Committee on Finance

Senate Amendments to H.B. 2383

(Reference to House engrossed bill)

1. Strike everything after the enacting clause and insert:

"Section 1. Title 9, chapter 4, article 7, Arizona Revised Statutes, is amended by adding section 9-471.05, to read:

9-471.05. Invalid annexation; procedure to return territory to the county

A. Notwithstanding any other law, the annexation of territory by a city or town is void and the territory shall be severed from the city or town and returned to the county in which the land is located if the board of supervisors of the county, after a public hearing, determines the requirements of this section have been met.

B. A territory seeking to void its annexation and be severed from the city or town and returned to the county shall file the following items with the clerk of the board of supervisors of the county in which the land is located within ten years after the territory's initial annexation:

1. A petition signed by the owners of one-half or more in value of the real and personal property and more than one-half of the persons owning real and personal property of the territory to be severed that is subject to taxation by the city or town, as shown by the last assessment of the property.

2. A description and an accurate map of the territory to be severed.

3. An affidavit stating that the city or town that initially annexed the territory failed to comply with the provisions of section 9-471 and any ordinances of the city or town relating to annexation of territory.

4. An affidavit stating that the developer of the territory did not complete the requirements of the city's or town's municipal subdivision
REGULATIONS ENACTED PURSUANT TO ARTICLE 6.2 OF THIS CHAPTER, SECTION 9-474 OR SECTION 9-475.

C. THE BOARD OF SUPERVISORS SHALL SET A HEARING DATE OF NOT LESS THAN THIRTY DAYS NOR MORE THAN SIXTY DAYS AFTER THE DATE OF THE FILING OF THE DOCUMENTS PROVIDED IN SUBSECTION B OF THIS SECTION AND SHALL NOTIFY THE GOVERNING BODY OF THE CITY OR TOWN IN WHICH THE TERRITORY TO BE SEVERED IS LOCATED AND EACH OWNER OF REAL PROPERTY IN THE TERRITORY TO BE SEVERED OF THE HEARING AT LEAST THIRTY DAYS BEFORE THE DATE. THE NOTIFICATION SHALL SPECIFY THAT THE AREA IS TO BE SEVERED FROM THE CITY OR TOWN AND RETURNED TO THE COUNTY IN WHICH THE AREA IS LOCATED AND THE PROPERTY SHALL CONTINUE TO BE SUBJECT TO ANY TAX LAWFULLY ASSESSED AGAINST IT FOR THE PURPOSE OF PAYING ANY INDEBTEDNESS LAWFULLY CONTRACTED BY THE GOVERNING BODY OF THE CITY OR TOWN WHILE THE PROPERTY WAS WITHIN THE CORPORATE LIMITS. THE NOTIFICATION SHALL STATE THAT THE CITY OR TOWN OR THE PROPERTY OWNER MAY PROTEST THE ACTION BY LETTER TO THE COUNTY BOARD OF SUPERVISORS BEFORE THE HEARING OR IN PERSON AT THE HEARING.


F. AFTER DETERMINING THAT THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET, HOLDING A PUBLIC HEARING AND DETERMINING THAT THE PROTESTS FILED ARE INSUFFICIENT AS PRESCRIBED IN THIS SECTION, THE COUNTY BOARD OF SUPERVISORS SHALL ORDER THE TERRITORY TO BE SEVERED FROM THE CITY OR TOWN AND RETURNED TO THE COUNTY.


Sec. 2. Delayed repeal

Section 9-471.05, Arizona Revised Statutes, is repealed form and after June 30, 2017.

Sec. 3. Title 9, chapter 4, article 8, Arizona Revised Statutes, is amended by adding section 9-500.34, to read:

9-500.34. Improvements to private property not in corporate boundaries; prohibition

A CITY OR TOWN MAY NOT REQUIRE THE OWNER OF PROPERTY THAT IS NOT LOCATED IN THE CITY'S OR TOWN'S CORPORATE BOUNDARIES TO IMPROVE THE OWNER'S PROPERTY UNLESS THE IMPROVEMENT HAS A SUBSTANTIAL NEXUS TO WATER OR WASTEWATER SERVICE THAT IS PROVIDED TO THE OWNER'S PROPERTY BY THE CITY OR TOWN."

Amend title to conform