

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2336

(Reference to House engrossed bill)

1 Page 3, after line 22, insert:

2 "Sec. 3. Section 48-572, Arizona Revised Statutes, is amended to read:

3 48-572. Purposes for which public improvements may be
4 undertaken; powers incidental to public improvements

5 A. When the public interest or convenience requires, the governing
6 body of a municipality may:

7 1. Order the whole or any portion, either in length or width, of one
8 or more of the streets of the municipality graded or regraded, paved or
9 repaved, or otherwise improved or reimproved.

10 2. Order the construction, reconstruction or repair of any tunnel,
11 subway, viaduct or conduit in, on, under or over any street, or land of the
12 municipality or any land on, under or over which the municipality may have an
13 easement or right-of-way therefor.

14 3. Order the construction or reconstruction of sidewalks, crosswalks,
15 curbs, gutters, culverts, bridges, tunnels, siphons, manholes, steps,
16 parkings and parkways and also pipes, hydrants and appliances for fire
17 protection.

18 4. Order construction, reconstruction or acquisition of sewers,
19 ditches, drains, conduits, pipelines and channels for sanitary and drainage
20 purposes, or either or both thereof, with outlets, cesspools, manholes, catch
21 basins, flush tanks, septic tanks, connecting sewers, ditches, drains,
22 conduits, channels and other appurtenances in, under, over or through any
23 street, or any land of the municipality or any right-of-way granted or
24 obtained for such purpose, either within or without the limits of the
25 municipality.

26 5. Order construction, reconstruction or acquisition of waterworks,
27 ditches, canals, channels, conduits, pipelines and siphons, together with the

1 necessary or usual appurtenances for carrying storm water or water from
2 irrigation ditches, watercourses, streams or springs into, through or out of
3 the municipality, in, under, over or through any street, or any land of the
4 municipality or any right-of-way granted or obtained for such purpose, either
5 within or without the limits of the municipality.

6 6. Order construction, reconstruction or acquisition of breakwater
7 levees or walls, docks, wharves, marinas, boat harbors and related
8 facilities.

9 7. Order construction, reconstruction or acquisition of lighting
10 plants and poles, wires, conduits, lamps, standards and other appliances for
11 the purpose of lighting and beautifying the streets improved.

12 8. Order the whole or any portion of any off-street parking area and
13 entrances thereto of the municipality graded or regraded, paved or repaved,
14 or otherwise improved or reimproved, order lighting plants and poles, wires,
15 conduits, lamps, standards, and other appliances for the purpose of lighting,
16 landscaping and beautifying the streets or off-street parking areas and
17 entrances thereto to be improved and order construction on such land of
18 parking structures that may have any portion at, above or below grade. If in
19 connection with any lot or parcel within a proposed assessment district
20 adequate off-street parking facilities have been provided, such lot or parcel
21 shall be excluded from the assessment district and shall not be assessed for
22 such improvements if within the time and in the manner provided in section
23 48-579, subsection C the owner or owners file a written objection to the
24 extent of the assessment district. For purposes of this paragraph in cities
25 having a zoning code or ordinance, unless the off-street parking facilities
26 provided meet or exceed the requirements of the zoning code or ordinance for
27 a lot or parcel of that size in that zone, then such off-street parking
28 facilities shall not be deemed adequate. In cities not having a zoning code
29 or ordinance, the facilities provided shall not be deemed adequate unless
30 parking space for one motor vehicle is provided for each three hundred square
31 feet of floor space in the building served by such off-street parking site.
32 If any lot or parcel within a proposed assessment district organized for

1 improvements provided for in this paragraph is zoned and used exclusively for
2 single family residential purposes, such lot or parcel shall be excluded from
3 the assessment district and shall not be assessed for such improvements if
4 within the time and in the manner provided in section 48-579, subsection C
5 the owner or owners file a written objection to the extent of the assessment
6 district.

7 9. Order the construction or reconstruction of any work incidental to
8 or connected with the improvements set forth in this subsection.

9 10. Pursuant to section 48-622, and notwithstanding any other law,
10 construct, acquire or improve a wastewater treatment facility, drinking
11 water facility or nonpoint source project with monies borrowed from or
12 financial assistance including forgivable principal provided by the water
13 infrastructure finance authority of Arizona.

14 11. PURSUANT TO SECTION 48-623, ORDER THE ACQUISITION, INSTALLATION AND
15 IMPROVEMENT OF ENERGY EFFICIENCY AND RENEWABLE ENERGY IMPROVEMENTS AND WATER
16 CONSERVATION IMPROVEMENTS, INCLUDING SOLAR ENERGY SYSTEMS, COMBINED HEAT AND
17 POWER SYSTEMS, RAINWATER HARVESTING EQUIPMENT AND SYSTEMS AND GRAY WATER
18 SYSTEMS.

19 B. In addition to all powers specifically granted by or reasonably
20 inferred under the provisions of this article, cities and towns, acting
21 through their governing bodies, may:

22 1. Join with other cities or towns or any improvement district or
23 sanitary district or the state, or any of its departments or agencies, the
24 federal government or any of its departments, agencies or instrumentalities,
25 in the construction, operation or maintenance of improvements authorized by
26 this section.

27 2. Join with any other city, town, improvement district or sanitary
28 district in improving streets running upon or along the boundaries of the
29 city or town and levy assessments or issue bonds for the proportionate part
30 of the city or town of the cost of the improvement.

31 3. Accept from the state, or federal government, or any agency,
32 department or instrumentality of either, grants for or in aid of the

1 construction of any of the improvements provided by this article, and enter
2 into contracts with the state, the federal government, or any agency,
3 department or instrumentality of either or both, for the construction or
4 supervision of construction by the state, the federal government or any
5 agency, department or instrumentality of either or both of any such
6 improvements, in accordance with the plans, specifications, rules and
7 regulations of the state, the federal government, or any agency, department
8 or instrumentality of either or both, but reserving to the city or town the
9 right to assess against the property benefited by the improvement, and
10 located within the city or town, that portion of the cost of the improvement
11 which does not qualify for aid under the state or federal grant.

12 Sec. 4. Title 48, chapter 4, article 2, Arizona Revised Statutes, is
13 amended by adding section 48-623, to read:

14 48-623. Improvement districts for energy efficiency, renewable
15 energy, water conservation and water management
16 improvements; notice; assessments

17 A. IN ADDITION TO THE PURPOSES FOR WHICH AN IMPROVEMENT DISTRICT MAY
18 BE FORMED PURSUANT TO SECTION 48-572, AN IMPROVEMENT DISTRICT MAY BE FORMED
19 FOR THE PURPOSE OF THE ACQUISITION, INSTALLATION AND IMPROVEMENT OF ENERGY
20 EFFICIENCY AND RENEWABLE ENERGY IMPROVEMENTS AND WATER CONSERVATION
21 IMPROVEMENTS, INCLUDING SOLAR ENERGY SYSTEMS, COMBINED HEAT AND POWER
22 SYSTEMS, RAINWATER HARVESTING EQUIPMENT AND SYSTEMS AND GRAY WATER SYSTEMS.
23 THESE IMPROVEMENTS MAY BE ON OR IN PUBLICLY OR PRIVATELY OWNED REAL PROPERTY
24 OR BUILDINGS, OR BOTH.

25 B. AN IMPROVEMENT DISTRICT FORMED PURSUANT TO THIS SECTION SHALL BE
26 FORMED ONLY IF A PETITION FOR THE FORMATION OF SUCH AN IMPROVEMENT DISTRICT
27 IS PRESENTED TO THE GOVERNING BODY AND PURPORTS TO BE SIGNED BY ALL OF THE
28 REAL PROPERTY OWNERS IN THE PROPOSED DISTRICT, EXCLUSIVE OF MORTGAGEES AND
29 OTHER LIENHOLDERS, OR BY THE REAL PROPERTY OWNERS, EXCLUSIVE OF MORTGAGEES
30 AND OTHER LIENHOLDERS, THAT WILL BE SUBJECT TO ASSESSMENT FOR THE ANNUAL
31 EXPENSES. A PROPERTY OWNER MAY CHOOSE TO JOIN THE DISTRICT AFTER FORMATION
32 OR MAY CHOOSE TO JOIN A PROPOSED DISTRICT BEFORE FORMATION BY SUBMITTING TO

1 THE GOVERNING BODY A PETITION STATING THAT INTENT INCLUDING THE INTENT TO BE
2 BOUND BY AN ASSESSMENT, AND BEARING THE NOTARIZED SIGNATURE OF THE PROPERTY
3 OWNER. IF SUCH A PETITION IS PRESENTED, THE GOVERNING BODY, AFTER VERIFYING
4 OWNERSHIP AND MAKING A FINDING OF THOSE FACTS, MAY ADOPT A RESOLUTION OF
5 INTENTION TO ORDER THE IMPROVEMENTS PURSUANT TO SECTION 48-576 AND SHALL HAVE
6 IMMEDIATE JURISDICTION TO ADOPT A RESOLUTION ORDERING THE IMPROVEMENT
7 PURSUANT TO SECTION 48-581, WITHOUT THE NECESSITY OF THE PUBLICATION AND
8 POSTING OF THE RESOLUTION OF INTENTION PRESCRIBED IN SECTION 48-578. THE
9 RESOLUTION OF INTENTION TO ORDER THE IMPROVEMENTS AND THE RESOLUTION ORDERING
10 THE IMPROVEMENTS SHALL DESCRIBE THE ENERGY EFFICIENCY AND RENEWABLE ENERGY
11 IMPROVEMENTS THAT THE GOVERNING BODY IS AUTHORIZING FOR ACQUISITION,
12 INSTALLATION AND IMPROVEMENT.

13 C. THE GOVERNING BODY SHALL MAKE ANNUAL STATEMENTS AND ESTIMATES OF
14 THE EXPENSES OF THE DISTRICT, AND SHALL ASSESS THE TOTAL SUM ON THE SEVERAL
15 LOTS, EACH RESPECTIVELY IN PROPORTION TO THE BENEFITS TO BE RECEIVED BY EACH
16 LOT. WHEN THE ASSESSMENTS HAVE BEEN COMPLETED, THE GOVERNING BODY SHALL FIX
17 A TIME WHEN IT WILL HEAR AND PASS ON THE ASSESSMENTS AND THE PRIOR
18 PROCEEDINGS RELATING TO THE ASSESSMENTS, WHICH SHALL NOT BE LESS THAN TWENTY
19 DAYS AFTER THE DATE OF THE NOTICE. NOTICE OF HEARING SHALL BE GIVEN AS
20 PRESCRIBED IN SECTION 48-590, SUBSECTION E. ANY PERSON WHO OWNS REAL
21 PROPERTY AFFECTED BY THE ASSESSMENT AND WHO HAS ANY OBJECTION TO THE LEGALITY
22 OF THE ASSESSMENT, OR TO ANY OF THE PREVIOUS PROCEEDINGS CONNECTED TO THE
23 ASSESSMENT, BEFORE THE TIME FIXED FOR THE HEARING, MAY FILE A WRITTEN NOTICE
24 BRIEFLY SPECIFYING THE GROUNDS OF THE OBJECTION. AT THE TIME FIXED FOR THE
25 HEARING OR AT ANY TIME NOT LATER THAN TEN DAYS AFTER THE TIME FIXED FOR THE
26 HEARING TO WHICH THE HEARING MAY BE POSTPONED, THE GOVERNING BODY SHALL HEAR
27 AND PASS ON THE OBJECTIONS. THE DECISION OF THE GOVERNING BODY SHALL BE
28 FINAL AND CONCLUSIVE ON ALL PERSONS ENTITLED TO OBJECT AS TO ALL ERRORS,
29 INFORMALITIES AND IRREGULARITIES THAT THE GOVERNING BODY MIGHT HAVE REMEDIED
30 OR AVOIDED ANY TIME DURING THE PROGRESS OF THE PROCEEDINGS.

31 D. THE ASSESSMENTS FOR THE ANNUAL EXPENSES SHALL BE COLLECTIBLE IN THE
32 MANNER AND BY THE OFFICERS PROVIDED BY LAW FOR THE COLLECTION AND ENFORCEMENT

1 OF GENERAL TAXES THAT THE MUNICIPALITY IS AUTHORIZED TO LEVY. ALL STATUTES
2 PROVIDING FOR THE LEVY AND COLLECTION OF COUNTY AND CITY TAXES, INCLUDING THE
3 COLLECTION OF DELINQUENT TAXES AND SALE OF PROPERTY FOR NONPAYMENT OF TAXES,
4 APPLY TO THE DISTRICT ASSESSMENTS PROVIDED FOR UNDER THIS SECTION.

5 E. THIS SECTION DOES NOT AUTHORIZE A DISTRICT FORMED PURSUANT TO THIS
6 SECTION TO DISTRIBUTE OR TRANSMIT ELECTRICAL POWER, EXCEPT THAT THE OPERATION
7 OF A NET METERING SYSTEM AS PRESCRIBED BY APPLICABLE RULES OR TARIFFS OR
8 UNDER FEDERAL LAW IS NOT PROHIBITED.

9 F. IF A PROPERTY THAT IS IMPROVED OR ASSESSED BY A DISTRICT FORMED
10 UNDER THIS SECTION IS DIVIDED, FUTURE ASSESSMENTS SHALL BE LEVIED ONLY ON THE
11 PORTION OR PORTIONS OF THE PROPERTY THAT HAVE BEEN IMPROVED.

12 G. A CITY OR TOWN SHALL NOT TAKE ANY ACTION THAT REQUIRES A PERSON OR
13 ENTITY TO PARTICIPATE IN A DISTRICT FORMED PURSUANT TO THIS SECTION INCLUDING
14 REQUIRING PARTICIPATION AS A CONDITION OF REZONING, A DEVELOPMENT AGREEMENT
15 OR AN ORDINANCE.

16 Sec. 5. Section 48-909, Arizona Revised Statutes, is amended to read:

17 48-909. Purposes for which public improvements may be
18 undertaken; powers incidental to public improvements

19 A. When the public interest or convenience requires, the board of
20 directors of an improvement district may order:

21 1. The whole or any portion, either in length or width, of one or more
22 of the streets of the district graded or regraded, paved or repaved,
23 landscaped or otherwise maintained, improved or reimproved.

24 2. The acquisition, construction, reconstruction or repair of any
25 street, tunnel, subway, viaduct or conduit in, on, under or over which the
26 district may have an easement or right-of-way therefor.

27 3. The construction or reconstruction of sidewalks, crosswalks, curbs,
28 gutters, culverts, bridges, tunnels, siphons, manholes, steps, parkings and
29 parkways.

30 4. The placement, replacement or repair of pipes, hydrants and
31 appliances for fire protection.

1 5. The acquisition, construction, reconstruction, maintenance or
2 repair of wastewater treatment facilities, sewers, ditches, drains, conduits,
3 pipelines and channels for sanitary and drainage purposes, with outlets,
4 cesspools, manholes, catch basins, flush tanks, septic tanks, connecting
5 sewers, ditches, drains, conduits, channels and other appurtenances in,
6 under, over or through any street or any land of the district or any
7 right-of-way granted or obtained for such purpose, either within or without
8 the district limits.

9 6. The acquisition, construction, reconstruction or repair of
10 waterworks for the delivery of water for domestic purposes, and of wells,
11 ditches, canals, channels, conduits, pipelines and siphons, together with the
12 necessary or usual appurtenances for carrying storm water or water from
13 irrigation ditches, watercourses, streams or springs into, through or out of
14 such district in, under, over or through any street, or any land of the
15 district or any right-of-way granted or obtained for such purpose, either
16 within or without the district limits. Nothing in this section shall be
17 construed to prohibit the board of directors of an improvement district from
18 purchasing an existing domestic water delivery system within the district or
19 outside the district or constructing an initial or improving an existing
20 domestic water delivery system inside or outside the district.

21 7. The construction, reconstruction or repair of breakwater levees or
22 walls, riverbank protection or replacement of riverbanks and supporting
23 land. A district established for this purpose shall cooperate and coordinate
24 its plans and activities with the county flood control district established
25 in the county and any incorporated city or town in which the district is
26 established.

27 8. The acquisition, construction, reconstruction or repair of lighting
28 plants and poles, wire conduits, lamps, standards and other appliances for
29 the purpose of lighting and beautifying streets or other public lands.

30 9. The construction, reconstruction or repair of any work incidental
31 to or connected with any such improvement.

1 10. The acquisition, in the name of the district, by gift, purchase or
2 otherwise and the maintenance, repair, improvement or disposal of any real or
3 personal property necessary or convenient for district operation for a
4 community center, park or recreational area.

5 11. Pursuant to section 48-902, the board of directors of an
6 improvement district may contract for or in any other manner provide
7 transportation services within the district.

8 12. PURSUANT TO SECTION 48-909.03, THE ACQUISITION, INSTALLATION AND
9 IMPROVEMENT OF ENERGY EFFICIENCY AND RENEWABLE ENERGY IMPROVEMENTS AND WATER
10 CONSERVATION IMPROVEMENTS, INCLUDING SOLAR ENERGY SYSTEMS, COMBINED HEAT AND
11 POWER SYSTEMS, RAINWATER HARVESTING EQUIPMENT AND SYSTEMS AND GRAY WATER
12 SYSTEMS.

13 B. In addition to the powers specifically granted by or reasonably
14 inferred from this article, an improvement district through its board of
15 directors may:

16 1. Acquire by gift, purchase, condemnation or otherwise in the name of
17 the district and own, control, manage and dispose of any real or personal
18 property or interest in such property necessary or convenient for the
19 construction, operation and maintenance of any of the improvements provided
20 for by this article.

21 2. Join with any other improvement district, any city, town,
22 governmental agency or Indian tribe, or any agency or instrumentality of an
23 Indian tribe, or any person in the construction, operation or maintenance of
24 any of the improvements hereby authorized.

25 3. Join with any other improvement district or any city, town, county
26 or Indian tribe, or any agency or instrumentality of an Indian tribe, in
27 improving streets running upon or along the boundary of the district and levy
28 assessments and issue bonds for the district's part of the cost of such
29 improvements.

30 4. Sell, lease or otherwise dispose of any property of the district or
31 interest in such property when the property is no longer required for the

1 purposes of the district or the use of which may be permitted without
2 interfering with the use thereof by the district.

3 5. Sell or otherwise dispose of any property or material acquired in
4 the construction or operation of any improvements as a by-product or
5 otherwise, and acquire rights-of-way for such disposal by condemnation or
6 otherwise.

7 6. Accept from the state of Arizona or the federal government, or any
8 agency, department or instrumentality of either, grants for or in aid of the
9 construction of any of the improvements provided for by this chapter.

10 7. Notwithstanding any other law, sell improvement bonds to the
11 federal government, or any agency, department or instrumentality of the
12 federal government, for the construction of any of the improvements provided
13 by this chapter.

14 8. Enter into contracts with the state of Arizona or the federal
15 government, or any agency, department or instrumentality of either or both,
16 for the construction or supervision of construction by the state of Arizona
17 or the federal government, or any agency, department or instrumentality of
18 either or both, but reserving to the district the right to assess against the
19 property benefited by the improvement, and located within the district, that
20 portion of the cost of the improvement which does not qualify for aid under a
21 state or federal grant.

22 9. Operate, maintain and repair the streets within the district and
23 any improvements made pursuant to this chapter.

24 10. Do all things incidental to the exercise of the powers granted by
25 this article.

26 C. A county improvement district formed for the purpose of purchasing
27 an existing or constructing a new domestic water delivery system within the
28 district or outside the district shall have the same authority and
29 responsibility as an incorporated city or town pursuant to title 45 and
30 chapters 22 and 28 of this title.

31 D. An improvement district which proposes to provide domestic water
32 service within the certificated area of a public service corporation serving

1 domestic water shall provide just compensation to the public service
2 corporation pursuant to section 9-516 for the facilities or certificated area
3 taken. The right to compensation for a public service corporation from an
4 improvement district shall not apply if no facilities of the public service
5 corporation are actually acquired by the improvement district and either of
6 the following conditions exist:

7 1. At the time the law providing for compensation became effective the
8 certificated area for which compensation is sought is an area which was
9 within the boundaries of an improvement district.

10 2. A certificate is issued to a public service corporation for any
11 area which is within an improvement district at the time the certificate is
12 issued.

13 E. If the county board of supervisors determines that the public
14 interest or convenience so requires, an improvement district that is formed
15 for the purposes of providing domestic water service pursuant to article 4 of
16 this chapter may also provide domestic wastewater service.

17 Sec. 6. Title 48, chapter 6, article 1, Arizona Revised Statutes, is
18 amended by adding section 48-909.03, to read:

19 48-909.03. Improvement districts for energy efficiency,
20 renewable energy, water conservation and water
21 management improvements; notice; assessments

22 A. IN ADDITION TO THE PURPOSES FOR WHICH AN IMPROVEMENT DISTRICT MAY
23 BE FORMED PURSUANT TO SECTION 48-909, AN IMPROVEMENT DISTRICT MAY BE FORMED
24 FOR THE PURPOSE OF THE ACQUISITION, INSTALLATION AND IMPROVEMENT OF ENERGY
25 EFFICIENCY AND RENEWABLE ENERGY IMPROVEMENTS AND WATER CONSERVATION
26 IMPROVEMENTS, INCLUDING SOLAR ENERGY SYSTEMS, COMBINED HEAT AND POWER
27 SYSTEMS, RAINWATER HARVESTING EQUIPMENT AND SYSTEMS AND GRAY WATER SYSTEMS.
28 THESE IMPROVEMENTS MAY BE ON OR IN PUBLICLY OR PRIVATELY OWNED REAL PROPERTY
29 OR BUILDINGS, OR BOTH.

1 B. AN IMPROVEMENT DISTRICT FORMED PURSUANT TO THIS SECTION SHALL BE
2 FORMED ONLY IF A PETITION FOR THE FORMATION OF SUCH AN IMPROVEMENT DISTRICT
3 IS PRESENTED TO THE GOVERNING BODY AND PURPORTS TO BE SIGNED BY THE REAL
4 PROPERTY OWNERS IN THE PROPOSED DISTRICT, EXCLUSIVE OF MORTGAGEES AND OTHER
5 LIENHOLDERS, OR BY ALL OF THE REAL PROPERTY OWNERS, EXCLUSIVE OF MORTGAGEES
6 AND OTHER LIENHOLDERS, THAT WILL BE SUBJECT TO ASSESSMENT FOR THE ANNUAL
7 EXPENSES. A PROPERTY OWNER MAY CHOOSE TO JOIN THE DISTRICT AFTER FORMATION
8 OR MAY CHOOSE TO JOIN A PROPOSED DISTRICT BEFORE FORMATION BY SUBMITTING TO
9 THE GOVERNING BODY A PETITION STATING THAT INTENT, INCLUDING THE INTENT TO BE
10 BOUND BY AN ASSESSMENT, AND BEARING THE NOTARIZED SIGNATURE OF THE PROPERTY
11 OWNER. A DISTRICT FORMED PURSUANT TO THIS SECTION MAY INCLUDE PORTIONS OF A
12 CITY OR TOWN ONLY AFTER FORMAL APPROVAL OF THAT INCLUSION BY THE GOVERNING
13 BODY OF THE CITY OR TOWN. IF SUCH A PETITION IS PRESENTED, THE BOARD, AFTER
14 VERIFYING OWNERSHIP AND MAKING A FINDING OF THOSE FACTS, MAY ADOPT A
15 RESOLUTION OF INTENTION TO ORDER THE IMPROVEMENTS PURSUANT TO SECTION 48-912
16 AND SHALL HAVE IMMEDIATE JURISDICTION TO ADOPT A RESOLUTION ORDERING THE
17 IMPROVEMENT PURSUANT TO SECTION 48-919, WITHOUT THE NECESSITY OF MAILING THE
18 NOTICE OF THE RESOLUTION OF INTENTION PRESCRIBED IN SECTION 48-916. THE
19 RESOLUTION OF INTENTION TO ORDER THE IMPROVEMENTS AND THE RESOLUTION ORDERING
20 THE IMPROVEMENTS SHALL DESCRIBE THE ENERGY EFFICIENCY AND RENEWABLE ENERGY
21 IMPROVEMENTS THAT THE BOARD IS AUTHORIZING FOR ACQUISITION, INSTALLATION AND
22 IMPROVEMENT.

23 C. THE BOARD SHALL MAKE ANNUAL STATEMENTS AND ESTIMATES OF THE
24 EXPENSES OF THE DISTRICT, AND SHALL ASSESS THE TOTAL SUM ON THE SEVERAL LOTS,
25 EACH RESPECTIVELY IN PROPORTION TO THE BENEFITS TO BE RECEIVED BY EACH LOT.
26 WHEN THE ASSESSMENTS HAVE BEEN COMPLETED, THE BOARD SHALL FIX A TIME WHEN IT
27 WILL HEAR AND PASS ON THE ASSESSMENTS AND THE PRIOR PROCEEDINGS RELATING TO
28 THE ASSESSMENTS, WHICH SHALL NOT BE LESS THAN TWENTY DAYS AFTER THE DATE OF
29 THE NOTICE. NOTICE OF HEARING SHALL BE GIVEN AS PRESCRIBED IN SECTION
30 48-928, SUBSECTION E. ANY PERSON WHO OWNS REAL PROPERTY AFFECTED BY THE
31 ASSESSMENT AND WHO HAS ANY OBJECTION TO THE LEGALITY OF THE ASSESSMENT, OR TO
32 ANY OF THE PREVIOUS PROCEEDINGS CONNECTED TO THE ASSESSMENT, BEFORE THE TIME

1 FIXED FOR THE HEARING, MAY FILE A WRITTEN NOTICE BRIEFLY SPECIFYING THE
2 GROUNDS OF THE OBJECTION. AT THE TIME FIXED FOR THE HEARING OR AT ANY TIME
3 NOT LATER THAN TEN DAYS AFTER THE TIME FIXED FOR THE HEARING TO WHICH THE
4 HEARING MAY BE POSTPONED, THE BOARD SHALL HEAR AND PASS ON THE OBJECTIONS.
5 THE DECISION OF THE BOARD SHALL BE FINAL AND CONCLUSIVE ON ALL PERSONS
6 ENTITLED TO OBJECT AS TO ALL ERRORS, INFORMALITIES AND IRREGULARITIES THAT
7 THE BOARD MIGHT HAVE REMEDIED OR AVOIDED ANY TIME DURING THE PROGRESS OF THE
8 PROCEEDINGS.

9 D. THE ASSESSMENTS FOR THE ANNUAL EXPENSES SHALL BE COLLECTIBLE IN THE
10 MANNER AND BY THE OFFICERS PROVIDED BY LAW FOR THE COLLECTION AND ENFORCEMENT
11 OF GENERAL TAXES THAT THE COUNTY IS AUTHORIZED TO LEVY. ALL STATUTES
12 PROVIDING FOR THE LEVY AND COLLECTION OF COUNTY AND CITY TAXES, INCLUDING THE
13 COLLECTION OF DELINQUENT TAXES AND SALE OF PROPERTY FOR NONPAYMENT OF TAXES,
14 APPLY TO THE DISTRICT ASSESSMENTS PROVIDED FOR UNDER THIS SECTION.

15 E. THIS SECTION DOES NOT AUTHORIZE A DISTRICT FORMED PURSUANT TO THIS
16 SECTION TO DISTRIBUTE OR TRANSMIT ELECTRICAL POWER, EXCEPT THAT THE OPERATION
17 OF A NET METERING SYSTEM AS PRESCRIBED BY APPLICABLE RULES OR TARIFFS OR
18 UNDER FEDERAL LAW IS NOT PROHIBITED.

19 F. IF A PROPERTY THAT IS IMPROVED OR ASSESSED BY A DISTRICT FORMED
20 UNDER THIS SECTION IS DIVIDED, FUTURE ASSESSMENTS SHALL BE LEVIED ONLY ON THE
21 PORTION OR PORTIONS OF THE PROPERTY THAT HAVE BEEN IMPROVED.

22 G. A COUNTY SHALL NOT TAKE ANY ACTION THAT REQUIRES A PERSON OR ENTITY
23 TO PARTICIPATE IN A DISTRICT FORMED PURSUANT TO THIS SECTION INCLUDING
24 REQUIRING PARTICIPATION AS A CONDITION OF REZONING, A DEVELOPMENT AGREEMENT
25 OR AN ORDINANCE.

26 Sec. 7. Legislative intent

27 The legislature finds, determines and declares that:

28 1. The development, production and efficient use of renewable energy
29 will continue to play a central and critical role in the future of this state
30 and of the nation as a whole.

31 2. The development, production and efficient use of renewable energy
32 will advance the security, economic well-being and public and environmental

1 health of this state, as well as contribute to the energy independence of our
2 nation.

3 3. The conservation and efficient use of water resources likewise play
4 a central and critical role in the future of this state and its individual
5 cities and counties and serve to advance the security, economic well-being
6 and public and environmental health of this state.

7 4. The inclusion of energy efficiency and renewable energy production
8 projects and water conservation improvements for residential and commercial
9 use in improvement districts, and the powers conferred under this section, as
10 well as the expenditures of public monies made pursuant to this section and
11 article, serve a valid public purpose, and that the enactment of this section
12 is expressly declared to be in the public interest.”

13 Amend title to conform

JAY TIBSHRAENY

6/24/09
2:54 PM
S: BB/tam