualified electors voting on the question in the territory to be excluded must approve the change. If approved, the change is effective from and after June 30 next following the election.

C. Notwithstanding subsections A and B of this section and this chapter, the governing boards of two adjacent common, union or unified school districts may authorize minor boundary adjustments to both school districts and the governing boards of a unified school district and adjacent common and union high school districts may authorize minor boundary adjustments to the three school districts if all of the following are true:

1. The school districts authorizing the boundary adjustment have not previously made more than one minor boundary adjustment pursuant to this subsection.

2. A majority of the electors within the geographic boundaries of a portion of a school district, as specified in the petition, presents a petition to the governing boards of the district or districts in which the petitioners currently reside and the district to which the petitioners desire to be annexed. If there are no electors within the geographic boundaries of the territory to be annexed, a majority of the property owners in the territory may submit the petition. The petition shall set forth the boundaries of the portion of the district to be annexed.

3. A majority of the members of the governing boards of each district approves the minor boundary adjustment.

4. The boundary adjustment would result in the transfer of no more than one and one-half per cent of the student count of the district from which the pupils will transfer.

5. The boundary adjustment would not result in the transfer of any school buildings, equipment or furnishings from one school district to another school district.

6. No member of the governing board of the school district to be diminished is a resident of the territory that is being transferred to the adjacent school district.

7. The governing boards of the school districts have agreed on a means to satisfy any liabilities.

D. If a majority of the members of the governing boards of school districts to which petitions were presented pursuant to subsection C of this section approves the petitions, the petitions shall be transmitted with the endorsements of the governing boards to the county school superintendent. The county school superintendent, if no petition opposing annexation signed by a majority of the school electors representing either the resident district or the district to which annexation is proposed is received within fifteen days after the transmittal of the petition requesting annexation, shall make the records of boundaries conform to the petition for annexation and notify the boards of supervisors and the county assessor of the boundary change. The change is effective from and after June 30 next following the notification of the boards of supervisors.

E. Notwithstanding subsection A of this section, if the qualified electors residing in a school district have previously voted to accept unorganized territory into the district's boundaries in two consecutive elections called for this purpose, the school district governing board may annex any election precinct within the unorganized territory that is contiguous to the school district if both of the following conditions exist:

1. At least one hundred fifty pupils who reside in the election precinct are enrolled in one or more school districts in the county.

2. The qualified electors of the precinct have previously voted in favor of the annexation.

F. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE GOVERNING BOARD OF A UNIFIED SCHOOL DISTRICT MAY AUTHORIZE A CHANGE TO THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT TO INCLUDE A NONCONTIGUOUS UNORGANIZED TERRITORY IF ALL OF THE FOLLOWING CRITERIA ARE MET:

1. A MAJORITY OF THE QUALIFIED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF AN UNORGANIZED TERRITORY THAT IS PROPOSED TO BE INCLUDED IN THE UNIFIED SCHOOL DISTRICT PRESENT A PETITION TO THE SCHOOL DISTRICT GOVERNING BOARD. IF THERE ARE NO QUALIFIED ELECTORS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE UNORGANIZED TERRITORY TO BE ANNEXED, A MAJORITY OF THE PROPERTY OWNERS IN THE UNORGANIZED TERRITORY MAY SUBMIT A PETITION.

2. THE UNORGANIZED TERRITORY TO BE INCLUDED IN THE UNIFIED SCHOOL DISTRICT CONTAINS LESS THAN ONE HUNDRED FIFTY PUPILS AT THE TIME OF ANNEXATION.

3. THE UNORGANIZED TERRITORY THAT IS PROPOSED TO BE INCLUDED IN THE UNIFIED SCHOOL DISTRICT IS ADJACENT TO AN UNORGANIZED TERRITORY THAT IS PART OF AN INDIAN RESERVATION WITH A POPULATION OF LESS THAN TWO THOUSAND PERSONS BUT IS NOT ADJACENT TO THE UNIFIED SCHOOL DISTRICT.

G. IF THE GOVERNING BOARD OF THE UNIFIED SCHOOL DISTRICT APPROVES THE PETITION PURSUANT TO SUBSECTION F OF THIS SECTION, THE PETITION SHALL BE TRANSMITTED WITH THE ENDORSEMENT OF THE GOVERNING BOARD TO THE COUNTY SCHOOL SUPERINTENDENT. THE COUNTY SCHOOL SUPERINTENDENT, IF NO PETITION OPPOSING ANNEXATION SIGNED BY A MAJORITY OF THE QUALIFIED ELECTORS WITHIN THE SCHOOL DISTRICT IS RECEIVED WITHIN FIFTEEN DAYS AFTER THE TRANSMITTAL OF THE PETITION REQUESTING ANNEXATION, SHALL MAKE THE BOUNDARIES CONFORM TO THE PETITION FOR ANNEXATION AND NOTIFY THE BOARD OF SUPERVISORS AND THE COUNTY ASSESSOR OF THE BOUNDARY CHANGE. THE CHANGE IS EFFECTIVE FROM AND AFTER JUNE 30 NEXT FOLLOWING THE NOTIFICATION OF THE BOARD OF SUPERVISORS.

APPROVED BY THE GOVERNOR MAY 8, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2007.

Passed the House April 23, 20 07,

by the following vote: 54 Ayes,

1 Nays, 5 Not Voting

Speaker of the House

Pro Tempore

Norman L. Moore

Chief Clerk of the House

Passed the Senate February 21, 20 07,

by the following vote: 28 Ayes,

2 Nays, 0 Not Voting

Timothy S. Bee

President of the Senate

Charmion Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

_____

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ 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. 1122

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 2, 20 07

by the following vote: 27 Ayes,

2 Nays, 1 Not Voting

Timothy S. Bee
President of the Senate

Charmion Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

2nd day of May, 20 07

at 11:05 o'clock a M.

Jennifer Ybarra
Secretary to the Governor

Approved this 8 day of

May 2007

at 4:50 o'clock P. M.

J. H. Napolitano
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 9 day of May, 20 07

S.B. 1122

at 8:35 o'clock A. M.

Janice K. Brewer
Secretary of State