

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 38
SENATE BILL 1114

AN ACT

AMENDING SECTION 48-805.01, 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 48-805.01, Arizona Revised Statutes, is amended
3 to read:

4 48-805.01. Separate legal entities; joint exercise of powers

5 A. If public agencies identified in subsection B of this section
6 form a separate legal entity pursuant to section 11-952, the entity has
7 the powers common to the contracting powers specified in the agreement and
8 may jointly exercise powers held in common by the contracting parties in a
9 manner or according to the method provided in the agreement.
10 Notwithstanding title 38, an officer or elected member of the governing
11 body of a party to the agreement may also act in the capacity of a member
12 of the governing body of the separate legal entity. In its own name and
13 subject to ~~the provisions of~~ the agreement, the separate legal entity,
14 subject to existing applicable law, may:

15 1. Make and enter into contracts, including contracts, leases or
16 other transactions with one or more of the parties to the agreement
17 forming the separate legal entity.

18 2. Employ agents and employees.

19 3. Acquire, hold or dispose of property.

20 4. Acquire, construct, manage, maintain and operate buildings,
21 works, infrastructure, apparatus, equipment and improvements.

22 5. Incur debts, liabilities and obligations.

23 6. Sue and be sued.

24 7. REQUIRE ALL CURRENT AND PROSPECTIVE EMPLOYEES AND VOLUNTEERS TO
25 SUBMIT A FULL SET OF FINGERPRINTS TO THE JOINT POWERS AUTHORITY FOR THE
26 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT
27 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY
28 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
29 INVESTIGATION.

30 B. Cities, towns, counties and fire districts established pursuant
31 to this title may form a separate legal entity pursuant to section 11-952,
32 for the purposes of jointly exercising powers held in common by the
33 contracting parties. Common powers of the contracting parties when
34 otherwise authorized pursuant to state law may include fire protection,
35 the preservation of life, providing emergency medical services, and
36 carrying out its other powers and duties, including providing ambulance
37 transportation services when authorized to do so pursuant to title 36,
38 chapter 21.1, article 2. Any separate legal entity formed pursuant to
39 this section shall include a fire district. The intergovernmental
40 agreement must state the intent to form a separate legal entity pursuant
41 to this subsection. The governing body of a separate legal entity formed
42 pursuant to this subsection shall be composed of officials elected to one
43 or more of the governing bodies of the political subdivisions that are
44 parties to the agreement, or their designees. A separate legal entity
45 identified pursuant to this subsection:

1 1. Is a political subdivision of this state having:

2 (a) The governmental and proprietary powers that are common to the
3 contracting parties specified in the agreement and those powers provided
4 for in section 11-952 and this section.

5 (b) The rights and immunities of the parties that are granted by
6 the constitution and statutes of this state, including immunity of its
7 property from taxation.

8 2. May separately contract for an undertaking with any two or more
9 of the parties or other public agencies or other entities. Limitations on
10 the exercise of common powers shall be applicable only to the parties to
11 the agreement participating in the undertaking.

12 3. In addition to other powers provided for in the agreement by a
13 vote of its governing body, may incur obligations payable from the
14 entity's revenues, to pay the costs and expenses of acquiring or
15 constructing any structures, facilities or equipment necessary to
16 effectuate the purposes of the agreement subject to the following
17 conditions and requirements:

18 (a) The parties to the agreement, with the approval of each
19 participating entity's voters, may issue general obligation bonds for the
20 purpose of funding the costs and expenses of acquiring or constructing any
21 structures, facilities or equipment necessary to effectuate the purposes
22 of the agreement. Each of the participating party's general obligation
23 bonding authority is limited to that of each party's enabling legislation.

24 (b) The general obligation bonds are payable from the taxes or
25 assessments paid to, or to be levied or collected by, the entity or the
26 political subdivisions that are parties to the agreement that forms the
27 entity.

28 (c) The general obligation bonds are limited to an amount as
29 authorized by the qualified electors that are parties to the agreement and
30 are subject to the requirements of sections 35-431 and 48-806.

31 C. For the purposes of subsection B of this section, "undertaking":

32 1. Means one or more of the following:

33 (a) Purchasing, constructing, leasing or acquiring any real or
34 personal property, works, apparatus, equipment or facilities that the
35 political subdivisions that formed the entity are authorized by law to
36 purchase, construct, lease or otherwise acquire.

37 (b) Improving, reconstructing, extending or adding to any real or
38 personal property, works, apparatus, equipment or facilities owned or
39 operated by the entity.

40 (c) Any program of development involving real or personal property,
41 works, apparatus, equipment or facilities that the entity is authorized by
42 law to purchase, construct, lease or otherwise acquire or the improvement,
43 reconstruction, extension or addition to the program.

44 (d) Providing fire protection, for the preservation of life, for
45 providing emergency medical services and for carrying out its other powers

1 and duties, including providing ambulance transportation services when
2 authorized to do so pursuant to title 36, chapter 21.1, article 2 and
3 purchasing, constructing, leasing or acquiring, or the extension or
4 addition of, works, apparatus, equipment or facilities designed to serve
5 areas or territories already being served by any of the parties to the
6 agreement.

7 2. Does not include the acquisition by eminent domain of existing
8 works or facilities of a political subdivision.

9 D. The exercise of joint powers does not create any expansion of a
10 certificate of necessity issued pursuant to title 36, chapter 21.1,
11 article 2 or the operating rights as defined by the certificate of
12 necessity held by one or more of the entities entering into a joint powers
13 authority. Such operating rights shall remain the same as those rights
14 granted to the certificate of necessity holder at the date of the
15 establishment of the joint powers authority unless modified pursuant to
16 title 36, chapter 21.1, article 2.

17 Sec. 2. Emergency

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

APPROVED BY THE GOVERNOR MARCH 20, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 20, 2018.