



***ARIZONA STATE SENATE***  
***Fiftieth Legislature, Second Regular Session***

FACT SHEET FOR H.B. 2360

flood control districts; immunity

Purpose

Provides that a county flood control district and its employees are immune from any injury or property damage that may arise out of a plan or design for construction, maintenance or improvement of certain structures if a reasonably adequate warning is given.

Background

Arizona Revised Statutes (A.R.S.) requires each county to organize a county flood control district (district) and govern its area of jurisdiction in order to provide regional flood hazard identification regulations, remediation and education to reduce the risks of injury, death and property damage from flooding (A.R.S. § 48-3601 et seq.). The county board of supervisors is required to be the board of directors of the district. The directors are prohibited from receiving compensation for their services but are entitled to reimbursement for their necessary expenses in attending district meetings and for necessary expenses incurred in traveling to carry on the affairs of the district. The district is a political taxing district of the state and has all the powers, privileges and immunities granted generally to municipal corporations by the constitution and laws of this state, including immunity of its property and bonds from taxation (A.R.S. § 48-3603).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Stipulates the district and its employees are immune from any injury or property damage that may arise out of a plan or design for construction, maintenance or improvement of certain structures if a reasonably adequate warning is given to potentially affected property owners in a manner that allows the owners to take suitable precautions to protect themselves and their property.
2. Stipulates a warning is sufficient if the warning is provided to a single property owner of the parcel and states notice to subsequent property owners is not required.
3. Requires information regarding a national flood insurance program be included with the warning for the property owner.

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4. Prescribes that immunity from injury or property damage are in addition the immunities granted to a district, employee or officer as otherwise provided by law and is applicable if either or both of the following apply:
  - a) the project is wholly or partially funded by federal monies, and
  - b) the project is planned or designed to meet a reoccurrence interval approved by the districts' board of directors.
  
5. Becomes effective on the general effective date.

House Action

AW	2/2/12	DPA	9-0-0-0
3 <sup>rd</sup> Read	2/23/12		36-23-0-0-1

Prepared by Senate Research  
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