



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

April 16, 2019

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on April 16th, 2019:

H.B. 2068 clinical nurse specialists; prescribing authority (Barto)  
H.B. 2114 county real estate; appraisals (Griffin)  
H.B. 2132 personal mobile cargo carrying devices (Thorpe)  
H.B. 2188 funeral director interns (Payne)  
H.B. 2423 space flight activities; release agreement (Weninger)  
S.B. 1076 abducting child from state agency (Brophy-McGee)  
S.B. 1092 rulemaking; exemption; AZPOST (Livingston)  
S.B. 1167 Israel boycott divestments (Boyer)  
S.B. 1231 public safety; residency requirements; prohibition (Boyer)  
S.B. 1401 cosmetology; licensing exceptions (Ugenti-Rita)

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

Senate Engrossed House Bill

**FILED**  
**KATIE HOBBS**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 88**  
**HOUSE BILL 2114**

AN ACT

AMENDING SECTIONS 11-251, 11-256 AND 48-3603, ARIZONA REVISED STATUTES;  
RELATING TO COUNTY REAL ESTATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-251, Arizona Revised Statutes, is amended to  
3 read:

4 11-251. Powers of board

5 The board of supervisors, under such limitations and restrictions as  
6 are prescribed by law, may:

7 1. Supervise the official conduct of all county officers and  
8 officers of all districts and other subdivisions of the county charged  
9 with assessing, collecting, safekeeping, managing or disbursing the public  
10 revenues, see that the officers faithfully perform their duties and direct  
11 prosecutions for delinquencies, and, when necessary, require the officers  
12 to renew their official bonds, make reports and present their books and  
13 accounts for inspection.

14 2. Divide the counties into districts or precincts as required by  
15 law, change the districts or precincts and create others as convenience  
16 requires.

17 3. Establish, abolish and change election precincts, appoint  
18 inspectors and judges of elections, canvass election returns, declare the  
19 result and issue certificates thereof.

20 4. Lay out, maintain, control and manage public roads, ferries and  
21 bridges within the county and levy such tax for that purpose as may be  
22 authorized by law.

23 5. Provide for the care and maintenance of the sick of the county,  
24 erect and maintain hospitals for that purpose and, in its discretion,  
25 provide a farm in connection with the county hospital and adopt ordinances  
26 for working the farm.

27 6. Provide suitable rooms for county purposes.

28 7. Purchase, receive by donation or lease real or personal property  
29 necessary for the use of the county prison and take care of, manage and  
30 control the property, but a purchase of real property shall not be made  
31 unless the value has been previously estimated by three disinterested  
32 citizens of the county, appointed by the board for that purpose, and not  
33 more than the appraised value shall be paid for the property.

34 8. Cause to be erected and furnished a courthouse, jail and  
35 hospital and other buildings as necessary, and construct and establish a  
36 branch jail, when necessary, at a point distant from the county seat.

37 9. Sell at public auction, after thirty days' previous notice given  
38 by publication in a newspaper of the county, stating the time and place of  
39 the auction, and convey to the highest bidder, for cash or contract of  
40 purchase extending not more than ten years after the date of sale and on  
41 such terms and for such consideration as the board shall prescribe, any  
42 property belonging to the county that the board deems advantageous for the  
43 county to sell, or that the board deems unnecessary for use by the county,  
44 and shall pay the proceeds of the sale into the county treasury for use of  
45 the county, except that personal property need not be sold but may be used

1 as a trade-in on the purchase of personal property when the board deems  
2 this disposition of the personal property to be in the best interests of  
3 the county. If the property for sale is real property, the board shall  
4 have the property appraised by ~~a qualified independent fee appraiser who~~  
5 ~~has an office located in this state~~ AN APPRAISER WHO IS LICENSED OR  
6 CERTIFIED PURSUANT TO TITLE 32, CHAPTER 36. The appraiser shall establish  
7 a ~~minimum price that~~ MARKET VALUE AS DEFINED IN SECTION 28-7091 FOR THE  
8 PROPERTY. THE MINIMUM ACCEPTABLE BID FOR THE PURCHASE OF THE PROPERTY  
9 shall be at least ninety percent of the ~~appraised~~ MARKET value, EXCEPT  
10 THAT IF THE PROPERTY HAS NO MARKET VALUE OR A NET VALUE AS DEFINED IN  
11 SECTION 28-7095, SUBSECTION F OF \$10,000 OR LESS, THE VALUE OF THE  
12 PROPERTY MAY BE JUSTIFIED BY A MARKET ANALYSIS THAT IS BASED ON COMPARABLE  
13 SALES. The notice regarding the sale of real property shall be published  
14 in the county where the property is situated and may be published in one  
15 or more other counties, and shall contain, among other things, the  
16 appraised value, the minimum acceptable sale price, and the common and  
17 legal description of the real property. Notwithstanding the requirement  
18 for a sale at public auction prescribed in this paragraph, a county, with  
19 unanimous consent of the board and without a public auction, may sell or  
20 lease any county property to any other duly constituted governmental  
21 entity, including the state, cities, towns and other counties. A county,  
22 with unanimous consent of the board and without public auction, may grant  
23 an easement on county property for public purposes to a utility as defined  
24 in section 40-491. A county, with unanimous consent of the board and  
25 without public auction, may sell or lease any county property for a  
26 specific use to any solely charitable, social or benevolent nonprofit  
27 organization incorporated or operating in this state. A county may  
28 dispose of surplus equipment and materials that have little or no value or  
29 that are unauctionable in any manner authorized by the board.

30 10. Examine and exhibit the accounts and performance of all  
31 officers having the care, management, collection or disbursement of monies  
32 belonging to the county or appropriated by law or otherwise for the use  
33 and benefit of the county. The working papers and other audit files in an  
34 examination and audit of the accounts and performance of a county officer  
35 are not public records and are exempt from title 39, chapter 1. The  
36 information contained in the working papers and audit files prepared  
37 pursuant to a specific examination or audit is not subject to disclosure,  
38 except to the county attorney and the attorney general in connection with  
39 an investigation or action taken in the course of their official duties.

40 11. Examine, settle and allow all accounts legally chargeable  
41 against the county, order warrants to be drawn on the county treasurer for  
42 that purpose and provide for issuing the warrants.

43 12. Levy such tax annually on the taxable property of the county as  
44 may be necessary to defray the general current expenses thereof, including

- 1 salaries otherwise unprovided for, and levy such other taxes as are  
2 required to be levied by law.
- 3 13. Equalize assessments.
- 4 14. Direct and control the prosecution and defense of all actions  
5 to which the county is a party, and compromise them.
- 6 15. Insure the county buildings in the name of and for the benefit  
7 of the county.
- 8 16. Fill by appointment all vacancies occurring in county or  
9 precinct offices.
- 10 17. Adopt provisions necessary to preserve the health of the  
11 county, and provide for the expenses thereof.
- 12 18. With the approval of the department of health services,  
13 contract with any qualified person to provide all or part of the health  
14 services, funded through the department of health services with federal or  
15 state monies, that the board in its discretion extends to residents of the  
16 county.
- 17 19. Contract for county printing and advertising, and provide books  
18 and stationery for county officers.
- 19 20. Provide for rebinding county records, or, if necessary, the  
20 transcribing of county records.
- 21 21. Make and enforce necessary rules and regulations for the  
22 government of its body, the preservation of order and the transaction of  
23 business.
- 24 22. Adopt a seal for the board, a description and impression of  
25 which shall be filed by the clerk in the office of the county recorder and  
26 the secretary of state.
- 27 23. Establish, maintain and conduct or aid in establishing,  
28 maintaining and conducting public aviation fields, purchase, receive by  
29 donation or lease any property necessary for that purpose, lease, at a  
30 nominal rental if desired, sell such aviation fields or property to the  
31 United States or any department, or sell or lease such aviation fields to  
32 a city, exchange lands acquired pursuant to this section for other lands,  
33 or act in conjunction with the United States in maintaining, managing and  
34 conducting all such property. If any such property or part of that  
35 property is not needed for these purposes, it shall be sold by the board  
36 and the proceeds shall be paid into the general fund of the county.
- 37 24. Acquire and hold property for the use of county fairs, and  
38 conduct, take care of and manage them.
- 39 25. Authorize the sheriff to offer a reward, not exceeding ~~ten~~  
40 ~~thousand dollars~~ \$10,000 in one case, for information leading to the  
41 arrest and conviction of persons charged with crime.
- 42 26. Contract for the transportation of insane persons to the state  
43 hospital or direct the sheriff to transport such persons. The county is  
44 responsible for such expense to the extent the expense is not covered by  
45 any ~~third party~~ THIRD-PARTY payor.

1           27. Provide for the reasonable expenses of burial for deceased  
2 indigents as provided in section 36-831 and maintain a permanent register  
3 of deceased indigents, including name, age and date of death, and when  
4 burial occurs, the board shall mark the grave with a permanent marker  
5 giving the name, age, and date of birth, if known.

6           28. Sell or grant to the United States the title or interest of the  
7 county in any toll road or toll train in or partly within a national park,  
8 on such terms as may be agreed on by the board and the secretary of the  
9 interior of the United States.

10          29. Enter into agreements for acquiring rights-of-way,  
11 construction, reconstruction or maintenance of highways in their  
12 respective counties, including highways that pass through Indian  
13 reservations, with the government of the United States, acting through its  
14 duly authorized officers or agents pursuant to any act of Congress, except  
15 that the governing body of any Indian tribe whose lands are affected must  
16 consent to the use of its land, and any such agreements entered into  
17 before June 26, 1952 are validated and confirmed.

18          30. Do and perform all other acts and things necessary to the full  
19 discharge of its duties as the legislative authority of the county  
20 government, including receiving and accepting payment of monies by credit  
21 card or debit card, or both. Any fees or costs incurred by the use of the  
22 credit or debit card shall be paid by the person tendering payment unless  
23 the charging entity determines that the financial benefits of accepting  
24 credit cards or debit cards exceeds the additional processing fees.

25          31. Make and enforce all local, police, sanitary and other  
26 regulations not in conflict with general law.

27          32. Budget for funds for foster home care during the school week  
28 for children with intellectual disabilities and children with other  
29 disabilities who reside within the county and attend a school for students  
30 with disabilities in a city or town within the county.

31          33. Do and perform all acts necessary to enable the county to  
32 participate in the economic opportunity act of 1964 (P.L. 88-452; 78 Stat.  
33 508), as amended.

34          34. Provide a plan or plans for its employees that provide tax  
35 deferred annuity and deferred compensation plans as authorized pursuant to  
36 title 26, United States Code. Such plans shall allow voluntary  
37 participation by all employees of the county. Participating employees  
38 shall authorize the board to make reductions in their remuneration as  
39 provided in an executed deferred compensation agreement.

40          35. Adopt and enforce standards for shielding and filtration of  
41 commercial or public outdoor portable or permanent light fixtures in  
42 proximity to astronomical or meteorological laboratories.

43          36. Subject to the prohibitions, restrictions and limitations as  
44 set forth in section 11-812, adopt and enforce standards for excavation,

1 landfill and grading to prevent unnecessary loss from erosion, flooding  
2 and landslides.

3 37. Make and enforce necessary ordinances for the operation and  
4 licensing of any establishment not in the limits of an incorporated city  
5 or town in which is carried on the business of providing baths, showers or  
6 other forms of hydrotherapy or any service of manual massage of the human  
7 body.

8 38. Provide pecuniary compensation as salary or wages for overtime  
9 work performed by county employees, including those employees covered by  
10 title 23, chapter 2, article 9. In so providing, the board may establish  
11 salary and wage plans incorporating classifications and conditions  
12 prescribed by the federal fair labor standards act.

13 39. Establish, maintain and operate facilities that provide for  
14 physical evaluation, diagnosis and treatment of patients and that do not  
15 keep patients overnight as bed patients or treat patients under general  
16 anesthesia.

17 40. Enact ordinances under its police authority prescribing  
18 reasonable curfews in the entire unincorporated area or any area less than  
19 the entire unincorporated area of the county for minors and fines not to  
20 exceed the fine for a petty offense for violation of such ordinances.  
21 This paragraph does not require a request from an association or a  
22 majority of the residents of an area before the board may enact an  
23 ordinance applicable to the entire or any portion of the unincorporated  
24 area. An ordinance enacted pursuant to this paragraph shall provide that  
25 a minor is not violating a curfew if the minor is accompanied by a parent,  
26 a guardian or an adult having supervisory custody, is on an emergency  
27 errand or has been specifically directed to the location on reasonable,  
28 legitimate business or some other activity by the parent, guardian or  
29 adult having supervisory custody. If no curfew ordinance is applicable  
30 to a particular unincorporated area of the county, the board may adopt a  
31 curfew ordinance on the request or petition of either:

32 (a) A homeowners' association that represents a majority of the  
33 homeowners in the area covered by the association and to which the curfew  
34 would apply.

35 (b) A majority of the residents of the area to which the curfew  
36 would apply.

37 41. Lease or sublease personal property owned by the county to  
38 other political subdivisions of this state to be used for a public  
39 purpose.

40 42. In addition to the agreements authorized by section 11-651,  
41 enter into long-term agreements for the purchase of personal property,  
42 provided that the board may cancel any such agreement at the end of a  
43 fiscal year, at which time the seller may repossess the property and the  
44 agreement ~~shall be~~ IS deemed terminated.

1           43. Make and enforce necessary ordinances not in conflict with the  
2 laws of this state to regulate off-road recreational motor vehicles that  
3 are operated within the county on public lands without lawful authority or  
4 on private lands without the consent of the lawful owner or that generate  
5 air pollution. For the purposes of this paragraph, "off-road recreational  
6 motor vehicle" means three and four wheel vehicles manufactured for  
7 recreational nonhighway ~~all terrain~~ ALL-TERRAIN travel.

8           44. Acquire land for roads, drainage ways and other public purposes  
9 by exchange without public auction, except that notice shall be published  
10 thirty days before the exchange, listing the property ownership and  
11 descriptions.

12           45. Purchase real property for public purposes, provided that final  
13 payment ~~shall be~~ IS made not later than five years after the date of  
14 purchase.

15           46. Lease-purchase real property and improvements for real property  
16 for public purposes, provided that final payment ~~shall be~~ IS made not  
17 later than twenty-five years after the date of purchase. Any increase in  
18 the final payment date from fifteen years up to the maximum of twenty-five  
19 years shall be made only on unanimous approval by the board of  
20 supervisors.

21           47. Make and enforce ordinances for the protection and disposition  
22 of domestic animals subject to inhumane, unhealthful or dangerous  
23 conditions or circumstances. An ordinance enacted pursuant to this  
24 paragraph shall not restrict or limit the authority of the game and fish  
25 commission to regulate the taking of wildlife. This paragraph does not  
26 limit or restrict the authority granted to cities, towns or counties  
27 pursuant to section 13-2910. For the purposes of this paragraph, "domestic  
28 animal" means an animal kept as a pet and not primarily for economic  
29 purposes.

30           48. If a part of a parcel of land is to be taken for roads,  
31 drainage, flood control or other public purposes and the board and the  
32 affected property owner determine that the remainder will be left in such  
33 a condition as to give rise to a claim or litigation concerning severance  
34 or other damage, acquire the whole parcel by purchase, donation,  
35 dedication, exchange, condemnation or other lawful means, and the  
36 remainder may be sold or exchanged for other properties needed for any  
37 public purpose.

38           49. Make and enforce necessary rules providing for the  
39 reimbursement of travel and subsistence expenses of members of county  
40 boards, commissions and advisory committees when acting in the performance  
41 of their duties, if the board, commission or advisory committee is  
42 authorized or required by federal or state law or county ordinance, and  
43 the members serve without compensation.

1           50. Provide a plan or plans for county employee benefits that allow  
2 for participation in a cafeteria plan that meets the requirements of the  
3 United States internal revenue code of 1986.

4           51. Provide for fringe benefits for county employees, including  
5 sick leave, personal leave, vacation and holiday pay and jury duty pay.

6           52. Make and enforce ordinances that are more restrictive than  
7 state requirements to reduce or encourage the reduction of carbon monoxide  
8 and ozone levels, provided an ordinance does not establish a standard for  
9 vehicular emissions, including ordinances to reduce or encourage the  
10 reduction of the commuter use of motor vehicles by employees of the county  
11 and employees whose place of employment is in unincorporated areas of the  
12 county.

13           53. Make and enforce ordinances to provide for the reimbursement of  
14 up to one hundred percent of the cost to county employees of public bus or  
15 van pool transportation to and from their place of employment.

16           54. Lease for public purposes any real property, improvements for  
17 real property and personal property under the same terms and conditions,  
18 to the extent applicable, as are specified in sections 11-651 and 11-653  
19 for lease-purchases.

20           55. Enact ordinances prescribing regulation of alarm systems and  
21 providing for civil penalties to reduce the incidence of false alarms at  
22 business and residential structures relating to burglary, robbery, fire  
23 and other emergencies not within the limits of an incorporated city or  
24 town.

25           56. In addition to paragraph 9 of this section, and notwithstanding  
26 section 23-504, sell or dispose of, at no less than fair market value,  
27 county personal property that the board deems no longer useful or  
28 necessary through a retail outlet or to another government entity if the  
29 personal property has a fair market value of not more than ~~one thousand~~  
30 ~~dollars~~ \$1,000, or by retail sale or private bid, if the personal property  
31 has a fair market value of not more than ~~fifteen thousand dollars~~  
32 \$15,000. Notice of sales in excess of ~~one thousand dollars~~ \$1,000 shall  
33 include a description and sale price of each item and shall be published  
34 in a newspaper of general circulation in the county, and for thirty days  
35 after notice other bids may be submitted that exceed the sale price by at  
36 least five percent. The county shall select the highest bid received at  
37 the end of the thirty-day period.

38           57. Sell services, souvenirs, sundry items or informational  
39 publications that are uniquely prepared for use by the public and by  
40 employees and license and sell information systems and intellectual  
41 property developed from county resources that the county is not obligated  
42 to provide as a public record.

43           58. On unanimous consent of the board of supervisors, license,  
44 lease or sell any county property pursuant to paragraphs 56 and 57 of this  
45 section at less than fair market value to any other governmental entity,

1 including this state, cities, towns, public improvement districts or other  
2 counties within or outside of this state, or for a specific purpose to any  
3 charitable, social or benevolent nonprofit organization incorporated or  
4 operating in this state.

5 59. On unanimous consent of the board of supervisors, provide  
6 technical assistance and related services to a fire district pursuant to  
7 an intergovernmental agreement.

8 60. Adopt contracting procedures for the operation of a county  
9 health system pursuant to section 11-291. Before the adoption of  
10 contracting procedures the board shall hold a public hearing. The board  
11 shall publish one notification in a newspaper of general circulation in  
12 the county seat at least fifteen days before the hearing.

13 61. Enter into an intergovernmental agreement pursuant to chapter  
14 7, article 3 of this title for a city or town to provide emergency fire or  
15 emergency medical services pursuant to section 9-500.23 to a county island  
16 as defined in section 11-251.12. The board may charge the owners of  
17 record in the county island a fee to cover the cost of an  
18 intergovernmental agreement that provides fire and emergency medical  
19 services.

20 62. In counties that employ or have designated an animal control  
21 county enforcement agent pursuant to section 11-1005, enter into  
22 agreements with foundations or charitable organizations to solicit  
23 donations, property or services, excluding enforcement or inspection  
24 services, for use by the county enforcement agent solely to perform  
25 nonmandated services and to fund capital improvements for county animal  
26 control, subject to annual financial and performance audits by an  
27 independent party as designated by the county board of supervisors. For  
28 the purposes of this paragraph, nonmandated services are limited to low  
29 cost spay and neuter services, public education and outreach efforts, pet  
30 adoption efforts, care for pets that are victims of cruelty or neglect and  
31 support for volunteer programs.

32 63. Adopt and provide for the enforcement of ordinances prohibiting  
33 open fires and campfires on designated lands in the unincorporated areas  
34 of the county when a determination of emergency is issued by the county  
35 emergency management officer and the board deems it necessary to protect  
36 public health and safety on those lands.

37 64. Fix the amount of license fees to be paid by any person, firm,  
38 corporation or association for carrying on any game or amusement business  
39 in unincorporated areas of the county and prescribe the method of  
40 collection or payment of those fees, for a stated period in advance, and  
41 fix penalties for failure to comply by fine. This article does not  
42 authorize any county to require an occupational license or fee for any  
43 activity if state law precludes requiring such a license or fee.

44 65. Adopt and enforce ordinances for the prevention, abatement and  
45 removal of graffiti, providing that any restrictions on the retail display

1 of potential graffiti tools be limited to any of the following, as  
2 determined by the retail business:

3 (a) In a place that is in the line of sight of a cashier or in the  
4 line of sight from a work station normally continuously occupied during  
5 business hours.

6 (b) In a manner that makes the product accessible to a patron of  
7 the business establishment only with the assistance of an employee of the  
8 establishment.

9 (c) In an area electronically protected, or viewed by surveillance  
10 equipment that is monitored, during business hours.

11 66. Adopt ordinances and fees related to the implementation of a  
12 local stormwater quality program pursuant to title 49, chapter 2,  
13 article 11.

14 Sec. 2. Section 11-256, Arizona Revised Statutes, is amended to  
15 read:

16 11-256. Lease or sublease of county lands and buildings:  
17 exceptions

18 A. The board may lease or sublease, for a term not to exceed  
19 twenty-five years plus an option to renew for an additional period not  
20 exceeding twenty-five years, any land or building owned by or under the  
21 control of the county.

22 B. ~~An experienced appraiser shall be appointed to~~ AN APPRAISER WHO  
23 IS LICENSED OR CERTIFIED PURSUANT TO TITLE 32, CHAPTER 36 SHALL determine  
24 the rental valuation of such land or building, except that ~~the appointment~~  
25 ~~of an appraiser~~ AN APPRAISAL is not required for the lease of any land or  
26 building that ~~is valued at five thousand dollars~~ HAS A RENTAL VALUE OF  
27 \$5,000 or less PER MONTH if the value of the land or building has been  
28 ~~estimated and~~ justified by a market analysis that is based on comparable  
29 sales OR RENTALS.

30 C. Such land or building shall be leased or subleased at a public  
31 auction to the highest responsible bidder, provided that the amount of bid  
32 is at least ninety ~~per cent~~ PERCENT of the rental valuation as determined  
33 by the appraiser or the market analysis, and subject to such other terms  
34 and conditions as the board may prescribe.

35 D. Notice of a proposed lease or sublease shall be given by  
36 publication, once each week for four consecutive weeks, in a newspaper of  
37 general circulation in the county. The notice shall state the period and  
38 all material conditions of the proposed lease, and the day on which the  
39 auction will be held, which shall be not less than thirty days after last  
40 publication of the notice.

41 E. NOTWITHSTANDING SUBSECTIONS C AND D OF THIS SECTION THE BOARD  
42 MAY LEASE PROPERTIES WITHOUT PUBLIC AUCTION UNDER THE FOLLOWING  
43 CONDITIONS:

44 1. THE BOARD POSTS A NOTICE IN A CONSPICUOUS PLACE ON THE AFFECTED  
45 PROPERTY. THE NOTICE SHALL SUMMARIZE THE PROPOSED LEASE AND SHALL PROVIDE

1 INFORMATION ON THE PROCESS FOR AN INTERESTED PERSON TO REQUEST THAT  
2 PROPOSED ACTION BE SUBMITTED TO PUBLIC AUCTION. THE NOTICE SHALL BE  
3 POSTED FOR AT LEAST FIFTEEN DAYS BEFORE THE EXECUTION OF THE LEASE.

4 2. THE BOARD POSTS A NOTICE ON THE BOARD'S WEBSITE THAT SPECIFIES  
5 THE AFFECTED PROPERTY, SUMMARIZES THE PROPOSED LEASE AND PROVIDES  
6 INFORMATION ON THE PROCESS FOR AN INTERESTED PERSON TO REQUEST THAT THE  
7 PROPOSED ACTION BE SUBMITTED TO PUBLIC AUCTION. THE NOTICE SHALL BE  
8 POSTED ON THE WEBSITE FOR AT LEAST FIFTEEN DAYS BEFORE THE EXECUTION OF  
9 THE LEASE.

10 3. THE BOARD PUBLISHES IN THE LOCAL NEWSPAPER WHERE THE BOARD  
11 REGULARLY PUBLISHES NOTICES AT THE BEGINNING OF THE FIFTEEN-DAY POSTING  
12 PERIOD A SUMMARY OF THE PROPOSED LEASE THAT PROVIDES INFORMATION ON THE  
13 PROCESS FOR AN INTERESTED PERSON TO REQUEST THAT THE PROPOSED ACTION BE  
14 SUBMITTED TO PUBLIC AUCTION.

15 4. THE BOARD ESTABLISHES A PROCESS THAT ALLOWS AN INTERESTED PERSON  
16 TO REQUEST IN WRITING THAT THE PROPOSED LEASE BE SUBMITTED TO PUBLIC  
17 AUCTION. IF DURING THE FIFTEEN-DAY POSTING PERIOD A PERSON REQUESTS THAT  
18 THE PROPOSED LEASE BE SUBMITTED TO PUBLIC AUCTION THE BOARD SHALL FOLLOW  
19 THE PROCEDURES SET FORTH IN THIS SECTION.

20 5. THE RENTAL VALUE OF THE PROPERTY IS LESS THAN \$5,000 PER MONTH.

21 ~~F.~~ F. Subsections C and D OF THIS SECTION do not apply to leases  
22 granting a leasehold interest to a person or entity that owned, leased or  
23 otherwise possessed the property to be leased immediately before purchase  
24 or acquisition by the county or to other persons or entities leasing  
25 property for a term that would expire within four years after the purchase  
26 or acquisition by the county. A lease entered into pursuant to this  
27 subsection shall be for at least ninety ~~per cent~~ PERCENT of, but not more  
28 than, the appraised rental valuation or market analysis determined  
29 pursuant to subsection B OF THIS SECTION.

30 ~~F.~~ G. This section is supplementary to and not in conflict with  
31 other statutes governing or regulating powers of boards of supervisors.

32 Sec. 3. Section 48-3603, Arizona Revised Statutes, is amended to  
33 read:

34 48-3603. Powers, duties and immunities of district and board;  
35 exemptions

36 A. A county flood control district organized under this article is  
37 a political taxing subdivision of this state and has all the powers,  
38 privileges and immunities granted generally to municipal corporations by  
39 the constitution and laws of this state, including immunity of its  
40 property and bonds from taxation.

41 B. The board of directors shall exercise all powers and duties in  
42 the acquisition and operation of the properties of the district and in  
43 carrying out its regulatory functions under this article as are ordinarily  
44 exercised by the governing body of a municipal corporation.

1 C. A district organized under this article, acting through its  
2 board of directors, may:

3 1. Acquire by eminent domain, purchase, donation, dedication,  
4 exchange or other lawful means rights-of-way for and construct, operate  
5 and maintain flood control works and storm drainage facilities within or  
6 without the district for the benefit of the district.

7 2. Acquire by eminent domain, purchase, donation, dedication,  
8 exchange or other lawful means and dispose of by sale, exchange or other  
9 lawful means real and personal property within the boundaries of the  
10 district.

11 3. Contract and join with this state, the United States or any  
12 other flood control district or floodplain board, municipality, political  
13 subdivision, governmental agency, irrigation or agricultural improvement  
14 district, association, corporation or individual in acquiring,  
15 constructing, maintaining and operating flood control works, and  
16 regulating floodplains.

17 4. Enter into contracts of indemnity to indemnify this state, the  
18 United States or any other flood control district, municipality, political  
19 subdivision, governmental agency, irrigation or agricultural improvement  
20 district, association, corporation or individual against liability by  
21 virtue of injuries, losses or damages occurring through the use of their  
22 facilities, structures, streets, rights-of-way or properties in connection  
23 with the operation of a flood control district and the regulation of  
24 floodplains.

25 5. Acquire and maintain existing flood control and drainage  
26 facilities within the district for the benefit of the district if mutually  
27 agreeable to the owners of such facilities.

28 6. Acquire, convert and maintain surplus irrigation facilities as  
29 storm drainage facilities if mutually agreeable to owners of such  
30 facilities.

31 7. Construct, maintain and operate flood control and storm drainage  
32 facilities and regulate floodplains in the district by agreement with this  
33 state, counties, other municipal corporations, political subdivisions and  
34 other persons and reimburse the agencies or persons for the cost of the  
35 work.

36 8. On the dissolution of any other flood control district, assume  
37 the assets and obligations of the other district.

38 9. Enter into intergovernmental agreements with other public  
39 agencies pursuant to title 11, chapter 7, article 3 to carry out the  
40 objects and purposes of the district.

41 10. Apply for, obtain, expend and repay flood control loans  
42 pursuant to title 45, chapter 8, article 5.

43 11. Apply to the director of water resources for alternative flood  
44 control assistance for flood control projects pursuant to section 45-1471,  
45 except that the director shall not grant any such assistance for any

1 project unless the director has approved the project in advance of  
2 planning.

3 12. Sue and be sued, enter into contracts and generally do all  
4 things that may be necessary to construct, acquire and maintain  
5 facilities, operate the district and perform its regulatory functions and  
6 that are in the interests of the district.

7 13. Adopt rules and bylaws for its orderly operation as it sees  
8 fit.

9 14. Appoint a chief engineer and general manager, who may be the  
10 county engineer.

11 15. Appoint a treasurer, who may be the county treasurer, an  
12 attorney, who may be the county attorney, and other employees it considers  
13 desirable and necessary to carry out the purposes of the district. Any  
14 other work required by the district may be performed by regular employees  
15 of the county on assignment by the board of supervisors, except that  
16 regular county employees shall not undertake construction projects with an  
17 estimated cost of ~~five thousand dollars~~ \$5,000 or more.

18 16. Allow variances from the terms or regulations adopted pursuant  
19 to this article to the extent permitted by section 48-3609, subsection B,  
20 paragraph 7 and if, owing to peculiar conditions, a strict interpretation  
21 would work an unnecessary hardship, if in granting the variance the  
22 general intent and purposes of this article and the regulations will be  
23 preserved.

24 17. Construct, operate and maintain artificial groundwater recharge  
25 facilities, and, if organized in a county having a population of more than  
26 five hundred thousand persons, underground storage and recovery  
27 facilities, if they have flood control benefits, and contract and join  
28 with the United States, this state and other governmental units for the  
29 purpose of constructing, operating and maintaining multipurpose  
30 groundwater recharge, underground storage and recovery and flood control  
31 facilities, except that a district shall not expend district funds for any  
32 underground storage and recovery facility that does not have flood control  
33 benefits.

34 18. Acquire real property by purchase, donation, dedication,  
35 exchange or other lawful means, except by eminent domain, in areas  
36 suitable for groundwater recharge projects.

37 19. Cooperate and join with other entities that engage in  
38 underground water storage and recovery projects under title 45, chapter  
39 3.1, including multi-county water conservation districts and other  
40 political subdivisions.

41 20. Either alone, or by entering into any combination of contracts  
42 with this state, the United States, any other flood control district, a  
43 floodplain board, a municipality or other political subdivision, a  
44 government agency, an irrigation or agricultural improvement district or

1 an association, corporation or individual, implement flood control  
2 enhancement solutions including:

3 (a) Assistance for property owners within the floodplain and  
4 through the elevation, bank stabilization and flood proofing of existing  
5 structures.

6 (b) Preservation and restoration of the floodplain.

7 (c) Maintenance of flood warning systems and associated flood  
8 response plans.

9 (d) Construction of bridges or other access over watercourses that  
10 are impassable to emergency vehicle traffic for fourteen or more days a  
11 year.

12 21. If a part of a parcel of land is to be taken for drainage,  
13 basins, impoundments or any other flood control related use and the board  
14 and the affected property owner determine that the remainder will be left  
15 in such a condition as to give rise to a claim or litigation concerning  
16 severance or other damage, acquire the whole parcel by purchase, donation,  
17 dedication, exchange, condemnation or other lawful means, and the  
18 remainder may be sold or exchanged for other properties needed for flood  
19 control use.

20 22. Adopt and enforce civil penalties for violations of its  
21 regulations or ordinances and for unauthorized damage and interference to  
22 those district facilities that are authorized pursuant to this chapter.

23 23. Pursuant to the authority prescribed in this chapter, appoint  
24 hearing officers to hear and determine actions.

25 24. For any district that intends to take enforcement action  
26 pursuant to section 48-3615.01, adopt written rules of procedure for the  
27 hearing and review of decisions on actions prescribed by this chapter.

28 25. Establish a board of hearing review to review decisions of  
29 hearing officers that are issued pursuant to section 48-3615.01. The  
30 board of hearing review shall consist of one member from each board of  
31 directors' district or the board of directors may authorize the citizens'  
32 flood control advisory board or the board of review to designate a like  
33 number of its members to serve as the board of hearing review.

34 26. Authorize the chief engineer of the district to apply for and  
35 obtain administrative search warrants for entry and inspection from a  
36 local court of general jurisdiction to determine if violations of section  
37 48-3609, 48-3613, 48-3614 or 48-3615 have occurred. The warrants shall be  
38 served by a peace officer as defined in section 1-215. A report of any  
39 inspections made pursuant to this section shall be prepared and made  
40 available in the records of the district and a copy mailed or otherwise  
41 delivered to the owner within fifteen days after the inspection of the  
42 owner's premises.

43 D. The board shall adopt and enforce floodplain regulations as  
44 provided in section 48-3609.

1 E. The board may adopt a fee schedule for review of applications  
2 for permits and variances from or interpretations of the floodplain  
3 regulations.

4 F. The affirmative vote of a majority of the board of directors is  
5 necessary to approve any measure. One member may adjourn any meeting at  
6 which a quorum is not present.

7 G. The board shall keep a proper written record of all of ~~its~~ THE  
8 BOARD'S proceedings, which shall be open to public inspection.

9 H. The accounts of the district are subject to annual and other  
10 audits as provided by law.

11 I. Section 9-403 does not apply to a flood control district  
12 organized under this article and section 9-402 does not apply when the  
13 district is selling property to this state, ~~or~~ a political subdivision,  
14 ANY SPECIAL DISTRICT WITH TAXING AUTHORITY, A PUBLIC SCHOOL, A COMMUNITY  
15 COLLEGE OR A UNIVERSITY. Before selling any property to this state, ~~or~~ a  
16 political subdivision of this state, ANY SPECIAL DISTRICT WITH TAXING  
17 AUTHORITY, A PUBLIC SCHOOL, A COMMUNITY COLLEGE OR A UNIVERSITY, the flood  
18 control district shall obtain an appraisal of the fair market value of the  
19 property AS DEFINED IN SECTION 28-7091 PREPARED by a person who is  
20 LICENSED OR certified pursuant to title 32, chapter 36. If any property  
21 sold by the district to this state, ~~or~~ a political subdivision, ANY  
22 SPECIAL DISTRICT WITH TAXING AUTHORITY, A PUBLIC SCHOOL, A COMMUNITY  
23 COLLEGE OR A UNIVERSITY without complying with section 9-402 is  
24 subsequently sold by ~~this state or political subdivision~~ THE GRANTEE as  
25 undeveloped property for a price exceeding the original sale price, the  
26 district shall be paid the difference between the original price and the  
27 subsequent sale price. ~~For the purposes of this subsection, "political~~  
28 ~~subdivision" means any incorporated city or town, county, school district,~~  
29 ~~fire district, charter school, community college or university.~~

30 J. The district and its employees and officers are not liable for  
31 any injury or property damage that may arise out of a plan or design for  
32 construction, maintenance or improvement to a dam, levee, berm, channel,  
33 canal or culvert or any other flood control project the district is  
34 authorized to plan, design, construct, maintain or improve when a  
35 reasonably adequate warning of any unreasonably dangerous hazard is given  
36 to potentially affected property owners in a manner that owners may take  
37 suitable precautions to protect themselves and their property. The  
38 warning shall include information for the property owner regarding a  
39 national flood insurance program. A warning is sufficient pursuant to  
40 this subsection if the warning is provided to a single property owner of  
41 the parcel, and notice to subsequent property owners is not required. The  
42 immunities prescribed by this subsection are in addition to and not in  
43 derogation or limitation of the immunities granted a district, employee or  
44 officer as otherwise provided by law and apply if either or both of the  
45 following conditions are met:

- 1           1. The project is funded wholly or partially by federal monies.  
2           2. The project is planned or designed to meet a recurrence interval  
3 approved by the district's board of directors.  
4           K. Section 9-402 does not apply to the grant of an easement on or a  
5 lease of district real property to any party other than this state or a  
6 political subdivision of this state as prescribed by this subsection. A  
7 district may authorize the grant of an easement on or a lease of district  
8 real property without public auction under the following conditions:  
9           1. The district posts a notice in a conspicuous place on the  
10 affected property. The notice shall summarize the proposed easement or  
11 lease and shall provide information on the process for an interested  
12 person to request that the proposed action be submitted to public auction.  
13 The notice shall be posted for at least fifteen days before the execution  
14 of the easement or lease.  
15           2. The district posts a notice on the district's website that  
16 specifies the affected property, summarizes the proposed easement or lease  
17 and provides information on the process for an interested person to  
18 request that the proposed action be submitted to public auction. The  
19 notice shall be posted on the website for at least fifteen days before the  
20 execution of the easement or lease.  
21           3. The district publishes in the local newspaper where the district  
22 regularly publishes notices at the beginning of the fifteen-day posting  
23 period a summary of the proposed easement or lease that provides  
24 information on the process for an interested person to request that the  
25 proposed action be submitted to public auction.  
26           4. The district establishes a process that allows an interested  
27 person to request in writing that the proposed easement or lease be  
28 submitted to public auction. If during the fifteen-day posting period a  
29 person requests that the proposed easement or lease be submitted to public  
30 auction the district shall follow the procedure set forth in section  
31 9-402.  
32           5. For proposed leases only, the ~~appraised~~ MARKET value for the  
33 rental of the district real property is less than ~~five thousand dollars~~  
34 \$5,000 per month.  
35           6. The reimbursement to the district for the easement granted or  
36 the lease executed is not less than the ~~appraised~~ MARKET value of the  
37 property as determined by the district.

**APPROVED BY THE GOVERNOR APRIL 16, 2019.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2019.**

Passed the House February 26, 20 19

Passed the Senate March 25, 20 19

by the following vote: 58 Ayes,

by the following vote: 30 Ayes,

2 Nays, 0 Not Voting

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Pro Tempore

[Signature]  
Chief Clerk of the House

[Signature]  
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. 2114

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 10, 2019,

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10<sup>th</sup> day of April, 2019,

at 3:44 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 16<sup>th</sup> day of

April, 2019,

at 12:36 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 16 day of April, 2019,

at 3:58 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2114