

Rough Draft
December 30, 2015 01:50 PM
Folder 441, Drafter MARGE RAY

REFERENCE TITLE: county power districts; formation; duties

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

S. B. _____

Introduced by _____

AN ACT

AMENDING TITLE 48, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-1502.01; AMENDING TITLE 48, CHAPTER 11, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-1545.01; AMENDING TITLE 48, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-1594.01; RELATING TO POWER DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 48, chapter 11, article 1, Arizona Revised Statutes,
3 is amended by adding section 48-1502.01, to read:
4 48-1502.01. Power districts; alternative formation process
5 NOTWITHSTANDING SECTIONS 48-1502, 48-1503, 48-1504 AND 48-1505:
6 1. THE COUNTY BOARD OF SUPERVISORS MAY FORM A POWER DISTRICT WITH
7 BOUNDARIES COTERMINOUS WITH THE BOUNDARIES OF THE COUNTY ON SUBMITTAL OF A
8 PETITION FOR FORMATION SIGNED BY A NUMBER OF REGISTERED VOTERS THAT IS EQUAL
9 TO ONE-THIRD OF THE TOTAL NUMBER OF VOTES CAST FOR ALL CANDIDATES FOR COUNTY
10 BOARD OF SUPERVISORS IN THE MOST RECENT GENERAL ELECTION AT WHICH A CANDIDATE
11 WAS ELECTED TO THE COUNTY BOARD OF SUPERVISORS. IF MORE THAN ONE COUNTY
12 SUPERVISORIAL RACE WAS ON THE BALLOT AT THAT GENERAL ELECTION, THE TOTAL
13 NUMBER SHALL BE DETERMINED BY CALCULATING ONE-THIRD OF THE TOTAL NUMBER OF
14 VOTES CAST FOR ALL CANDIDATES FOR THE COUNTY SUPERVISORIAL RACE THAT RECEIVED
15 THE HIGHEST NUMBER OF TOTAL VOTES CAST.
16 2. ON RECEIPT OF A PETITION FOR FORMATION SIGNED AS PRESCRIBED BY
17 PARAGRAPH 1 OF THIS SECTION, THE COUNTY BOARD OF SUPERVISORS SHALL HOLD AT
18 LEAST THREE PUBLIC MEETINGS TO DETERMINE WHETHER IT IS IN THE BEST INTERESTS
19 OF THE COUNTY TO PROVIDE FOR REDUNDANCY IN FURNISHING ELECTRICAL POWER FOR
20 RETAIL, COMMERCIAL, AGRICULTURAL, INDUSTRIAL AND MANUFACTURING USES IN THE
21 COUNTY. IF THE COUNTY BOARD OF SUPERVISORS MAKES THAT DETERMINATION, THE
22 COUNTY BOARD OF SUPERVISORS MAY DECLARE THE POWER DISTRICT FORMED, AND THE
23 BOUNDARIES OF THE POWER DISTRICT SHALL CONSIST OF THE BOUNDARIES OF THE
24 COUNTY. ON FORMATION OF THE POWER DISTRICT, THE CLERK OF THE BOARD OF
25 SUPERVISORS SHALL RECORD IN THE OFFICE OF THE COUNTY RECORDER THE ORDER OF
26 FORMATION AND THE DISTRICT BOUNDARIES. ON RECORDATION, THE POWER DISTRICT IS
27 FORMED AND THE COUNTY BOARD OF SUPERVISORS SHALL SERVE AS THE BOARD OF
28 DIRECTORS OF THE POWER DISTRICT.
29 3. NOTWITHSTANDING SECTION 48-1515, THE COUNTY BOARD OF SUPERVISORS
30 MAY FORM A POWER DISTRICT PURSUANT TO THIS SECTION WITHOUT REGARD TO WHETHER
31 A PUBLIC SERVICE CORPORATION, AN ELECTRIC COOPERATIVE, AN AGRICULTURAL
32 IMPROVEMENT DISTRICT, A MUNICIPAL CORPORATION OR ANY OTHER ELECTRIC POWER
33 PROVIDER IS SUPPLYING POWER TO SOME OR ALL OF THE LANDS WITHIN THE COUNTY AND
34 THE LANDS WITHIN THE COUNTY MAY HAVE MORE THAN ONE ELECTRIC POWER PROVIDER.
35 4. THE BOARD OF DIRECTORS OF A POWER DISTRICT FORMED PURSUANT TO THIS
36 SECTION MAY NOT REDUCE OR INCREASE THE LANDS CONTAINED WITHIN THE BOUNDARIES
37 OF THE POWER DISTRICT.
38 Sec. 2. Title 48, chapter 11, article 2, Arizona Revised Statutes, is
39 amended by adding section 48-1545.01, to read:
40 48-1545.01. Administrative powers and limitations of county
41 power district
42 NOTWITHSTANDING ARTICLE 3 OF THIS CHAPTER AND IN ADDITION TO THE POWERS
43 AND DUTIES PROVIDED FOR IN SECTION 48-1545, A POWER DISTRICT FORMED PURSUANT
44 TO SECTION 48-1502.01:

1 1. SHALL BE GOVERNED BY THE COUNTY BOARD OF SUPERVISORS WHO ARE NOT
2 ELIGIBLE FOR ADDITIONAL COMPENSATION FOR SERVING ON THE POWER DISTRICT BOARD
3 OF DIRECTORS BUT WHO ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES INCURRED IN
4 CARRYING OUT THE BUSINESS OF THE POWER DISTRICT. SECTIONS 48-1506, 48-1507,
5 48-1508, 48-1509, 48-1510, 48-1511, 48-1512, 48-1513, 48-1514, 48-1517,
6 48-1518, 48-1519, 48-1520, 48-1521, 48-1522 AND ARTICLE 3 OF THIS CHAPTER DO
7 NOT APPLY TO ELECTIONS FOR A POWER DISTRICT FORMED PURSUANT TO SECTION
8 48-1502.01.

9 2. SHALL DETERMINE THE APPROPRIATE DISTRIBUTION OF ELECTRIC POWER
10 WITHIN THE DISTRICT.

11 3. NOTWITHSTANDING SECTION 48-1545, SUBSECTION D, MAY ENTER INTO
12 CONTRACTS ON APPROVAL OF THE BOARD OF DIRECTORS AND WITHOUT SUBMITTAL TO A
13 VOTE OF THE QUALIFIED ELECTORS OF THE DISTRICT.

14 Sec. 3. Title 48, chapter 11, article 4, Arizona Revised Statutes, is
15 amended by adding section 48-1594.01, to read:

16 48-1594.01. County power district; lands assessed

17 NOTWITHSTANDING SECTION 48-1594, FOR A POWER DISTRICT FORMED PURSUANT
18 TO SECTION 48-1502.01, ALL LANDS WITHIN THE DISTRICT SHALL BE CLASSIFIED AND
19 ASSESSED IN THE MANNER PRESCRIBED BY LAW FOR COUNTY TAXES.