

REFERENCE TITLE: university athletic facilities district

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2457

Introduced by

Representatives Nichols, Ableser, Barnes, Meyer, Sinema, Senator Burton
Cahill; Representatives Court, Crandall, Driggs, Goodale, Konopnicki,
Lujan, Mason, Murphy, Reagan, Schapira, Tobin, Senators Leff, Paton,
Pierce, Tibshraeny, Verschoor

AN ACT

AMENDING SECTIONS 48-4201, 48-4202, 48-4203 AND 48-4204, ARIZONA REVISED
STATUTES; AMENDING TITLE 48, CHAPTER 26, ARTICLE 2, ARIZONA REVISED STATUTES,
BY ADDING SECTION 48-4235; RELATING TO STADIUM DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-4201, Arizona Revised Statutes, is amended to
3 read:

4 48-4201. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Board" means the board of directors of any district established
7 under section 48-4202, subsection A, ~~OR~~ B OR C.

8 2. "Bond" means any obligation authorized and issued pursuant to this
9 chapter, including bonds, lease-purchase and installment purchase agreements,
10 certificates of participation in a lease-purchase or installment purchase
11 agreement and obligations that are authorized and issued to refund or
12 refinance obligations that are authorized and issued pursuant to this
13 chapter.

14 3. "District" means any county stadium district established pursuant
15 to section 48-4202, subsection A, ~~OR~~ B OR C.

16 4. "Multipurpose facility" means any facility or facilities that
17 include:

18 (a) A primary component that is located in the district on the
19 multipurpose facility site and on lands that are adjacent to each other or
20 separated by public rights-of-way, that the district owns or leases and that
21 is used to accommodate sporting, entertainment, cultural, civic, meeting,
22 trade show or convention events or activities, fire, police or other public
23 safety facilities and tourism offices. The primary component may not include
24 any structure or part of a structure that is used or designed for use as a
25 county, city or town hall, as meeting space for the county, city or town
26 governing body or for general municipal administrative office space other
27 than for the administration, maintenance and operation of the multipurpose
28 facility.

29 (b) Secondary components that are located in the district and that the
30 board determines are necessary or beneficial to the primary component,
31 limited to on-site infrastructure, artistic components, parking garages and
32 lots, and public parks and plazas. In addition, secondary components may
33 include related commercial facilities that are located within the
34 multipurpose facility site.

35 5. "Multipurpose facility site" means the geographic area within the
36 district which is depicted in the publicity pamphlet for an election held
37 pursuant to section 48-4237.

38 6. "Municipality" means a city or town that is incorporated or
39 chartered under the constitution and laws of this state.

40 7. "Stadium" means a sports facility or facilities located in the
41 district and designed to accommodate, but not be limited to, major league
42 baseball events OR INTERCOLLEGIATE ATHLETIC EVENTS.

1 Sec. 2. Section 48-4202, Arizona Revised Statutes, is amended to read:
2 48-4202. Formation of district

3 A. The board of supervisors of each county having a population of more
4 than one million five hundred thousand persons according to the most recent
5 United States decennial census or any county in which a major league baseball
6 organization has established or seeks to establish a spring training
7 operation may organize a countywide district to include both the incorporated
8 and unincorporated areas of the county, if the board determines that the
9 public convenience, necessity or welfare will be promoted by establishing the
10 district.

11 B. Two or more municipalities in the same county may organize a
12 district for multipurpose facilities if the governing bodies of the
13 municipalities determine that the public convenience, necessity or welfare
14 will be promoted by establishing the district. The district shall be
15 comprised of the areas within the corporate boundaries of the
16 municipalities. After formation, the boundaries of the district shall not be
17 altered. A district may be established under this subsection in the same
18 county in which a district is established under subsection A of this
19 section. A district formed pursuant to this subsection shall be deemed a
20 county stadium district for purposes of this chapter. Notwithstanding any
21 other law, a district may not be organized under this subsection from and
22 after October 31, 1999, except that a district may be organized under this
23 subsection after October 31, 1999 if before that date the governing body of
24 two or more of the municipalities identified the location of a multipurpose
25 facility site and has voted with the purpose of forming a district for
26 multipurpose facilities under this subsection.

27 C. THE BOARD OF SUPERVISORS OF ANY COUNTY IN WHICH A STATE SUPPORTED
28 UNIVERSITY IS ESTABLISHED MAY ORGANIZE A UNIVERSITY ATHLETIC FACILITIES
29 DISTRICT IF THE BOARD DETERMINES THAT THE PUBLIC CONVENIENCE, NECESSITY OR
30 WELFARE WILL BE PROMOTED BY ESTABLISHING THE DISTRICT. THE DISTRICT SHALL
31 INCLUDE ONLY THE AREA IN THE COUNTY WITHIN THE EXTERIOR BOUNDARIES OF REAL
32 PROPERTY OWNED BY THE UNIVERSITY. AFTER FORMATION, THE BOUNDARIES OF THE
33 DISTRICT SHALL BE ALTERED ONLY AS THE UNIVERSITY ACQUIRES AND DISPOSES OF
34 REAL PROPERTY. A DISTRICT MAY BE ESTABLISHED UNDER THIS SUBSECTION IN THE
35 SAME COUNTY IN WHICH A DISTRICT IS ESTABLISHED UNDER SUBSECTION A OF THIS
36 SECTION. A DISTRICT FORMED PURSUANT TO THIS SUBSECTION IS DEEMED A COUNTY
37 STADIUM DISTRICT FOR THE PURPOSES OF THIS CHAPTER.

38 ~~C.~~ D. The county board of supervisors shall be the board of directors
39 of a countywide district established under subsection A of this section. The
40 board of directors of a district established under subsection B of this
41 section shall consist of two members appointed for a definite term by the
42 governing body of each municipality but may not include officers or employees
43 of the municipality, and if the district enters into an intergovernmental
44 agreement pursuant to section 48-4203 with an Indian tribe or community, the
45 board of directors shall include two members appointed by the Indian tribe or

1 community. THE BOARD OF DIRECTORS OF A DISTRICT ESTABLISHED UNDER SUBSECTION
2 C OF THIS SECTION SHALL BE ESTABLISHED PURSUANT TO AN INTERGOVERNMENTAL
3 AGREEMENT BETWEEN THE COUNTY AND THE ARIZONA BOARD OF REGENTS. The directors
4 are not eligible for compensation for their services but are eligible for
5 reimbursement for their necessary expenses in attending to and traveling on
6 district business.

7 ~~D.~~ E. The board of supervisors may pay the necessary costs incurred
8 in connection with establishing a countywide district from any county monies
9 available for that purpose. The municipalities may pay their proportionate
10 share of the necessary costs incurred in establishing a district formed by
11 two or more municipalities under subsection B of this section from any monies
12 available for that purpose. THE ARIZONA BOARD OF REGENTS MAY PAY THE
13 NECESSARY COSTS INCURRED IN CONNECTION WITH ESTABLISHING A DISTRICT UNDER
14 SUBSECTION C OF THIS SECTION FROM ANY MONIES AVAILABLE FOR THAT PURPOSE.

15 ~~E.~~ F. Subject to limitations imposed BY THIS CHAPTER, by
16 intergovernmental agreement and BY the ordinance or resolution authorizing
17 the formation of the district, the district is a tax levying public
18 improvement district and a political taxing subdivision of this state and has
19 all the powers, privileges and immunities granted generally to municipal
20 corporations for the purposes of implementing this chapter, including eminent
21 domain, as provided by section 48-4203, subsection A, paragraph 7, and
22 immunity of its property, bonds and interest on and transfer of its bonds
23 from taxation.

24 Sec. 3. Section 48-4203, Arizona Revised Statutes, is amended to read:

25 48-4203. Powers and duties of board of directors; conflict of
26 interest

27 A. The board of directors, on behalf of the district, may:

28 1. Adopt and use a corporate seal.

29 2. Sue and be sued.

30 3. Enter into contracts, including intergovernmental agreements under
31 title 11, chapter 7, article 3, as necessary to carry out the purposes and
32 requirements of this chapter. The district may contract with a county sports
33 authority established under title 11, chapter 5 to carry out any power of the
34 district.

35 4. Adopt administrative rules as necessary to administer and operate
36 the district and any property under its jurisdiction.

37 5. Adopt rules that allow weighted voting by board members and
38 establish conditions for terminating the district.

39 6. Employ an executive director and administrative and clerical
40 employees, or contract for other management personnel, and prescribe the
41 terms and conditions of their employment as necessary to carry out the
42 purposes of the district.

43 7. Acquire by any lawful means and operate, maintain, encumber and
44 dispose of real and personal property and interests in property. A district
45 established under section 48-4202, subsection A may acquire real property by

1 eminent domain. A district established under section 48-4202, subsection B
2 shall not acquire real property by eminent domain. A DISTRICT ESTABLISHED
3 UNDER SECTION 48-4202, SUBSECTION C SHALL NOT ACQUIRE OR OWN REAL PROPERTY OR
4 INTERESTS IN REAL PROPERTY.

5 8. Administer trusts declared or established for the district, receive
6 and hold in trust or otherwise property located in or out of this state and,
7 if not otherwise provided, dispose of the property for the benefit of the
8 district.

9 9. Retain legal counsel and other consultants as necessary to carry
10 out the purposes of the district.

11 B. The board of directors, on behalf of a district established
12 pursuant to section 48-4202, subsection B, may:

13 1. Use revenues paid to the district pursuant to section 42-5031 and
14 other revenues the district may receive from other sources, for the purposes
15 set forth in section 48-4204, subsection B.

16 2. Enter into agreements with developers, contractors, tenants and
17 other users of all or part of a multipurpose facility as determined
18 appropriate.

19 3. Pledge all or part of the revenues described in section 42-5031,
20 subsection B, to secure the district's bonds or other financial obligations
21 issued or incurred under this chapter for the construction of all or part of
22 a multipurpose facility.

23 C. The board of directors shall:

24 1. Appoint from among its members a chairman, a secretary and such
25 other officers as may be necessary to conduct its business. The board of
26 directors may appoint the chief financial officer of the county as the
27 district treasurer of a countywide district established under section
28 48-4202, subsection A. If the board does not appoint the chief financial
29 officer, the county treasurer is designated ex officio as the treasurer. The
30 board of directors of a district that is established pursuant to section
31 48-4202, subsection B shall designate ex officio an officer of one of the
32 municipalities as treasurer of the district. THE COUNTY TREASURER IS
33 DESIGNATED EX OFFICIO AS THE TREASURER OF A DISTRICT THAT IS ESTABLISHED
34 PURSUANT TO SECTION 48-4202, SUBSECTION C.

35 2. Keep and maintain a complete and accurate record of all its
36 proceedings. All proceedings and records of the board shall be open to the
37 public as required by title 38, chapter 3, article 3.1 and title 39,
38 chapter 1.

39 3. Provide for the use, maintenance and operation of the properties
40 and interests controlled by the district.

41 D. The board of directors of a district that is established pursuant
42 to section 48-4202, subsection B shall determine by agreement the
43 distribution of revenues from operating and using the multipurpose facilities
44 among the municipalities and any participating Indian tribe or community.

1 E. The directors, officers and employees of the district are subject
2 to title 38, chapter 3, article 8 relating to conflicts of interest.

3 F. This state and political subdivisions of this state other than the
4 district are not liable for any financial or other obligations of the
5 district and the financial or other obligations do not constitute a debt or
6 liability of this state or any political subdivision of this state, other
7 than the district.

8 Sec. 4. Section 48-4204, Arizona Revised Statutes, is amended to read:
9 48-4204. Constructing and operating a stadium and other
10 structures; regulating alcoholic beverages

11 A. From the taxes and surcharges levied pursuant to article 2 of this
12 chapter for use with respect to major league baseball spring training, the
13 district may acquire land and construct, finance, furnish, maintain, improve,
14 operate, market and promote the use of existing or proposed major league
15 baseball spring training facilities or stadiums and other structures,
16 utilities, roads, parking areas or buildings necessary for full use of the
17 training facilities or stadiums for sports and other purposes and do all
18 things necessary or convenient to accomplish those purposes. The board shall
19 require that any project undertaken by the district include financial
20 participation from the county or municipality in which the project is
21 located, from a private party or from any combination of these entities which
22 equals or exceeds one-half of the amount to be expended or distributed by the
23 district. Capital improvement funds expended at any time after June 1, 1991
24 by a county, municipality or private party for a purpose authorized by this
25 section may be deemed financial participation with respect to any project the
26 district may undertake.

27 B. From the taxes and charges levied or identified pursuant to section
28 48-4237 for use with respect to multipurpose facilities and from other monies
29 lawfully available to the district, the district may acquire land and
30 construct, finance, furnish, maintain, improve, operate, market and promote
31 the use of multipurpose facilities and other structures, utilities, roads,
32 parking areas or buildings necessary for full use of the multipurpose
33 facilities and do all things necessary or convenient to accomplish those
34 purposes. Public funds identified in section 48-4237, including funds
35 distributed pursuant to section 42-5031, may only be used for the components
36 for a multipurpose facility which are owned by the district or which are
37 publicly owned.

38 C. PURSUANT TO INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA BOARD OF
39 REGENTS, FROM THE REVENUES COLLECTED FROM ASSESSMENTS PURSUANT TO SECTION
40 48-4235 FOR USE WITH RESPECT TO BOARD OF REGENTS OWNED INTERCOLLEGIATE
41 ATHLETIC FACILITIES, THE DISTRICT MAY CONSTRUCT, RECONSTRUCT, FINANCE,
42 FURNISH, MAINTAIN, IMPROVE AND PROMOTE THE USE OF EXISTING INTERCOLLEGIATE
43 ATHLETIC FACILITIES LOCATED ON BOARD OF REGENTS PROPERTY, INCLUDING
44 UTILITIES, ROADS, PARKING AREAS OR BUILDINGS NECESSARY FOR FULL USE OF THE

1 FACILITIES FOR SPORTS AND OTHER PURPOSES AND DO ALL THINGS NECESSARY OR
2 CONVENIENT TO ACCOMPLISH THOSE PURPOSES.

3 ~~E.~~ D. Title 34 applies to the district, except that regardless of the
4 funding source for design and construction of facilities and structures the
5 district may establish alternative systems and procedures, including the use
6 of the design-build method of construction or the use of qualifications-based
7 selection of contractors with experience in stadium design or construction,
8 to expedite the design and construction OR RECONSTRUCTION of any of its
9 facilities or structures or any facilities or structures leased to it or used
10 by it pursuant to an intergovernmental agreement. For the purposes of this
11 subsection:

12 1. "Design-build" means a process of entering into and managing a
13 contract between the district and another party in which the other party
14 agrees to both design and build a structure, a facility or other items
15 specified in the contract.

16 2. "Qualifications-based selection" means a process of entering into
17 and managing a contract between the district and another party in which the
18 other party is selected by the district on the basis of the party's
19 qualifications and experience in designing or constructing facilities,
20 structures or other items similar to those the district is authorized to
21 construct or lease. The other party may be selected by direct selection or
22 by public competition.

23 ~~D.~~ E. For THE purposes of financing, designing, constructing,
24 RECONSTRUCTING or operating facilities or structures, the district is not the
25 agent of any municipality, THIS STATE OR ANY AGENCY OR INSTRUMENTALITY OF
26 THIS STATE participating in the funding of such facilities or structures.

27 ~~E.~~ F. Subject to the requirements of title 4, the board of directors
28 may permit and regulate the sale, use and consumption of alcoholic beverages
29 at events held on property acquired, leased or subleased under this article.

30 Sec. 5. Title 48, chapter 26, article 2, Arizona Revised Statutes, is
31 amended by adding section 48-4235, to read:

32 48-4235. Assessment in lieu of property tax; rate;
33 administration

34 A. THE BOARD OF DIRECTORS OF A DISTRICT ESTABLISHED PURSUANT TO
35 SECTION 48-4202, SUBSECTION C SHALL PROVIDE BY INTERGOVERNMENTAL AGREEMENT
36 FOR THE IMPOSITION AND COLLECTION OF AN ASSESSMENT FROM PRIME COMMERCIAL
37 LESSEES OF BOARD OF REGENTS PROPERTY IN THE DISTRICT.

38 B. THE BOARD OF DIRECTORS SHALL DETERMINE THE AMOUNT OF THE ASSESSMENT
39 EACH YEAR AS FOLLOWS:

40 1. DETERMINE THE VALUATION OF THE BOARD OF REGENTS PROPERTY IN THE
41 SAME MANNER AS IS USED BY THE COUNTY ASSESSOR TO DETERMINE THE VALUATION OF
42 SIMILAR PROPERTY IN THE COUNTY. THE BOARD OF DIRECTORS SHALL MAKE AVAILABLE
43 THE METHOD AND CALCULATION OF THE VALUATION OF ANY PROPERTY ON REQUEST. ON
44 THE PETITION OF A PRIME LESSEE, THE BOARD OF DIRECTORS SHALL MEET WITH THE
45 PETITIONER TO RESOLVE ANY DISAGREEMENT ON THE AMOUNT OF THE VALUATION.

1 2. COMPUTE A COMPARABLE ASSESSED VALUATION BY APPLYING THE APPROPRIATE
2 ASSESSMENT PERCENTAGE PRESCRIBED BY TITLE 42, CHAPTER 15, ARTICLE 1 TO THE
3 VALUATION DETERMINED UNDER PARAGRAPH 1.

4 3. MULTIPLY THE COMPARABLE ASSESSED VALUATION DETERMINED UNDER
5 PARAGRAPH 2 BY A RATE PER ONE HUNDRED DOLLARS ESTABLISHED BY THE BOARD OF
6 DIRECTORS, BUT NOT TO EXCEED THE COMPOSITE TAX RATES OF ALL TAXING
7 JURISDICTIONS IN WHICH THE BOARD OF REGENTS PROPERTY IS LOCATED.

8 C. THE DISTRICT TREASURER SHALL COLLECT THE ASSESSMENT FROM THE PRIME
9 LESSEE. THE DISTRICT TREASURER SHALL DEPOSIT THE NET REVENUES FROM THE
10 ASSESSMENT IN THE DISTRICT FUND TO BE USED FOR THE PURPOSES ALLOWED BY THIS
11 CHAPTER.

12 D. THE BOARD OF DIRECTORS MAY PLEDGE ALL OR PART OF THE ASSESSMENT
13 REVENUES TO SECURE DISTRICT BONDS OR FINANCIAL OBLIGATIONS UNDER THIS
14 CHAPTER. THE BOARD OF DIRECTORS MUST CONTINUE TO IMPOSE AND COLLECT THE
15 ASSESSMENT IN AN AMOUNT THAT IS AT LEAST ADEQUATE FOR ALL DEBT SERVICE
16 REQUIREMENTS OF THE DISTRICT UNDER THIS CHAPTER.