Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 9

HOUSE BILL 2440

AN ACT

AMENDING SECTIONS 48-505 AND 48-576, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL IMPROVEMENT DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 48-505, Arizona Revised Statutes, is amended to read:

48-505. Resolution or ordinance of intention to order improvement; election

Before ordering an improvement to be made, the city or town council shall COMPLY WITH BOTH OF THE FOLLOWING:

1. Pass a resolution or ordinance declaring its intention to do so, describing the improvement and the land necessary or convenient to be taken therefor, and specifying the boundaries of the assessment district to be benefited by the improvement and to be assessed to pay the expense of the improvement. The resolution or ordinance of intention may be combined in a single resolution or ordinance of intention to make public improvements pursuant to section 48-576.

2. IF THE CITY OR TOWN COUNCIL DETERMINES THAT THE DISTRICT SHOULD BE FORMED AND AFTER THE FINAL RESOLUTION OF ANY PROTESTS MADE PURSUANT TO SECTION 48-507, THE CITY OR TOWN COUNCIL SHALL SUBMIT WITHIN ONE HUNDRED TWENTY DAYS TO THE CITY OR TOWN CLERK A PETITION TO FORM THE DISTRICT THAT IS SIGNED BY OWNERS OF MORE THAN ONE-HALF OF THE TAXABLE PROPERTY UNITS WITHIN THE AREA OF THE PROPOSED DISTRICT AND THAT IS SIGNED BY PERSONS OWNING COLLECTIVELY MORE THAN ONE-HALF OF THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE AREA OF THE PROPOSED DISTRICT. PROPERTY THAT IS EXEMPT PURSUANT TO TITLE 42, CHAPTER 11, ARTICLE 3 IS NOT CONSIDERED IN DETERMINING THE TOTAL ASSESSED VALUATION OF THE PROPOSED DISTRICT AND OWNERS OF PROPERTY THAT IS NOT SUBJECT TO TAXATION ARE NOT ELIGIBLE TO SIGN THE PETITION. ON VERIFICATION OF THE PETITION SIGNATURES, THE CITY OR TOWN COUNCIL MAY FORM THE IMPROVEMENT DISTRICT AND ORDER THE IMPROVEMENT AS OTHERWISE PROVIDED BY LAW.

Sec. 2. Section 48-576, Arizona Revised Statutes, is amended to read:

48-576. Resolution or ordinance of intention to order improvement; election

A. Before ordering an improvement authorized by this article, the governing body of the municipality shall COMPLY WITH BOTH OF THE FOLLOWING:

1. Pass a resolution or ordinance of intention so to do, briefly describing the improvement. By the resolution or ordinance and the proceedings subsequent thereto, one or more improvements may be made on one or more streets and shall constitute one improvement and be constructed under one or more contracts. The resolution or ordinance of intention may be combined in a single resolution or ordinance of intention to open, extend, widen, straighten or close public streets or off-street parking areas pursuant to section 48-505. If the work proposed is already done for a lot, the lot shall be excepted from the assessment therefor to the extent of the work done.

2. IF THE GOVERNING BODY DETERMINES THAT THE DISTRICT SHOULD BE FORMED AFTER THE FINAL RESOLUTION OF ANY PROTESTS MADE PURSUANT TO SECTION 48-579, THE GOVERNING BODY SHALL SUBMIT WITHIN ONE HUNDRED TWENTY DAYS TO THE CITY OR TOWN CLERK A PETITION TO FORM THE DISTRICT THAT IS SIGNED BY OWNERS OF MORE THAN ONE-HALF OF THE TAXABLE PROPERTY UNITS WITHIN THE AREA OF THE PROPOSED DISTRICT AND THAT IS SIGNED BY PERSONS OWNING COLLECTIVELY MORE THAN ONE-HALF OF THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE AREA OF THE PROPOSED DISTRICT. PROPERTY THAT IS EXEMPT PURSUANT TO TITLE 42, CHAPTER 11, ARTICLE 3 IS NOT CONSIDERED IN DETERMINING THE TOTAL ASSESSED VALUATION OF THE PROPOSED DISTRICT AND OWNERS OF PROPERTY THAT IS NOT SUBJECT TO TAXATION ARE NOT ELIGIBLE TO SIGN THE PETITION. ON VERIFICATION OF THE PETITION SIGNATURES, THE GOVERNING BODY MAY FORM THE IMPROVEMENT DISTRICT AND ORDER THE IMPROVEMENT AS OTHERWISE PROVIDED BY LAW.

B. When the proposed improvement, in the opinion of the governing body, is of more than local or ordinary public benefit, it may order the expense of the improvement chargeable upon a district, and shall describe the extent of the district in general terms in its resolution or ordinance of intention, either by reference to street lines or block numbers, or by designating its exterior boundaries by their courses and distances from the street or streets the improvement of which is contemplated, and may refer for a more particular description thereof to a map on file with the city or town engineer, showing the exterior boundary lines of the district, and delineating block and lot numbers or containing such details as will show the location of the lines. A city or town shall not assess the costs of an improvement which is for the general public benefit against land in an assessment district. If a portion of the expense of an improvement is for general public benefit, the city or town shall assess the district only that portion of the expense which benefits the property within the district.

C. The governing body, in the resolution or ordinance of intention, may provide that the improvement described therein may be made according to any of several alternative plans and specifications, or methods, classes or kinds of construction, or classes and kinds of material to be thereafter determined by the legislative body.

Sec. 3. Retroactivity

This act applies retroactively to any districts for which the city or town council has not adopted a boundary map by January 1, 2016.

PASSED BY THE HOUSE FEBRUARY 9, 2016.

PASSED BY THE SENATE MARCH 8, 2016.

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE MARCH 10, 2016.

APPROVED BY THE GOVERNOR MARCH 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 11, 2016.

Passed the House February 9, 20 16

by the following vote: 35 Ayes,

23 Nays, 2 Not Voting

Speaker of the House

Pro Tempore

Chief Clerk of the House

Passed the Senate March 8, 20 16

by the following vote: 19 Ayes,

9 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary of State

H.B. 2440

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

March 10, 2016,

by the following vote: 36 Ayes,

22 Nays, 2 Not Voting

Speaker of the House

Jim Drake pro Tempore

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10th day of March, 2016,

at 3:37 o'clock P. M.

Secretary to the Governor

Approved this 11th day of

March, 2016,

at 2:33 o'clock P M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of March, 2016,

at 3:58 o'clock P M.

Michele Reagan

Secretary of State

H.B. 2440