

REFERENCE TITLE: taxes; payment; condemned property

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2028

Introduced by
Representative Mitchell

AN ACT

AMENDING SECTIONS 9-404, 11-260, 12-1126, 15-341, 15-1444, 37-804, 42-17153
AND 48-248, ARIZONA REVISED STATUTES; RELATING TO GOVERNMENT PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-404, Arizona Revised Statutes, is amended to
3 read:

4 9-404. Payment of outstanding taxes, penalties and interest on
5 acquiring property; limitation

6 A. If a city or town acquires real or personal property, ~~whether~~ by
7 purchase, exchange, ~~condemnation~~, gift or otherwise, the city or town shall
8 pay to the county treasurer any taxes on the property that were unpaid as of
9 the date of acquisition, including penalties and interest.

10 B. IF A CITY OR TOWN ACQUIRES REAL OR PERSONAL PROPERTY BY
11 CONDEMNATION, THE CITY OR TOWN IS NOT REQUIRED TO PAY UNPAID TAXES, PENALTIES
12 AND INTEREST IN AN AMOUNT THAT EXCEEDS THE FAIR MARKET VALUE OF THE PROPERTY
13 INTEREST ACQUIRED BY THE CITY OR TOWN.

14 ~~B.~~ C. The lien for unpaid delinquent taxes, penalties and interest on
15 property acquired by a city or town:

16 1. Is not abated, extinguished, discharged or merged in the title to
17 the property.

18 2. Is enforceable in the same manner as other delinquent tax liens,
19 EXCEPT THAT THE LIEN IS NOT ENFORCEABLE AGAINST THE INTERESTS OF THE CITY OR
20 TOWN IF THE CITY OR TOWN HAS PAID THE UNPAID TAXES, PENALTIES AND INTEREST AS
21 REQUIRED BY THIS SECTION.

22 Sec. 2. Section 11-260, Arizona Revised Statutes, is amended to read:

23 11-260. Payment of outstanding taxes, penalties and interest on
24 acquiring property; limitation

25 A. If a county acquires real or personal property, ~~whether~~ by
26 purchase, exchange, ~~condemnation~~, gift or otherwise, the board of supervisors
27 shall pay to the county treasurer any taxes on the property that were unpaid
28 as of the date of acquisition, including penalties and interest.

29 B. IF A COUNTY ACQUIRES REAL OR PERSONAL PROPERTY BY CONDEMNATION, THE
30 BOARD OF SUPERVISORS IS NOT REQUIRED TO PAY UNPAID TAXES, PENALTIES AND
31 INTEREST IN AN AMOUNT THAT EXCEEDS THE FAIR MARKET VALUE OF THE PROPERTY
32 INTEREST ACQUIRED BY THE COUNTY.

33 ~~B.~~ C. The lien for unpaid delinquent taxes, penalties and interest on
34 property acquired by a county:

35 1. Is not abated, extinguished, discharged or merged in the title to
36 the property.

37 2. Is enforceable in the same manner as other delinquent tax liens,
38 EXCEPT THAT THE LIEN IS NOT ENFORCEABLE AGAINST THE INTERESTS OF THE COUNTY
39 IF THE COUNTY HAS PAID THE UNPAID TAXES, PENALTIES AND INTEREST AS REQUIRED
40 BY THIS SECTION.

41 Sec. 3. Section 12-1126, Arizona Revised Statutes, is amended to read:

42 12-1126. Final order of condemnation; recording; vesting of
43 property

44 A. When the final judgment has been satisfied and all unpaid property
45 taxes ~~which~~ THAT were levied as of the date of the order for immediate

1 possession, including penalties and interest, on the property that is the
2 subject of the condemnation action have been paid, the court shall make a
3 final order of condemnation, ~~describing~~ THAT DESCRIBES the property condemned
4 and the purposes of the condemnation.

5 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF THE FAIR MARKET
6 VALUE OF THE PROPERTY INTEREST THAT IS THE SUBJECT OF THE CONDEMNATION IS
7 LESS THAN THE AMOUNT OF UNPAID PROPERTY TAXES, PENALTIES AND INTEREST, ON A
8 SHOWING THAT THE CONDEMNING AUTHORITY HAS PAID THE COUNTY TREASURER FOR
9 UNPAID TAXES, PENALTIES AND INTEREST IN AN AMOUNT THAT IS EQUAL TO THE FAIR
10 MARKET VALUE OF THE PROPERTY INTEREST THAT IS THE SUBJECT OF THE
11 CONDEMNATION, THE COURT SHALL MAKE A FINAL ORDER OF CONDEMNATION THAT
12 DESCRIBES THE PROPERTY CONDEMNED AND THE PURPOSES OF THE CONDEMNATION.

13 ~~B.~~ C. A copy of the order shall be recorded in the office of the
14 county recorder of the county or counties in which the property is located,
15 and thereupon the property described shall vest in plaintiff for the purposes
16 ~~therein~~ specified IN THE ORDER.

17 Sec. 4. Section 15-341, Arizona Revised Statutes, is amended to read:
18 15-341. General powers and duties; immunity; delegation

19 A. The governing board shall:

20 1. Prescribe and enforce policies and procedures for the governance of
21 the schools, not inconsistent with law or rules prescribed by the state board
22 of education.

23 2. Exclude from schools all books, publications, papers or audiovisual
24 materials of a sectarian, partisan or denominational character. This
25 paragraph ~~shall not be construed to~~ DOES NOT prohibit the elective course
26 permitted by section 15-717.01.

27 3. Manage and control the school property within its district.

28 4. Acquire school furniture, apparatus, equipment, library books and
29 supplies for the use of the schools.

30 5. Prescribe the curricula and criteria for the promotion and
31 graduation of pupils as provided in sections 15-701 and 15-701.01.

32 6. Furnish, repair and insure, at full insurable value, the school
33 property of the district.

34 7. Construct school buildings on approval by a vote of the district
35 electors.

36 8. Make in the name of the district conveyances of property belonging
37 to the district and sold by the board.

38 9. Purchase school sites when authorized by a vote of the district at
39 an election conducted as nearly as practicable in the same manner as the
40 election provided in section 15-481 and held on a date prescribed in section
41 15-491, subsection E, but such authorization shall not necessarily specify
42 the site to be purchased and such authorization shall not be necessary to
43 exchange unimproved property as provided in section 15-342, paragraph 23.

44 10. Construct, improve and furnish buildings used for school purposes
45 when such buildings or premises are leased from the national park service.

- 1 11. Purchase school sites or construct, improve and furnish school
2 buildings from the proceeds of the sale of school property only on approval
3 by a vote of the district electors.
- 4 12. Hold pupils to strict account for disorderly conduct on school
5 property.
- 6 13. Discipline students for disorderly conduct on the way to and from
7 school.
- 8 14. Except as provided in section 15-1224, deposit all monies received
9 by the district as gifts, grants and devises with the county treasurer who
10 shall credit the deposits as designated in the uniform system of financial
11 records. If not inconsistent with the terms of the gifts, grants and devises
12 given, any balance remaining after expenditures for the intended purpose of
13 the monies have been made shall be used for reduction of school district
14 taxes for the budget year, except that in the case of accommodation schools
15 the county treasurer shall carry the balance forward for use by the county
16 school superintendent for accommodation schools for the budget year.
- 17 15. Provide that, if a parent or legal guardian chooses not to accept a
18 decision of the teacher as provided in section 15-521, paragraph 4, the
19 parent or legal guardian may request in writing that the governing board
20 review the teacher's decision. This paragraph ~~shall not be construed to~~ DOES
21 NOT release school districts from any liability relating to a child's
22 promotion or retention.
- 23 16. Provide for adequate supervision over pupils in instructional and
24 noninstructional activities by certificated or noncertificated personnel.
- 25 17. Use school monies received from the state and county school
26 apportionment exclusively for payment of salaries of teachers and other
27 employees and contingent expenses of the district.
- 28 18. Make an annual report to the county school superintendent on or
29 before October 1 in the manner and form and on the blanks prescribed by the
30 superintendent of public instruction or county school superintendent. The
31 board shall also make reports directly to the county school superintendent or
32 the superintendent of public instruction whenever required.
- 33 19. Deposit all monies received by school districts other than student
34 activities monies or monies from auxiliary operations as provided in sections
35 15-1125 and 15-1126 with the county treasurer to the credit of the school
36 district except as provided in paragraph 20 of this subsection and sections
37 15-1223 and 15-1224, and the board shall expend the monies as provided by law
38 for other school funds.
- 39 20. Establish bank accounts in which the board during a month may
40 deposit miscellaneous monies received directly by the district. The board
41 shall remit monies deposited in the bank accounts at least monthly to the
42 county treasurer for deposit as provided in paragraph 19 of this subsection
43 and in accordance with the uniform system of financial records.
- 44 21. Prescribe and enforce policies and procedures for disciplinary
45 action against a teacher who engages in conduct that is a violation of the

1 policies of the governing board but that is not cause for dismissal of the
2 teacher or for revocation of the certificate of the teacher. Disciplinary
3 action may include suspension without pay for a period of time not to exceed
4 ten school days. Disciplinary action shall not include suspension with pay
5 or suspension without pay for a period of time longer than ten school days.
6 The procedures shall include notice, hearing and appeal provisions for
7 violations that are cause for disciplinary action. The governing board may
8 designate a person or persons to act on behalf of the board on these matters.

9 22. Prescribe and enforce policies and procedures for disciplinary
10 action against an administrator who engages in conduct that is a violation of
11 the policies of the governing board regarding duties of administrators but
12 that is not cause for dismissal of the administrator or for revocation of the
13 certificate of the administrator. Disciplinary action may include suspension
14 without pay for a period of time not to exceed ten school days. Disciplinary
15 action shall not include suspension with pay or suspension without pay for a
16 period of time longer than ten school days. The procedures shall include
17 notice, hearing and appeal provisions for violations that are cause for
18 disciplinary action. The governing board may designate a person or persons
19 to act on behalf of the board on these matters. For violations that are
20 cause for dismissal, the provisions of notice, hearing and appeal in chapter
21 5, article 3 of this title shall apply. The filing of a timely request for a
22 hearing suspends the imposition of a suspension without pay or a dismissal
23 pending completion of the hearing.

24 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce
25 policies and procedures that prohibit a person from carrying or possessing a
26 weapon on school grounds unless the person is a peace officer or has obtained
27 specific authorization from the school administrator.

28 24. Prescribe and enforce policies and procedures relating to the
29 health and safety of all pupils participating in district sponsored practice
30 sessions or games or other interscholastic athletic activities, including:

31 (a) The provision of water.

32 (b) Guidelines, information and forms, developed in consultation with
33 a statewide private entity that supervises interscholastic activities, to
34 inform and educate coaches, pupils and parents of the dangers of concussions
35 and head injuries and the risks of continued participation in athletic
36 activity after a concussion. The policies and procedures shall require that,
37 before a pupil participates in an athletic activity, the pupil and the
38 pupil's parent must sign an information form at least once each school year
39 that states that the parent is aware of the nature and risk of concussion.
40 The policies and procedures shall require that a pupil who is suspected of
41 sustaining a concussion in a practice session, game or other interscholastic
42 athletic activity be immediately removed from the athletic activity. A coach
43 from the pupil's team or an official or a licensed health care provider may
44 remove a pupil from play. A team parent may also remove the parent's own
45 child from play. A pupil may return to play on the same day if a health care

1 provider rules out a suspected concussion at the time the pupil is removed
 2 from play. On a subsequent day, the pupil may return to play if the pupil
 3 has been evaluated by and received written clearance to resume participation
 4 in athletic activity from a health care provider who has been trained in the
 5 evaluation and management of concussions and head injuries. A health care
 6 provider who is a volunteer and who provides clearance to participate in
 7 athletic activity on the day of the suspected injury or on a subsequent day
 8 is immune from civil liability with respect to all decisions made and actions
 9 taken that are based on good faith implementation of the requirements of this
 10 subdivision, except in cases of gross negligence or wanton or wilful neglect.
 11 A school district, school district employee, team coach, official or team
 12 volunteer or a parent or guardian of a team member is not subject to civil
 13 liability for any act, omission or policy undertaken in good faith to comply
 14 with the requirements of this subdivision or for a decision made or an action
 15 taken by a health care provider. A group or organization that uses property
 16 or facilities owned or operated by a school district for athletic activities
 17 shall comply with the requirements of this subdivision. A school district
 18 and its employees and volunteers are not subject to civil liability for any
 19 other person or organization's failure or alleged failure to comply with the
 20 requirements of this subdivision. This subdivision does not apply to teams
 21 that are based in another state and that participate in an athletic activity
 22 in this state. For the purposes of this subdivision, athletic activity does
 23 not include dance, rhythmic gymnastics, competitions or exhibitions of
 24 academic skills or knowledge or other similar forms of physical noncontact
 25 activities, civic activities or academic activities, whether engaged in for
 26 the purposes of competition or recreation. For the purposes of this
 27 subdivision, "health care provider" means a physician who is licensed
 28 pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed
 29 pursuant to title 32, chapter 41, a nurse practitioner who is licensed
 30 pursuant to title 32, chapter 15, and a physician assistant who is licensed
 31 pursuant to title 32, chapter 25.

32 25. Prescribe and enforce policies and procedures regarding the smoking
 33 of tobacco within school buildings. The policies and procedures shall be
 34 adopted in consultation with school district personnel and members of the
 35 community and shall state whether smoking is prohibited in school buildings.
 36 If smoking in school buildings is not prohibited, the policies and procedures
 37 shall clearly state the conditions and circumstances under which smoking is
 38 permitted, those areas in a school building that may be designated as smoking
 39 areas and those areas in a school building that may not be designated as
 40 smoking areas.

41 26. Establish an assessment, data gathering and reporting system as
 42 prescribed in chapter 7, article 3 of this title.

43 27. Provide special education programs and related services pursuant to
 44 section 15-764, subsection A to all children with disabilities as defined in
 45 section 15-761.

1 28. Administer competency tests prescribed by the state board of
2 education for the graduation of pupils from high school.

3 29. Ensure that insurance coverage is secured for all construction
4 projects for purposes of general liability, property damage and workers'
5 compensation and secure performance and payment bonds for all construction
6 projects.

7 30. Keep on file the resumes of all current and former employees who
8 provide instruction to pupils at a school. Resumes shall include an
9 individual's educational and teaching background and experience in a
10 particular academic content subject area. A school district shall inform
11 parents and guardians of the availability of the resume information and shall
12 make the resume information available for inspection on request of parents
13 and guardians of pupils enrolled at a school. This paragraph ~~shall not be~~
14 ~~construed to~~ DOES NOT require any school to release personally identifiable
15 information in relation to any teacher or employee, including the teacher's
16 or employee's address, salary, social security number or telephone number.

17 31. Report to local law enforcement agencies any suspected crime
18 against a person or property that is a serious offense as defined in section
19 13-706 or that involves a deadly weapon or dangerous instrument or serious
20 physical injury and any conduct that poses a threat of death or serious
21 physical injury to employees, students or anyone on the property of the
22 school. This paragraph does not limit or preclude the reporting by a school
23 district or an employee of a school district of suspected crimes other than
24 those required to be reported by this paragraph. For the purposes of this
25 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
26 injury" have the same meanings prescribed in section 13-105.

27 32. In conjunction with local law enforcement agencies and local
28 medical facilities, develop an emergency response plan for each school in the
29 school district in accordance with minimum standards developed jointly by the
30 department of education and the division of emergency management within the
31 department of emergency and military affairs.

32 33. Provide written notice to the parents or guardians of all students
33 affected in the school district at least ten days prior to a public meeting
34 to discuss closing a school within the school district. The notice shall
35 include the reasons for the proposed closure and the time and place of the
36 meeting. The governing board shall fix a time for a public meeting on the
37 proposed closure no less than ten days before voting in a public meeting to
38 close the school. The school district governing board shall give notice of
39 the time and place of the meeting. At the time and place designated in the
40 notice, the school district governing board shall hear reasons for or against
41 closing the school. The school district governing board is exempt from this
42 paragraph if it is determined by the governing board that the school shall be
43 closed because it poses a danger to the health or safety of the pupils or
44 employees of the school. A governing board may consult with the school
45 facilities board for technical assistance and for information on the impact

1 of closing a school. The information provided from the school facilities
2 board shall not require the governing board to take or not take any action.

3 34. Incorporate instruction on Native American history into appropriate
4 existing curricula.

5 35. Prescribe and enforce policies and procedures:

6 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
7 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25
8 or by a registered nurse practitioner licensed and certified pursuant to
9 title 32, chapter 15 to carry and self-administer emergency medications,
10 including auto-injectable epinephrine, while at school and at
11 school-sponsored activities. The pupil's name on the prescription label on
12 the medication container or on the medication device and annual written
13 documentation from the pupil's parent or guardian to the school that
14 authorizes possession and self-administration is sufficient proof that the
15 pupil is entitled to the possession and self-administration of the
16 medication. The policies shall require a pupil who uses auto-injectable
17 epinephrine while at school and at school-sponsored activities to notify the
18 nurse or the designated school staff person of the use of the medication as
19 soon as practicable. A school district and its employees are immune from
20 civil liability with respect to all decisions made and actions taken that are
21 based on good faith implementation of the requirements of this subdivision,
22 except in cases of wanton or wilful neglect.

23 (b) For the emergency administration of auto-injectable epinephrine by
24 a trained employee of a school district pursuant to section 15-157.

25 36. Allow the possession and self-administration of prescription
26 medication for breathing disorders in handheld inhaler devices by pupils who
27 have been prescribed that medication by a health care professional licensed
28 pursuant to title 32. The pupil's name on the prescription label on the
29 medication container or on the handheld inhaler device and annual written
30 documentation from the pupil's parent or guardian to the school that
31 authorizes possession and self-administration shall be sufficient proof that
32 the pupil is entitled to the possession and self-administration of the
33 medication. A school district and its employees are immune from civil
34 liability with respect to all decisions made and actions taken that are based
35 on a good faith implementation of the requirements of this paragraph.

36 37. Prescribe and enforce policies and procedures to prohibit pupils
37 from harassing, intimidating and bullying other pupils on school grounds, on
38 school property, on school buses, at school bus stops, at school-sponsored
39 events and activities and through the use of electronic technology or
40 electronic communication on school computers, networks, forums and mailing
41 lists that include the following components:

42 (a) A procedure for pupils, parents and school district employees to
43 confidentially report to school officials incidents of harassment,
44 intimidation or bullying. The school shall make available written forms

1 designed to provide a full and detailed description of the incident and any
2 other relevant information about the incident.

3 (b) A requirement that school district employees report in writing
4 suspected incidents of harassment, intimidation or bullying to the
5 appropriate school official and a description of appropriate disciplinary
6 procedures for employees who fail to report suspected incidents that are
7 known to the employee.

8 (c) A requirement that, at the beginning of each school year, school
9 officials provide all pupils with a written copy of the rights, protections
10 and support services available to a pupil who is an alleged victim of an
11 incident reported pursuant to this paragraph.

12 (d) If an incident is reported pursuant to this paragraph, a
13 requirement that school officials provide a pupil who is an alleged victim of
14 the incident with a written copy of the rights, protections and support
15 services available to that pupil.

16 (e) A formal process for the documentation of reported incidents of
17 harassment, intimidation or bullying and for the confidentiality, maintenance
18 and disposition of this documentation. School districts shall maintain
19 documentation of all incidents reported pursuant to this paragraph for at
20 least six years. The school shall not use that documentation to impose
21 disciplinary action unless the appropriate school official has investigated
22 and determined that the reported incidents of harassment, intimidation or
23 bullying occurred. If a school provides documentation of reported incidents
24 to persons other than school officials or law enforcement, all individually
25 identifiable information shall be redacted.

26 (f) A formal process for the investigation by the appropriate school
27 officials of suspected incidents of harassment, intimidation or bullying,
28 including procedures for notifying the alleged victim on completion and
29 disposition of the investigation.

30 (g) Disciplinary procedures for pupils who have admitted or been found
31 to have committed incidents of harassment, intimidation or bullying.

32 (h) A procedure that sets forth consequences for submitting false
33 reports of incidents of harassment, intimidation or bullying.

34 (i) Procedures designed to protect the health and safety of pupils who
35 are physically harmed as the result of incidents of harassment, intimidation
36 and bullying, including, if appropriate, procedures to contact emergency
37 medical services or law enforcement agencies, or both.

38 (j) Definitions of harassment, intimidation and bullying.

39 38. Prescribe and enforce policies and procedures regarding changing or
40 adopting attendance boundaries that include the following components:

41 (a) A procedure for holding public meetings to discuss attendance
42 boundary changes or adoptions that allows public comments.

43 (b) A procedure to notify the parents or guardians of the students
44 affected.

1 (c) A procedure to notify the residents of the households affected by
2 the attendance boundary changes.

3 (d) A process for placing public meeting notices and proposed maps on
4 the school district's website for public review, if the school district
5 maintains a website.

6 (e) A formal process for presenting the attendance boundaries of the
7 affected area in public meetings that allows public comments.

8 (f) A formal process for notifying the residents and parents or
9 guardians of the affected area as to the decision of the governing board on
10 the school district's website, if the school district maintains a website.

11 (g) A formal process for updating attendance boundaries on the school
12 district's website within ninety days ~~of~~ AFTER an adopted boundary change.
13 The school district shall send a direct link to the school district's
14 attendance boundaries website to the department of real estate.

15 (h) If the land that a school was built on was donated within the past
16 five years, a formal process to notify the entity that donated the land
17 affected by the decision of the governing board.

18 39. If the state board of education determines that the school district
19 has committed an overexpenditure as defined in section 15-107, provide a copy
20 of the fiscal management report submitted pursuant to section 15-107,
21 subsection H on its website and make copies available to the public on
22 request. The school district shall comply with a request within five
23 business days after receipt.

24 40. Ensure that the contract for the superintendent is structured in a
25 manner in which up to twenty ~~per cent~~ PERCENT of the total annual salary
26 included for the superintendent in the contract is classified as performance
27 pay. This paragraph ~~shall not be construed to~~ DOES NOT require school
28 districts to increase total compensation for superintendents. Unless the
29 school district governing board votes to implement an alternative procedure
30 at a public meeting called for this purpose, the performance pay portion of
31 the superintendent's total annual compensation shall be determined as
32 follows:

33 (a) Twenty-five ~~per cent~~ PERCENT of the performance pay shall be
34 determined based on the percentage of academic gain determined by the
35 department of education of pupils who are enrolled in the school district
36 compared to the academic gain achieved by the highest ranking of the fifty
37 largest school districts in this state. For the purposes of this
38 subdivision, the department of education shall determine academic gain by the
39 academic growth achieved by each pupil who has been enrolled at the same
40 school in a school district for at least five consecutive months measured
41 against that pupil's academic results in the 2008-2009 school year. For the
42 purposes of this subdivision, of the fifty largest school districts in this
43 state, the school district with pupils who demonstrate the highest statewide
44 percentage of overall academic gain measured against academic results for the
45 2008-2009 school year shall be assigned a score of 100 and the school

1 district with pupils who demonstrate the lowest statewide percentage of
2 overall academic gain measured against academic results for the 2008-2009
3 school year shall be assigned a score of 0.

4 (b) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
5 determined by the percentage of parents of pupils who are enrolled at the
6 school district who assign a letter grade of "A" to the school on a survey of
7 parental satisfaction with the school district. The parental satisfaction
8 survey shall be administered and scored by an independent entity that is
9 selected by the governing board and that demonstrates sufficient expertise
10 and experience to accurately measure the results of the survey. The parental
11 satisfaction survey shall use standard random sampling procedures and provide
12 anonymity and confidentiality to each parent who participates in the
13 survey. The letter grade scale used on the parental satisfaction survey
14 shall direct parents to assign one of the following letter grades:

- 15 (i) A letter grade of "A" if the school district is excellent.
- 16 (ii) A letter grade of "B" if the school district is above average.
- 17 (iii) A letter grade of "C" if the school district is average.
- 18 (iv) A letter grade of "D" if the school district is below average.
- 19 (v) A letter grade of "F" if the school district is a failure.

20 (c) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
21 determined by the percentage of teachers who are employed at the school
22 district and who assign a letter grade of "A" to the school on a survey of
23 teacher satisfaction with the school. The teacher satisfaction survey shall
24 be administered and scored by an independent entity that is selected by the
25 governing board and that demonstrates sufficient expertise and experience to
26 accurately measure the results of the survey. The teacher satisfaction
27 survey shall use standard random sampling procedures and provide anonymity
28 and confidentiality to each teacher who participates in the survey. The
29 letter grade scale used on the teacher satisfaction survey shall direct
30 teachers to assign one of the following letter grades:

- 31 (i) A letter grade of "A" if the school district is excellent.
- 32 (ii) A letter grade of "B" if the school district is above average.
- 33 (iii) A letter grade of "C" if the school district is average.
- 34 (iv) A letter grade of "D" if the school district is below average.
- 35 (v) A letter grade of "F" if the school district is a failure.

36 (d) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
37 determined by other criteria selected by the governing board.

38 41. Maintain and store permanent public records of the school district
39 as required by law. Notwithstanding section 39-101, the standards adopted by
40 the Arizona state library, archives and public records for the maintenance
41 and storage of school district public records shall allow school districts to
42 elect to satisfy the requirements of this paragraph by maintaining and
43 storing these records either on paper or in an electronic format, or a
44 combination of a paper and electronic format.

1 42. Adopt in a public meeting and implement by school year 2013-2014
2 policies for principal evaluations. Before the adoption of principal
3 evaluation policies, the school district governing board shall provide
4 opportunities for public discussion on the proposed policies. The policies
5 shall describe:

6 (a) The principal evaluation instrument, including the four
7 performance classifications adopted by the governing board pursuant to
8 section 15-203, subsection A, paragraph 38.

9 (b) Alignment of professional development opportunities to the
10 principal evaluations.

11 (c) Incentives for principals in one of the two highest performance
12 classifications pursuant to section 15-203, subsection A, paragraph 38, which
13 may include:

14 (i) Multiyear contracts pursuant to section 15-503.

15 (ii) Incentives to work at schools that are assigned a letter grade of
16 D or F pursuant to section 15-241.

17 (d) Transfer and contract processes for principals designated in the
18 lowest performance classification pursuant to section 15-203, subsection A,
19 paragraph 38.

20 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
21 section, the county school superintendent may construct, improve and furnish
22 school buildings or purchase or sell school sites in the conduct of an
23 accommodation school.

24 C. If any school district acquires real or personal property, ~~whether~~
25 by purchase, exchange, ~~condemnation~~, gift or otherwise, the governing board
26 shall pay to the county treasurer any taxes on the property that were unpaid
27 as of the date of acquisition, including penalties and interest. **IF A SCHOOL**
28 **DISTRICT ACQUIRES REAL OR PERSONAL PROPERTY BY CONDEMNATION, THE GOVERNING**
29 **BOARD IS NOT REQUIRED TO PAY UNPAID TAXES, PENALTIES AND INTEREST IN AN**
30 **AMOUNT THAT EXCEEDS THE FAIR MARKET VALUE OF THE PROPERTY INTEREST ACQUIRED**
31 **BY THE SCHOOL DISTRICT.** The lien for unpaid delinquent taxes, penalties and
32 interest on property acquired by a school district:

33 1. Is not abated, extinguished, discharged or merged in the title to
34 the property.

35 2. Is enforceable in the same manner as other delinquent tax liens,
36 **EXCEPT THAT THE LIEN IS NOT ENFORCEABLE AGAINST THE INTERESTS OF THE SCHOOL**
37 **DISTRICT IF THE GOVERNING BOARD HAS PAID THE UNPAID TAXES, PENALTIES AND**
38 **INTEREST AS REQUIRED BY THIS SUBSECTION.**

39 D. The governing board may not locate a school on property that is
40 less than one-fourth mile from agricultural land regulated pursuant to
41 section 3-365, except that the owner of the agricultural land may agree to
42 comply with the buffer zone requirements of section 3-365. If the owner
43 agrees in writing to comply with the buffer zone requirements and records the
44 agreement in the office of the county recorder as a restrictive covenant
45 running with the title to the land, the school district may locate a school

1 within the affected buffer zone. The agreement may include any stipulations
2 regarding the school, including conditions for future expansion of the school
3 and changes in the operational status of the school that will result in a
4 breach of the agreement.

5 E. A school district, its governing board members, its school council
6 members and its employees are immune from civil liability for the
7 consequences of adoption and implementation of policies and procedures
8 pursuant to subsection A of this section and section 15-342. This waiver
9 does not apply if the school district, its governing board members, its
10 school council members or its employees are guilty of gross negligence or
11 intentional misconduct.

12 F. A governing board may delegate in writing to a superintendent,
13 principal or head teacher the authority to prescribe procedures that are
14 consistent with the governing board's policies.

15 G. Notwithstanding any other provision of this title, a school
16 district governing board shall not take any action that would result in a
17 reduction of pupil square footage unless the governing board notifies the
18 school facilities board established by section 15-2001 of the proposed action
19 and receives written approval from the school facilities board to take the
20 action. A reduction includes an increase in administrative space that
21 results in a reduction of pupil square footage or sale of school sites or
22 buildings, or both. A reduction includes a reconfiguration of grades that
23 results in a reduction of pupil square footage of any grade level. This
24 subsection does not apply to temporary reconfiguration of grades to
25 accommodate new school construction if the temporary reconfiguration does not
26 exceed one year. The sale of equipment that results in a reduction that
27 falls below the equipment requirements prescribed in section 15-2011,
28 subsection B is subject to commensurate withholding of school district
29 ~~district~~ additional assistance monies pursuant to the direction of the school
30 facilities board. Except as provided in section 15-342, paragraph 10,
31 proceeds from the sale of school sites, buildings or other equipment shall be
32 deposited in the school plant fund as provided in section 15-1102.

33 H. Subsections C, ~~through~~ D, E, F AND G of this section apply to a
34 county board of supervisors and a county school superintendent when operating
35 and administering an accommodation school.

36 Sec. 5. Section 15-1444, Arizona Revised Statutes, is amended to read:
37 15-1444. General powers and duties of district governing boards

38 A. Except as otherwise provided, the district board shall:

39 1. Maintain each community college for a period of ~~not less than~~ AT
40 LEAST eight months in each year and, if the funds of the district are
41 sufficient, maintain each community college for a longer period.

42 2. Adopt policies in a public forum to offer programs that meet the
43 educational needs of the population served by the community college.

44 3. Enforce the courses of study prescribed by the district board.

- 1 4. Visit each community college under its jurisdiction and examine
2 carefully into its management, conditions and needs.
- 3 5. Exclude from each community college all books, publications or
4 papers of a sectarian, partisan or denominational character intended for use
5 as textbooks.
- 6 6. Appoint and employ a chancellor or chancellors, vice-chancellors, a
7 president or presidents, vice-presidents, deans, professors, instructors,
8 lecturers, fellows and such other officers and employees it deems necessary.
9 The district board may enter into employment contracts with chancellors,
10 vice-chancellors and presidents for a duration of more than one year but not
11 more than five years.
- 12 7. Determine the salaries of persons it appoints and employs.
- 13 8. Remove any officer or employee if in its judgment the interests of
14 education in this state require the removal.
- 15 9. Award degrees, certificates and diplomas on the completion of
16 courses and curriculum as it deems appropriate.
- 17 10. Appoint or employ, if it deems necessary, police officers who shall
18 have the authority and power of peace officers. The police officers who have
19 received a certificate from the Arizona peace officer standards and training
20 board are eligible for membership in and benefits under either title 38,
21 chapter 5, article 2 or the public safety personnel retirement system under
22 title 38, chapter 5, article 4.
- 23 11. Determine the location within the district of a community college
24 and purchase, receive, hold, make and take leases of, sell and convey real or
25 personal property for the benefit of the community colleges under its
26 jurisdiction.
- 27 12. Obtain insurance or be self-insured, or a combination of insurance
28 and self-insurance, against loss, to the extent it is determined necessary on
29 community college buildings of the district. The local district shall have
30 an insurable interest in the buildings.
- 31 B. The district board may:
 - 32 1. Administer trusts declared or created for the district and receive
33 by gift or devise and hold in trust or otherwise property wheresoever
34 located, and if not otherwise provided, dispose of the property for the
35 benefit of the district.
 - 36 2. Lease real property, as lessor or as lessee. If a district is the
37 lessee, the lease may contain an option to purchase the property. The
38 district board may adopt policies as are deemed necessary and may delegate in
39 writing to the chancellor or president of the district, or their designees,
40 all or any part of its authority to lease property under this paragraph. Any
41 delegation by the district board pursuant to this paragraph may be rescinded
42 in whole or in part at any time by the district board.
 - 43 3. Sue and be sued.
 - 44 4. Contract. The district board may adopt such policies as are deemed
45 necessary and may delegate in writing to the chancellor or president of the

1 district, or their designees, all or any part of its authority to contract
2 under this paragraph. Any delegation of authority under this paragraph may
3 be rescinded by the district board at any time in whole or in part.

4 5. Construct, remodel and repair buildings.

5 6. In conjunction with other districts, establish policies for
6 procurement of goods and services.

7 7. Provide a plan or plans for employee benefits, which may include
8 optional retirement programs pursuant to section 15-1451, subsection A, which
9 allow for participation in a cafeteria plan that meets the requirements of
10 the United States internal revenue code of 1986.

11 8. Accept grants or donations of monies from the United States, or
12 from any of its agencies, departments or officers, or from persons,
13 corporations, foundations or associations. A district board shall deposit
14 the monies into a specific fund or account and a district board shall
15 administer the monies in accordance with the purpose of the grant or donation
16 with specific policies or restrictions as described or stipulated in the
17 grant or donation. In the case of personal property granted or donated to or
18 for the benefit of a community college district, a district board shall
19 immediately transfer possession and ownership of the property to the
20 designated district.

21 9. Enter into intergovernmental agreements or contracts pursuant to
22 section 11-952.01 for participation in programs offered by public agency
23 pools or separately contract with a trustee or board of trustees that
24 provides a common self-insurance program with pooled funds and risks pursuant
25 to section 15-382, subsection B, paragraph 2. The district board is not
26 required to engage in competitive procurement in order to make the decision
27 to participate in these programs.

28 10. Name a building or a group of buildings that is located on a
29 community college campus on behalf of a person or entity that has made a
30 significant contribution of monies or other property to the community college
31 or the community college district.

32 11. Enter into research and development agreements, royalty agreements,
33 development agreements, licensing agreements and profit-sharing agreements
34 concerning the research, development, production, storing or marketing of new
35 products developed or to be developed through community college district
36 research.

37 12. Enter into an intergovernmental agreement pursuant to section
38 15-1747 to participate in a reciprocity agreement subject to the terms of the
39 reciprocity agreement.

40 C. If a district acquires real or personal property, ~~whether~~ by
41 purchase, exchange, ~~condemnation~~, gift or otherwise, the district shall pay
42 to the county treasurer any taxes on the property that were unpaid as of the
43 date of acquisition, including penalties and interest. **IF A DISTRICT
44 ACQUIRES REAL OR PERSONAL PROPERTY BY CONDEMNATION, THE DISTRICT IS NOT
45 REQUIRED TO PAY UNPAID TAXES, PENALTIES AND INTEREST IN AN AMOUNT THAT**

1 EXCEEDS THE FAIR MARKET VALUE OF THE PROPERTY INTEREST ACQUIRED BY THE
2 DISTRICT. The lien for unpaid delinquent taxes, penalties and interest on
3 property acquired by the district:

4 1. Is not abated, extinguished, discharged or merged in the title to
5 the property.

6 2. Is enforceable in the same manner as other delinquent tax liens,
7 EXCEPT THAT THE LIEN IS NOT ENFORCEABLE AGAINST THE INTERESTS OF THE DISTRICT
8 IF THE DISTRICT HAS PAID THE UNPAID TAXES, PENALTIES AND INTEREST AS REQUIRED
9 BY THIS SUBSECTION.

10 D. In a district whose boundaries encompass a vehicle emissions
11 control area as defined in section 49-541, the district board shall require
12 all out-of-county and out-of-state students to sign an affidavit at the time
13 of course registration that the student's vehicle meets the requirements of
14 section 49-542. The district board on property under its jurisdiction within
15 a vehicle emissions control area shall prohibit the parking of those vehicles
16 that fail to comply with section 49-542.

17 E. A community college district and a joint technical education
18 district governing board may enter into agreements for the provision of
19 administrative, operational and educational services and facilities.

20 F. Each district may establish a program for the exchange of students
21 between the community colleges under its jurisdiction and colleges and
22 universities located in Sonora, Mexico. The program may provide for in-state
23 tuition for Sonora students at the community colleges under the jurisdiction
24 of the district in exchange for similar tuition provisions for Arizona
25 students enrolled or seeking enrollment in Sonora colleges and universities.
26 The community colleges may work in conjunction with the Arizona-Mexico
27 commission in the governor's office to coordinate recruitment and admissions
28 activities to provide for in-state tuition for up to fifty Sonora students at
29 the community colleges under the jurisdiction of the district in exchange for
30 similar tuition provisions for up to fifty total Arizona students enrolled or
31 seeking enrollment in Sonora colleges and universities.

32 G. Each district shall facilitate transfer articulation coordination
33 pursuant to section 15-1824.

34 Sec. 6. Section 37-804, Arizona Revised Statutes, is amended to read:

35 37-804. Payment of outstanding taxes, penalties and interest on
36 acquiring property; limitation

37 A. If this state or any agency or instrumentality of this state
38 acquires real or personal property, ~~whether~~ by purchase, exchange,
39 ~~condemnation,~~ gift or otherwise, the entity acquiring the title to the
40 property may require the owner of ~~subject~~ THE property to provide sufficient
41 funds to pay to the county treasurer any taxes on the property that were
42 unpaid as of the date of acquisition, including penalties and interest,
43 prorated to ~~reflect the area~~ THE DATE of the acquisition.

44 B. IF THIS STATE OR ANY AGENCY OR INSTRUMENTALITY OF THIS STATE
45 ACQUIRES REAL OR PERSONAL PROPERTY BY CONDEMNATION, THE ENTITY IS NOT

1 REQUIRED TO PAY UNPAID TAXES, PENALTIES AND INTEREST IN AN AMOUNT THAT
2 EXCEEDS THE FAIR MARKET VALUE OF THE PROPERTY INTEREST ACQUIRED BY THE
3 ENTITY.

4 ~~B.~~ C. The lien for unpaid delinquent taxes, penalties and interest on
5 property acquired by this state:

6 1. Is not abated, extinguished, discharged or merged in the title to
7 the property.

8 2. Is enforceable in the same manner as other delinquent tax liens,
9 EXCEPT THAT THE LIEN IS NOT ENFORCEABLE AGAINST THE INTERESTS OF THIS STATE
10 OR ANY AGENCY OR INSTRUMENTALITY OF THIS STATE IF THE ENTITY HAS PAID THE
11 UNPAID TAXES, PENALTIES AND INTEREST AS REQUIRED BY THIS SECTION.

12 Sec. 7. Section 42-17153, Arizona Revised Statutes, is amended to
13 read:

14 42-17153. Lien for taxes; time lien attaches; priority

15 A. Except as provided in subsection B of this section, a tax that is
16 levied on real or personal property is a lien on the assessed property.

17 B. A tax that is levied against personal property of a person who owns
18 real property of a value of less than two hundred dollars in the county is a
19 personal liability of the property owner, in addition to being a lien against
20 the property.

21 C. The lien:

22 1. Attaches on January 1 of the tax year.

23 2. Is not satisfied or removed until one of the following occurs:

24 (a) The taxes, penalties, charges and interest are paid.

25 (b) Title to the property has finally vested in a purchaser under a
26 sale for taxes.

27 (c) A certificate of removal and abatement has been issued pursuant to
28 section 42-18353.

29 3. Is prior and superior to all other liens and encumbrances on the
30 property, except:

31 (a) Liens or encumbrances held by this state.

32 (b) Liens for taxes accruing in any other years.

33 D. For taxpayers valued by the department pursuant to section
34 42-14151, the lien shall attach to all property, real and personal,
35 regardless of the taxing jurisdiction where ~~such~~ THE property is located.
36 ~~Such~~ THE lien will attach to the entire system and may not be released by
37 payment of a portion of the tax liability relating to a single portion or
38 component of the system.

39 E. If a political subdivision of this state acquires title to property
40 after December 31, 1998, ~~BY PURCHASE, EXCHANGE, GIFT OR OTHERWISE, THE~~
41 POLITICAL SUBDIVISION OF THIS STATE SHALL PAY TO THE COUNTY TREASURER ANY
42 TAXES ON THE PROPERTY THAT WERE UNPAID AS OF THE DATE OF ACQUISITION,
43 INCLUDING PENALTIES AND INTEREST. IF A POLITICAL SUBDIVISION OF THIS STATE
44 ACQUIRES REAL OR PERSONAL PROPERTY BY CONDEMNATION, THE POLITICAL SUBDIVISION
45 OF THIS STATE IS NOT REQUIRED TO PAY UNPAID TAXES, PENALTIES AND INTEREST IN

1 AN AMOUNT THAT EXCEEDS THE FAIR MARKET VALUE OF THE PROPERTY INTEREST
2 ACQUIRED BY THE POLITICAL SUBDIVISION OF THIS STATE. Any lien for delinquent
3 taxes on the property:

4 1. Is not abated, extinguished, discharged or merged in the title to
5 the property unless approved by the county board of supervisors.

6 2. Is enforceable in the same manner as other delinquent tax liens,
7 EXCEPT THAT THE LIEN IS NOT ENFORCEABLE AGAINST THE INTERESTS OF THE
8 POLITICAL SUBDIVISION OF THIS STATE IF THE POLITICAL SUBDIVISION OF THIS
9 STATE HAS PAID THE UNPAID TAXES, PENALTIES AND INTEREST AS REQUIRED BY THIS
10 SUBSECTION.

11 Sec. 8. Section 48-248, Arizona Revised Statutes, is amended to read:
12 48-248. Payment of outstanding taxes, penalties and interest on
13 acquiring property; limitation

14 A. If any special taxing district acquires real or personal property,~~—~~
15 ~~whether~~ by purchase, exchange, ~~condemnation~~, gift or otherwise, the governing
16 board shall pay to the county treasurer any taxes on the property that were
17 unpaid as of the date of acquisition, including penalties and interest.

18 B. IF A SPECIAL TAXING DISTRICT ACQUIRES REAL OR PERSONAL PROPERTY BY
19 CONDEMNATION, THE GOVERNING BODY IS NOT REQUIRED TO PAY UNPAID TAXES,
20 PENALTIES AND INTEREST IN AN AMOUNT THAT EXCEEDS THE FAIR MARKET VALUE OF THE
21 PROPERTY INTEREST ACQUIRED BY THE SPECIAL TAXING DISTRICT.

22 ~~B.~~ C. The lien for unpaid delinquent taxes, penalties and interest on
23 property acquired by a district:

24 1. Is not abated, extinguished, discharged or merged in the title to
25 the property.

26 2. Is enforceable in the same manner as other delinquent tax liens,
27 EXCEPT THAT THE LIEN IS NOT ENFORCEABLE AGAINST THE INTERESTS OF THE SPECIAL
28 TAXING DISTRICT IF THE SPECIAL TAXING DISTRICT HAS PAID THE UNPAID TAXES,
29 PENALTIES AND INTEREST AS REQUIRED BY THIS SECTION.