

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1149

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 48-4201, Arizona Revised Statutes, is amended to
3 read:

4 48-4201. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Board" means the board of directors of any district established
7 under section 48-4202, subsection A, ~~or B~~ OR C.

8 2. "Bond" means any obligation authorized and issued pursuant to this
9 chapter, including bonds, lease-purchase and installment purchase agreements,
10 certificates of participation in a lease-purchase or installment purchase
11 agreement and obligations that are authorized and issued to refund or
12 refinance obligations that are authorized and issued pursuant to this
13 chapter.

14 3. "District" means any county stadium district established pursuant
15 to section 48-4202, subsection A, ~~or B~~ OR C.

16 4. "Multipurpose facility" means any facility or facilities that
17 include:

18 (a) A primary component that is located in the district on the
19 multipurpose facility site and on lands that are adjacent to each other or
20 separated by public rights-of-way, that the district owns or leases and that
21 is used to accommodate sporting, entertainment, cultural, civic, meeting,
22 trade show or convention events or activities, fire, police or other public
23 safety facilities and tourism offices. The primary component may not include
24 any structure or part of a structure that is used or designed for use as a
25 county, city or town hall, as meeting space for the county, city or town
26 governing body or for general municipal administrative office space other
27 than for the administration, maintenance and operation of the multipurpose
28 facility.

29 (b) Secondary components that are located in the district and that the
30 board determines are necessary or beneficial to the primary component,

1 limited to on-site infrastructure, artistic components, parking garages and
2 lots, and public parks and plazas. In addition, secondary components may
3 include related commercial facilities that are located within the
4 multipurpose facility site.

5 5. "Multipurpose facility site" means the geographic area within the
6 district which is depicted in the publicity pamphlet for an election held
7 pursuant to section 48-4237.

8 6. "Municipality" means a city or town that is incorporated or
9 chartered under the constitution and laws of this state.

10 7. "Stadium" means a sports facility or facilities located in the
11 district and designed to accommodate, but not be limited to, major league
12 baseball events **OR INTERCOLLEGIATE ATHLETIC EVENTS.**

13 Sec. 2. Section 48-4202, Arizona Revised Statutes, is amended to read:
14 **48-4202. Formation of district**

15 A. The board of supervisors of each county having a population of more
16 than one million five hundred thousand persons according to the most recent
17 United States decennial census or any county in which a major league baseball
18 organization has established or seeks to establish a spring training
19 operation may organize a countywide district to include both the incorporated
20 and unincorporated areas of the county, if the board determines that the
21 public convenience, necessity or welfare will be promoted by establishing the
22 district.

23 B. Two or more municipalities in the same county may organize a
24 district for multipurpose facilities if the governing bodies of the
25 municipalities determine that the public convenience, necessity or welfare
26 will be promoted by establishing the district. The district shall be
27 comprised of the areas within the corporate boundaries of the
28 municipalities. After formation, the boundaries of the district shall not be
29 altered. A district may be established under this subsection in the same
30 county in which a district is established under subsection A of this
31 section. A district formed pursuant to this subsection shall be deemed a
32 county stadium district for purposes of this chapter. Notwithstanding any
33 other law, a district may not be organized under this subsection from and
34 after October 31, 1999, except that a district may be organized under this
35 subsection after October 31, 1999 if before that date the governing body of

1 two or more of the municipalities identified the location of a multipurpose
2 facility site and has voted with the purpose of forming a district for
3 multipurpose facilities under this subsection.

4 C. THE BOARD OF SUPERVISORS OF ANY COUNTY IN WHICH A STATE SUPPORTED
5 UNIVERSITY IS ESTABLISHED MAY ORGANIZE A SINGLE UNIVERSITY ATHLETIC
6 FACILITIES DISTRICT IF THE BOARD DETERMINES THAT THE PUBLIC CONVENIENCE,
7 NECESSITY OR WELFARE WILL BE PROMOTED BY ESTABLISHING THE DISTRICT. THE
8 DISTRICT SHALL INCLUDE ONLY THE AREA IN THE COUNTY WITHIN THE CONTIGUOUS
9 EXTERIOR BOUNDARIES OF REAL PROPERTY OWNED BY THE ARIZONA BOARD OF REGENTS
10 AND SHALL EXCLUDE ANY SUCH REAL PROPERTY SUBJECT TO AN EXISTING GROUND LEASE
11 OR SUBJECT TO AN EXISTING AGREEMENT GRANTING A THIRD PARTY THE RIGHT OR
12 OPTION TO A GROUND LEASE. AFTER FORMATION, THE BOUNDARIES OF THE DISTRICT
13 SHALL BE ALTERED ONLY AS THE ARIZONA BOARD OF REGENTS ACQUIRES AND DISPOSES
14 OF REAL PROPERTY. A DISTRICT MAY BE ESTABLISHED UNDER THIS SUBSECTION IN THE
15 SAME COUNTY IN WHICH A DISTRICT IS ESTABLISHED UNDER SUBSECTION A OF THIS
16 SECTION. A DISTRICT FORMED PURSUANT TO THIS SUBSECTION IS DEEMED A COUNTY
17 STADIUM DISTRICT FOR THE PURPOSES OF THIS CHAPTER.

18 ~~C.~~ D. The county board of supervisors shall be the board of directors
19 of a countywide district established under subsection A of this section. The
20 board of directors of a district established under subsection B of this
21 section shall consist of two members appointed for a definite term by the
22 governing body of each municipality but may not include officers or employees
23 of the municipality, and if the district enters into an intergovernmental
24 agreement pursuant to section 48-4203 with an Indian tribe or community, the
25 board of directors shall include two members appointed by the Indian tribe or
26 community. THE BOARD OF DIRECTORS OF A DISTRICT ESTABLISHED UNDER SUBSECTION
27 C OF THIS SECTION SHALL BE ESTABLISHED PURSUANT TO AN INTERGOVERNMENTAL
28 AGREEMENT BETWEEN THE COUNTY AND THE ARIZONA BOARD OF REGENTS. The directors
29 are not eligible for compensation for their services but are eligible for
30 reimbursement for their necessary expenses in attending to and traveling on
31 district business.

32 ~~D.~~ E. The board of supervisors may pay the necessary costs incurred
33 in connection with establishing a countywide district from any county monies
34 available for that purpose. The municipalities may pay their proportionate
35 share of the necessary costs incurred in establishing a district formed by

1 two or more municipalities under subsection B of this section from any monies
2 available for that purpose. THE ARIZONA BOARD OF REGENTS MAY PAY THE
3 NECESSARY COSTS INCURRED IN CONNECTION WITH ESTABLISHING A DISTRICT UNDER
4 SUBSECTION C OF THIS SECTION FROM ANY MONIES AVAILABLE FOR THAT PURPOSE.

5 ~~F.~~ F. Subject to limitations imposed BY THIS CHAPTER, by
6 intergovernmental agreement and BY the ordinance or resolution authorizing
7 the formation of the district, the district is a tax levying public
8 improvement district and a political taxing subdivision of this state and has
9 all the powers, privileges and immunities granted generally to municipal
10 corporations for the purposes of implementing this chapter, including eminent
11 domain, as provided by section 48-4203, subsection A, paragraph 7, and
12 immunity of its property, bonds and interest on and transfer of its bonds
13 from taxation.

14 Sec. 3. Section 48-4203, Arizona Revised Statutes, is amended to read:

15 48-4203. Powers and duties of board of directors; conflict of
16 interest

17 A. The board of directors, on behalf of the district, may:

18 1. Adopt and use a corporate seal.

19 2. Sue and be sued.

20 3. Enter into contracts, including intergovernmental agreements under
21 title 11, chapter 7, article 3, as necessary to carry out the purposes and
22 requirements of this chapter. The district may contract with a county sports
23 authority established under title 11, chapter 5 to carry out any power of the
24 district.

25 4. Adopt administrative rules as necessary to administer and operate
26 the district and any property under its jurisdiction.

27 5. Adopt rules that allow weighted voting by board members and
28 establish conditions for terminating the district.

29 6. Employ an executive director and administrative and clerical
30 employees, or contract for other management personnel, and prescribe the
31 terms and conditions of their employment as necessary to carry out the
32 purposes of the district.

33 7. Acquire by any lawful means and operate, maintain, encumber and
34 dispose of real and personal property and interests in property. A district
35 established under section 48-4202, subsection A may acquire real property by

1 eminent domain. A district established under section 48-4202, subsection B
2 shall not acquire real property by eminent domain. A DISTRICT ESTABLISHED
3 UNDER SECTION 48-4202, SUBSECTION C SHALL NOT ACQUIRE OR OWN REAL PROPERTY OR
4 INTERESTS IN REAL PROPERTY.

5 8. Administer trusts declared or established for the district, receive
6 and hold in trust or otherwise property located in or out of this state and,
7 if not otherwise provided, dispose of the property for the benefit of the
8 district.

9 9. Retain legal counsel and other consultants as necessary to carry
10 out the purposes of the district.

11 B. The board of directors, on behalf of a district established
12 pursuant to section 48-4202, subsection B, may:

13 1. Use revenues paid to the district pursuant to section 42-5031 and
14 other revenues the district may receive from other sources, for the purposes
15 set forth in section 48-4204, subsection B.

16 2. Enter into agreements with developers, contractors, tenants and
17 other users of all or part of a multipurpose facility as determined
18 appropriate.

19 3. Pledge all or part of the revenues described in section 42-5031,
20 subsection B, to secure the district's bonds or other financial obligations
21 issued or incurred under this chapter for the construction of all or part of
22 a multipurpose facility.

23 C. The board of directors shall:

24 1. Appoint from among its members a chairman, a secretary and such
25 other officers as may be necessary to conduct its business. The board of
26 directors may appoint the chief financial officer of the county as the
27 district treasurer of a countywide district established under section
28 48-4202, subsection A. If the board does not appoint the chief financial
29 officer, the county treasurer is designated ex officio as the treasurer. The
30 board of directors of a district that is established pursuant to section
31 48-4202, subsection B shall designate ex officio an officer of one of the
32 municipalities as treasurer of the district. THE COUNTY TREASURER IS
33 DESIGNATED EX OFFICIO AS THE TREASURER OF A DISTRICT THAT IS ESTABLISHED
34 PURSUANT TO SECTION 48-4202, SUBSECTION C.

1 section may be deemed financial participation with respect to any project the
2 district may undertake.

3 B. From the taxes and charges levied or identified pursuant to section
4 48-4237 for use with respect to multipurpose facilities and from other monies
5 lawfully available to the district, the district may acquire land and
6 construct, finance, furnish, maintain, improve, operate, market and promote
7 the use of multipurpose facilities and other structures, utilities, roads,
8 parking areas or buildings necessary for full use of the multipurpose
9 facilities and do all things necessary or convenient to accomplish those
10 purposes. Public funds identified in section 48-4237, including funds
11 distributed pursuant to section 42-5031, may only be used for the components
12 for a multipurpose facility which are owned by the district or which are
13 publicly owned.

14 C. PURSUANT TO INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA BOARD OF
15 REGENTS, FROM THE REVENUES COLLECTED FROM ASSESSMENTS PURSUANT TO SECTION
16 48-4235 FOR USE WITH RESPECT TO BOARD OF REGENTS OWNED INTERCOLLEGIATE
17 ATHLETIC FACILITIES, THE DISTRICT MAY CONSTRUCT, RECONSTRUCT, FINANCE,
18 FURNISH, MAINTAIN, IMPROVE EXISTING INTERCOLLEGIATE ATHLETIC FACILITIES
19 LOCATED ON BOARD OF REGENTS PROPERTY, INCLUDING UTILITIES, ROADS, PARKING
20 AREAS OR BUILDINGS NECESSARY FOR FULL USE OF THE ATHLETIC FACILITIES.

21 ~~E.~~ D. Title 34 applies to the district, except that regardless of the
22 funding source for design and construction of facilities and structures the
23 district may establish alternative systems and procedures, including the use
24 of the design-build method of construction or the use of qualifications-based
25 selection of contractors with experience in stadium design or construction,
26 to expedite the design and construction OR RECONSTRUCTION of any of its
27 facilities or structures or any facilities or structures leased to it or used
28 by it pursuant to an intergovernmental agreement. For the purposes of this
29 subsection:

30 1. "Design-build" means a process of entering into and managing a
31 contract between the district and another party in which the other party
32 agrees to both design and build a structure, a facility or other items
33 specified in the contract.

34 2. "Qualifications-based selection" means a process of entering into
35 and managing a contract between the district and another party in which the

1 other party is selected by the district on the basis of the party's
2 qualifications and experience in designing or constructing facilities,
3 structures or other items similar to those the district is authorized to
4 construct or lease. The other party may be selected by direct selection or
5 by public competition.

6 ~~D.~~ E. For THE purposes of financing, designing, constructing,
7 RECONSTRUCTING or operating facilities or structures, the district is not the
8 agent of any municipality, THIS STATE OR ANY AGENCY OR INSTRUMENTALITY OF
9 THIS STATE participating in the funding of such facilities or structures.

10 ~~E.~~ F. Subject to the requirements of title 4, the board of directors
11 may permit and regulate the sale, use and consumption of alcoholic beverages
12 at events held on property acquired, leased or subleased under this article.

13 Sec. 5. Title 48, chapter 26, article 2, Arizona Revised Statutes, is
14 amended by adding section 48-4235, to read:

15 48-4235. Assessment in lieu of property tax; rate;
16 administration

17 A. THE BOARD OF DIRECTORS OF A DISTRICT ESTABLISHED PURSUANT TO
18 SECTION 48-4202, SUBSECTION C SHALL PROVIDE BY INTERGOVERNMENTAL AGREEMENT
19 FOR THE IMPOSITION AND COLLECTION OF AN ASSESSMENT FROM PRIME COMMERCIAL
20 LESSEES OF BOARD OF REGENTS PROPERTY IN THE DISTRICT.

21 B. THE BOARD OF DIRECTORS SHALL DETERMINE THE AMOUNT OF THE ASSESSMENT
22 EACH YEAR AS FOLLOWS:

23 1. DETERMINE THE VALUATION OF THE BOARD OF REGENTS PROPERTY IN THE
24 SAME MANNER AS IS USED BY THE COUNTY ASSESSOR TO DETERMINE THE VALUATION OF
25 SIMILAR PROPERTY IN THE COUNTY. THE BOARD OF DIRECTORS SHALL MAKE AVAILABLE
26 THE METHOD AND CALCULATION OF THE VALUATION OF ANY PROPERTY ON REQUEST. ON
27 THE PETITION OF A PRIME LESSEE, THE BOARD OF DIRECTORS SHALL MEET WITH THE
28 PETITIONER TO RESOLVE ANY DISAGREEMENT ON THE AMOUNT OF THE VALUATION.

29 2. COMPUTE A COMPARABLE ASSESSED VALUATION BY APPLYING THE APPROPRIATE
30 ASSESSMENT PERCENTAGE PRESCRIBED BY TITLE 42, CHAPTER 15, ARTICLE 1 TO THE
31 VALUATION DETERMINED UNDER PARAGRAPH 1.

32 3. MULTIPLY THE COMPARABLE ASSESSED VALUATION DETERMINED UNDER
33 PARAGRAPH 2 BY A RATE PER ONE HUNDRED DOLLARS ESTABLISHED BY THE BOARD OF
34 DIRECTORS, BUT NOT TO EXCEED THE COMPOSITE TAX RATES OF ALL TAXING
35 JURISDICTIONS IN WHICH THE BOARD OF REGENTS PROPERTY IS LOCATED.

1 C. THE DISTRICT TREASURER SHALL COLLECT THE ASSESSMENT FROM THE PRIME
2 LESSEE. THE DISTRICT TREASURER SHALL DEPOSIT THE NET REVENUES FROM THE
3 ASSESSMENT IN THE DISTRICT FUND TO BE USED FOR THE PURPOSES ALLOWED BY THIS
4 CHAPTER.

5 D. THE BOARD OF DIRECTORS MAY PLEDGE ALL OR PART OF THE ASSESSMENT
6 REVENUES TO SECURE DISTRICT BONDS OR FINANCIAL OBLIGATIONS UNDER THIS
7 CHAPTER. THE BOARD OF DIRECTORS MUST CONTINUE TO IMPOSE AND COLLECT THE
8 ASSESSMENT IN AN AMOUNT THAT IS AT LEAST ADEQUATE FOR ALL DEBT SERVICE
9 REQUIREMENTS OF THE DISTRICT UNDER THIS CHAPTER."

10 Amend title to conform

and, as so amended, it do pass

STEVE B. MONTENEGRO
Vice-Chairman

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6/26/09
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