House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 122

HOUSE BILL 2309

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

48-805. Fire district; powers and duties

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

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

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

3. Determine the compensation payable to district personnel.

4. Require ~~applicants for~~ PROBATIONARY EMPLOYEES IN a paid sworn firefighter position, ~~or~~ a reserve firefighter POSITION OR A VOLUNTEER FIREFIGHTER position to submit a full set of fingerprints to the fire district. The fire district shall submit the fingerprints to the department of public safety for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

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

1. Employ any personnel and provide services deemed necessary for fire protection, for preservation of life and for carrying out its other powers and duties, including providing ambulance transportation services when authorized to do so pursuant to title 36, chapter 21.1, article 2, but a member of a district board shall not be an employee of the district.

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

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

(b) Land and buildings with equipment and furnishings to house equipment and personnel necessary for fire protection and preservation of life.

3. Finance the acquisition of property as provided in this section and costs incurred in connection with the issuance of bonds and request the issuance of bonds by the board of supervisors of the county in which the fire district is located as provided in section 48-806. Bonds shall not be issued

without the consent of a majority of the electors of the district voting at an election held for that purpose. For the purposes of an election held under this paragraph, all persons who are eligible to vote in fire district elections under section 48-802 and who are owners of real property in the district are eligible to vote.

4. Assist the state fire marshal in the enforcement of fire protection standards of this state within the fire district including enforcement of the uniform fire code when expressly authorized by the state fire marshal.

5. After the approval of the qualified electors of the fire district voting at a regular district election or at a special election called for such purpose by the board of supervisors or at any election held in the county which encompasses the fire district, adopt the uniform fire code, which is a nationally recognized fire code approved by the state fire marshal. The words appearing upon the ballots shall be "Should _____ fire district adopt the uniform fire code, which is a nationally recognized fire code approved by the state fire marshal--yes", "Should _____ fire district adopt the uniform fire code, which is a nationally recognized fire code approved by the state fire marshal--no". Such code shall be enforced by the county attorney in the same manner as any other law or ordinance of the county. Any inspection or enforcement costs are the responsibility of the fire district involved. The district shall keep on file such code which shall be open to public inspection for a period of thirty days prior to any election for the purpose of adopting a fire code.

6. Amend or revise the adopted fire code with the approval of the state fire marshal and after a hearing held pursuant to posted and published notice as prescribed by subsection A, paragraph 2 of this section. The district shall keep three copies of the adopted code, amendments and revisions on file for public inspection.

7. Enter into an agreement procuring the services of an organized private fire protection company or a fire department of a neighboring city, town, district or settlement without impairing the powers granted to it.

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

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

10. Retain private legal counsel.

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

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

13. Appropriate and expend annually such monies as are necessary for the purpose of fire districts belonging to and paying dues in the Arizona fire district association.

14. Adopt resolutions establishing fee schedules for providing fire protection services and services for the preservation of life including emergency fire and emergency medical services, plan reviews, standby charges, fire cause determination, users' fees, facilities benefit assessments or any other fee schedule that may be required.

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

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

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

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

APPROVED BY THE GOVERNOR APRIL 19, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2004.

Passed the House February 24, 2004,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 12, 2004,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Bennett
President of the Senate

Charmin Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13th day of April, 2004,

at 12:59 o'clock P. M.

Jennifer Ybarra
Secretary to the Governor

Approved this 19 day of

April, 2004,

at 11:30 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19 day of April, 2004,

at 4:30 o'clock P. M.

Janice K. Brewer
Secretary of State

H.B. 2309