

REFERENCE TITLE: county water authority; repeal

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1470

Introduced by
Senator Gould

AN ACT

REPEALING TITLE 45, CHAPTER 13, ARIZONA REVISED STATUTES; RELATING TO COUNTY WATER AUTHORITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Title 45, chapter 13, Arizona Revised Statutes, is repealed.

4 Sec. 2. Dissolution of existing county water authority:
5 transfer

6 For any county water authority organized pursuant to title 45, chapter
7 13, Arizona Revised Statutes, as repealed by this act, that is in existence
8 on the effective date of this act, the following apply:

9 1. If all contractual obligations and debts of the authority are
10 satisfied and another governmental entity or entities accept dedication of
11 all authority projects, the authority shall be dissolved.

12 2. The directors who are appointed by authority members pursuant to
13 section 45-2221, subsection B, Arizona Revised Statutes, as repealed by this
14 act, shall adopt by resolution a plan of termination to be executed within
15 six months. The plan of termination is judicially enforceable and shall
16 contain the following provisions:

17 (a) Except as provided in subdivision (b) of this paragraph, all
18 rights to the delivery of water that were transferred to the authority in
19 connection with the formation of the authority shall be returned to the
20 municipal corporation that transferred these rights, subject to approval of
21 the secretary of the interior in consultation with the director of water
22 resources.

23 (b) If, before the dissolution of the authority, an authority member
24 has either paid to the authority all of its pro rata share of the amount
25 prescribed by section 45-2281, subsection C, Arizona Revised Statutes, as
26 repealed by this act, as prescribed in its subcontract with the authority or
27 has entered into a contract to pay that amount to the entity entitled to the
28 payment of that amount, the authority member retains the right to the
29 delivery of Colorado river water for which the member's payment was made and
30 the right to the delivery of Colorado river water shall not be returned as
31 provided in subdivision (a) of this paragraph.

32 3. All property of the authority that is not dedicated to another
33 governmental entity shall be transferred to the department of water resources
34 for use in the county in which the authority is formed. All monies of the
35 authority deposited in the grant fund as of the date of dissolution of the
36 authority shall be disbursed as provided in section 45-2281, Arizona Revised
37 Statutes, as repealed by this act. All other unexpended and unencumbered
38 monies of the authority shall be disbursed among authority members as
39 provided in a resolution of the board.

40 Sec. 3. Conforming legislation

41 The legislative council staff shall prepare proposed legislation
42 conforming the Arizona Revised Statutes to the provisions of this act for
43 consideration in the fiftieth legislature, second regular session.