

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SENATE BILL 1459

AN ACT

AMENDING SECTIONS 48-802 AND 48-803, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-805.03; 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 48-802, Arizona Revised Statutes, is amended to
3 read:

4 48-802. Election procedures; qualifications

5 A. All elections held pursuant to this article shall conform to the
6 requirements of this section.

7 B. Except as otherwise provided in this article, the manner of
8 conducting and voting at an election, contesting an election, keeping poll
9 lists, canvassing votes and certifying returns shall be the same, as nearly
10 as practicable, as in elections for county officers. If the fire district is
11 administered by a board, after consultation with the officer in charge of
12 elections, a fire district may divide itself into precincts. To the extent
13 practicable, the precincts shall be equal or as nearly equal in population
14 and shall conform to the boundaries of precincts adopted by the board of
15 supervisors of the county. The fire district shall thereafter conduct its
16 elections using those precincts.

17 C. No person may vote at the election other than a qualified elector
18 of this state who has registered to vote at least twenty-nine days before the
19 election as a resident within the district boundaries, proposed district
20 boundaries created by the merger of fire districts or the proposed district
21 boundaries created by a consolidated district. A person offering to vote at
22 a fire district election for which no fire district register has been
23 supplied shall sign an affidavit stating the person's address and the fire
24 district in which the person resides and swearing the person is qualified to
25 vote and has not voted at the fire district election being held. A person
26 offering to vote at a fire district election for which a fire district
27 register has been supplied shall proceed as required for voting at any
28 election at which precinct registers are used.

29 D. In elections for ~~an elected chief and secretary treasurer or~~
30 district board members:

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

33 2. Candidates must be, and during incumbency must remain, qualified
34 electors of the fire district **AND, EXCEPT FOR A DISTRICT FORMED PURSUANT TO**
35 **ARTICLE 3 OF THIS CHAPTER, MUST BE A RESIDENT OF THE DISTRICT FOR AT LEAST**
36 **ONE YEAR IMMEDIATELY PRECEDING THE DATE OF THE ELECTION.** In a fire district
37 that is divided into precincts as prescribed by subsection B of this section,
38 candidates shall be qualified electors of the precinct in which they are
39 candidates and during incumbency must remain qualified electors of that
40 precinct. **EXCEPT FOR A DISTRICT FORMED PURSUANT TO ARTICLE 3 OF THIS**
41 **CHAPTER, A PERSON IS NOT ELIGIBLE TO BE A CANDIDATE FOR ELECTION TO THE FIRE**
42 **DISTRICT BOARD IF THAT PERSON IS RELATED BY AFFINITY OR CONSANGUINITY WITHIN**
43 **THE THIRD DEGREE TO A PERSON WHO SERVES ON THE BOARD DURING THE POTENTIAL**
44 **CANDIDATE'S TERM OF OFFICE. ANY PERSON WHO VIOLATES THIS PARAGRAPH IS NOT**
45 **ELIGIBLE TO SERVE ON THE BOARD.**

1 3. Elections, other than special elections to fill a vacancy or
2 elections to merge or dissolve fire districts, shall be held on the first
3 Tuesday after the first Monday in November of the first even numbered year
4 following the year the district is declared organized by the board of
5 supervisors and, ~~in the case of a fire district administered by a district~~
6 ~~board,~~ every two years thereafter on the first Tuesday after the first Monday
7 in November. ~~Elections shall be held every four years thereafter in~~
8 ~~districts administered by an elected chief.~~

9 4. Except for an election to reorganize a fire district, nominating
10 petitions shall be filed with the board of supervisors as prescribed by title
11 16, chapter 3. If only one person files or no person files a nominating
12 petition for an election to fill a position on the district board ~~or the~~
13 ~~position of elected fire chief or elected secretary-treasurer~~ for which the
14 term of office is to expire, the board of supervisors may cancel the election
15 for that position and appoint the person who filed the nominating petition to
16 fill the position. If no person files a nominating petition for an election
17 to fill a district office, the board of supervisors may cancel the election
18 for those offices and those offices are deemed vacant and shall be filled as
19 otherwise provided by law. A person who is appointed pursuant to this
20 paragraph is fully vested with the powers and duties of the office as if
21 elected to that office.

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

25 E. In an election to reorganize, notice of the appropriate order of
26 the board of supervisors or governing body of the district shall be given as
27 prescribed by title 16.

28 F. In an election to merge fire districts, notice of the appropriate
29 order of the board of supervisors shall be given as prescribed by title 16.
30 In addition, notice of the election with an accurate map of the territory
31 proposed to be merged shall be sent by first class mail to each owner of
32 property that would be subject to taxation by the merged district at least
33 sixty days before the election. An order to hold an election shall be issued
34 not more than thirty days after the receipt of the resolution to merge fire
35 districts pursuant to section 48-820.

36 G. In an election to consolidate fire districts, notice of the
37 appropriate order of the board of supervisors shall be given as prescribed by
38 title 16. In addition, notice of the election with an accurate map of the
39 territory proposed to be consolidated shall be sent by first class mail to
40 each owner of property that would be subject to taxation by the consolidated
41 district at least sixty days before the election. An order to hold an
42 election shall be issued not more than thirty days after the receipt of the
43 resolution to consolidate fire districts pursuant to section 48-822.

1 Sec. 2. Section 48-803, Arizona Revised Statutes, is amended to read:
2 48-803. District administered by a district board; report

3 A. In a district that the board of supervisors estimates has a
4 population of fewer than four thousand inhabitants, the district board may
5 consist of three or five members. In a district that the board of
6 supervisors estimates has a population of four thousand or more inhabitants,
7 the district board shall consist of five members, and for a noncontiguous
8 county island fire district formed pursuant to section 48-851, the board
9 shall consist of five members. The estimate of population by the board of
10 supervisors is conclusive and shall be based on available census information,
11 school attendance statistics, election or voter registration statistics,
12 estimates provided by state agencies or the county assessor, or other
13 information as deemed appropriate by the board of supervisors. If the board
14 of supervisors determines, at any time prior to one hundred twenty days
15 before the next regular scheduled election for members of a district board,
16 that the population of a fire district administered by a district board
17 consisting of three members exceeds four thousand inhabitants, estimated as
18 provided in this section, the board of supervisors shall order an increase in
19 the number of members of the district board. If the board of supervisors
20 determines at any time prior to one hundred eighty days before the next
21 regularly scheduled election for members of a district board that the
22 population of a fire district administered by a district board that consists
23 of five members exceeds fifty thousand inhabitants as prescribed in this
24 section, the board of supervisors shall inform the district board that it may
25 expand to seven members. Any expansion to seven members shall occur by
26 majority vote of the district board. The increase is effective for the
27 election of the additional members at the next regular election of members of
28 the district board.

29 B. If a vacancy occurs on the district board other than from
30 expiration of a term, the remaining board members shall fill the vacancy by
31 appointment of an interim member **AND EXCEPT FOR A DISTRICT FORMED PURSUANT TO**
32 **ARTICLE 3 OF THIS CHAPTER, THE REMAINING BOARD MEMBERS SHALL FILL THE VACANCY**
33 **WITHIN NINETY DAYS AFTER THE DATE THE VACANCY OCCURS. EXCEPT FOR A DISTRICT**
34 **FORMED PURSUANT TO ARTICLE 3 OF THIS CHAPTER, IF THE REMAINING DISTRICT BOARD**
35 **MEMBERS DO NOT APPOINT AN INTERIM MEMBER WITHIN THAT NINETY-DAY PERIOD, THE**
36 **BOARD OF SUPERVISORS SHALL APPOINT AN INTERIM MEMBER TO THE DISTRICT BOARD**
37 **WITHIN SIXTY DAYS AFTER EXPIRATION OF THE NINETY-DAY PERIOD, AND IF THE**
38 **DISTRICT IS LOCATED IN MORE THAN ONE COUNTY, THE BOARD OF SUPERVISORS OF THE**
39 **COUNTY IN WHICH THE MAJORITY OF THE ASSESSED VALUATION OF THE DISTRICT IS**
40 **LOCATED SHALL MAKE THE APPOINTMENT AFTER THE EXPIRATION OF THE NINETY-DAY**
41 **PERIOD.** If the entire board resigns or for any reason cannot fulfill its
42 duties, the board of supervisors shall appoint an administrator to administer
43 the district with the same duties and obligations of the elected board. If
44 the board of supervisors fails to appoint an administrator within thirty days
45 **AFTER THE RESIGNATION OF THE ENTIRE BOARD OR ITS INABILITY TO FULFILL ITS**

1 DUTIES, a special election shall be held to fill the vacancies on the fire
2 district board.

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

6 D. The board of a fire district shall appoint or hire a fire chief.

7 E. The district board shall elect from its members a chairman and a
8 clerk. EXCEPT FOR A DISTRICT FORMED PURSUANT TO ARTICLE 3 OF THIS CHAPTER,
9 THE ELECTION OF THE CHAIRMAN AND THE CLERK MUST OCCUR AT THE DISTRICT BOARD
10 MEETING THAT FIRST OCCURS IN THE MONTH IMMEDIATELY FOLLOWING EACH GENERAL
11 ELECTION.

12 F. Of the members first elected to district boards consisting of three
13 members, the two people receiving the first and second highest number of
14 votes shall be elected to four-year terms, and the person receiving the third
15 highest number of votes shall be elected to a two-year term. Of the members
16 first elected to district boards consisting of five members, the three people
17 receiving the first, second and third highest number of votes shall be
18 elected to four-year terms, and the two people receiving the fourth and fifth
19 highest number of votes shall be elected to two-year terms. Thereafter, the
20 term of office of each district board member shall be four years from the
21 first day of the month next following such member's election. Of the members
22 elected as additional members to a five-member district board, the person
23 with the highest number of votes is elected to a four-year term and the
24 person with the second highest number of votes is elected to a two-year term.
25 If a district resolves to increase the governing board to seven members
26 pursuant to subsection A OF THIS SECTION, the governing board may appoint two
27 additional members to serve until the next general election. After the
28 general election at which the two additional members are elected, the newly
29 elected member with the highest number of votes serves a four-year term and
30 the other member serves a two-year term. Thereafter, the term of office for
31 these two new members is four years.

32 G. BEGINNING WITH THE 2014 GENERAL ELECTION AND EXCEPT FOR A DISTRICT
33 FORMED PURSUANT TO ARTICLE 3 OF THIS CHAPTER, ALL PERSONS WHO ARE ELECTED OR
34 APPOINTED TO A FIRE DISTRICT BOARD AND THE FIRE CHIEF WHO IS APPOINTED OR
35 HIRED BY THE DISTRICT BOARD SHALL ATTEND PROFESSIONAL DEVELOPMENT TRAINING
36 THAT IS PROVIDED BY AN ASSOCIATION OF ARIZONA FIRE DISTRICTS. DISTRICT BOARD
37 MEMBERS AND THE FIRE CHIEF SHALL COMPLETE AT LEAST SIX HOURS OF PROFESSIONAL
38 DEVELOPMENT TRAINING, WITH BOARD MEMBERS COMPLETING THEIR TRAINING WITHIN ONE
39 YEAR AFTER THE DATE OF THE CERTIFICATION OF THEIR ELECTION AND FOR THE FIRE
40 CHIEF, WITHIN ONE YEAR AFTER THE DATE OF HIRING. THE FIRE DISTRICT SHALL
41 REIMBURSE BOARD MEMBERS AND THE FIRE CHIEF FOR THE REASONABLE COSTS OF THE
42 TRAINING. THE PROFESSIONAL DEVELOPMENT TRAINING MUST INCLUDE TRAINING ON
43 OPEN MEETINGS LAWS, FINANCE AND BUDGET MATTERS AND LAWS RELATING TO FIRE
44 DISTRICT GOVERNANCE AND OTHER MATTERS THAT ARE REASONABLY NECESSARY FOR THE
45 EFFECTIVE ADMINISTRATION OF A FIRE DISTRICT.

1 H. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE FIRE DISTRICT
2 ASSOCIATION THAT HAS PROVIDED TRAINING REQUIRED PURSUANT TO SUBSECTION G OF
3 THIS SECTION SHALL SUBMIT A REPORT THAT DESCRIBES THE COMPLIANCE WITH THE
4 TRAINING REQUIREMENTS TO THE COUNTY BOARD OF SUPERVISORS FOR EVERY COUNTY IN
5 WHICH THE FIRE DISTRICT OPERATES. THE ANNUAL REPORT MUST INCLUDE AT LEAST
6 THE FOLLOWING:

7 1. A COMPILATION OF THE PROFESSIONAL DEVELOPMENT TRAINING DELIVERED BY
8 THE ASSOCIATION PURSUANT TO THIS SECTION AND THE NAMES OF THE FIRE DISTRICT
9 BOARD MEMBERS AND FIRE CHIEFS WHO ARE COMPLIANT AND NONCOMPLIANT WITH THE
10 REQUIREMENTS OF THIS SECTION.

11 2. RECOMMENDATIONS REGARDING IMPROVEMENTS TO THE LAWS OF THIS STATE OR
12 TO ADMINISTRATIVE ACTIONS THAT ARE REQUIRED UNDER THE LAWS OF THIS STATE
13 PERTAINING TO FIRE DISTRICTS.

14 I. FOR FIRE DISTRICT GOVERNING BOARD MEMBERS AND FIRE CHIEFS WHO ARE
15 REQUIRED TO ATTEND PROFESSIONAL DEVELOPMENT TRAINING PURSUANT TO SUBSECTION G
16 OF THIS SECTION, A FIRE DISTRICT GOVERNING BOARD MEMBER OR FIRE CHIEF WHO
17 FAILS TO COMPLETE THE PROFESSIONAL DEVELOPMENT TRAINING WITHIN THE TIME
18 PRESCRIBED IN THIS SECTION IS GUILTY OF NONFEASANCE IN OFFICE. ANY PERSON
19 MAY MAKE A FORMAL COMPLAINT TO THE COUNTY BOARD OF SUPERVISORS REGARDING THIS
20 FAILURE TO COMPLY, AND THE COUNTY BOARD OF SUPERVISORS MAY SUBMIT THE
21 COMPLAINT TO THE COUNTY ATTORNEY FOR POSSIBLE ACTION. THE COUNTY ATTORNEY
22 MAY TAKE APPROPRIATE ACTION TO ACHIEVE COMPLIANCE, INCLUDING FILING AN ACTION
23 IN SUPERIOR COURT AGAINST A FIRE DISTRICT GOVERNING BOARD MEMBER OR A FIRE
24 CHIEF FOR FAILURE TO COMPLY WITH THE PROFESSIONAL DEVELOPMENT TRAINING
25 REQUIREMENTS PRESCRIBED IN THIS SECTION. IF THE COURT DETERMINES THAT A FIRE
26 DISTRICT GOVERNING BOARD MEMBER OR FIRE CHIEF FAILED TO COMPLY WITH THE
27 PROFESSIONAL DEVELOPMENT TRAINING REQUIREMENTS PRESCRIBED IN THIS SECTION,
28 THE COURT SHALL ISSUE AN ORDER REMOVING THE FIRE DISTRICT GOVERNING BOARD
29 MEMBER FROM OFFICE OR THE FIRE CHIEF FROM EMPLOYMENT OR APPOINTMENT WITH THE
30 DISTRICT. ANY VACANCY IN THE OFFICE OF A FIRE DISTRICT GOVERNING BOARD AS A
31 RESULT OF A COURT ORDER THAT IS ISSUED PURSUANT TO THIS SUBSECTION MUST BE
32 FILLED IN THE MANNER PROVIDED BY LAW.

33 Sec. 3. Title 48, chapter 5, article 1, Arizona Revised Statutes, is
34 amended by adding section 48-805.03, to read:

35 48-805.03. Employment of relatives; exception; violation;
36 classification

37 A. IT IS UNLAWFUL FOR AN ELECTED OR APPOINTED OFFICER OR EMPLOYEE OF A
38 FIRE DISTRICT TO DO ANY OF THE FOLLOWING:

39 1. APPOINT OR VOTE FOR APPOINTMENT OF ANY PERSON WHO IS RELATED TO
40 THAT OFFICER OR EMPLOYEE BY AFFINITY OR CONSANGUINITY WITHIN THE THIRD DEGREE
41 TO ANY CLERKSHIP, OFFICE, POSITION, EMPLOYMENT OR DUTY IN ANY DEPARTMENT OF
42 THAT FIRE DISTRICT WHEN THE SALARY, WAGES OR COMPENSATION OF THAT APPOINTEE
43 IS TO BE PAID FROM PUBLIC FUNDS OR FEES.

44 2. APPOINT, VOTE FOR OR AGREE TO APPOINT OR TO WORK FOR, SUGGEST,
45 ARRANGE OR BE A PARTY TO THE APPOINTMENT OF ANY PERSON IN CONSIDERATION OF

1 THE APPOINTMENT OF A PERSON WHO IS RELATED TO THAT OFFICER OR EMPLOYEE WITHIN
2 THE DEGREE PRESCRIBED BY THIS SECTION.

3 B. AN EMPLOYEE OF A FIRE DISTRICT OR THE SPOUSE OF AN EMPLOYEE OF A
4 FIRE DISTRICT MAY NOT HOLD MEMBERSHIP ON THE GOVERNING BOARD OF THE FIRE
5 DISTRICT THAT EMPLOYS THAT EMPLOYEE.

6 C. THIS SECTION DOES NOT APPLY TO A FIRE DISTRICT FORMED PURSUANT TO
7 ARTICLE 3 OF THIS CHAPTER.

8 D. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2
9 MISDEMEANOR.

10 Sec. 4. Emergency

11 This act is an emergency measure that is necessary to preserve the
12 public peace, health or safety and is operative immediately as provided by
13 law.