

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SENATE BILL 1292

AN ACT

AMENDING SECTION 48-805, ARIZONA REVISED STATUTES; RELATING TO FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-805, Arizona Revised Statutes, is amended to
3 read:

4 48-805. Fire district; powers and duties

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

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

8 2. Prepare an annual budget that contains detailed estimated
9 expenditures for each fiscal year and that clearly shows salaries payable to
10 employees of the district, including the appointed chief. For a fire
11 district governed by an elected chief and elected secretary-treasurer, ~~and~~
12 ~~beginning on July 29, 2010,~~ the amount of any salary for the chief and the
13 secretary-treasurer shall remain unchanged for the remainder of the term of
14 office. The budget shall be posted in three public places and published in a
15 newspaper of general circulation in the district twenty days before a public
16 hearing at a meeting called by the board or elected chief to adopt the budget
17 and if the fire district maintains a publicly viewable website, the budget
18 shall be posted for the public on the website at least twenty days before the
19 public hearing. Copies of the budget shall also be available to members of
20 the public on written request to the district. Following the public hearing,
21 the district board or elected chief and secretary-treasurer shall adopt a
22 budget.

23 3. Determine the compensation payable to district personnel.

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

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

33 1. Employ any personnel and provide services deemed necessary for fire
34 protection, for preservation of life and for carrying out its other powers
35 and duties, including providing ambulance transportation services when
36 authorized to do so pursuant to title 36, chapter 21.1, article 2, but a
37 member of a district board shall not be an employee of the district. The
38 merger of two or more fire districts pursuant to section 48-820 or the
39 consolidation with one or more fire districts pursuant to section 48-822
40 shall not expand the boundaries of an existing certificate of necessity
41 unless authorized pursuant to title 36, chapter 21.1, article 2.

42 2. Construct, purchase, lease, lease-purchase or otherwise acquire the
43 following or any interest therein and, in connection with ~~such~~ **THE**
44 construction or other acquisition, purchase, lease, lease-purchase or grant a
45 lien on any or all of its present or future property, including:

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

3 (b) Land, buildings, equipment and furnishings to house equipment and
4 personnel necessary or appropriate to carry out its purposes.

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

12 4. Enforce the fire code adopted by the district, if any, and assist
13 the state fire marshal in the enforcement of fire protection standards of
14 this state within the fire district including enforcement of a nationally
15 recognized fire code ~~when~~ IF expressly authorized by the state fire marshal.

16 5. After the approval of the qualified electors of the fire district
17 voting at a regular district election or at a special election called for
18 such purpose by the district board or the elected chief and
19 secretary-treasurer, as appropriate, or at any election held in the county
20 ~~which~~ THAT encompasses the fire district, adopt the _____ fire code,
21 which is a nationally recognized fire code approved by the state fire
22 marshal. The words appearing on the ballots shall be "should _____
23 fire district adopt the _____ fire code, which is a nationally
24 recognized fire code approved by the state fire marshal--yes", "should
25 _____ fire district adopt the _____ fire code, which is a
26 nationally recognized fire code approved by the state fire
27 marshal--no". ~~Such~~ THE code shall be enforced by the county attorney in the
28 same manner as any other law or ordinance of the county. Any inspection or
29 enforcement costs are the responsibility of the fire district involved. The
30 district shall keep THE CODE on file ~~such code~~ which shall be open to public
31 inspection for a period of thirty days ~~prior to~~ BEFORE any election for the
32 purpose of adopting a fire code. Copies of the order of election shall be
33 posted in three public places in the district ~~not less than~~ AT LEAST twenty
34 days before the date of the election, and if a newspaper is published in the
35 county having a general circulation in the district, the order shall be
36 published in the newspaper ~~not less than~~ AT LEAST once a week during each of
37 the three calendar weeks preceding the calendar week of the election.

38 6. Amend or revise the adopted fire code, including replacement of the
39 adopted fire code with an alternative nationally recognized fire code, with
40 the approval of the state fire marshal and after a hearing held pursuant to
41 posted and published notice as prescribed by subsection A, paragraph 2 of
42 this section. The district shall keep three copies of the adopted code,
43 amendments and revisions on file for public inspection.

1 7. Enter into an agreement procuring the services of an organized
2 private fire protection company or a fire department of a neighboring city,
3 town, district or settlement without impairing the fire district's powers.

4 8. Contract with a city or town for fire protection services for all
5 or part of the city or town area until the city or town elects to provide
6 regular fire department services to the area.

7 9. Retain a certified public accountant to perform an annual audit of
8 district books.

9 10. Retain private legal counsel.

10 11. Accept gifts, contributions, bequests and grants and comply with
11 any requirements of ~~such~~ THOSE gifts, contributions, bequests and grants THAT
12 ARE not inconsistent with this article.

13 12. Appropriate and expend annually ~~such~~ monies as are necessary for
14 the purpose of fire districts belonging to and paying dues in the Arizona
15 fire district association and other professional affiliations or entities.

16 13. Adopt resolutions establishing fee schedules both within and
17 outside of the jurisdictional boundaries of the district for providing fire
18 protection services and services for the preservation of life, including
19 emergency fire and emergency medical services, plan reviews, standby charges,
20 fire cause determination, users' fees, ~~OR~~ facilities benefit assessments or
21 any other fee schedule that may be required.

22 14. Adopt resolutions for a schedule for financial reimbursement to
23 taxpayers for installation of certain fire protection systems such as
24 sprinklers and monitored alarms. Any resolution to offer reimbursements
25 shall include all of the following:

26 (a) A nationally recognized analysis of the cost savings to the
27 district by using the fire protection systems.

28 (b) The specifications of all qualifying systems.

29 (c) The requirements for claiming reimbursement. The amount of
30 reimbursement offered shall bear a reasonable relationship to the cost
31 savings that accrue to the district as a result of the installation of
32 qualifying systems.

33 (d) The requirement that the resolution to offer reimbursements
34 expires one year after its adoption unless specifically readopted by the
35 governing board. A resolution to readopt a schedule for financial
36 reimbursement shall additionally include a statement as to the program's
37 effectiveness. The statement shall include the amount of reimbursements paid
38 to each taxpayer for the installation of the fire protection system.

39 15. With the approval of two of the three members of a three member
40 board, four of the five members of a five member board or five of the seven
41 members of a seven member board, change the district's name and on so doing
42 shall give written notice to the board of supervisors of the change. The
43 governing board of a fire district may place a question on the general
44 election ballot as to whether the fire district shall change its name.

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 intergovernmental agreements or contracts as follows:

4 (a) Enter into an intergovernmental agreement with another political
5 subdivision for technical or administrative services or to provide fire
6 services to the property owned by the political subdivision, including
7 property that is outside the district boundary.

8 (b) Enter into a contract with individuals to provide technical or
9 administrative services.

10 (c) Enter into a contract with individuals to provide fire protection
11 services or emergency medical services, or both, to the extent not regulated
12 by title 36, chapter 21.1 to property owned by the individual located outside
13 the district boundaries if the individual's property is not located in a
14 county island as defined in section 11-251.12 and at least one of the
15 following apply:

16 (i) The existing fire service provider where the individual's property
17 is located has issued a notice to the individual that the provider plans to
18 discontinue service.

19 (ii) Fire service is not available to the individual's property.

20 (iii) Fire service is offered pursuant to a contract or subscription
21 and the individual has not obtained service for a period of twenty-four
22 months before the date of the contract with the district.

23 (d) Enter into a contract with individuals to provide fire services to
24 property owned by the individual located outside the district boundaries,
25 where the individual's property is located in a county island as defined in
26 section 11-251.12, if both of the following apply:

27 (i) The existing fire service provider where the individual's property
28 is located has issued a notice to the residents of the county island and the
29 individual that the provider plans to discontinue or substantially reduce
30 service.

31 (ii) The district offers contracts to all residents and property
32 owners of the county island who will be affected by the discontinuance or
33 substantial reduction in service by the current fire service provider.

34 (e) For the purposes of subdivision (a), (b), (c) or (d) of this
35 paragraph, a district may contract with any public or private fire service
36 provider to provide some or all of the contractual services the district is
37 contracting to deliver.

38 (f) Any contract entered into pursuant to subdivisions (b), (c) and
39 (d) of this paragraph shall include a provision setting forth the cost of
40 service and performance criteria.

41 C. The chairman and clerk of the district board or their respective
42 designees or the elected chief and secretary-treasurer, as applicable, shall
43 draw warrants on the county treasurer for money required to operate the
44 district in accordance with the budget and, as so drawn, the warrants shall

1 be sufficient to authorize the county treasurer to pay from the fire district
2 fund.

3 D. FOR ANY FIRE DISTRICT THAT DESIGNATES ONE OR MORE BOARD MEMBERS TO
4 HAVE ACCESS TO THE FINANCIAL BOOKS AND RECORDS OF THE DISTRICT, THOSE BOARD
5 MEMBERS ARE AUTHORIZED BY LAW TO HAVE FULL ACCESS TO THOSE FINANCIAL BOOKS
6 AND RECORDS.

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

11 ~~E.~~ F. The district board may assess and levy a secondary property tax
12 pursuant to this article to pay for the costs of fire protection services or
13 emergency medical services except for services regulated pursuant to title
14 36, chapter 21.1.

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