

REFERENCE TITLE: agricultural improvement districts; voting

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2372

Introduced by
Representatives Farnsworth, Kavanagh, Williams: Campbell

AN ACT

AMENDING SECTIONS 48-2309, 48-2362, 48-2363, 48-2364, 48-2365, 48-2366 AND 48-2391, ARIZONA REVISED STATUTES; RELATING TO AGRICULTURAL IMPROVEMENT DISTRICTS; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-2309, Arizona Revised Statutes, is amended to
3 read:

4 48-2309. Qualifications of electors

5 A. No person shall be entitled to vote at any election held under the
6 provisions of this chapter unless the person ~~possesses all the qualifications~~
7 ~~required of electors for state officers under the general election laws and~~
8 ~~is the owner of record, or holds the power of revocation over a revocable~~
9 ~~trust that is the owner of record, of real property that is located within~~
10 ~~the boundaries of the district as of one hundred days preceding the district~~
11 ~~election and on which the person or trust has been assessed for property~~
12 ~~taxes as shown by the property tax roll next preceding the date of the~~
13 ~~election~~ IS A QUALIFIED DISTRICT ELECTOR. IN THIS CHAPTER, A QUALIFIED
14 DISTRICT ELECTOR IS A PERSON WHO IS OTHERWISE QUALIFIED TO VOTE FOR STATE
15 OFFICERS UNDER THE GENERAL ELECTION LAWS OF THIS STATE AND WHO IS EITHER OF
16 THE FOLLOWING:

17 1. THE OWNER OF RECORD OF QUALIFIED REAL PROPERTY.

18 2. THE TRUST VOTER FOR A QUALIFIED TRUST THAT IS THE OWNER OF RECORD
19 OF QUALIFIED REAL PROPERTY.

20 B. THE OWNER OF RECORD IS THE OWNER OF THE REAL PROPERTY ON THE ONE
21 HUNDREDTH DAY BEFORE THE ELECTION AS SHOWN ON THE RECORDS OF THE COUNTY
22 RECORDER'S OFFICE. QUALIFIED REAL PROPERTY IS REAL PROPERTY THAT IS LOCATED
23 WITHIN THE BOUNDARIES OF THE DISTRICT AND THAT HAS BEEN ASSESSED FOR PROPERTY
24 TAXES AS SHOWN ON THE PROPERTY TAX ROLL NEXT PRECEDING THE DATE OF THE
25 ELECTION.

26 C. A QUALIFIED TRUST IS A TRUST THAT IS FORMED PRIMARILY IN
27 FURTHERANCE OF A PERSON'S ESTATE PLANNING AND TO ACCOMPLISH A TESTAMENTARY OR
28 INTER-VIVOS DISPOSITION OF ASSETS TO THE PERSON'S FAMILY MEMBERS OR TO A
29 CHARITABLE ORGANIZATION.

30 D. A TRUST VOTER IS A PERSON WHO IS BOTH OF THE FOLLOWING:

31 1. APPOINTED BY THE TRUSTEE OR TRUSTEES TO VOTE ON BEHALF OF THE
32 QUALIFIED REAL PROPERTY THAT IS OWNED BY THE QUALIFIED TRUST.

33 2. FOR WHOSE ESTATE PLANNING THE QUALIFIED TRUST WAS FORMED, OR WHO IS
34 A BENEFICIARY OF THE TRUST AND WHO IS RELATED BY CONSANGUINITY OR AFFINITY TO
35 NO MORE THAN THE FOURTH DEGREE TO THE PERSON FOR WHOSE ESTATE PLANNING THE
36 TRUST WAS FORMED.

37 Sec. 2. Section 48-2362, Arizona Revised Statutes, is amended to read:

38 48-2362. District council; powers; meetings

39 A. The council shall consist of thirty members, three of whom shall be
40 elected from each division. Each member shall at the time of election be ~~the~~
41 ~~owner of record, or hold the power of revocation over a revocable trust that~~
42 ~~is the owner of record, of~~ A QUALIFIED DISTRICT ELECTOR FOR land located in
43 the division from which the member is elected, and shall be a resident of the
44 district.

1 B. The council may enact and adopt by-laws and provide for the
2 enforcement thereof for the government of the district, the management of its
3 business and the conduct of its affairs, and may repeal, modify and amend
4 them from time to time. No by-law shall be passed or enforced ~~which~~ THAT
5 will interfere with any existing vested right of any landowner within the
6 district to the use of water for irrigation.

7 C. The council shall meet at least once each year in the place where
8 the principal office of the district is located. The regular annual meeting
9 of the council shall begin on the first Tuesday in May each year, and shall
10 continue in session at its pleasure. Special meetings may be called in such
11 manner and at such times as prescribed by the by-laws.

12 D. The compensation of members of the board of directors shall be
13 determined by the council, but shall not exceed sixty dollars per day for
14 each day's attendance at meetings of the board, and actual and necessary
15 expenses while engaged in official business under order of the board.

16 Sec. 3. Section 48-2363, Arizona Revised Statutes, is amended to read:
17 48-2363. Board of directors; qualifications; election; powers
18 and duties

19 A. Until the election held in 1980, the board of directors shall
20 consist of the president and twelve directors, one of whom shall be elected
21 from each division and two of whom shall be elected at large to fill the
22 seats which shall be designated as at large director seats numbers 12 and 14.
23 Beginning with the election held in 1980, the board shall consist of the
24 president and fourteen directors, one of whom shall be elected from each
25 division and four of whom shall be elected at large to fill the seats which
26 shall be designated as at large director seats numbers 11, 12, 13 and 14.
27 Each member shall at the time of election be ~~the owner of record, or hold the~~
28 ~~power of revocation over a revocable trust that is the owner of record, of A~~
29 QUALIFIED DISTRICT ELECTOR FOR land located in the division from which the
30 member is elected or in the case of directors at large, land located within
31 the district, and shall be a resident of the district.

32 B. The board of directors shall, except as modified by this article,
33 have the same powers, obligations and duties as are otherwise prescribed in
34 this chapter. Except for the president and vice-president who shall be
35 elected as provided by this article, the board of directors may appoint
36 officers necessary for the efficient administration of the affairs of the
37 district, and fix their compensation.

38 Sec. 4. Section 48-2364, Arizona Revised Statutes, is amended to read:
39 48-2364. President and vice-president; election; term of office

40 The president and vice-president of the district shall be elected at
41 large at the regular election and shall serve for a term of four years. Each
42 shall be a ~~resident and the owner of record, or hold the power of revocation~~
43 ~~over a revocable trust that is the owner of record, of lands within the~~
44 boundaries QUALIFIED DISTRICT ELECTOR AND A RESIDENT of the district and
45 shall have such powers and perform such duties as prescribed by law and the

1 by-laws of the district. The president shall be the chief officer of the
 2 district and shall have general supervision over all other officers of the
 3 district in the performance of their duties as such and of the conduct and
 4 business affairs of the district. The president shall preside at all
 5 meetings of the board of directors and shall be ex officio a member of that
 6 board.

7 Sec. 5. Section 48-2365, Arizona Revised Statutes, is amended to read:
 8 48-2365. Terms of office; elections

9 A. Elections shall be held on the first Tuesday in April each
 10 even-numbered year. The terms of councilmen, directors, president and
 11 vice-president shall be four years and shall commence on the first Monday in
 12 May following the election. The president, vice-president, and directors and
 13 councilmen elected from divisions 2, 4, 6, 8 and 10, and directors at large
 14 numbers 12 and 14, shall be elected to terms of four years at the regular
 15 election held in 1978 and every four years thereafter. Directors and
 16 councilmen elected from divisions 1, 3, 5, 7 and 9 shall be elected to terms
 17 of two years at the regular election held in 1978 and to terms of four years
 18 at the regular election held in 1980 and every four years thereafter.
 19 Directors at large numbers 11 and 13 shall be elected at the regular election
 20 held in 1980 and every four years thereafter.

21 B. The governing body of the district may at any time after March 6,
 22 1952, by appropriate resolution, divide the district into divisions as
 23 provided in this article, and shall thereupon assign to proper divisions
 24 directors theretofore elected and whose terms have not expired, and appoint
 25 councilmen to serve until their successors are elected and qualified at the
 26 next succeeding election.

27 C. Nominations for council and the board of directors seats 1 through
 28 10 shall be by petition signed by not less than twenty-five ~~owners of record,~~
 29 ~~or holders of the power of revocation over a revocable trust that is the~~
 30 ~~owner of record, of~~ QUALIFIED DISTRICT ELECTORS FOR land within the
 31 candidate's division, and nominations for president and vice-president and
 32 board of directors seats 11 through 14 shall be signed by not less than two
 33 hundred fifty ~~owners of record, or holders of the power of revocation over a~~
 34 ~~revocable trust that is the owner of record, of~~ QUALIFIED DISTRICT ELECTORS
 35 FOR land within the district and filed with the secretary of the district at
 36 least sixty days before the election. Nominating petitions for election as
 37 director at large shall state to which numbered seat the petitioner seeks
 38 election. A petitioner shall not file petitions for more than one office or
 39 seat and shall not be eligible for election to any other seat or office of
 40 the district at that election.

41 D. The directors at large shall be elected by the electors of the
 42 district qualified under this chapter, and each such qualified elector shall
 43 be entitled to cast one vote for the election of each director at large,
 44 notwithstanding that the petition for organization of the district provides
 45 for acreage voting.

1 Sec. 6. Section 48-2366, Arizona Revised Statutes, is amended to read:
2 48-2366. Vacancies in office

3 If any member of the council or board of directors ceases to be ~~the~~
4 ~~owner of record, or the holder of the power of revocation over a revocable~~
5 ~~trust that is the owner of record, of~~ A QUALIFIED DISTRICT ELECTOR FOR land
6 in the member's division or a resident of the district, or if the president,
7 ~~or~~ vice-president OR AN AT LARGE DIRECTOR ceases to be ~~the owner of record,~~
8 ~~or the holder of the power of revocation over a revocable trust that is the~~
9 ~~owner of record, of~~ A QUALIFIED DISTRICT ELECTOR FOR lands within the
10 boundaries of the district or a resident of the district, the office shall
11 thereupon become vacant. The council may by appointment fill a vacancy in
12 the council and in the board of directors. The council shall adopt by-laws
13 providing for the filling of vacancies in the office of president or vice-
14 president.

15 Sec. 7. Section 48-2391, Arizona Revised Statutes, is amended to read:
16 48-2391. Affidavit of electors

17 A. Prior to voting in a district election an elector shall sign an
18 affidavit that he has all of the qualifications of an elector, as provided
19 for in section 48-2309.

20 B. THE DISTRICT MAY IMPOSE REASONABLE STANDARDS AND RULES FOR THE
21 REGISTRATION OF VOTERS, THE DETERMINATION OF VOTER QUALIFICATIONS, THE
22 VERIFICATION OF VOTER QUALIFICATIONS AND DEFINITION OF FAMILY MEMBER AS
23 PRESCRIBED IN SECTION 48-2309. THESE REQUIREMENTS MAY INCLUDE A REQUIREMENT
24 THAT A TRUST VOTER PRODUCE AT OR BEFORE THE TIME OF VOTING A DOCUMENT FROM
25 THE TRUSTEE OR TRUSTEES APPOINTING THE PERSON AS THE VOTER FOR THE TRUST.

26 C. A VOTER IS SUBJECT TO CHALLENGE AS PRESCRIBED IN TITLE 16,
27 CHAPTER 4. IF A TRUST VOTER IS SUBJECTED TO A CHALLENGE, THE TRUST VOTER MAY
28 BE REQUIRED TO PRODUCE DOCUMENTS AS MAY BE APPROPRIATE TO PROVE THE VOTER'S
29 QUALIFICATIONS, INCLUDING A CERTIFICATION OF TRUST.

30 Sec. 8. Conditional enactment; notice

31 A. Sections 48-2309, 48-2362, 48-2363, 48-2364, 48-2365, 48-2366 and
32 48-2391, Arizona Revised Statutes, as amended by this act, does not become
33 effective unless the shareholders of the Salt river valley water users'
34 association vote in an election held on or before December 31, 2013 and
35 approve amendments to the association's articles of incorporation to make
36 changes that are similar to the statutory changes in this act with respect to
37 land held by estate trusts.

38 B. The governing body of the Salt river project agricultural
39 improvement and power district shall notify in writing the director of the
40 Arizona legislative council of the date on which this condition is met or if
41 this condition is not met.