House Engrossed Senate Bill

FILED

KEN BENNETT
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CHAPTER 275

SENATE BILL 1253

AN ACT

AMENDING SECTION 48-261, ARIZONA REVISED STATUTES; REPEALING SECTION 48-265, ARIZONA REVISED STATUTES; AMENDING SECTION 48-802, ARIZONA REVISED STATUTES; REPEALING SECTION 48-815, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 48-815.01 AND 48-815.02; AMENDING SECTIONS 48-851 AND 48-2102, 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 48-261, Arizona Revised Statutes, is amended to read:

48-261. District creation; procedures; notice; hearing; determinations; petitions

A. A fire district, community park maintenance district, sanitary district or hospital district for either a hospital or an urgent care center shall be created by the following procedures:

1. Any adult person desiring to propose creation of a district shall prepare and submit a district impact statement to the board of supervisors of the county in which the district is to be located. Except for a proposed community park maintenance district that is to be located in more than one county, if a proposed district is located in more than one county, the impact statement shall be submitted to the board of supervisors of the county in which the majority of the assessed valuation of the proposed district is located. The boards of supervisors of any other counties in which a portion of the district is to be located shall provide information and assistance to the responsible board of supervisors. For a community park maintenance district that is to be located in more than one county, the impact statement shall be submitted to the board of supervisors for each of the affected counties. If the person desiring to create a district pursuant to this section is unable to complete the district impact statement, the board of supervisors may assist in the completion of the impact statement if requested to do so, provided the bond required in subsection C of this section is in an amount sufficient to cover any additional cost to the county. The district impact statement shall contain at least the following information:

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

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

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

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

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

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

(g) A description of the scope of services to be provided by the district during its first five years of operation. At a minimum this description shall include an estimate of anticipated capital expenditures, personnel growth and enhancements to service.

2. On receipt of the district impact statement, the board of supervisors shall set a day, not fewer than thirty nor more than sixty days

from that date, for a hearing on the impact statement. The board of supervisors, at any time ~~prior to~~ BEFORE making a determination pursuant to paragraph 4 of this subsection, may require that the impact statement be amended to include any information that the board of supervisors deems to be relevant and necessary.

3. On receipt of the district impact statement, the clerk of the board of supervisors shall mail, by first class mail, written notice of the statement, its purpose and notice of the day, hour and place of the hearing on the proposed district to each owner of taxable property and to each household in which a qualified elector resides within the boundaries of the proposed district. The clerk of the board of supervisors shall post the notice in at least three conspicuous public places in the area of the proposed district and shall publish twice in a daily newspaper of general circulation in the area of the proposed district, at least ten days before the hearing, or, if no daily newspaper of general circulation exists in the area of the proposed district, at least twice at any time before the date of the hearing, a notice setting forth the purpose of the impact statement, the description of the area of the proposed district and the day, hour and place of the hearing.

4. At the hearing called pursuant to paragraph 2 of this subsection, the board of supervisors shall hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the board of supervisors determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall approve the district impact statement and authorize the persons proposing the district to circulate petitions as provided in this subsection. For a community park maintenance district that is required to obtain the approval of more than one county's board of supervisors, the petitions may only be circulated after approval of the board of supervisors from each affected county. The order of the board of supervisors shall be final, but if the request to circulate petitions is denied, a subsequent request for a similar district may be refiled with the board of supervisors after six months from the date of such denial.

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

6. After receiving the approval of the board of supervisors as provided in paragraph 4 of this subsection, any adult person may circulate and present petitions to the board of supervisors of the county in which the district is located. All petitions circulated shall be returned to the board of supervisors within one year from the date of the approval of the board of

supervisors pursuant to paragraph 4 of this subsection. Any petition that is returned more than one year from that date is void.

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

(a) At all times, contain a legal description of the boundaries of the proposed district and a detailed, accurate map of the proposed district and the names, addresses and occupations of the proposed members of the district's organizing board of directors. No alteration of the proposed district shall be made after receiving the approval of the board of supervisors as provided in paragraph 4 of this subsection.

(b) Be signed by more than one-half of the property owners in the area of the proposed district and be signed by persons owning collectively more than one-half of the assessed valuation of the property in the area of the proposed district.

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

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

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

10. At the hearing called pursuant to paragraph 8 of this subsection, the board of supervisors, if the petitions are valid, shall order the creation of the district. The board of supervisors shall enter its order setting forth its determination in the minutes of the meeting, not later than ten days from the day of the hearing, and a copy of the order shall be filed in the county recorder's office. The order of the board of supervisors shall be final, and the proposed district shall be created thirty days after the board of supervisors votes to create the district, except that for a community park maintenance district that is proposed for more than one county, the proposed district is created thirty days after the approval of the board of supervisors of the final county of the counties in which the district is to be located. A decision of the board of supervisors under this subsection is subject to judicial review under title 12, chapter 7, article 6.

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

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

~~2.~~ 1. Property held in multiple ownership shall be treated as if it had only one property owner, so that the signature of only one of the owners of property held in multiple ownership is required on the formation petition.

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

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

(b) In the case of property valued by the department of revenue, the values shall be those determined by the department in the manner provided by law, for municipal assessment purposes. The county assessor and the department of revenue, respectively, shall furnish to the board of supervisors, within twenty days after such a request, a statement in writing showing the owner, the address of each owner and the appraisal or assessment value of properties contained within the boundaries of the proposed district as described in subsection A of this section.

C. The board of supervisors may require of the person desiring to propose creation of a district pursuant to subsection A, paragraph 1 of this section a reasonable bond to be filed with the board at the start of proceedings under this section. The bond shall be in an amount sufficient to cover costs incurred by the county if the district is not finally organized. County costs covered by the bond include any expense incurred from completion of the district impact statement, mailing of the notice of hearing to district property owners and electors, publication of the notice of hearing and other expenses reasonably incurred as a result of any requirements of this section.

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

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

F. Except as provided in section 48-851 and section 48-2001, subsection A, the area of a district created pursuant to this section shall be contiguous.

G. A district organized pursuant to this section shall have an organizing board of directors to administer the affairs of the district until a duly constituted board of directors is elected as provided in this title. The organizing board shall have all the powers, duties and responsibilities of an elected board. The organizing board shall consist of the three individuals named in the district impact statement and the petitions presented pursuant to subsection A of this section. If a vacancy occurs on the organizing board, the remaining board members shall fill the vacancy by appointing an interim member. Members of the organizing board shall serve without compensation but may be reimbursed for actual expenses incurred in

performing their duties. The organizing board shall elect from its members a chairman and a clerk.

H. For the purposes of this section assessed valuation does not include the assessed valuation of property that is owned by a county, this state or the United States government and in the case of multiple ownership of a single parcel of property, any one property owner constitutes the entire ownership interest.

Sec. 2. Repeal

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

Sec. 3. Section 48-802, Arizona Revised Statutes, is amended to read:

48-802. Election procedures

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

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

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

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

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

2. Candidates must be, and during incumbency must remain, qualified electors of the fire district. In a fire district that is divided into precincts as prescribed by subsection B of this section, candidates shall be qualified electors of the precinct in which they are candidates and during incumbency must remain qualified electors of that precinct.

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

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

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

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

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

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

1 Sec. 4. Repeal
2 Section 48-815, Arizona Revised Statutes, is repealed.
3 Sec. 5. Title 48, chapter 5, article 1, Arizona Revised Statutes, is
4 amended by adding sections 48-815.01 and 48-815.02, to read:
5 48-815.01. District dissolution; procedures; notice; hearing;
6 determinations; petitions
7 A. A FIRE DISTRICT MAY BE DISSOLVED BY THE FOLLOWING PROCEDURES:
8 1. ANY ADULT PERSON DESIRING TO DISSOLVE A FIRE DISTRICT SHALL PREPARE
9 AND SUBMIT A DISSOLUTION STATEMENT TO THE BOARD OF SUPERVISORS OF THE COUNTY
10 IN WHICH THE DISTRICT IS LOCATED. THE DISSOLUTION STATEMENT SHALL CONTAIN AT
11 LEAST THE FOLLOWING INFORMATION:
12 (a) A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE DISTRICT AND A
13 DETAILED, ACCURATE MAP OF THE DISTRICT.
14 (b) A LIST AND EXPLANATION OF BENEFITS THAT WILL RESULT FROM THE
15 PROPOSED DISSOLUTION OF THE DISTRICT.
16 (c) A LIST AND EXPLANATION OF THE INJURIES THAT WILL RESULT FROM THE
17 PROPOSED DISSOLUTION OF THE DISTRICT.
18 2. ON RECEIPT OF THE DISSOLUTION STATEMENT, THE BOARD OF SUPERVISORS
19 SHALL SET A DAY, NOT FEWER THAN THIRTY NOR MORE THAN SIXTY DAYS FROM THAT
20 DATE, FOR A HEARING ON THE DISSOLUTION STATEMENT. THE BOARD OF SUPERVISORS,
21 AT ANY TIME PRIOR TO MAKING A DETERMINATION PURSUANT TO PARAGRAPH 4 OF THIS
22 SUBSECTION, MAY REQUIRE THAT THE DISSOLUTION STATEMENT BE AMENDED TO INCLUDE
23 ANY INFORMATION THAT THE BOARD OF SUPERVISORS DEEMS TO BE RELEVANT AND
24 NECESSARY.
25 3. ON RECEIPT OF THE DISSOLUTION STATEMENT, THE CLERK OF THE BOARD OF
26 SUPERVISORS SHALL MAIL, BY FIRST CLASS MAIL, WRITTEN NOTICE OF THE STATEMENT,
27 ITS PURPOSE AND NOTICE OF THE DAY, HOUR AND PLACE OF THE HEARING ON THE
28 PROPOSED DISSOLUTION OF THE DISTRICT TO EACH OWNER OF TAXABLE PROPERTY WITHIN
29 THE BOUNDARIES OF THE DISTRICT. THE CLERK OF THE BOARD OF SUPERVISORS SHALL
30 POST THE NOTICE IN AT LEAST THREE CONSPICUOUS PUBLIC PLACES IN THE AREA OF
31 THE DISTRICT AND SHALL PUBLISH TWICE IN A DAILY NEWSPAPER OF GENERAL
32 CIRCULATION IN THE AREA OF THE DISTRICT, AT LEAST TEN DAYS BEFORE THE
33 HEARING, OR, IF NO DAILY NEWSPAPER OF GENERAL CIRCULATION EXISTS IN THE AREA
34 OF THE DISTRICT, AT LEAST TWICE AT ANY TIME BEFORE THE DATE OF THE HEARING, A
35 NOTICE SETTING FORTH THE PURPOSE OF THE DISSOLUTION STATEMENT, THE
36 DESCRIPTION OF THE AREA OF THE DISTRICT AND THE DAY, HOUR AND PLACE OF THE
37 HEARING.
38 4. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 2 OF THIS SUBSECTION,
39 THE BOARD OF SUPERVISORS SHALL HEAR THOSE WHO APPEAR FOR AND AGAINST THE
40 PROPOSED DISSOLUTION OF THE DISTRICT AND SHALL DETERMINE WHETHER THE
41 DISSOLUTION OF THE DISTRICT WILL PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE,
42 NECESSITY OR WELFARE. IF THE BOARD OF SUPERVISORS DETERMINES THAT THE PUBLIC
43 HEALTH, COMFORT, CONVENIENCE, NECESSITY OR WELFARE WILL BE PROMOTED, IT SHALL
44 APPROVE THE DISSOLUTION STATEMENT AND AUTHORIZE THE PERSONS PROPOSING THE
45 DISSOLUTION OF THE DISTRICT TO CIRCULATE PETITIONS AS PROVIDED IN THIS

SUBSECTION. THE ORDER OF THE BOARD OF SUPERVISORS SHALL BE FINAL, BUT IF THE REQUEST TO CIRCULATE PETITIONS IS DENIED, A SUBSEQUENT REQUEST FOR A SIMILAR DISTRICT DISSOLUTION MAY BE REFILED WITH THE BOARD OF SUPERVISORS AFTER SIX MONTHS FROM THE DATE OF SUCH DENIAL.

5. WITHIN FIFTEEN DAYS AFTER RECEIVING THE APPROVAL OF THE BOARD OF SUPERVISORS AS PRESCRIBED BY PARAGRAPH 4 OF THIS SUBSECTION, THE CLERK OF THE BOARD SHALL DETERMINE THE MINIMUM NUMBER OF SIGNATURES REQUIRED FOR COMPLIANCE WITH PARAGRAPH 7 OF THIS SUBSECTION. AFTER MAKING THAT DETERMINATION, THAT NUMBER OF SIGNATURES SHALL REMAIN FIXED.

6. AFTER RECEIVING THE APPROVAL OF THE BOARD OF SUPERVISORS AS PROVIDED IN PARAGRAPH 4 OF THIS SUBSECTION, ANY ADULT PERSON MAY CIRCULATE AND PRESENT PETITIONS FOR THE DISSOLUTION OF THE DISTRICT TO THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE DISTRICT IS LOCATED. ALL PETITIONS CIRCULATED SHALL BE RETURNED TO THE BOARD OF SUPERVISORS WITHIN ONE YEAR FROM THE DATE OF THE APPROVAL OF THE BOARD OF SUPERVISORS PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION. ANY PETITION THAT IS RETURNED MORE THAN ONE YEAR FROM THAT DATE IS VOID.

7. THE PETITIONS PRESENTED PURSUANT TO PARAGRAPH 6 OF THIS SUBSECTION SHALL COMPLY WITH SECTION 48-815.02 AND SHALL AT ALL TIMES, CONTAIN A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE DISTRICT AND A DETAILED, ACCURATE MAP OF THE DISTRICT. PETITIONS SHALL BE SIGNED BY MORE THAN ONE-HALF OF THE PROPERTY OWNERS IN THE AREA OF THE DISTRICT AND BE SIGNED BY PERSONS OWNING COLLECTIVELY MORE THAN ONE-HALF OF THE ASSESSED VALUATION OF THE PROPERTY IN THE AREA OF THE DISTRICT.

8. ON RECEIPT OF THE PETITIONS, THE BOARD OF SUPERVISORS SHALL SET A DAY, NOT FEWER THAN TEN NOR MORE THAN THIRTY DAYS FROM THAT DATE, FOR A HEARING ON THE PETITION.

9. PRIOR TO THE HEARING CALLED PURSUANT TO PARAGRAPH 8 OF THIS SUBSECTION, THE BOARD OF SUPERVISORS SHALL DETERMINE THE VALIDITY OF THE PETITIONS PRESENTED.

10. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 8 OF THIS SUBSECTION, THE BOARD OF SUPERVISORS, IF THE PETITIONS ARE VALID, SHALL ORDER THE DISSOLUTION OF THE DISTRICT. THE BOARD OF SUPERVISORS SHALL ENTER ITS ORDER SETTING FORTH ITS DETERMINATION IN THE MINUTES OF THE MEETING, NOT LATER THAN TEN DAYS FROM THE DAY OF THE HEARING, AND A COPY OF THE ORDER SHALL BE FILED IN THE COUNTY RECORDER'S OFFICE. THE ORDER OF THE BOARD OF SUPERVISORS SHALL BE FINAL, AND THE DISTRICT SHALL BE DISSOLVED THIRTY DAYS AFTER THE BOARD OF SUPERVISORS VOTES. A DECISION OF THE BOARD OF SUPERVISORS UNDER THIS SECTION IS SUBJECT TO JUDICIAL REVIEW UNDER TITLE 12, CHAPTER 7, ARTICLE 6.

11. ON THE RECORDING OF THE ORDER PRESCRIBED IN PARAGRAPH 10 OF THIS SUBSECTION, ALL MONEY REMAINING IN THE FIRE DISTRICT FUND AFTER THE PAYMENT OF ALL VALID CLAIMS AGAINST THE DISTRICT SHALL BE TRANSFERRED TO THE GENERAL FUND OF THE COUNTY IN WHICH THE FIRE DISTRICT IS LOCATED, BUT IF ALL OF THE FIRE DISTRICT HAS BEEN INCLUDED WITHIN THE CORPORATE LIMITS OF A CITY OR TOWN, THEN ON DISSOLUTION AS PROVIDED BY THIS SECTION, THE EQUIPMENT, ASSETS

AND LIABILITIES OF THE DISTRICT SHALL BE TRANSFERRED TO THAT CITY OR TOWN. IF THE DISTRICT WAS AN EMPLOYER COVERED BY THE ARIZONA STATE RETIREMENT SYSTEM, THE CLERK OF THE COUNTY BOARD OF SUPERVISORS SHALL NOTIFY THE DIRECTOR OF THE ARIZONA STATE RETIREMENT SYSTEM OF THE DISSOLUTION OF THE DISTRICT.

12. TAXES SHALL CONTINUE TO BE LEVIED AS PROVIDED IN SECTION 48-806, SUBSECTION I ON ALL THE TAXABLE PROPERTY WITHIN THE FORMAL BOUNDARIES OF THE DISTRICT TO PAY THE PRINCIPAL OR ANY INTEREST ON OUTSTANDING BONDS OF THE DISTRICT.

B. FOR THE PURPOSE OF DETERMINING THE VALIDITY OF THE PETITIONS PRESENTED PURSUANT TO SUBSECTION A, PARAGRAPH 6 OF THIS SECTION:

1. PROPERTY HELD IN MULTIPLE OWNERSHIP SHALL BE TREATED AS IF IT HAD ONLY ONE PROPERTY OWNER, SO THAT THE SIGNATURE OF ONLY ONE OF THE OWNERS OF PROPERTY HELD IN MULTIPLE OWNERSHIP IS REQUIRED ON THE FORMATION PETITION.

2. THE VALUE OF PROPERTY SHALL BE DETERMINED AS FOLLOWS:

(a) IN THE CASE OF PROPERTY ASSESSED BY THE COUNTY ASSESSOR, VALUES SHALL BE THE SAME AS THOSE SHOWN ON THE LAST ASSESSMENT ROLL OF THE COUNTY CONTAINING SUCH PROPERTY.

(b) IN THE CASE OF PROPERTY VALUED BY THE DEPARTMENT OF REVENUE, THE VALUES SHALL BE THOSE DETERMINED BY THE DEPARTMENT IN THE MANNER PROVIDED BY LAW, FOR MUNICIPAL ASSESSMENT PURPOSES. THE COUNTY ASSESSOR AND THE DEPARTMENT OF REVENUE, RESPECTIVELY, SHALL FURNISH TO THE BOARD OF SUPERVISORS, WITHIN TWENTY DAYS AFTER SUCH A REQUEST, A STATEMENT IN WRITING SHOWING THE OWNER, THE ADDRESS OF EACH OWNER AND THE APPRAISAL OR ASSESSMENT VALUE OF PROPERTIES CONTAINED WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT AS DESCRIBED IN SUBSECTION A OF THIS SECTION.

C. FOR THE PURPOSES OF THIS SECTION ASSESSED VALUATION DOES NOT INCLUDE THE ASSESSED VALUATION OF PROPERTY THAT IS OWNED BY A COUNTY, THIS STATE OR THE UNITED STATES GOVERNMENT AND IN THE CASE OF MULTIPLE OWNERSHIP OF A SINGLE PARCEL OF PROPERTY, ANY ONE PROPERTY OWNER CONSTITUTES THE ENTIRE OWNERSHIP INTEREST.

D. THE BOARD OF SUPERVISORS MAY REQUIRE OF THE PERSON DESIRING TO DISSOLVE A DISTRICT PURSUANT TO SUBSECTION A, PARAGRAPH 1 OF THIS SECTION A REASONABLE BOND TO BE FILED WITH THE BOARD AT THE START OF PROCEEDINGS UNDER THIS SECTION. THE BOND SHALL BE IN AN AMOUNT SUFFICIENT TO COVER COSTS INCURRED BY THE COUNTY IF THE DISTRICT IS NOT FINALLY DISSOLVED. COUNTY COSTS COVERED BY THE BOND INCLUDE ANY EXPENSE INCURRED FROM COMPLETION OF THE DISSOLUTION STATEMENT, MAILING OF THE NOTICE OF HEARING TO DISTRICT PROPERTY OWNERS, PUBLICATION OF THE NOTICE OF HEARING AND OTHER EXPENSES REASONABLY INCURRED AS A RESULT OF ANY REQUIREMENTS OF THIS SECTION.

E. IF A DISTRICT IS DISSOLVED PURSUANT TO THIS SECTION, THE COST OF PUBLICATION OF THE NOTICE OF HEARING, THE MAILING OF NOTICES TO PROPERTY OWNERS AND ALL OTHER COSTS INCURRED BY THE COUNTY AS A RESULT OF THIS SECTION SHALL BE A VALID CHARGE AGAINST THE DISTRICT.

48-815.02. Dissolution; petitions of property owners; form; verification

A. A PETITION OF PROPERTY OWNERS THAT IS SUBMITTED TO COMPLY WITH SECTION 48-815.01, SUBSECTION A, PARAGRAPH 7 SHALL CONTAIN A HEADING THAT CLEARLY IDENTIFIES THE TYPE OF PETITION CIRCULATED AND A STATEMENT THAT CLEARLY DESCRIBES THE TYPE OF ACTION BEING PROPOSED. THE PETITION SHALL BE IN A FORM THAT IS SUBSTANTIALLY SIMILAR TO THE FOLLOWING:

FIRE DISTRICT DISSOLUTION PETITION

TO THE BOARD OF SUPERVISORS OF (INSERT NAME) COUNTY:

WE THE UNDERSIGNED, 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 BOUNDARIES, PETITION THE COUNTY BOARD OF SUPERVISORS TO DISSOLVE THE (INSERT NAME OF FIRE 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 PROPOSED DISSOLUTION OF THE DISTRICT 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 STATEMENT BEFORE SIGNING.

WARNING

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

1. SIGN A DISTRICT DISSOLUTION 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 DISSOLUTION PETITION IF THE PERSON IS NOT A PROPERTY OWNER.

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

(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. EACH PETITION SHEET SHALL HAVE PRINTED IN CAPITAL LETTERS IN NO LESS THAN TWELVE POINT BOLDFACED TYPE IN THE UPPER RIGHT-HAND CORNER OF THE FACE OF THE PETITION SHEET THE FOLLOWING:

"_____ PAID CIRCULATOR" "_____ VOLUNTEER"

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

D. SIGNATURES OBTAINED ON PETITIONS IN VIOLATION OF SUBSECTION B OF THIS SECTION ARE VOID AND SHALL NOT BE COUNTED IN DETERMINING THE LEGAL SUFFICIENCY OF THE PETITION. THE PRESENCE OF SIGNATURES THAT ARE INVALIDATED UNDER THIS SUBSECTION ON A PETITION DOES NOT INVALIDATE OTHER SIGNATURES ON THE PETITION THAT WERE OBTAINED AS PRESCRIBED BY THIS SECTION.

E. AT THE TIME OF SIGNING, THE PROPERTY OWNER SHALL SIGN THE PROPERTY OWNER'S FIRST AND LAST NAMES IN THE SPACES PROVIDED AND THE PROPERTY OWNER SO SIGNING FOR THE PERSON CIRCULATING THE PETITION SHALL PRINT THE FIRST AND LAST NAMES AND WRITE, IN THE APPROPRIATE SPACES FOLLOWING THE SIGNATURE, THE SIGNER'S RESIDENCE ADDRESS, GIVING STREET AND NUMBER, AND IF THE PROPERTY OWNER HAS NO STREET ADDRESS, A DESCRIPTION OF THE RESIDENCE LOCATION. THE PROPERTY OWNER SO SIGNING OR THE PERSON CIRCULATING THE PETITION SHALL WRITE, IN THE APPROPRIATE SPACES FOLLOWING THE PROPERTY OWNER'S ADDRESS, THE DATE ON WHICH THE PROPERTY OWNER SIGNED THE PETITION.

F. THE TITLE AND TEXT OF PETITIONS SHALL BE IN AT LEAST EIGHT POINT TYPE.

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

H. THE BOARD OF SUPERVISORS OR OTHER GOVERNING BODY OF A POLITICAL SUBDIVISION THAT RECEIVES A PETITION PURSUANT TO THIS SECTION SHALL SUBMIT A COPY OF THE SIGNATURE SHEETS TO THE COUNTY ASSESSOR FOR VERIFICATION. THE COUNTY ASSESSOR SHALL:

1. VERIFY THAT THE PETITION CONTAINS THE NAMES OF MORE THAN ONE-HALF OF THE PROPERTY OWNERS IN THE AREA OF THE PROPOSED DISTRICT.

2. DETERMINE THE TOTAL ASSESSED VALUATION OF THE PROPERTY OWNED BY THE PERSONS WHOSE NAMES ARE SIGNED ON THE PETITION.

I. THE COUNTY ASSESSOR SHALL REPORT THE RESULTS OF THE VERIFICATION TO THE BOARD OF SUPERVISORS OR OTHER GOVERNING BODY WITHIN TEN DAYS AFTER RECEIVING THE COPY OF THE SIGNATURE SHEETS, NOT INCLUDING SATURDAYS, SUNDAYS AND OTHER LEGAL HOLIDAYS.

Sec. 6. Section 48-851, Arizona Revised Statutes, is amended to read:

48-851. Noncontiguous county island fire district; formation; definition

A. A noncontiguous county island fire district shall be formed by the following procedures:

1. One or more persons who wish to petition for a noncontiguous county island fire district shall request and the county assessor shall provide a map of all of the county island areas that are contained within the municipal planning area of a city.

2. Within thirty days after receiving a map from the county assessor, the person shall submit a revised map that indicates those county island areas that are proposed to be included in the noncontiguous county island fire district and shall submit the names and addresses of three persons who are proposed to serve as the organizing board of the district.

3. On receipt of the revised map and the proposed organizing board's membership, the board of supervisors shall set a day for a hearing on the proposed district formation.

4. The clerk of the board of supervisors shall mail, by first class mail, written notice of the statement, its purpose and notice of the day, hour and place of the hearing on the proposed district to each owner of taxable property and to each household in which a qualified elector resides within the boundaries of the proposed district. The clerk of the board of supervisors shall post the notice in at least three conspicuous public places in the area of the proposed district and shall publish twice in a daily newspaper of general circulation in the area of the proposed district, at least ten days before the hearing, or, if no daily newspaper of general circulation exists in the area of the proposed district, at least twice at any time before the date of the hearing, a notice setting forth the purpose of the proposed district formation, the description of the area of the proposed district and the day, hour and place of the hearing.

5. At the hearing called pursuant to paragraph 3 of this subsection, the board of supervisors shall hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the board of supervisors determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall authorize the persons proposing the district to circulate petitions as provided in this subsection. The order of the board of supervisors shall be final, but if the request to circulate petitions is denied, a subsequent request for a similar district may be refiled with the board of supervisors after six months from the date of the denial.

6. Within fifteen days after receiving the approval of the board of supervisors as prescribed by paragraph 5 of this subsection, the clerk of the board shall determine the minimum number of signatures required for compliance with paragraph 8, ~~subdivisions~~ SUBDIVISION (b) ~~and (c)~~ of this

subsection. After making that determination, that number of signatures shall remain fixed, notwithstanding any subsequent changes in voter registration records.

7. After receiving the approval of the board of supervisors as provided in paragraph 5 of this subsection, any adult person may circulate and present petitions to the board of supervisors of the county in which the district is located. All petitions circulated shall be returned to the board of supervisors within one year from the date of the approval of the board of supervisors pursuant to paragraph 5 of this subsection. Any petition that is returned more than one year from that date is void.

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

(a) At all times, contain a legal description of the boundaries of the proposed district and a detailed, accurate map of the proposed district and the names, addresses and occupations of the proposed members of the district's organizing board of directors. No alteration of the proposed district shall be made after receiving the approval of the board of supervisors as provided in paragraph 5 of this subsection.

(b) Be signed by more than one-half of the aggregate number of property owners in the county island areas contained in the proposed district.

9. On receipt of the petitions, the board of supervisors shall set a day, not more than thirty days from that date, for a hearing on the petition.

10. ~~Prior to~~ BEFORE the hearing called pursuant to paragraph 9 of this subsection, the board of supervisors shall determine the validity of the petition signatures presented. At the hearing called pursuant to paragraph 9 of this subsection, the board of supervisors, if the petitions are valid, shall order the formation of the district. The board of supervisors shall enter its order setting forth its determination in the minutes of the meeting, not later than ten days from the day of the hearing, and a copy of the order shall be filed in the county recorder's office. The order of the board of supervisors shall be final, and the proposed district is formed thirty days after the board of supervisors votes to form the district. A decision of the board of supervisors under this subsection is subject to judicial review under title 12, chapter 7, article 6.

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

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

~~2.~~ property held in multiple ownership shall be treated as if it had only one property owner, so that the signature of only one of the owners of property held in multiple ownership is required on the formation petition.

C. If a district is formed pursuant to this section, the cost of publication of the notice of hearing~~,~~ AND the mailing of notices to electors

and property owners and all other costs incurred by the county as a result of this section shall be a charge against the district.

D. A district organized pursuant to this section shall have an organizing board of directors to administer the affairs of the district until a duly constituted board of directors is elected as provided in this title. The organizing board shall have all the powers, duties and responsibilities of an elected board. The organizing board shall consist of the three individuals named in the petitions presented pursuant to subsection A of this section. If a vacancy occurs on the organizing board, the remaining board members shall fill the vacancy by appointing an interim member. Members of the organizing board shall serve without compensation but may be reimbursed for actual expenses incurred in performing their duties. The organizing board shall elect from its members a chairperson and a clerk. For any challenge to the formation of the district, the district board is a proper party to the challenge and any petition circulators are not proper parties.

E. For the purposes of this article, "noncontiguous county island fire district" means a district that is formed pursuant to this section in a county that has a population of at least one million five hundred thousand persons and for which all of the following apply:

1. The district consists of only noncontiguous county islands in a geographic boundary area that is contained in a municipal planning area and within the boundaries of an automatic aid consortium where there is no private provider of fire protection service at the time of the district's formation.

2. Fire protection services are not funded pursuant to section 48-807 at the time of the district's formation.

3. There is only one fire district within the geographic area of the municipal planning area for any one city or town.

Sec. 7. Section 48-2102, Arizona Revised Statutes, is amended to read:

48-2102. <u>Petition to form district; contents of petition</u>

A. Any one or more persons intending to form a pest abatement district shall comply with section 48-261. In addition to the requirements for an impact statement prescribed in section 48-261, subsection A, an impact statement for the formation of a pest abatement district shall also include a plan for pest abatement, including a listing of any chemicals to be used and an estimated application schedule and a certification from the county health officer that states that the pest sought to be prevented, controlled or eradicated has invaded or threatens to invade the boundaries of the proposed district.

B. In addition to the requirements for a petition prescribed by ~~sections 48-265 and~~ SECTION 48-266, the petition for a pest abatement district shall include the name of the pest to be prevented, controlled or eradicated.

APPROVED BY THE GOVERNOR MAY 7, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2010.

Passed the House April 28, 20 10,

by the following vote: 54 Ayes,

5 Nays, 1 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate March 3, 20 10,

by the following vote: 22 Ayes,

6 Nays, 1 Not Voting

VACANT

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1253

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 28, 20 10

by the following vote: 24 Ayes,

6 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

29 day of April, 20 10

at 9:40 o'clock A. M.

Secretary to the Governor

Approved this 7 day of

May, 2010

at 10:15 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 7th day of May, 20 10

at 4:30 o'clock P. M.

Secretary of State

S.B. 1253