

REFERENCE TITLE: renewable energy districts

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

## HB 2574

Introduced by  
Representatives Mason: Boone, Campbell CH, Jones, Konopnicki, Nichols,  
Reagan

AN ACT

AMENDING SECTION 48-572, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-623; AMENDING SECTION 48-909, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-909.03; RELATING TO IMPROVEMENT DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-572, Arizona Revised Statutes, is amended to  
3 read:

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

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

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

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

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

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

27 5. Order construction, reconstruction or acquisition of waterworks,  
28 ditches, canals, channels, conduits, pipelines and siphons, together with the  
29 necessary or usual appurtenances for carrying storm water or water from  
30 irrigation ditches, watercourses, streams or springs into, through or out of  
31 the municipality, in, under, over or through any street, or any land of the  
32 municipality or any right-of-way granted or obtained for such purpose, either  
33 within or without the limits of the municipality.

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

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

40 8. Order the whole or any portion of any off-street parking area and  
41 entrances thereto of the municipality graded or regraded, paved or repaved,  
42 or otherwise improved or reimproved, order lighting plants and poles, wires,  
43 conduits, lamps, standards, and other appliances for the purpose of lighting,  
44 landscaping and beautifying the streets or off-street parking areas and  
45 entrances thereto to be improved and order construction on such land of

1 parking structures that may have any portion at, above or below grade. If in  
2 connection with any lot or parcel within a proposed assessment district  
3 adequate off-street parking facilities have been provided, such lot or parcel  
4 shall be excluded from the assessment district and shall not be assessed for  
5 such improvements if within the time and in the manner provided in section  
6 48-579, subsection C the owner or owners file a written objection to the  
7 extent of the assessment district. For purposes of this paragraph in cities  
8 having a zoning code or ordinance, unless the off-street parking facilities  
9 provided meet or exceed the requirements of the zoning code or ordinance for  
10 a lot or parcel of that size in that zone, then such off-street parking  
11 facilities shall not be deemed adequate. In cities not having a zoning code  
12 or ordinance, the facilities provided shall not be deemed adequate unless  
13 parking space for one motor vehicle is provided for each three hundred square  
14 feet of floor space in the building served by such off-street parking site.  
15 If any lot or parcel within a proposed assessment district organized for  
16 improvements provided for in this paragraph is zoned and used exclusively for  
17 single family residential purposes, such lot or parcel shall be excluded from  
18 the assessment district and shall not be assessed for such improvements if  
19 within the time and in the manner provided in section 48-579, subsection C  
20 the owner or owners file a written objection to the extent of the assessment  
21 district.

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

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

29 11. PURSUANT TO SECTION 48-623, ORDER THE ACQUISITION, INSTALLATION AND  
30 IMPROVEMENT OF ENERGY EFFICIENCY AND RENEWABLE ENERGY IMPROVEMENTS AND WATER  
31 CONSERVATION IMPROVEMENTS, INCLUDING SOLAR ENERGY SYSTEMS, COMBINED HEAT AND  
32 POWER SYSTEMS, RAINWATER HARVESTING EQUIPMENT AND SYSTEMS AND GRAY WATER  
33 SYSTEMS.

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

37 1. Join with other cities or towns or any improvement district or  
38 sanitary district or the state, or any of its departments or agencies, the  
39 federal government or any of its departments, agencies or instrumentalities,  
40 in the construction, operation or maintenance of improvements authorized by  
41 this section.

42 2. Join with any other city, town, improvement district or sanitary  
43 district in improving streets running upon or along the boundaries of the  
44 city or town and levy assessments or issue bonds for the proportionate part  
45 of the city or town of the cost of the improvement.

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

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

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

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

27           B. AN IMPROVEMENT DISTRICT FORMED PURSUANT TO THIS SECTION SHALL BE  
28 FORMED ONLY IF A PETITION FOR THE FORMATION OF SUCH AN IMPROVEMENT DISTRICT  
29 IS PRESENTED TO THE GOVERNING BODY AND PURPORTS TO BE SIGNED BY ALL OF THE  
30 REAL PROPERTY OWNERS IN THE PROPOSED DISTRICT, EXCLUSIVE OF MORTGAGEES AND  
31 OTHER LIENHOLDERS, OR BY THE REAL PROPERTY OWNERS, EXCLUSIVE OF MORTGAGEES  
32 AND OTHER LIENHOLDERS, THAT WILL BE SUBJECT TO ASSESSMENT FOR THE ANNUAL  
33 EXPENSES. A PROPERTY OWNER MAY CHOOSE TO JOIN THE DISTRICT AFTER FORMATION  
34 OR MAY CHOOSE TO JOIN A PROPOSED DISTRICT BEFORE FORMATION BY SUBMITTING TO  
35 THE GOVERNING BODY A PETITION STATING THAT INTENT INCLUDING THE INTENT TO BE  
36 BOUND BY AN ASSESSMENT, AND BEARING THE NOTARIZED SIGNATURE OF THE PROPERTY  
37 OWNER. IF SUCH A PETITION IS PRESENTED, THE GOVERNING BODY, AFTER VERIFYING  
38 OWNERSHIP AND MAKING A FINDING OF THOSE FACTS, MAY ADOPT A RESOLUTION OF  
39 INTENTION TO ORDER THE IMPROVEMENTS PURSUANT TO SECTION 48-576 AND SHALL HAVE  
40 IMMEDIATE JURISDICTION TO ADOPT A RESOLUTION ORDERING THE IMPROVEMENT  
41 PURSUANT TO SECTION 48-581, WITHOUT THE NECESSITY OF THE PUBLICATION AND  
42 POSTING OF THE RESOLUTION OF INTENTION PRESCRIBED IN SECTION 48-578. THE  
43 RESOLUTION OF INTENTION TO ORDER THE IMPROVEMENTS AND THE RESOLUTION ORDERING  
44 THE IMPROVEMENTS SHALL DESCRIBE THE ENERGY EFFICIENCY AND RENEWABLE ENERGY

1 IMPROVEMENTS THAT THE GOVERNING BODY IS AUTHORIZING FOR ACQUISITION,  
2 INSTALLATION AND IMPROVEMENT.

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

21 D. THE ASSESSMENTS FOR THE ANNUAL EXPENSES SHALL BE COLLECTIBLE IN THE  
22 MANNER AND BY THE OFFICERS PROVIDED BY LAW FOR THE COLLECTION AND ENFORCEMENT  
23 OF GENERAL TAXES THAT THE MUNICIPALITY IS AUTHORIZED TO LEVY. ALL STATUTES  
24 PROVIDING FOR THE LEVY AND COLLECTION OF COUNTY AND CITY TAXES, INCLUDING THE  
25 COLLECTION OF DELINQUENT TAXES AND SALE OF PROPERTY FOR NONPAYMENT OF TAXES,  
26 APPLY TO THE DISTRICT ASSESSMENTS PROVIDED FOR UNDER THIS SECTION.

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

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

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

38 Sec. 3. Section 48-909, Arizona Revised Statutes, is amended to read:  
39 48-909. Purposes for which public improvements may be  
40 undertaken; powers incidental to public improvements

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

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

- 1           2. The acquisition, construction, reconstruction or repair of any  
2 street, tunnel, subway, viaduct or conduit in, on, under or over which the  
3 district may have an easement or right-of-way therefor.
- 4           3. The construction or reconstruction of sidewalks, crosswalks, curbs,  
5 gutters, culverts, bridges, tunnels, siphons, manholes, steps, parkings and  
6 parkways.
- 7           4. The placement, replacement or repair of pipes, hydrants and  
8 appliances for fire protection.
- 9           5. The acquisition, construction, reconstruction, maintenance or  
10 repair of wastewater treatment facilities, sewers, ditches, drains, conduits,  
11 pipelines and channels for sanitary and drainage purposes, with outlets,  
12 cesspools, manholes, catch basins, flush tanks, septic tanks, connecting  
13 sewers, ditches, drains, conduits, channels and other appurtenances in,  
14 under, over or through any street or any land of the district or any  
15 right-of-way granted or obtained for such purpose, either within or without  
16 the district limits.
- 17           6. The acquisition, construction, reconstruction or repair of  
18 waterworks for the delivery of water for domestic purposes, and of wells,  
19 ditches, canals, channels, conduits, pipelines and siphons, together with the  
20 necessary or usual appurtenances for carrying storm water or water from  
21 irrigation ditches, watercourses, streams or springs into, through or out of  
22 such district in, under, over or through any street, or any land of the  
23 district or any right-of-way granted or obtained for such purpose, either  
24 within or without the district limits. Nothing in this section shall be  
25 construed to prohibit the board of directors of an improvement district from  
26 purchasing an existing domestic water delivery system within the district or  
27 outside the district or constructing an initial or improving an existing  
28 domestic water delivery system inside or outside the district.
- 29           7. The construction, reconstruction or repair of breakwater levees or  
30 walls, riverbank protection or replacement of riverbanks and supporting  
31 land. A district established for this purpose shall cooperate and coordinate  
32 its plans and activities with the county flood control district established  
33 in the county and any incorporated city or town in which the district is  
34 established.
- 35           8. The acquisition, construction, reconstruction or repair of lighting  
36 plants and poles, wire conduits, lamps, standards and other appliances for  
37 the purpose of lighting and beautifying streets or other public lands.
- 38           9. The construction, reconstruction or repair of any work incidental  
39 to or connected with any such improvement.
- 40           10. The acquisition, in the name of the district, by gift, purchase or  
41 otherwise and the maintenance, repair, improvement or disposal of any real or  
42 personal property necessary or convenient for district operation for a  
43 community center, park or recreational area.

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

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

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

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

17           2. Join with any other improvement district, any city, town,  
18 governmental agency or Indian tribe, or any agency or instrumentality of an  
19 Indian tribe, or any person in the construction, operation or maintenance of  
20 any of the improvements hereby authorized.

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

26           4. Sell, lease or otherwise dispose of any property of the district or  
27 interest in such property when the property is no longer required for the  
28 purposes of the district or the use of which may be permitted without  
29 interfering with the use thereof by the district.

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

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

37           7. Notwithstanding any other law, sell improvement bonds to the  
38 federal government, or any agency, department or instrumentality of the  
39 federal government, for the construction of any of the improvements provided  
40 by this chapter.

41           8. Enter into contracts with the state of Arizona or the federal  
42 government, or any agency, department or instrumentality of either or both,  
43 for the construction or supervision of construction by the state of Arizona  
44 or the federal government, or any agency, department or instrumentality of  
45 either or both, but reserving to the district the right to assess against the

1 property benefited by the improvement, and located within the district, that  
2 portion of the cost of the improvement which does not qualify for aid under a  
3 state or federal grant.

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

6 10. Do all things incidental to the exercise of the powers granted by  
7 this article.

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

13 D. An improvement district which proposes to provide domestic water  
14 service within the certificated area of a public service corporation serving  
15 domestic water shall provide just compensation to the public service  
16 corporation pursuant to section 9-516 for the facilities or certificated area  
17 taken. The right to compensation for a public service corporation from an  
18 improvement district shall not apply if no facilities of the public service  
19 corporation are actually acquired by the improvement district and either of  
20 the following conditions exist:

21 1. At the time the law providing for compensation became effective the  
22 certificated area for which compensation is sought is an area which was  
23 within the boundaries of an improvement district.

24 2. A certificate is issued to a public service corporation for any  
25 area which is within an improvement district at the time the certificate is  
26 issued.

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

31 Sec. 4. Title 48, chapter 6, article 1, Arizona Revised Statutes, is  
32 amended by adding section 48-909.03, to read:

33 48-909.03. Improvement districts for energy efficiency,  
34 renewable energy, water conservation and water  
35 management improvements; notice; assessments

36 A. IN ADDITION TO THE PURPOSES FOR WHICH AN IMPROVEMENT DISTRICT MAY  
37 BE FORMED PURSUANT TO SECTION 48-909, AN IMPROVEMENT DISTRICT MAY BE FORMED  
38 FOR THE PURPOSE OF THE ACQUISITION, INSTALLATION AND IMPROVEMENT OF ENERGY  
39 EFFICIENCY AND RENEWABLE ENERGY IMPROVEMENTS AND WATER CONSERVATION  
40 IMPROVEMENTS, INCLUDING SOLAR ENERGY SYSTEMS, COMBINED HEAT AND POWER  
41 SYSTEMS, RAINWATER HARVESTING EQUIPMENT AND SYSTEMS AND GRAY WATER SYSTEMS.  
42 THESE IMPROVEMENTS MAY BE ON OR IN PUBLICLY OR PRIVATELY OWNED REAL PROPERTY  
43 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  
33 FIXED FOR THE HEARING, MAY FILE A WRITTEN NOTICE BRIEFLY SPECIFYING THE  
34 GROUNDS OF THE OBJECTION. AT THE TIME FIXED FOR THE HEARING OR AT ANY TIME  
35 NOT LATER THAN TEN DAYS AFTER THE TIME FIXED FOR THE HEARING TO WHICH THE  
36 HEARING MAY BE POSTPONED, THE BOARD SHALL HEAR AND PASS ON THE OBJECTIONS.  
37 THE DECISION OF THE BOARD SHALL BE FINAL AND CONCLUSIVE ON ALL PERSONS  
38 ENTITLED TO OBJECT AS TO ALL ERRORS, INFORMALITIES AND IRREGULARITIES THAT  
39 THE BOARD MIGHT HAVE REMEDIED OR AVOIDED ANY TIME DURING THE PROGRESS OF THE  
40 PROCEEDINGS.

41           D. THE ASSESSMENTS FOR THE ANNUAL EXPENSES SHALL BE COLLECTIBLE IN THE  
42 MANNER AND BY THE OFFICERS PROVIDED BY LAW FOR THE COLLECTION AND ENFORCEMENT  
43 OF GENERAL TAXES THAT THE COUNTY IS AUTHORIZED TO LEVY. ALL STATUTES  
44 PROVIDING FOR THE LEVY AND COLLECTION OF COUNTY AND CITY TAXES, INCLUDING THE

1 COLLECTION OF DELINQUENT TAXES AND SALE OF PROPERTY FOR NONPAYMENT OF TAXES,  
2 APPLY TO THE DISTRICT ASSESSMENTS PROVIDED FOR UNDER THIS SECTION.

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

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

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

14 Sec. 5. Legislative intent

15 The legislature finds, determines and declares that:

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

19 2. The development, production and efficient use of renewable energy  
20 will advance the security, economic well-being and public and environmental  
21 health of this state, as well as contribute to the energy independence of our  
22 nation.

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

27 4. The inclusion of energy efficiency and renewable energy production  
28 projects and water conservation improvements for residential and commercial  
29 use in improvement districts, and the powers conferred under this section, as  
30 well as the expenditures of public monies made pursuant to this section and  
31 article, serve a valid public purpose, and that the enactment of this section  
32 is expressly declared to be in the public interest.