

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1454

AN ACT

AMENDING SECTION 48-261, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 2, SECTION 2; AMENDING SECTIONS 48-262 AND 48-263, ARIZONA REVISED STATUTES; REPEALING SECTION 48-265, ARIZONA REVISED STATUTES; AMENDING SECTIONS 48-266 AND 48-802, ARIZONA REVISED STATUTES; AMENDING SECTION 48-803, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 2, SECTION 3; AMENDING SECTION 48-805, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 2, SECTION 4; AMENDING SECTIONS 48-806 AND 48-812, ARIZONA REVISED STATUTES; REPEALING SECTION 48-814, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 48-814; AMENDING SECTION 48-816, ARIZONA REVISED STATUTES; REPEALING SECTION 48-820, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 48-820 AND SECTION 48-822; AMENDING SECTION 48-2227, ARIZONA REVISED STATUTES; RELATING TO SPECIAL TAXING DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-261, Arizona Revised Statutes, as amended by
3 Laws 2006, chapter 2, section 2, is amended to read:

4 48-261. District creation: procedures: notice: hearing:
5 determinations: petitions: definition

6 A. Except for a county island fire district formed pursuant to
7 subsection H of this section, a fire district, community park maintenance
8 district, sanitary district or hospital district for either a hospital or an
9 urgent care center shall be created by the following procedures:

10 1. Any ADULT person desiring to propose creation of a district shall
11 prepare and submit a district impact statement to the board of supervisors of
12 the county in which the district is to be located. If a proposed district is
13 located in more than one county, the impact statement shall be submitted to
14 the board of supervisors of the county in which the majority of the assessed
15 valuation of the proposed district is located. The boards of supervisors of
16 any other counties in which a portion of the district is to be located shall
17 provide information and assistance to the responsible board of
18 supervisors. If the person desiring to create a district pursuant to this
19 section is unable to complete the district impact statement, the board of
20 supervisors may assist in the completion of the impact statement if requested
21 to do so, provided the bond required in subsection C of this section is in an
22 amount sufficient to cover any additional cost to the county. The district
23 impact statement shall contain at least the following information:

24 (a) A legal description of the boundaries of the proposed district and
25 a detailed, accurate map of the area to be included in the district.

26 (b) An estimate of the assessed valuation within the proposed
27 district.

28 (c) An estimate of the change in the property tax liability, as a
29 result of the proposed district, of a typical resident of the proposed
30 district.

31 (d) A list and explanation of benefits that will result from the
32 proposed district.

33 (e) A list and explanation of the injuries that will result from the
34 proposed district.

35 (f) The names, addresses and occupations of the proposed members of
36 the district's organizing board of directors.

37 (g) A DESCRIPTION OF THE SCOPE OF SERVICES TO BE PROVIDED BY THE
38 DISTRICT DURING ITS FIRST FIVE YEARS OF OPERATION. AT A MINIMUM THIS
39 DESCRIPTION SHALL INCLUDE AN ESTIMATE OF ANTICIPATED CAPITAL EXPENDITURES,
40 PERSONNEL GROWTH AND ENHANCEMENTS TO SERVICE.

41 2. On receipt of the district impact statement, the board of
42 supervisors shall set a day, not fewer than thirty nor more than sixty days
43 from that date, for a hearing on the impact statement. The board of
44 supervisors ~~may~~, at any time prior to making a determination pursuant to
45 paragraph 4 of this subsection, MAY require that the impact statement be

1 amended to include any information that the board of supervisors deems to be
2 relevant and necessary.

3 3. Upon receipt of the district impact statement, the clerk of the
4 board of supervisors shall mail, by first class mail, written notice of the
5 statement, its purpose and notice of the day, hour and place of the hearing
6 on the proposed district to each owner of taxable property ~~and each qualified~~
7 ~~elector~~ within the boundaries of the proposed district. The clerk of the
8 board of supervisors shall post the notice in at least three conspicuous
9 public places in the area of the proposed district and shall publish twice in
10 a daily newspaper of general circulation in the area of the proposed
11 district, at least ten days before the hearing, or, if no daily newspaper of
12 general circulation exists in the area of the proposed district, then at
13 least twice at any time before the date of the hearing, a notice setting
14 forth the purpose of the impact statement, the description of the area of the
15 proposed district and the day, hour and place of the hearing.

16 4. At the hearing called pursuant to paragraph 2 of this subsection,
17 the board of supervisors shall hear those who appear for and against the
18 proposed district and shall determine whether the creation of the district
19 will promote public health, comfort, convenience, necessity or welfare. If
20 the board of supervisors determines that the public health, comfort,
21 convenience, necessity or welfare will be promoted, it shall approve the
22 district impact statement and authorize the persons proposing the district to
23 circulate petitions as provided in this subsection. The order of the board
24 of supervisors shall be final, but if the request to circulate petitions is
25 denied, a subsequent request for a similar district may be refiled with the
26 board of supervisors after six months from the date of such denial.

27 5. Within fifteen days after receiving the approval of the board of
28 supervisors as prescribed by paragraph 4 of this subsection, the clerk of the
29 board shall determine the minimum number of signatures required for
30 compliance with paragraph 7, subdivision ~~(d)~~ (b) of this subsection. After
31 making that determination, that number of signatures shall remain fixed,
32 ~~notwithstanding any subsequent changes in voter registration records.~~

33 6. After receiving the approval of the board of supervisors as
34 provided in paragraph 4 of this subsection, ~~the~~ ANY ADULT person ~~proposing~~
35 ~~the district~~ may circulate and present petitions to the board of supervisors
36 of the county in which the district is located. All petitions circulated
37 shall be returned to the board of supervisors within one year from the date
38 of the approval of the board of supervisors pursuant to paragraph 4 of this
39 subsection. Any petition that is returned more than one year from that date
40 is void.

41 7. The petitions presented pursuant to paragraph 6 of this subsection
42 shall comply with the provisions regarding petition form in ~~section 48-265~~
43 ~~and verification in~~ section 48-266 and shall:

44 (a) At all times, contain a legal description of the boundaries of the
45 proposed district and a detailed, accurate map of the proposed district and

1 the names, addresses and occupations of the proposed members of the
2 district's organizing board of directors. No alteration of the proposed
3 district shall be made after receiving the approval of the board of
4 supervisors as provided in paragraph 4 of this subsection.

5 ~~(b) If a petition of property owners,~~ Be signed by more than one-half
6 of the property owners in the area of the proposed district **AND BE SIGNED BY**
7 **PERSONS OWNING COLLECTIVELY MORE THAN ONE-HALF OF THE ASSESSED VALUATION OF**
8 **THE PROPERTY IN THE AREA OF THE PROPOSED DISTRICT.**

9 ~~(c) If a petition of property owners, be signed by persons owning~~
10 ~~collectively more than one-half of the assessed valuation of the property in~~
11 ~~the area of the proposed district.~~

12 ~~(d) If a petition of qualified electors, be signed by more than~~
13 ~~one-half of the qualified electors within the boundaries of the proposed~~
14 ~~district.~~

15 8. On receipt of the petitions, the board of supervisors shall set a
16 day, not fewer than ten nor more than thirty days from that date, for a
17 hearing on the petition.

18 9. Prior to the hearing called pursuant to paragraph 8 of this
19 subsection, the board of supervisors shall determine the validity of the
20 petitions presented.

21 10. At the hearing called pursuant to paragraph 8 of this subsection,
22 the board of supervisors, if the petitions are valid, shall order the
23 creation of the district. The board of supervisors shall enter its order
24 setting forth its determination in the minutes of the meeting, not later than
25 ten days from the day of the hearing, and a copy of the order shall be filed
26 in the county recorder's office. The order of the board of supervisors shall
27 be final, and the proposed district shall be created thirty days after the
28 board of supervisors votes to create the district. A decision of the board
29 of supervisors under this subsection is subject to judicial review under
30 title 12, chapter 7, article 6.

31 B. For the purpose of determining the validity of the petitions
32 presented pursuant to subsection A, paragraph 6 of this section:

33 ~~1. Qualified electors shall be those persons qualified to vote~~
34 ~~pursuant to title 16.~~

35 ~~2. 1. For the purposes of fulfilling the requirements of subsection~~
36 ~~A, paragraph 7, subdivisions (b) and (c) of this section,~~ Property held in
37 multiple ownership shall be treated as if it had only one property owner, so
38 that the signature of only one of the owners of property held in multiple
39 ownership is required on the formation petition.

40 ~~3. 2.~~ The value of property shall be determined as follows:

41 (a) In the case of property assessed by the county assessor, values
42 shall be the same as those shown on the last assessment roll of the county
43 containing such property.

44 (b) In the case of property valued by the department of revenue, the
45 values shall be those determined by the department in the manner provided by

1 law, for municipal assessment purposes. The county assessor and the
2 department of revenue, respectively, shall furnish to the board of
3 supervisors, within twenty days after such a request, a statement in writing
4 showing the owner, the address of each owner and the appraisal or assessment
5 value of properties contained within the boundaries of the proposed district
6 as described in subsection A of this section.

7 C. The board of supervisors may require of the person desiring to
8 propose creation of a district pursuant to subsection A, paragraph 1 of this
9 section a reasonable bond to be filed with the board at the start of
10 proceedings under this section. The bond shall be in an amount sufficient to
11 cover costs incurred by the county if the district is not finally
12 organized. County costs covered by the bond include any expense incurred
13 from completion of the district impact statement, mailing of the notice of
14 hearing to district property owners ~~and electors~~, publication of the notice
15 of hearing and other expenses reasonably incurred as a result of any
16 requirements of this section. ~~The requirements of this subsection do not
17 apply to proposed districts having fewer than one hundred qualified electors.~~

18 D. If a district is created pursuant to this section, the cost of
19 publication of the notice of hearing, the mailing of notices to ~~electors and~~
20 property owners and all other costs incurred by the county as a result of the
21 provisions of this section shall be a charge against the district.

22 E. If a proposed district would include property located within an
23 incorporated city or town, in addition to the other requirements of
24 subsection A of this section, the board shall approve the creation and
25 authorize the circulation of petitions only if the governing body of the city
26 or town has by ordinance or resolution endorsed such creation.

27 F. Except as provided in section 48-2001, subsection A, the area of a
28 district created pursuant to this section shall be contiguous.

29 G. A district organized pursuant to this section shall have an
30 organizing board of directors to administer the affairs of the district until
31 a duly constituted board of directors is elected as provided in this
32 title. The organizing board shall have all the powers, duties and
33 responsibilities of an elected board. The organizing board shall consist of
34 the three individuals named in the district impact statement and the
35 petitions presented pursuant to subsection A of this section. If a vacancy
36 occurs on the organizing board, the remaining board members shall fill the
37 vacancy by appointing an interim member. Members of the organizing board
38 shall serve without compensation but may be reimbursed for actual expenses
39 incurred in performing their duties. The organizing board shall elect from
40 its members a chairman and a clerk.

41 H. For a county island fire district only, any person may petition the
42 board of supervisors for the county in which the county island fire district
43 is proposed to be located. The petitions shall comply with section 48-265
44 regarding petition form and shall be verified as prescribed in section
45 48-266. If the petitions submitted are verified as having the signatures of

1 more than one-half of the aggregate number of owners of all of the real
2 property located in the county islands in the proposed district as prescribed
3 by section 48-805, subsection E, paragraph 1, after a hearing, the board of
4 supervisors may certify the establishment of the county island fire district.
5 The county island fire district shall be governed by a five member elected
6 district board pursuant to section 48-803, but shall be governed initially by
7 a board appointed by the county board of supervisors from among qualified
8 electors of the county. On formation of the district, the surrounding city
9 or town shall provide fire protection services and emergency medical services
10 to the district. The initial appointed board shall schedule an election to
11 be held on the next consolidated election date as prescribed by section
12 16-204. That election shall be held as otherwise provided by law. The
13 county island fire district board shall also notify the county board of
14 supervisors of the cost of providing fire protection services and emergency
15 medical services for each household or other structure in the district.

16 I. For the purposes of this section ~~+~~
17 ~~+~~ assessed valuation does not include the assessed valuation of
18 property that is owned by a county ~~+~~, THIS STATE OR THE UNITED STATES
19 GOVERNMENT

20 ~~2. Property owner does not include a county~~ and in the case of
21 multiple ownership of a single parcel of property, any one property owner
22 constitutes the entire ownership interest.

23 J. For the purposes of this section, "county island fire district"
24 means a fire district that is formed or proposed to be formed only in those
25 unincorporated areas of a single county that are surrounded by a single city
26 or town or that are surrounded by a single city or town in combination with
27 other publicly owned or sovereign land, and in which the existing private
28 fire service provider has issued a notice to the residents of the county
29 island that it plans to discontinue or substantially reduce service.

30 Sec. 2. Section 48-262, Arizona Revised Statutes, is amended to read:

31 ~~48-262.~~ District boundary changes; procedures; notice; hearing;
32 determinations; petitions

33 A. Except as prescribed by subsection ~~H~~ I of this section, a fire
34 district, community park maintenance district or sanitary district shall
35 change its boundaries by the following procedures:

36 1. Any ADULT person desiring to propose any change to the boundaries
37 of a district shall prepare and submit a boundary change impact statement to
38 the governing body of the district. The boundary change impact statement
39 shall contain at least the following information:

40 (a) A legal description of the boundaries of the area to be included
41 within the proposed change and a detailed, accurate map of the area. The
42 boundaries of the proposed change shall not overlap with the boundaries of
43 any other proposed new district of the same type or any annexation by a
44 district of the same type for which petitions are being circulated on the

1 date that the boundary change impact statement is filed with the governing
2 body.

3 (b) An estimate of the assessed valuation within the boundaries of the
4 proposed change.

5 (c) An estimate of the change in the tax rate of the district if the
6 proposed change is made.

7 (d) An estimate of the change in the property tax liability, as a
8 result of the proposed change, of a typical resident of a portion of the
9 district, not in the area of the proposed change, before and after the
10 proposed change and of a typical resident of the area of the proposed change.

11 (e) A list and explanation of benefits that will result from the
12 proposed change to the residents of the area and of the remainder of the
13 district.

14 (f) A list and explanation of the injuries that will result from the
15 proposed change to residents of the area and of the remainder of the
16 district.

17 2. On receipt of the boundary change impact statement, the governing
18 body shall set a day, not fewer than twenty nor more than thirty days from
19 that date, for a hearing on the boundary change impact statement. The board
20 of supervisors may at any time prior to making a determination pursuant to
21 paragraph 5 of this subsection require that the impact statement be amended
22 to include any information that the board of supervisors deems to be relevant
23 and necessary.

24 3. Upon receipt of the boundary change impact statement, the clerk of
25 the governing body shall mail, by first class mail, written notice of the
26 statement, its purpose and notice of the day, hour and place of the hearing
27 on the proposed change to each owner of taxable property ~~and each qualified~~
28 ~~elector~~ within the boundaries of the proposed change. The clerk of the
29 governing body shall post the notice in at least three conspicuous public
30 places in the area of the proposed change and also publish twice in a daily
31 newspaper of general circulation in the area of the proposed change, at least
32 ten days before the hearing, or if no daily newspaper of general circulation
33 exists in the area of the proposed change, then at least twice at any time
34 before the date of the hearing, a notice setting forth the purpose of the
35 impact statement, the description of the boundaries of the proposed change
36 and the day, hour and place of the hearing.

37 4. Upon receipt of the boundary change impact statement the clerk
38 shall also mail notice, as provided in paragraph 3 of this subsection, to the
39 chairman of the board of supervisors of the county in which the district is
40 located. The chairman of the board of supervisors shall order a review of
41 the proposed change and may submit written comments to the governing body of
42 the district within ten days of receipt of the notice.

43 5. At the hearing called pursuant to paragraph 2 of this subsection,
44 the governing body shall consider the comments of the board of supervisors,
45 hear those who appear for and against the proposed change and determine

1 whether the proposed change will promote the public health, comfort,
2 convenience, necessity or welfare. If the governing body determines that the
3 public health, comfort, convenience, necessity or welfare will be promoted,
4 it shall approve the impact statement and authorize the persons proposing the
5 change to circulate petitions as provided in this subsection. The order of
6 the governing body shall be final, but if the request to circulate petitions
7 is denied, a subsequent request for a similar change may be refiled with the
8 governing body after six months from the date of such denial.

9 ~~6. A person aggrieved by a decision of the governing body under this~~
10 ~~section may appeal to the board of supervisors of the county in which the~~
11 ~~district, or a majority of the district, is located, and a person aggrieved~~
12 ~~by a decision of the board of supervisors may appeal to the superior court in~~
13 ~~the county in the manner prescribed by title 12, chapter 7, article 6 and by~~
14 ~~posting a bond equal to the probable costs conditioned that the appellant~~
15 ~~will prosecute his appeal and will pay all costs that accrue in the court if~~
16 ~~a judgment is rendered affirming the decision of the board of~~
17 ~~supervisors. The court shall require the district governing body to pay all~~
18 ~~costs that accrue in the court, including reasonable attorney fees, and the~~
19 ~~bond shall be returned to the appellant, if a judgment is rendered in favor~~
20 ~~of the appellant.~~

21 6. THE GOVERNING BODY SHALL NOT APPROVE A PROPOSED ANNEXATION IF THE
22 PROPERTY TO BE ANNEXED IS NOT CONTIGUOUS WITH THE DISTRICT'S EXISTING
23 BOUNDARY. FOR PURPOSES OF DETERMINING WHETHER OR NOT THE PROPOSED ADDITION
24 IS CONTIGUOUS, THE ADDITION IS DEEMED CONTIGUOUS IF LAND THAT IS OWNED BY OR
25 UNDER THE JURISDICTION OF THE UNITED STATES GOVERNMENT, THIS STATE OR ANY
26 POLITICAL SUBDIVISION OF THIS STATE, OTHER THAN AN INCORPORATED CITY OR TOWN,
27 INTERVENES BETWEEN THE PROPOSED ADDITION AND THE CURRENT DISTRICT BOUNDARY.

28 7. THE GOVERNING BODY SHALL NOT APPROVE A PROPOSED ANNEXATION IF THE
29 AREA PROPOSED TO BE ANNEXED SURROUNDS ANY UNINCORPORATED TERRITORY AND THAT
30 UNINCORPORATED TERRITORY IS NOT ALSO INCLUDED IN THE DISTRICT.

31 ~~7-~~ 8. After receiving the approval of the governing body as provided
32 in paragraph 5 of this subsection and provided no appeal filed pursuant to
33 paragraph ~~6-~~ 14 of this subsection remains unresolved, ~~the~~ ANY ADULT person
34 ~~proposing the change~~ may circulate and present petitions to the governing
35 body of the district.

36 ~~8-~~ 9. Within fifteen days after receiving the approval of the
37 governing body as prescribed by paragraph 5 of this subsection ~~and after any~~
38 ~~appeal filed pursuant to paragraph 6 of this subsection has been resolved,~~
39 the clerk of the board shall determine the minimum number of signatures
40 required to comply with paragraph ~~9-~~ 10, subdivision ~~(d)~~ (b) of this
41 subsection. After making that determination, that number of signatures shall
42 remain fixed, notwithstanding any subsequent changes in ~~the voter~~
43 ~~registration records~~ OWNERSHIP OF THE PROPERTY WITHIN THE BOUNDARIES OF THE
44 PROPOSED CHANGE.

1 ~~9.~~ 10. The petitions presented pursuant to paragraph ~~7~~ 8 of this
2 subsection shall comply with the provisions regarding petition form in
3 ~~section 48-265 and verification in~~ section 48-266 and shall:

4 (a) At all times, contain a legal description of the boundaries of the
5 area to be included within the proposed change and a detailed, accurate map
6 of the area included within the proposed change. No alteration of the
7 described area shall be made after receiving the approval of the governing
8 body as provided in paragraph 5 of this subsection.

9 (b) ~~If a petition of property owners,~~ Be signed by more than one-half
10 of the property owners within the boundaries of the proposed change AND BE
11 SIGNED BY PERSONS OWNING COLLECTIVELY MORE THAN ONE-HALF OF THE ASSESSED
12 VALUATION OF THE PROPERTY WITHIN THE BOUNDARIES OF THE PROPOSED CHANGE.

13 ~~(c) If a petition of property owners, be signed by persons owning~~
14 ~~collectively more than one-half of the assessed valuation of the property~~
15 ~~within the boundaries of the proposed change.~~

16 ~~(d) If a petition of qualified electors, be signed by more than~~
17 ~~one-half of the qualified electors within the boundaries of the proposed~~
18 ~~change.~~

19 ~~10.~~ 11. On receipt of the petitions, the governing body shall set a
20 day, not fewer than ten nor more than thirty days from that date, for a
21 hearing on the request.

22 ~~11.~~ 12. Prior to the hearing called pursuant to paragraph ~~10~~ 11 of
23 this subsection, the board of supervisors shall determine the validity of the
24 petitions presented pursuant to subsection B of this section.

25 ~~12.~~ 13. At the hearing called pursuant to paragraph ~~10~~ 11 of this
26 subsection, the governing body ~~shall~~, if the petitions are valid, SHALL order
27 the change to the boundaries. The governing body shall enter its order
28 setting forth its determination in the minutes of the meeting, not later than
29 ten days from the day of the hearing, and a copy of the order shall be sent
30 to the officer in charge of elections and a copy shall be recorded in the
31 county recorder's office. The order of the governing body shall be final,
32 and the proposed change shall be made to the district boundaries thirty days
33 after the governing body votes. ~~An appeal of the order to change the~~
34 ~~boundaries to the board of supervisors pursuant to paragraph 6 of this~~
35 ~~subsection must be filed with the board of supervisors during such thirty day~~
36 ~~period.~~

37 14. ON FILING A VERIFIED COMPLAINT WITH THE SUPERIOR COURT, THE
38 ATTORNEY GENERAL, THE COUNTY ATTORNEY OR ANY OTHER INTERESTED PARTY MAY
39 QUESTION THE VALIDITY OF THE ANNEXATION FOR FAILURE TO COMPLY WITH THIS
40 SECTION. THE COMPLAINT SHALL INCLUDE A DESCRIPTION OF THE ALLEGED
41 NONCOMPLIANCE AND SHALL BE FILED WITHIN THIRTY DAYS AFTER THE GOVERNING BODY
42 OF THE DISTRICT ADOPTS A RESOLUTION THAT ANNEXES THE TERRITORY OF THE
43 DISTRICT. THE BURDEN OF PROOF IS ON THE PLAINTIFF TO PROVE THE MATERIAL
44 ALLEGATIONS OF THE VERIFIED COMPLAINT. AN ACTION SHALL NOT BE BROUGHT TO
45 QUESTION THE VALIDITY OF AN ANNEXATION RESOLUTION UNLESS IT IS FILED WITHIN

1 THE TIME AND FOR THE REASONS PRESCRIBED IN THIS SUBSECTION. ALL HEARINGS
2 THAT ARE HELD PURSUANT TO THIS PARAGRAPH AND ALL APPEALS OF ANY ORDERS SHALL
3 BE PREFERRED AND SHALL BE HEARD AND DETERMINED IN PREFERENCE TO ALL OTHER
4 CIVIL MATTERS, EXCEPT ELECTION ACTIONS. IF MORE THAN ONE COMPLAINT
5 QUESTIONING THE VALIDITY OF AN ANNEXATION RESOLUTION IS FILED, ALL SUCH
6 COMPLAINTS SHALL BE CONSOLIDATED FOR THE HEARING.

7 B. For the purpose of determining the validity of the petitions
8 presented pursuant to subsection A, paragraph ~~7~~ 8 of this section:—

9 ~~1. Qualified electors shall be those persons qualified to vote~~
10 ~~pursuant to title 16.~~

11 ~~2. 1. For the purposes of fulfilling the requirements of subsection~~
12 ~~A, paragraph 9, subdivisions (b) and (c) of this section,~~ Property held in
13 multiple ownership shall be treated as if it had only one property owner, so
14 that the signature of only one of the owners of property held in multiple
15 ownership is required on the boundary change petition.

16 ~~3.~~ 2. The value of property shall be determined as follows:

17 (a) In the case of property assessed by the county assessor, values
18 shall be the same as those shown on the last assessment roll of the county
19 containing such property.

20 (b) In the case of property valued by the department of revenue, the
21 values shall be those determined by the department in the manner provided by
22 law, for municipal assessment purposes. The county assessor and the
23 department of revenue, respectively, shall furnish to the governing body,
24 within twenty days after such a request, a statement in writing showing the
25 owner, the address of each owner and the appraisal or assessment value of
26 properties contained within the area of a proposed change as described in
27 subsection A of this section.

28 ~~4.~~ 3. All petitions circulated shall be returned to the governing
29 body of the district within one year from the date of the approval given by
30 the governing body pursuant to subsection A, paragraph 5 of this section.
31 Any petition returned more than one year from that date is void. If an
32 appeal is filed pursuant to subsection A, paragraph ~~6~~ 14 of this section,
33 this time period for gathering signatures is tolled beginning on the date an
34 action is filed in superior court and continuing until the expiration of the
35 time period for any further appeal.

36 C. FOR THE PURPOSES OF DETERMINING WHETHER OR NOT THE PROPOSED
37 ADDITION IS CONTIGUOUS, THE ADDITION IS DEEMED CONTIGUOUS IF LAND THAT IS
38 OWNED BY OR UNDER THE JURISDICTION OF THE UNITED STATES GOVERNMENT, THIS
39 STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE, OTHER THAN AN INCORPORATED
40 CITY OR TOWN, INTERVENES BETWEEN THE PROPOSED ADDITION AND THE CURRENT
41 DISTRICT BOUNDARY. PROPERTY SHALL NOT BE APPROVED FOR ANNEXATION IF THE AREA
42 PROPOSED TO BE ANNEXED SURROUNDS ANY UNINCORPORATED TERRITORY AND THAT
43 UNINCORPORATED TERRITORY IS NOT ALSO INCLUDED IN THE DISTRICT.

44 ~~6.~~ D. If the change in the boundaries proposed pursuant to subsection
45 A of this section would result in a withdrawal of territory from an existing

1 district, the petitions shall be approved by the governing body only if the
2 proposed withdrawal would not result in a noncontiguous portion of the
3 district that is less than one square mile in size. ~~If the changes proposed~~
4 ~~would result in an increase in the territory of the district, the petitions~~
5 ~~shall be approved by the governing body only if the proposed additions would~~
6 ~~be contiguous to the existing district as prescribed by section 9-471,~~
7 ~~subsection H and if the increase in territory does not result in a district~~
8 ~~that completely surrounds a territory that is in an unincorporated area of~~
9 ~~the county and that is not included in the district. For purposes of~~
10 ~~determining whether the addition proposed to be incorporated into the~~
11 ~~district is contiguous, the addition is deemed contiguous notwithstanding~~
12 ~~that land owned by or under the jurisdiction of the government of the United~~
13 ~~States, this state or any political subdivision, other than an incorporated~~
14 ~~city, intervenes between the proposed addition and the district~~
15 ~~boundary. Any whole parcel may be added to the district notwithstanding the~~
16 ~~provisions of section 9-471 regarding minimum size limitations.~~

17 ~~D-~~ E. If the impact statement described in subsection A of this
18 section relates to the withdrawal of property from a district, in addition to
19 the other requirements of subsection A of this section, the governing body
20 shall also determine:

21 1. If the district has any existing outstanding bonds or other
22 evidences of indebtedness.

23 2. If those bonds were authorized by an election and issued during the
24 time the property to be withdrawn was lawfully included within the district.

25 ~~E-~~ F. If the conditions of subsection ~~D-~~ E of this section are met:

26 1. The property withdrawn from the district shall remain subject to
27 taxes, special assessments or fees levied or collected to meet the contracts
28 and covenants of the bonds. The board of supervisors shall provide for the
29 levy and collection of such taxes, special assessments or fees.

30 2. The governing body shall:

31 (a) Annually determine the amount of special property taxes, special
32 assessments or fees that must be levied and collected from property withdrawn
33 from the district and the mechanism by which such amount is to be collected.

34 (b) Notify the board of supervisors on or before the third Monday in
35 July of the amount determined in subdivision (a) of this paragraph.

36 3. Property withdrawn from an existing district shall not be subject
37 to any further taxes, special assessments or fees arising from the
38 indebtedness of such district except as provided in this subsection.

39 ~~F-~~ G. If the statement described in subsection A, paragraph 1 of this
40 section requests the annexation of property located within an incorporated
41 city or town, in addition to the other requirements of subsection A of this
42 section, the governing body shall approve the district boundary change impact
43 statement and authorize the circulation of petitions only if the governing
44 body of the city or town has by ordinance or resolution endorsed such
45 annexation and such annexation is authorized pursuant to this title.

1 ~~G~~. H. Except as provided in subsection ~~G~~- D of this section and
2 section 48-2002, no change in the boundaries of a district pursuant to this
3 section shall result in a district which contains area that is not
4 contiguous.

5 ~~H~~. I. Notwithstanding subsection A of this section, any property
6 owner, INCLUDING A COUNTY, THIS STATE OR THE UNITED STATES GOVERNMENT, whose
7 land is within a county that contains a sanitary district or fire district
8 and whose land is adjacent CONTIGUOUS to the boundaries of the sanitary
9 district or fire district may request in writing that the governing body of
10 the district amend the district boundaries to include that property owner's
11 land. A request made pursuant to this subsection shall be made before the
12 county board of supervisors orders the creation of a proposed new district of
13 the same type or the district governing body orders the annexation by a
14 district of the same type in which the property owner's land is proposed for
15 inclusion and for which petitions are being circulated. If the governing
16 body determines that the inclusion of that property will benefit the district
17 and the property owner, the boundary change may be made by order of the
18 governing body and is final on the recording of the governing body's order
19 that includes a legal description of the property that is added to the
20 district. If the governing body does not order the boundary change, the land
21 shall be included in the boundaries of the proposed new district of the same
22 type or annexation by a district of the same type in which the property
23 owner's land is proposed for inclusion and for which petitions are being
24 circulated. A petition and impact statement are not required for an
25 amendment to a sanitary district's or fire district's boundaries made
26 pursuant to this subsection.

27 ~~I~~. J. A fire district shall not annex or otherwise add territory that
28 is already included in another existing fire district, unless deannexed
29 pursuant to subsections ~~G~~, D, and E AND F of this section.

30 K. A FIRE DISTRICT, COMMUNITY PARK MAINTENANCE DISTRICT OR SANITARY
31 DISTRICT MAY APPROPRIATE AND SPEND MONIES AS NECESSARY OR REASONABLY REQUIRED
32 TO ASSIST ONE OR MORE INDIVIDUALS OR ENTITIES TO CHANGE THE DISTRICT'S
33 BOUNDARIES PURSUANT TO THIS SECTION.

34 L. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF AN INCORPORATED
35 CITY OR TOWN HAS PREVIOUSLY ADOPTED A RESOLUTION DESIGNATING A FIRE DISTRICT
36 AS THE FIRE SERVICE AGENCY FOR THE CITY OR TOWN, THE JURISDICTIONAL
37 BOUNDARIES OF THE FIRE DISTRICT WITHOUT FURTHER NOTICE OR ELECTION SHALL BE
38 CHANGED TO INCLUDE ANY PROPERTY ANNEXED INTO THE CITY OR TOWN. A CITY OR
39 TOWN THAT HAS DESIGNATED A FIRE DISTRICT AS ITS FIRE SERVICE AGENCY SHALL
40 INCLUDE A NOTICE IN ANY PETITION CIRCULATED PURSUANT TO SECTION 9-471 THAT
41 INDICATES THAT PROPERTY ANNEXED BY THE CITY OR TOWN PURSUANT TO THE PETITION
42 REQUEST SHALL ALSO BE ANNEXED BY THE FIRE DISTRICT. ANY FIRE DISTRICT
43 BOUNDARY CHANGE THAT OCCURS THROUGH CITY OR TOWN ANNEXATION PURSUANT TO THIS
44 SUBSECTION IS EFFECTIVE ON THE EFFECTIVE DATE OF THE ANNEXATION BY THE
45 INCORPORATED CITY OR TOWN. IF AN INCORPORATED CITY OR TOWN THAT HAS

1 DESIGNATED A FIRE DISTRICT AS THE FIRE SERVICE AGENCY FOR THAT CITY OR TOWN
2 ANNEXES PROPERTY THAT IS ALREADY PART OF ANOTHER FIRE DISTRICT, THE ANNEXED
3 PROPERTY SHALL REMAIN PART OF THE FIRE DISTRICT IN WHICH IT WAS LOCATED
4 BEFORE THE CITY OR TOWN'S ANNEXATION.

5 ~~J.~~ M. For the purposes of this section:
6 ~~I.~~ assessed valuation does not include the assessed valuation of
7 property that is owned by a county, THIS STATE OR THE UNITED STATES
8 GOVERNMENT.

9 ~~2. Property owner does not include a county.~~

10 Sec. 3. Section 48-263, Arizona Revised Statutes, is amended to read:

11 48-263. Special taxing district impact statement; district
12 creation; district boundary change; bond requirement

13 A. Notwithstanding any other special taxing district organization or
14 boundary change requirements, a special taxing district impact statement is
15 required for each antinoxious weed district, pest control district,
16 recreation center district, special road district, pest abatement district
17 and irrigation water delivery district, as follows:

18 1. In the case of a special taxing district formation proposal and
19 before the circulation of organization petitions otherwise required, the
20 special taxing district impact statement and hearing requirements pursuant to
21 section 48-261, subsection A, paragraphs 1 through 5 and subsections C, D and
22 E shall first be complied with.

23 2. In the case of a proposed special taxing district boundary change
24 to an existing district and before the circulation of any boundary change
25 petitions otherwise required, the boundary change impact statement and
26 hearing requirements pursuant to section 48-262, subsection A, paragraphs 1
27 through 5 and subsections ~~D~~ E and ~~F~~ G shall first be complied with.

28 B. The board of supervisors may require the person desiring to propose
29 creation of a special taxing district in subsection A of this section to post
30 a reasonable bond to be filed with the board, in accordance with section
31 48-261, subsection C.

32 Sec. 4. Repeal

33 Section 48-265, Arizona Revised Statutes, is repealed.

34 Sec. 5. Section 48-266, Arizona Revised Statutes, is amended to read:

35 48-266. Petitions of property owners; form; verification

36 A. A petition of property owners that is submitted to comply with
37 section 48-261, subsection A, paragraph 7, ~~subdivisions (b) and (c) or~~
38 ~~section 48-262, subsection A, paragraph 8~~ shall contain a heading that
39 clearly identifies the type of petition circulated and a statement that
40 clearly describes the type of action being proposed. ~~The petition shall be~~
41 ~~in a form similar to the form required by sections 19-101, 19-112 and 19-121~~
42 ~~except that the petition shall not refer to a circulator and it shall not~~
43 ~~require an affidavit of circulator.~~ THE PETITION SHALL BE IN A FORM THAT IS
44 SUBSTANTIALLY SIMILAR TO THE FOLLOWING:

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SPECIAL TAXING DISTRICT CREATION PETITION
TO THE BOARD OF SUPERVISORS OF (INSERT NAME) COUNTY:
WE THE UNDERSIGNED, QUALIFIED PROPERTY OWNERS OF (INSERT
NAME OF COUNTY), STATE OF ARIZONA AND OWNING PROPERTY WITHIN THE
BOUNDARIES AS ILLUSTRATED AND DEFINED ON THE ATTACHED
EXHIBIT(S), LEGAL DESCRIPTION AND MAP OF THE PROPOSED
BOUNDARIES, PETITION THE COUNTY BOARD OF SUPERVISORS TO CREATE A
(INSERT DESCRIPTION OF DISTRICT) AS DESCRIBED IN THE ATTACHED
EXHIBIT(S). I HAVE PERSONALLY SIGNED THIS PETITION WITH MY
FIRST AND LAST NAMES. I HAVE NOT SIGNED ANY OTHER PETITION FOR
THE SAME MEASURE. I AM A PROPERTY OWNER OF THE STATE OF ARIZONA,
COUNTY OF _____.

NOTICE: THIS IS ONLY A DESCRIPTION OF THE DISTRICT SOUGHT
TO BE CREATED BY THE SPONSOR OF THE MEASURE. IT MAY NOT INCLUDE
EVERY PROVISION CONTAINED IN THE MEASURE. BEFORE SIGNING, MAKE
SURE THE EXHIBITS ARE ATTACHED. YOU HAVE THE RIGHT TO READ OR
EXAMINE THE DISTRICT IMPACT STATEMENT BEFORE SIGNING.

WARNING

IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON TO KNOWINGLY DO
ANY OF THE FOLLOWING:

1. SIGN A DISTRICT CREATION PETITION WITH A NAME OTHER
THAN THE PERSON'S OWN NAME, EXCEPT IN A CIRCUMSTANCE WHERE THE
PERSON SIGNS FOR ANOTHER PERSON, IN THE PRESENCE OF AND AT THE
SPECIFIC REQUEST OF THAT PERSON, WHO IS INCAPABLE OF SIGNING
THAT PERSON'S OWN NAME BECAUSE OF PHYSICAL INFIRMITY.
2. SIGN THE PERSON'S NAME MORE THAN ONCE FOR THE SAME
MEASURE.
3. SIGN A DISTRICT CREATION PETITION IF THE PERSON IS NOT
A PROPERTY OWNER.

SIGNATURE	NAME	ACTUAL	ARIZONA	CITY OR	DATE
	(FIRST AND	ADDRESS	POST OFFICE	TOWN	
	LAST NAME	(STREET &	ADDRESS	(IF ANY)	
	PRINTED)	NO. AND IF	& ZIP		
		NO STREET	CODE		
		ADDRESS,			
		DESCRIBE			
		RESIDENCE			
		LOCATION)			

(FIFTEEN NUMBERED LINES FOR SIGNATURES)

THE VALIDITY OF SIGNATURES ON THIS SHEET MUST BE SWORN TO
BY THE CIRCULATOR BEFORE A NOTARY PUBLIC ON THE FORM APPEARING
ON THE BACK OF THE SHEET.

B. A PETITION OF PROPERTY OWNERS THAT IS SUBMITTED TO COMPLY WITH
SECTION 48-262, SUBSECTION A, PARAGRAPH 10 SHALL CONTAIN A HEADING THAT
CLEARLY IDENTIFIES THE TYPE OF PETITION CIRCULATED AND A STATEMENT THAT

1 CLEARLY DESCRIBES THE TYPE OF ACTION BEING PROPOSED. THE PETITION SHALL BE
2 IN A FORM SUBSTANTIALLY SIMILAR TO THE FOLLOWING:

3 SPECIAL TAXING DISTRICT ANNEXATION PETITION
4 TO THE GOVERNING BODY OF THE (INSERT NAME) DISTRICT:

5 WE THE UNDERSIGNED, QUALIFIED PROPERTY OWNERS OF (INSERT
6 NAME OF COUNTY), STATE OF ARIZONA AND OWNING PROPERTY WITHIN THE
7 BOUNDARIES AS ILLUSTRATED AND DEFINED ON THE ATTACHED
8 EXHIBIT(S), LEGAL DESCRIPTION AND MAP OF THE PROPOSED
9 BOUNDARIES, PETITION THE DISTRICT TO ANNEX THE TERRITORY AS
10 DESCRIBED IN THE ATTACHED EXHIBIT(S). THE AREA PETITIONING FOR
11 ANNEXATION, IF APPROVED BY THE GOVERNING BODY OF THE DISTRICT,
12 SHALL BECOME PART OF THE ANNEXING DISTRICT AND SUBJECT TO ALL
13 RELEVANT PROVISIONS OF THE ARIZONA REVISED STATUTES. I HAVE
14 PERSONALLY SIGNED THIS PETITION WITH MY FIRST AND LAST NAMES. I
15 HAVE NOT SIGNED ANY OTHER PETITION FOR THE SAME MEASURE. I AM A
16 PROPERTY OWNER OF THE STATE OF ARIZONA, COUNTY OF _____.

17 NOTICE: THIS IS ONLY A DESCRIPTION OF THE TERRITORY
18 SOUGHT TO BE ANNEXED BY THE SPONSOR OF THE MEASURE. IT MAY NOT
19 INCLUDE EVERY PROVISION CONTAINED IN THE MEASURE. BEFORE
20 SIGNING, MAKE SURE THE EXHIBITS ARE ATTACHED. YOU HAVE THE
21 RIGHT TO READ OR EXAMINE THE BOUNDARY CHANGE IMPACT STATEMENT
22 BEFORE SIGNING.

23 WARNING

24 IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON TO KNOWINGLY DO
25 ANY OF THE FOLLOWING:

26 1. SIGN A DISTRICT ANNEXATION PETITION WITH A NAME OTHER
27 THAN THE PERSON'S OWN NAME, EXCEPT IN A CIRCUMSTANCE WHERE THE
28 PERSON SIGNS FOR ANOTHER PERSON, IN THE PRESENCE OF AND AT THE
29 SPECIFIC REQUEST OF THAT PERSON, WHO IS INCAPABLE OF SIGNING
30 THAT PERSON'S OWN NAME BECAUSE OF PHYSICAL INFIRMITY.

31 2. SIGN THE PERSON'S NAME MORE THAN ONCE FOR THE SAME
32 MEASURE.

33 3. SIGN A DISTRICT ANNEXATION PETITION IF THE PERSON IS
34 NOT A PROPERTY OWNER.

35	SIGNATURE	NAME	ACTUAL	ARIZONA	CITY OR	DATE
36		(FIRST AND	ADDRESS	POST OFFICE	TOWN	
37		LAST NAME	(STREET &	ADDRESS	(IF ANY)	
38		PRINTED)	NO. AND IF	& ZIP		
39			NO STREET	CODE		
40			ADDRESS,			
41			DESCRIBE			
42			RESIDENCE			
43			LOCATION)			

44 (FIFTEEN NUMBERED LINES FOR SIGNATURES)

1 THE VALIDITY OF SIGNATURES ON THIS SHEET MUST BE SWORN TO
2 BY THE CIRCULATOR BEFORE A NOTARY PUBLIC ON THE FORM APPEARING
3 ON THE BACK OF THE SHEET.

4 C. EACH PETITION SHEET SHALL HAVE PRINTED IN CAPITAL LETTERS IN NO
5 LESS THAN TWELVE POINT BOLD-FACED TYPE IN THE UPPER RIGHT-HAND CORNER OF THE
6 FACE OF THE PETITION SHEET THE FOLLOWING:

7 " _____ PAID CIRCULATOR" " _____ VOLUNTEER"

8 D. A CIRCULATOR OF PETITIONS SHALL STATE WHETHER THE CIRCULATOR IS A
9 PAID CIRCULATOR OR VOLUNTEER BY CHECKING THE APPROPRIATE LINE ON THE PETITION
10 FORM BEFORE CIRCULATING THE PETITION FOR SIGNATURES

11 E. SIGNATURES OBTAINED ON PETITIONS IN VIOLATION OF SUBSECTION C OF
12 THIS SECTION ARE VOID AND SHALL NOT BE COUNTED IN DETERMINING THE LEGAL
13 SUFFICIENCY OF THE PETITION. THE PRESENCE OF SIGNATURES THAT ARE INVALIDATED
14 UNDER THIS SUBSECTION ON A PETITION DOES NOT INVALIDATE OTHER SIGNATURES ON
15 THE PETITION THAT WERE OBTAINED AS PRESCRIBED BY THIS SECTION.

16 F. EVERY QUALIFIED PROPERTY OWNER SIGNING A PETITION SHALL DO SO IN
17 THE PRESENCE OF THE PERSON WHO IS CIRCULATING THE PETITION AND WHO IS TO
18 EXECUTE THE AFFIDAVIT OF VERIFICATION. AT THE TIME OF SIGNING, THE PROPERTY
19 OWNER SHALL SIGN THE PROPERTY OWNER'S FIRST AND LAST NAMES IN THE SPACES
20 PROVIDED AND THE PROPERTY OWNER SO SIGNING FOR THE PERSON CIRCULATING THE
21 PETITION SHALL PRINT THE FIRST AND LAST NAMES AND WRITE, IN THE APPROPRIATE
22 SPACES FOLLOWING THE SIGNATURE, THE SIGNER'S RESIDENCE ADDRESS, GIVING STREET
23 AND NUMBER, AND IF PROPERTY OWNER HAS NO STREET ADDRESS, A DESCRIPTION OF THE
24 RESIDENCE LOCATION. THE PROPERTY OWNER SO SIGNING OR THE PERSON CIRCULATING
25 THE PETITION SHALL WRITE, IN THE APPROPRIATE SPACES FOLLOWING THE PROPERTY
26 OWNER'S ADDRESS, THE DATE ON WHICH THE PROPERTY OWNER SIGNED THE PETITION.

27 G. THE TITLE AND TEXT OF PETITIONS SHALL BE IN AT LEAST EIGHT POINT
28 TYPE.

29 H. ON THE AFFIDAVIT FORM PURSUANT TO THIS SECTION, THE PERSON BEFORE
30 WHOM THE SIGNATURES AND ADDRESSES WERE WRITTEN ON THE SIGNATURE SHEET SHALL
31 SUBSCRIBE AND SWEAR BEFORE A NOTARY PUBLIC THAT EACH OF THE NAMES ON THE
32 SHEET WAS SIGNED AND THE NAME AND ADDRESS WERE PRINTED IN THE PRESENCE OF THE
33 PROPERTY OWNER AND THE CIRCULATOR ON THE DATE INDICATED, AND THAT IN THE
34 PERSON'S BELIEF EACH SIGNER WAS A PROPERTY OWNER ELIGIBLE TO SIGN THE
35 PETITION AND THAT AT ALL TIMES DURING CIRCULATION OF THE SIGNATURE SHEET
36 COPIES OF ANY REQUIRED EXHIBITS WERE ATTACHED. ALL SIGNATURES OF PETITIONERS
37 ON A SIGNATURE SHEET SHALL BE THOSE OF QUALIFIED PROPERTY OWNERS. SIGNATURE
38 AND HANDWRITING COMPARISONS MAY BE MADE.

39 I. THE AFFIDAVIT SHALL BE IN THE FOLLOWING FORM PRINTED ON THE REVERSE
40 SIDE OF EACH SIGNATURE SHEET:

41 AFFIDAVIT OF CIRCULATOR
42 STATE OF ARIZONA)
43) SS.:
44 COUNTY OF _____)
45 (WHERE NOTARIZED)

1 I, (PRINT NAME), A PERSON WHO IS QUALIFIED TO REGISTER TO VOTE IN THE
 2 COUNTY OF _____, IN THE STATE OF ARIZONA AT ALL TIMES DURING MY CIRCULATION
 3 OF THIS PETITION SHEET, AND UNDER THE PENALTY OF A CLASS 1 MISDEMEANOR,
 4 DEPOSE AND SAY THAT EACH INDIVIDUAL SIGNED THIS SHEET OF THE FOREGOING
 5 PETITION IN MY PRESENCE ON THE DATE INDICATED, AND I BELIEVE THAT EACH
 6 SIGNER'S NAME AND RESIDENCE ADDRESS OR POST OFFICE ADDRESS ARE CORRECTLY
 7 STATED AND THAT EACH SIGNER IS A QUALIFIED PROPERTY OWNER OF THE STATE OF
 8 ARIZONA (OR IN THE CASE OF A CITY, TOWN OR COUNTY MEASURE, OF THE CITY, TOWN
 9 OR COUNTY AFFECTED BY THE MEASURE PROPOSED TO BE INITIATED OR REFERRED TO THE
 10 PEOPLE) AND THAT AT ALL TIMES DURING CIRCULATION OF THIS SIGNATURE SHEET A
 11 COPY OF THE REQUIRED EXHIBITS WAS ATTACHED TO THE SIGNATURE SHEET.

12 (SIGNATURE OF AFFIANT) _____
 13 (RESIDENCE ADDRESS, STREET
 14 AND NUMBER OF AFFIANT, OR
 15 IF NO STREET ADDRESS, A
 16 DESCRIPTION OF RESIDENCE
 17 LOCATION)

18 _____
 19 SUBSCRIBED AND SWORN TO BEFORE ME ON _____.
 20 (DATE)

21 _____
 22 NOTARY PUBLIC
 23 _____, ARIZONA.
 24 MY COMMISSION EXPIRES ON _____.
 25 (DATE)

26 J. THE EIGHT POINT TYPE REQUIRED BY SUBSECTION G OF THIS SECTION DOES
 27 NOT APPLY TO MAPS, CHARTS OR OTHER GRAPHICS.

28 ~~B.~~ K. The board of supervisors or other governing body of a political
 29 subdivision that receives a petition pursuant to this section shall submit a
 30 copy of the signature sheets to the county assessor for verification. The
 31 county assessor shall:

- 32 1. Verify that the petition contains the names of more than one-half
 33 of the property owners in the area of the proposed district.
- 34 2. Determine the total assessed valuation of the property owned by the
 35 persons whose names are signed on the petition.

36 ~~C.~~ L. The county assessor shall report the results of the
 37 verification to the board of supervisors or other governing body within ten
 38 days after receiving the copy of the signature sheets, not including
 39 Saturdays, Sundays and other legal holidays.

40 Sec. 6. Section 48-802, Arizona Revised Statutes, is amended to read:
 41 48-802. Election procedures

42 A. All elections held pursuant to this article shall conform to the
 43 requirements of this section.

44 B. Except as otherwise provided in this article, the manner of
 45 conducting and voting at an election, contesting an election, keeping poll

1 lists, canvassing votes and certifying returns shall be the same, as nearly
2 as practicable, as in elections for county officers. If the fire district is
3 administered by a board, after consultation with the officer in charge of
4 elections, a fire district may divide itself into precincts. To the extent
5 practicable, the precincts shall be equal or as nearly equal in population
6 and shall conform to the boundaries of precincts adopted by the board of
7 supervisors of the county. The fire district shall thereafter conduct its
8 elections using those precincts.

9 C. No person may vote at the election other than a qualified elector
10 of this state who has registered to vote at least twenty-nine days before the
11 election ~~at~~ AS a ~~residence~~ RESIDENT within the district boundaries ~~or~~,
12 proposed district boundaries created by the merger of fire districts OR THE
13 PROPOSED DISTRICT BOUNDARIES CREATED BY A CONSOLIDATED DISTRICT. A person
14 offering to vote at a fire district election for which no fire district
15 register has been supplied shall sign an affidavit stating ~~his~~ THE PERSON'S
16 address and the fire district in which ~~he~~ THE PERSON resides and swearing ~~he~~
17 THE PERSON is qualified to vote and has not voted at the fire district
18 election being held. A person offering to vote at a fire district election
19 for which a fire district register has been supplied shall proceed as
20 required for voting at any election at which precinct registers are used.

21 D. In elections for an elected chief and secretary-treasurer or
22 district board members:

23 1. The person or persons within the district or precinct, as
24 applicable, receiving the highest number of votes shall be declared elected.

25 2. Candidates must be, and during incumbency must remain, qualified
26 electors of the fire district, ~~or in an election to merge fire districts, the~~
27 ~~proposed fire district~~. In a fire district that is divided into precincts as
28 prescribed by subsection B of this section, candidates shall be qualified
29 electors of the precinct in which they are candidates and during incumbency
30 must remain qualified electors of that precinct.

31 3. Elections, other than special elections to fill a vacancy or
32 elections to merge or dissolve fire districts, shall be held on the first
33 Tuesday after the first Monday in November of the first even numbered year
34 following the year the district is declared organized by the board of
35 supervisors and, in the case of a fire district administered by a district
36 board, every two years thereafter on the first Tuesday after the first Monday
37 in November. Elections shall be held every four years thereafter in
38 districts administered by an elected chief.

39 4. Except for an election to reorganize a fire district, nominating
40 petitions shall be filed with the board of supervisors as prescribed by title
41 16, chapter 3. If only one person files or no person files a nominating
42 petition for an election to fill a position on the district board or the
43 position of elected fire chief or elected secretary-treasurer for which the
44 term of office is to expire, the board of supervisors may cancel the election
45 for that position and appoint the person who filed the nominating petition to

1 fill the position. If no person files a nominating petition for an election
2 to fill a district office, the board of supervisors may cancel the election
3 for those offices and those offices are deemed vacant and shall be filled as
4 otherwise provided by law. A person who is appointed pursuant to this
5 paragraph is fully vested with the powers and duties of the office as if
6 elected to that office.

7 5. The names of all nominated persons for office within the district
8 or precinct, as applicable, shall appear on the ballot without partisan
9 designation.

10 E. In an election to reorganize or dissolve a fire district, notice of
11 the appropriate order of the board of supervisors or governing body of the
12 district shall be given as prescribed by title 16. An order to hold an
13 election shall be issued not more than thirty days from the receipt of
14 petitions pursuant to section 48-815.

15 F. In an election to merge fire districts, notice of the appropriate
16 order of the board of supervisors shall be given as prescribed by title
17 16. In addition, notice of the election with an accurate map of the
18 territory proposed to be merged shall be sent by first class mail to each
19 owner of property that would be subject to taxation by the merged district at
20 least sixty days before the election. An order to hold an election shall be
21 issued not more than thirty days after the receipt of ~~petitions~~ **THE**
22 **RESOLUTION** to merge fire districts pursuant to section 48-820.

23 **G. IN AN ELECTION TO CONSOLIDATE FIRE DISTRICTS, NOTICE OF THE**
24 **APPROPRIATE ORDER OF THE BOARD OF SUPERVISORS SHALL BE GIVEN AS PRESCRIBED BY**
25 **TITLE 16. IN ADDITION, NOTICE OF THE ELECTION WITH AN ACCURATE MAP OF THE**
26 **TERRITORY PROPOSED TO BE CONSOLIDATED SHALL BE SENT BY FIRST CLASS MAIL TO**
27 **EACH OWNER OF PROPERTY THAT WOULD BE SUBJECT TO TAXATION BY THE CONSOLIDATED**
28 **DISTRICT AT LEAST SIXTY DAYS BEFORE THE ELECTION. AN ORDER TO HOLD AN**
29 **ELECTION SHALL BE ISSUED NOT MORE THAN THIRTY DAYS AFTER THE RECEIPT OF THE**
30 **RESOLUTION TO CONSOLIDATE FIRE DISTRICTS PURSUANT TO SECTION 48-822.**

31 Sec. 7. Section 48-803, Arizona Revised Statutes, as amended by Laws
32 2006, chapter 2, section 3, is amended to read:

33 **48-803. District administered by a district board**

34 A. In a district which the board of supervisors estimates has a
35 population of fewer than four thousand inhabitants, the district board may
36 consist of three or five members. In a district which the board of
37 supervisors estimates has a population of four thousand or more inhabitants,
38 the district board shall consist of five members, and for a county island
39 fire district formed pursuant to section 48-261, subsection H, the board
40 shall consist of five members. The estimate of population by the board of
41 supervisors is conclusive and shall be based on available census information,
42 school attendance statistics, election or voter registration statistics,
43 estimates provided by state agencies or the county assessor, or other
44 information as deemed appropriate by the board of supervisors. If the board
45 of supervisors determines, at any time prior to one hundred twenty days

1 before the next regular scheduled election for members of a district board,
2 that the population of a fire district administered by a district board
3 consisting of three members exceeds four thousand inhabitants, estimated as
4 provided in this section, the board of supervisors shall order an increase in
5 the number of members of the district board. IF THE BOARD OF SUPERVISORS
6 DETERMINES AT ANY TIME PRIOR TO ONE HUNDRED EIGHTY DAYS BEFORE THE NEXT
7 REGULARLY SCHEDULED ELECTION FOR MEMBERS OF A DISTRICT BOARD THAT THE
8 POPULATION OF A FIRE DISTRICT ADMINISTERED BY A DISTRICT BOARD THAT CONSISTS
9 OF FIVE MEMBERS EXCEEDS FIFTY THOUSAND INHABITANTS AS PRESCRIBED IN THIS
10 SECTION, THE BOARD OF SUPERVISORS SHALL INFORM THE DISTRICT BOARD THAT IT MAY
11 EXPAND TO SEVEN MEMBERS. ANY EXPANSION TO SEVEN MEMBERS SHALL OCCUR BY
12 MAJORITY VOTE OF THE DISTRICT BOARD. The increase is effective for the
13 election of ~~two~~ THE additional members at the next regular election of
14 members of the district board.

15 B. If a vacancy occurs on the district board other than from
16 expiration of a term, the remaining board members shall fill the vacancy by
17 appointment of an interim member. If the entire board resigns or for any
18 reason cannot fulfill its duties, the board of supervisors shall appoint an
19 administrator to administer the district with the same duties and obligations
20 of the elected board. If the board of supervisors fails to appoint an
21 administrator within thirty days, a special election shall be held to fill
22 the vacancies on the fire district board.

23 C. Members of the district board shall serve without compensation, but
24 may be reimbursed for actual expenses incurred in performing duties required
25 by law.

26 D. Except for a county island fire district formed pursuant to section
27 48-261, subsection H, the board shall appoint or hire a fire chief.

28 E. The board shall elect from its members a chairman and a clerk.

29 F. Of the members first elected to boards consisting of three members,
30 the two people receiving the first and second highest number of votes shall
31 be elected to four-year terms, and the person receiving the third highest
32 number of votes shall be elected to a two-year term. Of the members first
33 elected to boards consisting of five members, the three people receiving the
34 first, second and third highest number of votes shall be elected to four-year
35 terms, and the two people receiving the fourth and fifth highest number of
36 votes shall be elected to two-year terms. Thereafter, the term of office of
37 each board member shall be four years from the first day of the month next
38 following such member's election. OF THE MEMBERS ELECTED AS ADDITIONAL
39 MEMBERS TO A FIVE MEMBER BOARD, THE PERSON WITH THE HIGHEST NUMBER OF VOTES
40 IS ELECTED TO A FOUR-YEAR TERM AND THE PERSON WITH THE SECOND-HIGHEST NUMBER
41 OF VOTES IS ELECTED TO A TWO-YEAR TERM. IF A DISTRICT RESOLVES TO INCREASE
42 THE GOVERNING BOARD TO SEVEN MEMBERS PURSUANT TO SUBSECTION A, THE GOVERNING
43 BOARD MAY APPOINT TWO ADDITIONAL MEMBERS TO SERVE UNTIL THE NEXT GENERAL
44 ELECTION. AFTER THE GENERAL ELECTION AT WHICH THE TWO ADDITIONAL MEMBERS ARE
45 ELECTED, THE NEWLY ELECTED MEMBER WITH THE HIGHEST NUMBER OF VOTES SERVES A

1 FOUR-YEAR TERM AND THE OTHER MEMBER SERVES A TWO-YEAR TERM. THEREAFTER, THE
2 TERM OF OFFICE FOR THESE TWO NEW MEMBERS IS FOUR YEARS.

3 Sec. 8. Section 48-805, Arizona Revised Statutes, as amended by Laws
4 2006, chapter 2, section 4, is amended to read:

5 48-805. Fire district; powers and duties

6 A. A fire district, through its board or elected chief and
7 secretary-treasurer, shall:

8 1. Hold public meetings at least once each calendar month.

9 2. Prepare an annual budget containing detailed estimated expenditures
10 for each fiscal year which shall clearly show salaries payable to employees
11 of the district, including the elected or appointed chief. The budget shall
12 be posted in three public places and published in a newspaper of general
13 circulation in the district thirty days prior to a public hearing at a
14 meeting called by the board or elected chief to adopt the budget. Copies of
15 the budget shall also be available to members of the public upon written
16 request to the district. Following the public hearing, the district board or
17 elected chief and secretary-treasurer shall adopt a budget.

18 3. Determine the compensation payable to district personnel.

19 4. Require probationary employees in a paid sworn firefighter
20 position, a reserve firefighter position or a volunteer firefighter position
21 to submit a full set of fingerprints to the fire district. The fire district
22 shall submit the fingerprints to the department of public safety for the
23 purpose of obtaining a state and federal criminal records check pursuant to
24 section 41-1750 and Public Law 92-544. The department of public safety may
25 exchange this fingerprint data with the federal bureau of investigation.

26 B. A fire district, through its board or elected fire chief and
27 secretary-treasurer, may:

28 1. Employ any personnel and provide services deemed necessary for fire
29 protection, for preservation of life and for carrying out its other powers
30 and duties, including providing ambulance transportation services when
31 authorized to do so pursuant to title 36, chapter 21.1, article 2, but a
32 member of a district board shall not be an employee of the district. ~~THE~~
33 ~~MERGER OF TWO OR MORE FIRE DISTRICTS PURSUANT TO SECTION 48-820 OR THE~~
34 ~~CONSOLIDATION WITH ONE OR MORE FIRE DISTRICTS PURSUANT TO SECTION 48-822~~
35 ~~SHALL NOT EXPAND THE BOUNDARIES OF AN EXISTING CERTIFICATE OF NECESSITY~~
36 ~~UNLESS AUTHORIZED PURSUANT TO TITLE 36, CHAPTER 21.1, ARTICLE 2.~~

37 2. Construct, purchase, lease, lease-purchase or otherwise acquire the
38 following or any interest therein and, in connection with such construction
39 or other acquisition, purchase, lease, lease-purchase or grant a lien on any
40 or all of its present or future property, including:

41 (a) Apparatus, water and rescue equipment, including ambulances and
42 equipment related to any of the foregoing.

43 (b) Land, ~~and~~ buildings, ~~with~~ equipment and furnishings to house
44 equipment and personnel necessary ~~for fire protection and preservation of~~
45 ~~life~~ OR APPROPRIATE TO CARRY OUT ITS PURPOSES.

1 3. Finance the acquisition of property as provided in this section and
2 costs incurred in connection with the issuance of bonds as provided in
3 section 48-806. Bonds shall not be issued without the consent of a majority
4 of the electors of the district voting at an election held for that
5 purpose. For the purposes of an election held under this paragraph, all
6 persons who are eligible to vote in fire district elections under section
7 48-802 are eligible to vote.

8 4. ENFORCE THE FIRE CODE ADOPTED BY THE DISTRICT, IF ANY, AND assist
9 the state fire marshal in the enforcement of fire protection standards of
10 this state within the fire district including enforcement of a nationally
11 recognized fire code when expressly authorized by the state fire marshal.

12 5. After the approval of the qualified electors of the fire district
13 voting at a regular district election or at a special election called for
14 such purpose by the district board or the elected chief and
15 secretary-treasurer, as appropriate, or at any election held in the county
16 which encompasses the fire district, adopt the _____ fire code, which is
17 a nationally recognized fire code approved by the state fire marshal. The
18 words appearing upon the ballots shall be "Should _____ fire
19 district adopt the _____ fire code, which is a nationally recognized
20 fire code approved by the state fire marshal--yes", "Should _____
21 fire district adopt the _____ fire code, which is a nationally
22 recognized fire code approved by the state fire marshal--no". Such code
23 shall be enforced by the county attorney in the same manner as any other law
24 or ordinance of the county. Any inspection or enforcement costs are the
25 responsibility of the fire district involved. The district shall keep on
26 file such code which shall be open to public inspection for a period of
27 thirty days prior to any election for the purpose of adopting a fire code.
28 COPIES OF THE ORDER OF ELECTION SHALL BE POSTED IN THREE PUBLIC PLACES IN THE
29 DISTRICT NOT LESS THAN TWENTY DAYS BEFORE THE DATE OF THE ELECTION, AND IF A
30 NEWSPAPER IS PUBLISHED IN THE COUNTY HAVING A GENERAL CIRCULATION IN THE
31 DISTRICT, THE ORDER SHALL BE PUBLISHED IN THE NEWSPAPER NOT LESS THAN ONCE A
32 WEEK DURING EACH OF THE THREE CALENDAR WEEKS PRECEDING THE CALENDAR WEEK OF
33 THE ELECTION.

34 6. Amend or revise the adopted fire code, INCLUDING REPLACEMENT OF THE
35 ADOPTED FIRE CODE WITH AN ALTERNATIVE NATIONALLY RECOGNIZED FIRE CODE, with
36 the approval of the state fire marshal and after a hearing held pursuant to
37 posted and published notice as prescribed by subsection A, paragraph 2 of
38 this section. The district shall keep three copies of the adopted code,
39 amendments and revisions on file for public inspection.

40 7. Enter into an agreement procuring the services of an organized
41 private fire protection company or a fire department of a neighboring city,
42 town, district or settlement without impairing the FIRE DISTRICT'S powers
43 ~~granted to it~~.

1 8. Contract with a city or town for fire protection services for all
2 or part of the city or town area until the city or town elects to provide
3 regular fire department services to the area.

4 9. Retain a certified public accountant to perform an annual audit of
5 district books.

6 10. Retain private legal counsel.

7 11. Accept gifts, contributions, bequests and grants and comply with
8 any requirements of such gifts, contributions, bequests and grants not
9 inconsistent with this article.

10 ~~12. Enter into contracts and execute any agreements or instruments and~~
11 ~~do any other act necessary or appropriate to carry out its purposes.~~

12 13. Appropriate and expend annually such monies as are necessary
13 for the purpose of fire districts belonging to and paying dues in the Arizona
14 fire district association AND OTHER PROFESSIONAL AFFILIATIONS OR ENTITIES.

15 ~~14.~~ 13. Adopt resolutions establishing fee schedules BOTH WITHIN AND
16 OUTSIDE OF THE JURISDICTIONAL BOUNDARIES OF THE DISTRICT for providing fire
17 protection services and services for the preservation of life, including
18 emergency fire and emergency medical services, plan reviews, standby charges,
19 fire cause determination, users' fees, facilities benefit assessments or any
20 other fee schedule that may be required.

21 14. ADOPT RESOLUTIONS FOR A SCHEDULE FOR FINANCIAL REIMBURSEMENT TO
22 TAXPAYERS FOR INSTALLATION OF CERTAIN FIRE PROTECTION SYSTEMS SUCH AS
23 SPRINKLERS AND MONITORED ALARMS. ANY RESOLUTION TO OFFER REIMBURSEMENTS
24 SHALL INCLUDE ALL OF THE FOLLOWING:

25 (a) AN ANALYSIS OF SAVINGS TO THE DISTRICT BY REASON OF USE OF THE
26 FIRE PROTECTION SYSTEMS.

27 (b) THE SPECIFICATIONS OF ALL QUALIFYING SYSTEMS.

28 (c) THE REQUIREMENTS FOR CLAIMING REIMBURSEMENT. THE AMOUNT OF
29 REIMBURSEMENT OFFERED SHALL BEAR A REASONABLE RELATIONSHIP TO THE COST
30 SAVINGS THAT ACCRUE TO THE DISTRICT AS A RESULT OF THE INSTALLATION OF
31 QUALIFYING SYSTEMS.

32 (d) THE REQUIREMENT THAT THE RESOLUTION TO OFFER REIMBURSEMENTS
33 EXPIRES ONE YEAR AFTER ITS ADOPTION UNLESS SPECIFICALLY READOPTED BY THE
34 GOVERNING BOARD. A RESOLUTION TO READOPT A SCHEDULE FOR FINANCIAL
35 REIMBURSEMENT SHALL ADDITIONALLY INCLUDE A STATEMENT AS TO THE PROGRAM'S
36 EFFECTIVENESS.

37 ~~15. After the approval of the qualified electors of the fire district~~
38 ~~voting at a regular district election or at a special election called for~~
39 ~~such purpose by the board of supervisors or at any election held in the~~
40 ~~county which encompasses the fire district, change its name.~~

41 15. THE GOVERNING BOARD OF A FIRE DISTRICT, WITH THE APPROVAL OF TWO OF
42 THE THREE MEMBERS OF A THREE MEMBER BOARD, FOUR OF THE FIVE MEMBERS OF A FIVE
43 MEMBER BOARD OR FIVE OF THE SEVEN MEMBERS OF A SEVEN MEMBER BOARD, MAY CHANGE
44 THE DISTRICT'S NAME AND ON SO DOING SHALL GIVE WRITTEN NOTICE TO THE BOARD OF
45 SUPERVISORS OF THE CHANGE.

1 16. REQUIRE ALL EMPLOYEES TO SUBMIT A FULL SET OF FINGERPRINTS AS
2 PRESCRIBED BY SUBSECTION A, PARAGRAPH 4 OF THIS SECTION.

3 17. ENTER INTO CONTRACTS, CHARGE FEES FOR SERVICES IN A MANNER AND IN
4 AN AMOUNT ESTABLISHED BY THE GOVERNING BODY OF THE FIRE DISTRICT AND EXECUTE
5 ANY AGREEMENTS OR INSTRUMENTS AND DO ANY OTHER ACT NECESSARY OR APPROPRIATE
6 TO CARRY OUT ITS PURPOSES.

7 C. The chairman and clerk of the district board or their respective
8 designees or the elected chief and secretary-treasurer, as applicable, shall
9 draw warrants on the county treasurer for money required to operate the
10 district in accordance with the budget and, as so drawn, the warrants shall
11 be sufficient to authorize the county treasurer to pay from the fire district
12 fund.

13 D. The district shall not incur any debt or liability in excess of
14 taxes levied and to be collected and the money actually available and
15 unencumbered at the time in the fund, except as provided in subsection B,
16 paragraph 2 of this section and in sections 48-806 and 48-807.

17 E. For a county island fire district formed pursuant to section
18 48-261, subsection H, the following apply:

19 1. The district may be formed only in county islands that are located
20 in an area that is within the 911 service provider district in which the
21 largest city has a population of more than three hundred ninety-five thousand
22 persons but less than five hundred thousand persons and that is located
23 within the municipal planning area of a town with a population of one hundred
24 thousand or more persons as designated in the land use map of the
25 municipality's general plan. The district may only be formed if the district
26 contains all of the county islands that are prescribed in this paragraph and
27 after compliance with the petition requirements prescribed by section 48-261,
28 subsection H.

29 2. The district is authorized only to receive fire protection services
30 and emergency medical services from the adjacent city or town government or
31 some other provider of fire protection and emergency medical services. A
32 county island fire district has no authority to provide fire protection
33 services or emergency medical services by any method other than as prescribed
34 by this subsection. The city or town shall charge a reasonable rate to the
35 county island fire district to recover the costs of the service and the
36 district board may assess and levy a secondary property tax pursuant to this
37 article to pay for the costs of the service. The amount charged by the city
38 or town is limited as follows:

39 (a) For each residence or commercial building, an amount to buy into
40 service from the city or town. The amount chargeable pursuant to this
41 paragraph is limited to the portion of any new home impact fee being charged
42 by that city or town that is designated for fire protection, and that amount
43 shall be deferred and payable over a three year period.

44 (b) If additional infrastructure is reasonably necessary to provide
45 service to the county island fire district, the city or town may charge a fee

1 of up to seventy-five dollars per year for each household or other structure
2 for up to five years.

3 (c) An operation and maintenance charge that is determined by
4 calculating the annual operation and maintenance charge for the city or town
5 and dividing that amount by the sum of the number of households and
6 commercial buildings located in the city or town and the number of households
7 and commercial buildings located in the county island fire district.

8 (d) Administrative costs of up to five per cent of the annual
9 operating and maintenance costs per year but not more than twenty-five
10 dollars per household or commercial building per year.

11 3. Within ten business days after the appointment of the board of
12 directors for the district, the district shall issue a request for proposals
13 for providers of fire protection and emergency medical services for the
14 county island fire district. Notwithstanding any other law, the request for
15 proposals is deemed a lawful procurement if the district provides for
16 expedited public notice of the request for proposals, the due date and the
17 terms of the request for proposals. If there are no responsive and qualified
18 bidders on the request for proposals or if the service provider withdraws
19 from its contract, the fire protection and emergency medical services shall
20 be provided by the adjacent city or town. The request for proposals shall
21 provide that the service provider shall be paid not more than the monies
22 prescribed by this subsection and shall also provide for a maximum of thirty
23 days for the receipt of proposals from service providers. The request for
24 proposals shall include the following provisions:

25 (a) A successful bidder shall post a ten million dollar performance
26 bond, which shall be forfeited if the successful bidder does not fully
27 perform the contract or terminates the contract with less than one year's
28 notice.

29 (b) The performance standards for fire protection and emergency
30 services shall conform to those of surrounding municipalities.

31 (c) Any municipality that bids to provide services is exempt from the
32 performance bond prescribed by subdivision (a) of this paragraph.

33 (d) Nothing in the request for proposals shall preclude a private fire
34 service provider from submitting and being eligible for a bid for the
35 proposed services.

36 F. Until formation of a county island fire district is certified by
37 the county board of supervisors, a city or town fire service provider is not
38 liable for any fire protection services for any areas outside of the city's
39 or town's jurisdiction and a city or town has no legal obligation to provide
40 fire protection services to residents of the county who are not located
41 within the boundaries of the city or town.

1 G. Notwithstanding any other law, a city or town is liable if the city
2 or town is grossly negligent in providing fire or emergency medical services
3 to a county island fire district formed pursuant to this section. For
4 purposes of title 23, chapter 6, for a city or town that provides fire or
5 emergency medical services to a county island fire district pursuant to this
6 section, the providers of those services are acting within the scope of their
7 duties to the city or town while providing those services to a county island
8 fire district and the city or town shall provide workers' compensation
9 coverage to those providers.

10 H. Subsection E of this section does not apply to and a county island
11 fire district cannot be formed to include real property owned by a public
12 service corporation that is regulated by the corporation commission or real
13 property owned by a special taxing district organized pursuant to title 48,
14 chapter 17.

15 I. The county attorney may advise and represent the district when in
16 the county attorney's judgment such advice and representation are appropriate
17 and not in conflict with the county attorney's duties under section 11-532.
18 If the county attorney is unable to advise and represent the district due to
19 a conflict of interest, the district may retain private legal counsel or may
20 request the attorney general to represent it, or both.

21 Sec. 9. Section 48-806, Arizona Revised Statutes, is amended to read:

22 48-806. Bond election; issuance and sale of bonds

23 A. The district board or the elected chief and secretary-treasurer may
24 order an election by the qualified electors of the district to be held
25 pursuant to title 16, chapter 2, article 1 to determine whether bonds shall
26 be issued on behalf of the district. The order shall specify the maximum
27 principal amount of bonds to be issued, the maximum number of years bonds of
28 any issue or series may run from their date not exceeding thirty years, the
29 purpose for which the bonds are to be issued, the maximum rate of interest
30 which the bonds are to bear, the date and hours of the election and the
31 location of the polling places. Copies of the order shall be posted in three
32 public places within the district not less than twenty days prior to the date
33 of the election, and if a newspaper is published within the county having a
34 general circulation within the district, the order shall be published in the
35 newspaper not less than once a week during each of the three calendar weeks
36 preceding the calendar week of the election.

37 B. At the election the ballot shall contain the phrases "for the
38 bonds" and "against the bonds". There shall be placed a square or other
39 designated marking space in the same manner as used for candidates on
40 ballots. The voter shall indicate a vote "for the bonds" or "against the
41 bonds". No other question, word or figure need be printed on the
42 ballot. The ballot need not be any particular size, nor need sample ballots
43 be printed, posted or distributed **BUT BALLOTS SHALL COMPLY WITH STANDARDS
44 OTHERWISE PROVIDED BY LAW INCLUDING REQUIREMENTS FOR ELECTRONIC VOTING, IF
45 APPLICABLE.**

1 C. If a majority of the qualified electors of the district voting at
2 the election approves the issuance of bonds, the district board or the
3 elected chief and secretary-treasurer, as appropriate, may issue bonds in an
4 aggregate principal amount not exceeding the lesser of ~~five~~ SIX per cent of
5 the value of the taxable property in the district as shown on the last
6 property tax assessment roll before issuing the bonds or the maximum amount
7 specified in the election order.

8 D. Bonds may be in such denominations, may be in registered or bearer
9 form either as to principal or interest, or both, may mature at such times
10 not exceeding the maximum maturity specified in the election order and may be
11 subject to redemption prior to maturity, all as specified by the district
12 board or elected chief and secretary-treasurer, as appropriate, as provided
13 in subsection C. The district may engage the services of a depository to
14 administer a book entry system for the bonds. The costs and expenses of such
15 depository and any registrar or paying agent for the bonds shall be deemed to
16 be interest expenses that may also be paid from the tax levy made pursuant to
17 subsection G of this section.

18 E. Bonds shall be executed by the manual or facsimile signatures of
19 the chairman and clerk of the district board or elected chief and
20 secretary-treasurer of the district. Coupons attached to the bonds shall
21 bear the facsimile signature of the chairman of the district board or the
22 elected chief of the district, as appropriate.

23 F. The district board may sell the bonds at public or private sale or
24 through an on-line bidding process. In addition, the district board may
25 negotiate loan agreements or loan repayment agreements with the greater
26 Arizona development authority in lieu of selling bonds where authority to
27 sell bonds has been granted by the district's voters. The proceeds of sale
28 on the bonds shall be deposited in an account of the fire district fund to be
29 known as the capital fund to be applied for the purpose for which the bonds
30 were issued.

31 G. After the bonds are issued, the district board or elected chief and
32 secretary-treasurer, as appropriate, shall enter on ~~its~~ THE DISTRICT'S
33 minutes a record of the bonds sold and shall annually determine the amount of
34 the tax levy to pay the bonds and certify such amount to the board of
35 supervisors of the county. The board of supervisors shall annually cause to
36 be levied and collected a tax, at the same time and in the same manner as
37 other taxes are levied and collected upon all taxable property in the
38 district, sufficient to pay principal of and interest on the bonds as they
39 become due and payable. Monies derived from the levy of the tax when
40 collected shall be deposited in the debt service fund and shall be applied
41 only to payment of the principal of and interest on the bonds. On payment of
42 the outstanding bonded indebtedness of the district, any monies remaining in
43 the debt service fund shall be used to reduce the district's property tax
44 levy in the next fiscal year.

1 Sec. 10. Section 48-812, Arizona Revised Statutes, is amended to read:

2 48-812. Disposition of fire district assets and relief and
3 pension fund assets on annexation by or inclusion in
4 a city or town

5 A. When any area having a fire district established under this article
6 is entirely annexed to a city or town or entirely included within a newly
7 organized city or town, the fire district of the area annexed and all its
8 assets, **INCLUDING PERSONNEL**, and liabilities of whatever description shall be
9 merged and become a part of the fire department of the annexing city or town
10 upon the date the city or town elects to provide fire protection services to
11 such area.

12 B. All assets and liabilities of whatever description and all books
13 and records belonging to a ~~firemen's~~ **FIRE FIGHTERS'** relief and pension fund
14 of an area annexed or newly organized shall be transferred to and shall
15 become the property of the ~~firemen's~~ **FIRE FIGHTERS'** relief and pension fund
16 of the annexing or newly organized city or town upon the date the city or
17 town elects to provide fire protection services to such area.

18 C. Any ~~fireman,~~ **FIREFIGHTER WHO IS** employed on a full-time basis by a
19 fire district **AND** who becomes employed as a ~~fireman~~ **FIREFIGHTER** by an
20 annexing or newly organized city or town within sixty days from and after the
21 date the city or town elects to provide fire protection services to such
22 area, shall become a member of the annexing or newly organized city or town's
23 ~~firemen's~~ **FIRE FIGHTERS'** relief and pension fund, and ~~he~~ **THAT FIREFIGHTER**
24 shall be granted service credit by the annexing or newly organized city or
25 town in the same manner and in all respects as if the service had been
26 rendered as a ~~fireman~~ **FIREFIGHTER** in the employment of the annexing or newly
27 organized city or town, provided that the funds contributed by the ~~fireman~~
28 **FIREFIGHTER** to the fire district's ~~firemen's~~ **FIRE FIGHTERS'** relief and
29 pension fund are transferred to the annexing or newly organized city or
30 town's ~~firemen's~~ **FIRE FIGHTERS'** relief and pension fund, or if not so
31 transferred, provided that the ~~fireman~~ **FIREFIGHTER** pay to the annexing or
32 newly organized city or town's ~~firemen's~~ **FIRE FIGHTERS'** relief and pension
33 fund the amount withdrawn, including the interest received at time of
34 withdrawal.

35 D. All pensions being paid on the effective date of annexation or
36 organization from funds of the ~~firemen's~~ **FIRE FIGHTERS'** relief and pension
37 fund of an area annexed by a city or town or newly organized city or town
38 shall continue to be paid in accordance with ~~the provisions of~~ section 9-967
39 by the ~~firemen's~~ **FIRE FIGHTERS'** relief and pension fund of the annexing or
40 newly organized city or town.

41 Sec. 11. Repeal

42 Section 48-814, Arizona Revised Statutes, is repealed.

1 Sec. 12. Title 48, chapter 5, article 1, Arizona Revised Statutes, is
2 amended by adding a new section 48-814, to read:

3 48-814. Property located outside of fire district territory;
4 reimbursement to fire district for cost of fire and
5 emergency medical services

6 A FIRE DISTRICT MAY PROVIDE OR ASSIST IN PROVIDING EMERGENCY FIRE OR
7 EMERGENCY MEDICAL SERVICES OUTSIDE OF ITS OWN DISTRICT BOUNDARIES IF THOSE
8 SERVICES ARE OTHERWISE UNAVAILABLE AND IF THOSE SERVICES ARE PROVIDED AT THE
9 REQUEST OF ANY LAW ENFORCEMENT AGENCY, FIRE DISTRICT, FIRE DEPARTMENT OR
10 PRIVATE PERSON, AND MAY RECEIVE REIMBURSEMENT FOR THE COSTS OF PROVIDING THE
11 EMERGENCY SERVICES. A FIRE DISTRICT MAY PROVIDE AMBULANCE TRANSPORTATION
12 SERVICE OUTSIDE OF ITS OWN DISTRICT BOUNDARIES ONLY WHEN AUTHORIZED TO DO SO
13 PURSUANT TO TITLE 36, CHAPTER 21.1, ARTICLE 2. THE PERSON RECEIVING THE
14 SERVICES, OR ON WHOSE BEHALF THE SERVICES ARE PROVIDED, IS LIABLE TO THE FIRE
15 DISTRICT FOR THE COSTS AND THESE COSTS CONSTITUTE A DEBT OF THAT PERSON AND
16 MAY BE COLLECTED BY THE FIRE DISTRICT. FOR THE PURPOSES OF THIS SECTION, THE
17 COSTS OF PROVIDING EMERGENCY FIRE OR MEDICAL SERVICES ARE THOSE COSTS SET
18 FORTH IN RESOLUTIONS ADOPTED BY THE FIRE DISTRICT THAT ESTABLISH FEE
19 SCHEDULES FOR EMERGENCY RESPONSE, STANDBY CHARGES, FEES FOR FIRE CAUSE
20 DETERMINATION OR ANY OTHER FEES THAT MAY BE REQUIRED OR APPROPRIATE TO
21 PROVIDE EMERGENCY FIRE AND MEDICAL SERVICES OUTSIDE OF ITS BOUNDARIES.

22 Sec. 13. Section 48-816, Arizona Revised Statutes, is amended to read:
23 48-816. Election to reorganize district

24 A. The board of supervisors shall make an order calling an election to
25 decide whether to reorganize a fire district administered by an elected chief
26 as a district administered by a district board, pursuant to section 48-803,
27 or to reorganize a fire district administered by a district board as a
28 district administered by an elected chief, pursuant to section 48-804, when a
29 petition containing signatures of twenty-five per cent of the qualified
30 electors residing within the district and praying that the district be
31 reorganized is filed with the board except the board of supervisors shall not
32 make an order calling for a reorganization election more frequently than once
33 every two years. THE ELECTION MAY BE HELD ON ANY CONSOLIDATED ELECTION DATE
34 AS PRESCRIBED IN SECTION 16-204. THE BOARD OF SUPERVISORS SHALL GIVE NOTICE
35 OF THE ELECTION IN THE SAME MANNER PROVIDED FOR IN SECTION 48-806 FOR BOND
36 ELECTIONS.

37 B. The words appearing on the ballot shall be "reorganize as a fire
38 district administered by (insert elected chief or district board, as
39 specified)--yes", "reorganize as fire district administered by (insert
40 elected chief or district board, as specified)--no". The ballots shall also
41 allow each elector to indicate the elector's choice for elected chief and
42 secretary-treasurer or board members, as appropriate, in the event of
43 reorganization.

44 C. Within fourteen days after the election, the board of supervisors
45 shall meet and canvass the returns and if it is determined that a majority of

1 the votes cast at the election was in favor of reorganizing the fire
2 district, the board shall enter that fact on its minutes, declare the
3 district duly reorganized and announce the names of those elected to the
4 district board or as chief and secretary-treasurer.

5 D. The board of supervisors shall make an order calling an election to
6 decide whether to reorganize a fire district that has a board consisting of
7 three members as a fire district that has a board consisting of five members
8 when a petition containing the signatures of twenty-five per cent of the
9 qualified electors residing within the district and praying that the district
10 be reorganized is filed with the board except the board of supervisors shall
11 not make an order calling for a reorganization election to expand the number
12 of directors on the district board more frequently than once every two years.

13 E. The words appearing on the ballot shall be "reorganize as a fire
14 district administered by a five member board--yes", "reorganize as a fire
15 district administered by a five member board--no". The ballots shall also
16 allow each elector to indicate the elector's choices for two additional board
17 members in the event of reorganization.

18 F. Within fourteen days after the election, the board of supervisors
19 shall meet and canvass the returns, and if it is determined that a majority
20 of the votes cast at the election was in favor of reorganizing the fire
21 district as a district with a five member board, the board shall enter that
22 fact on its minutes, declare the district duly reorganized and announce the
23 names of those elected to the district board.

24 Sec. 14. Repeal

25 Section 48-820, Arizona Revised Statutes, is repealed.

26 Sec. 15. Title 48, chapter 5, article 1, Arizona Revised Statutes, is
27 amended by adding a new section 48-820 and section 48-822, to read:

28 48-820. Election to merge fire districts; notice; hearing;
29 approval; joint meeting; merged district board

30 A. THE BOARD OF SUPERVISORS SHALL MAKE AN ORDER CALLING FOR AN
31 ELECTION TO DECIDE WHETHER TO MERGE FIRE DISTRICTS WHEN A RESOLUTION FOR
32 MERGER FROM EACH DISTRICT IS SUBMITTED TO THE BOARD. THE BOARD OF
33 SUPERVISORS SHALL NOT MAKE AN ORDER CALLING FOR AN ELECTION TO MERGE FIRE
34 DISTRICTS MORE FREQUENTLY THAN ONCE EVERY TWO YEARS. WHETHER OR NOT THE
35 DISTRICTS ARE MERGED, THE FIRE DISTRICTS SHALL REIMBURSE THE COUNTIES FOR THE
36 EXPENSES OF THE ELECTION. IF THE PROPOSED DISTRICT IS LOCATED IN MORE THAN
37 ONE COUNTY, THE RESOLUTIONS SHALL BE SUBMITTED TO THE BOARD OF SUPERVISORS OF
38 THE COUNTY IN WHICH THE MAJORITY OF THE ASSESSED VALUATION OF THE PROPOSED
39 DISTRICT IS LOCATED. THE WORDS APPEARING ON THE BALLOT SHALL BE "(INSERT
40 FIRE DISTRICTS' NAMES) MERGE AS A FIRE DISTRICT -YES" AND "(INSERT FIRE
41 DISTRICTS' NAMES) MERGE AS FIRE DISTRICT -NO."

42 B. WITHIN FOURTEEN DAYS AFTER THE ELECTION, THE BOARD OF SUPERVISORS
43 SHALL MEET AND CANVASS THE RETURNS, AND IF IT IS DETERMINED THAT A MAJORITY
44 OF THE VOTES CAST AT THE ELECTION IN EACH OF THE AFFECTED DISTRICTS IS IN

1 FAVOR OF MERGING THE FIRE DISTRICTS, THE BOARD SHALL ENTER THAT FACT ON ITS
2 MINUTES.

3 C. TWO OR MORE FIRE DISTRICTS MAY MERGE IF THE GOVERNING BODY OF EACH
4 AFFECTED FIRE DISTRICT, BY A THREE-FOURTHS VOTE OF THE MEMBERS OF EACH
5 GOVERNING BODY, ADOPTS A RESOLUTION DECLARING THAT A MERGER BE CONSIDERED AND
6 A PUBLIC HEARING BE HELD TO DETERMINE IF A MERGER WOULD BE IN THE BEST
7 INTERESTS OF THE DISTRICT AND WOULD PROMOTE PUBLIC HEALTH, COMFORT,
8 CONVENIENCE, NECESSITY OR WELFARE. AFTER EACH DISTRICT ADOPTS SUCH A
9 RESOLUTION, THE GOVERNING BODY BY FIRST CLASS MAIL SHALL SEND WRITTEN NOTICE
10 OF THE RESOLUTION, ITS PURPOSE AND NOTICE OF THE DAY, HOUR AND PLACE OF A
11 HEARING ON THE PROPOSED MERGER TO EACH OWNER OF TAXABLE PROPERTY WITHIN THE
12 BOUNDARIES OF THE DISTRICT. THE NOTICE SHALL CONTAIN THE NAME AND
13 DESCRIPTION OF THE BOUNDARIES OF EACH DISTRICT PROPOSED TO BE MERGED AND A
14 DETAILED, ACCURATE MAP OF THE AREA TO BE INCLUDED IN THE MERGER. NO NEW
15 TERRITORY MAY BE INCLUDED AS A RESULT OF THE MERGER.

16 D. THE CLERK OF THE GOVERNING BODY SHALL POST NOTICE IN AT LEAST THREE
17 CONSPICUOUS PUBLIC PLACES IN THE DISTRICT AND SHALL ALSO PUBLISH NOTICE TWICE
18 IN A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE
19 DISTRICT IS LOCATED, AT LEAST TEN DAYS BEFORE THE PUBLIC HEARING. THE CLERK
20 OF EACH GOVERNING BODY AFFECTED BY THE PROPOSED MERGER SHALL ALSO MAIL NOTICE
21 AND A COPY OF THE RESOLUTION IN SUPPORT OF THE MERGER TO THE CHAIRMAN OF THE
22 BOARD OF SUPERVISORS OF THE COUNTY OR COUNTIES IN WHICH THE AFFECTED
23 DISTRICTS ARE LOCATED. THE CHAIRMAN OF THE BOARD OF SUPERVISORS SHALL ORDER
24 A REVIEW OF THE PROPOSED MERGER AND SHALL SUBMIT WRITTEN COMMENTS TO THE
25 GOVERNING BODY OF EACH FIRE DISTRICT LOCATED IN THAT COUNTY WITHIN TEN DAYS
26 AFTER RECEIPT OF THE NOTICE.

27 E. AT THE HEARING, THE GOVERNING BODY OF THE DISTRICT SHALL CONSIDER
28 THE COMMENTS OF THE BOARD OF SUPERVISORS, HEAR THOSE PERSONS WHO APPEAR FOR
29 OR AGAINST THE PROPOSED MERGER AND DETERMINE WHETHER THE PROPOSED MERGER WILL
30 PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE, NECESSITY OR WELFARE. IF, AFTER
31 THE PUBLIC HEARING EACH OF THE GOVERNING BODIES OF THE DISTRICTS AFFECTED BY
32 THE PROPOSED MERGER ADOPT A RESOLUTION BY A THREE-FOURTHS VOTE THAT THE
33 MERGER WILL PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE, NECESSITY OR
34 WELFARE, EACH OF THE GOVERNING BODIES OF THE DISTRICTS AFFECTED BY THE
35 PROPOSED MERGER SHALL SUBMIT THE RESOLUTIONS TO THE BOARD OF SUPERVISORS.

36 F. BEFORE CONSIDERING ANY RESOLUTION OF MERGER PURSUANT TO THIS
37 SECTION, A GOVERNING BODY SHALL OBTAIN WRITTEN CONSENT TO THE MERGER FROM ANY
38 SINGLE TAXPAYER WHO OWNS THIRTY PER CENT OR MORE OF THE NET ASSESSED
39 VALUATION OF THE TOTAL NET ASSESSED VALUATION OF THE DISTRICT.

40 G. IF THE PROPOSAL FOR MERGER IS APPROVED AS PROVIDED BY SUBSECTION B,
41 THE GOVERNING BODY OF THE AFFECTED DISTRICT WITH THE LARGEST POPULATION SHALL
42 WITHIN THIRTY DAYS CALL A JOINT MEETING OF THE GOVERNING BODIES OF ALL OF THE
43 AFFECTED DISTRICTS. AT THE JOINT MEETING, A MAJORITY OF THE MEMBERS OF THE
44 GOVERNING BODY OF EACH AFFECTED DISTRICT CONSTITUTES A QUORUM FOR THE PURPOSE
45 OF TRANSACTING BUSINESS. THE MEMBERS OF THE GOVERNING BODY SHALL APPOINT A

1 TOTAL OF FIVE PERSONS FROM THOSE CURRENTLY SERVING ON THE GOVERNING BODIES
2 WHO SHALL COMPLETE THEIR REGULAR TERMS OF OFFICE, EXCEPT THAT NO MORE THAN
3 THREE OF THE PERSONS APPOINTED MAY SERVE TERMS THAT END IN THE SAME YEAR. NO
4 MORE THAN THREE MEMBERS SHALL BE APPOINTED FROM THE SAME FIRE DISTRICT BOARD.
5 SUBSEQUENT TERMS OF OFFICE FOR DISTRICT BOARD MEMBERS SHALL BE FILLED BY
6 ELECTION OF BOARD MEMBERS WHO SHALL BE QUALIFIED ELECTORS OF THE MERGED
7 DISTRICT.

8 H. THE APPOINTED GOVERNING BODY SHALL IMMEDIATELY MEET AND ORGANIZE
9 ITSELF AND ELECT FROM ITS MEMBERS A CHAIRMAN AND A CLERK. THE APPOINTED
10 BOARD BY RESOLUTION SHALL DECLARE THE DISTRICTS MERGED AND EACH AFFECTED
11 DISTRICT JOINED. THE GOVERNING BOARD BY RESOLUTION SHALL DECLARE THE NAME OF
12 THE NEWLY MERGED FIRE DISTRICT. THE RESOLUTION AND THE NAMES OF THE NEW
13 BOARD MEMBERS FOR THE NEWLY ORGANIZED DISTRICT SHALL BE SENT TO THE BOARD OF
14 SUPERVISORS, AND THE MERGER SHALL BE DEEMED COMPLETED THIRTY DAYS AFTER THE
15 ADOPTION OF THE RESOLUTION.

16 48-822. Election to consolidate fire districts; resolution;
17 impact statement; hearing

18 A. THE BOARD OF SUPERVISORS SHALL MAKE AN ORDER CALLING FOR AN
19 ELECTION TO DECIDE WHETHER TO CONSOLIDATE FIRE DISTRICTS WHEN A RESOLUTION
20 FOR CONSOLIDATION OF FIRE DISTRICTS FROM THE REQUESTING DISTRICT IS SUBMITTED
21 TO THE BOARD. THE BOARD OF SUPERVISORS SHALL NOT MAKE AN ORDER CALLING FOR
22 AN ELECTION TO CONSOLIDATE FIRE DISTRICTS MORE FREQUENTLY THAN ONCE EVERY TWO
23 YEARS. WHETHER OR NOT THE DISTRICTS ARE CONSOLIDATED, THE FIRE DISTRICTS
24 SHALL REIMBURSE THE COUNTIES FOR THE EXPENSES OF THE ELECTION. IF THE
25 PROPOSED DISTRICT IS LOCATED IN MORE THAN ONE COUNTY, THE RESOLUTIONS SHALL
26 BE SUBMITTED TO THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE MAJORITY
27 OF THE ASSESSED VALUATION OF THE PROPOSED DISTRICT IS LOCATED. THE WORDS
28 APPEARING ON THE BALLOT SHALL BE "(INSERT FIRE DISTRICTS' NAMES) CONSOLIDATE
29 AS A FIRE DISTRICT -YES" AND "(INSERT FIRE DISTRICTS' NAMES) CONSOLIDATE AS
30 FIRE DISTRICT -NO."

31 B. WITHIN FOURTEEN DAYS AFTER THE ELECTION, THE BOARD OF SUPERVISORS
32 SHALL MEET AND CANVASS THE RETURNS, AND IF IT IS DETERMINED THAT A MAJORITY
33 OF THE VOTES CAST AT THE ELECTION IN EACH OF THE AFFECTED DISTRICTS IS IN
34 FAVOR OF CONSOLIDATING THE FIRE DISTRICTS, THE BOARD SHALL ENTER THAT FACT ON
35 ITS MINUTES.

36 C. A FIRE DISTRICT MAY CONSOLIDATE WITH ONE OR MORE OTHER FIRE
37 DISTRICTS FORMED PURSUANT TO SECTION 48-261 AS FOLLOWS:

38 1. A RESOLUTION REQUESTING THE CONSOLIDATION OF ONE FIRE DISTRICT IS
39 PASSED BY A MAJORITY VOTE OF THE GOVERNING BODY REQUESTING CONSOLIDATION INTO
40 ANOTHER FIRE DISTRICT. THE REQUESTING DISTRICT SHALL SEND BY FIRST CLASS
41 MAIL THE NOTICE OF REQUEST TO CONSOLIDATE DISTRICTS TO THE FIRE DISTRICT IN
42 WHICH THE CONSOLIDATION IS REQUESTED.

43 2. ON RECEIPT OF THE RESOLUTION REQUESTING CONSOLIDATION, AND ON
44 APPROVAL BY MAJORITY VOTE OF THE GOVERNING BODY RECEIVING THE REQUEST, THE

1 FIRE DISTRICTS BY MUTUAL AGREEMENT SHALL PREPARE A CONSOLIDATION IMPACT
2 STATEMENT THAT INCLUDES THE FOLLOWING:

3 (a) A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED CONSOLIDATED
4 DISTRICT AND A DETAILED, ACCURATE MAP OF THE AREA TO BE INCLUDED IN THE
5 CONSOLIDATED DISTRICT. NO NEW TERRITORY MAY BE INCLUDED AS A RESULT OF A
6 DISTRICT CONSOLIDATION.

7 (b) AN ESTIMATE OF THE ASSESSED VALUATION IN THE PROPOSED CONSOLIDATED
8 DISTRICT.

9 (c) AN ESTIMATE OF THE CHANGE IN THE PROPERTY TAX LIABILITY OF A
10 TYPICAL RESIDENT OF THE PROPOSED CONSOLIDATED DISTRICT AS A RESULT OF THE
11 PROPOSED CONSOLIDATED DISTRICT.

12 (d) A LIST AND EXPLANATION OF BENEFITS THAT WILL RESULT FROM THE
13 PROPOSED CONSOLIDATED DISTRICT.

14 (e) A LIST AND EXPLANATION OF THE INJURIES THAT WILL RESULT FROM THE
15 PROPOSED CONSOLIDATED DISTRICT.

16 3. ON COMPLETION OF THE CONSOLIDATION IMPACT STATEMENT, THE GOVERNING
17 BODY OF EACH FIRE DISTRICT SHALL SET A DAY FOR A HEARING ON THE IMPACT
18 STATEMENT THAT IS NOT FEWER THAN SIXTY NOR MORE THAN NINETY DAYS AFTER THE
19 DATE OF THE COMPLETION AND APPROVAL OF THE CONSOLIDATION IMPACT STATEMENT.
20 THE DISTRICT GOVERNING BODIES MAY AT ANY TIME BEFORE MAKING A DETERMINATION
21 PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION REQUIRE THAT THE IMPACT STATEMENT
22 BE AMENDED TO INCLUDE ANY INFORMATION THAT THE BOARD DEEMS TO BE RELEVANT AND
23 NECESSARY.

24 4. ON SETTING THE DATE FOR HEARING ON THE CONSOLIDATED DISTRICT IMPACT
25 STATEMENT, THE CLERK OF EACH GOVERNING BODY SHALL SEND BY FIRST CLASS MAIL
26 WRITTEN NOTICE OF THE STATEMENT, ITS PURPOSE AND NOTICE OF THE DAY, HOUR AND
27 PLACE OF THE HEARING ON THE PROPOSED CONSOLIDATED DISTRICT TO EACH OWNER OF
28 TAXABLE PROPERTY WITHIN THE BOUNDARIES OF THE RESPECTIVE FIRE DISTRICTS. THE
29 CLERK OF EACH GOVERNING BODY SHALL POST THE NOTICE IN AT LEAST THREE
30 CONSPICUOUS PUBLIC PLACES IN THE RESPECTIVE DISTRICTS AND SHALL PUBLISH
31 NOTICE TWICE IN A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE AREA OF THE
32 PROPOSED CONSOLIDATED DISTRICT, AT LEAST TEN DAYS BEFORE THE HEARING.

33 5. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 3 OF THIS SUBSECTION,
34 THE GOVERNING BODY SHALL HEAR THOSE PERSONS WHO APPEAR FOR AND AGAINST THE
35 PROPOSED CONSOLIDATED DISTRICT AND SHALL DETERMINE WHETHER THE CREATION OF
36 THE DISTRICT WILL PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE, NECESSITY OR
37 WELFARE. IF THE GOVERNING BODY OF EACH DISTRICT DETERMINES THAT THE PUBLIC
38 HEALTH, COMFORT, CONVENIENCE, NECESSITY OR WELFARE WILL BE PROMOTED, IT SHALL
39 APPROVE THE CONSOLIDATED DISTRICT IMPACT STATEMENT.

40 6. WITHIN FIFTEEN DAYS AFTER THE APPROVAL OF THE BOARD AS PRESCRIBED
41 BY PARAGRAPH 5 OF THIS SUBSECTION, THE CLERK OF THE BOARD OF THE DISTRICT
42 REQUESTING CONSOLIDATION SHALL SEND BY FIRST CLASS MAIL NOTICE OF THE
43 APPROVAL TO THE FIRE DISTRICT IN WHICH THE CONSOLIDATION IS REQUESTED.

44 7. AFTER RECEIVING THE APPROVAL OF THE REQUESTING GOVERNING BODY TO
45 CONSOLIDATE DISTRICTS AS PROVIDED IN PARAGRAPH 6 OF THIS SUBSECTION, THE

1 GOVERNING BODY OF THE DISTRICT INTO WHICH CONSOLIDATION WAS REQUESTED SHALL
2 SET A DAY FOR A HEARING ON THE CONSOLIDATION OF THE DISTRICTS. THE HEARING
3 SHALL BE HELD NOT FEWER THAN THIRTY NOR MORE THAN SIXTY DAYS AFTER THE DATE
4 OF THE APPROVAL BY THE REQUESTING GOVERNING BODY.

5 8. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 7 OF THIS SUBSECTION,
6 THE GOVERNING BODY SHALL DETERMINE IF THE CREATION OF THE CONSOLIDATED
7 DISTRICT WILL PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE, NECESSITY OR
8 WELFARE. IF THE GOVERNING BODY OF THE DISTRICT DETERMINES THAT THE PUBLIC
9 HEALTH, COMFORT, CONVENIENCE, NECESSITY OR WELFARE WILL BE PROMOTED, IT SHALL
10 BY RESOLUTION DECLARE THE DISTRICTS CONSOLIDATED AND EACH AFFECTED DISTRICT
11 JOINED.

12 9. THE GOVERNING BODY SHALL SUBMIT THE RESOLUTION OF CONSOLIDATION TO
13 THE BOARD OF SUPERVISORS.

14 10. THOSE PERSONS CURRENTLY SERVING AS THE GOVERNING BODY OF THE
15 DISTRICT INTO WHICH CONSOLIDATION WAS REQUESTED SHALL SERVE AS THE GOVERNING
16 BODY OF THE NEWLY CONSOLIDATED DISTRICT AND COMPLETE THEIR REGULAR TERMS OF
17 OFFICE. THE NEWLY CONSOLIDATED DISTRICT GOVERNING BODY SHALL CONSIST OF AT
18 LEAST FIVE MEMBERS.

19 11. IF THE CONSOLIDATION RESULTS IN A NEW DISTRICT POPULATION THAT IS
20 GREATER THAN FIFTY THOUSAND PERSONS, THE NEW GOVERNING BOARD MAY APPOINT AN
21 ADDITIONAL TWO MEMBERS TO SERVE UNTIL THE NEXT GENERAL ELECTION AT WHICH TIME
22 THE NEWLY ELECTED MEMBER WITH THE HIGHEST NUMBER OF VOTES SERVES A FOUR YEAR
23 TERM AND THE OTHER MEMBER SERVES A TWO YEAR TERM. THEREAFTER, THE TERM OF
24 OFFICE FOR THESE TWO NEW MEMBERS IS FOUR YEARS.

25 12. THE GOVERNING BODY BY RESOLUTION SHALL DECLARE THE NAME OF THE
26 NEWLY CONSOLIDATED FIRE DISTRICT.

27 13. IF A NEWLY CONSOLIDATED FIRE DISTRICT HAS A COMBINED POPULATION
28 THAT EXCEEDS FIFTY THOUSAND PERSONS, THE GOVERNING BODY OF THE NEWLY
29 CONSOLIDATED FIRE DISTRICT MAY BY RESOLUTION DECLARE THE NAME OF THE NEWLY
30 CONSOLIDATED FIRE DISTRICT TO INCLUDE WITHIN THE NAME THE TITLE OF FIRE
31 AUTHORITY.

32 14. IF A PROPOSED CONSOLIDATED DISTRICT WOULD INCLUDE PROPERTY LOCATED
33 IN AN INCORPORATED CITY OR TOWN, IN ADDITION TO THE OTHER REQUIREMENTS OF
34 THIS SECTION, THE GOVERNING BODY OF THE DISTRICT SHALL APPROVE THE CREATION
35 OF THE CONSOLIDATED DISTRICT ONLY IF THE GOVERNING BODY OF THE CITY OR TOWN
36 ENDORSES THE CREATION BY ORDINANCE OR RESOLUTION.

37 15. BEFORE CONSIDERING ANY RESOLUTION OF CONSOLIDATION PURSUANT TO THIS
38 SECTION, A GOVERNING BODY SHALL OBTAIN WRITTEN CONSENT TO THE CONSOLIDATION
39 FROM ANY SINGLE TAXPAYER WHO OWNS THIRTY PER CENT OR MORE OF THE NET ASSESSED
40 VALUATION OF THE TOTAL NET ASSESSED VALUATION OF THE DISTRICT.

1 Sec. 16. Section 48-2227, Arizona Revised Statutes, is amended to
2 read:

3 48-2227. Incorporated area in the district; withdrawal

4 A. The district may be established or the boundaries changed pursuant
5 to section 48-262 to include incorporated cities or towns as well as
6 unincorporated areas.

7 B. Notwithstanding section 48-262, the governing body of an
8 incorporated city or town that desires to withdraw from the district shall
9 notify the board of directors and publish a notice once each week for three
10 consecutive weeks in a newspaper of general circulation in the district. The
11 municipal governing body shall hold at least one hearing on the issue of
12 withdrawing from the district and shall receive all written and oral comments
13 presented at the hearing. The municipal governing body shall vote on the
14 issue at the conclusion of the hearing, and if the vote is to withdraw from
15 the district, the withdrawal is effective ninety days after the hearing.

16 C. On withdrawal, property located in the city or town is subject to
17 ~~the provisions of~~ section 48-262, subsection ~~E~~ F and the incorporated area
18 of the city or town is not entitled to health service district services.