



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1351

fire districts; amendments

Purpose

Modifies requirements for filling vacancies on a fire district board, the sale of fire district property, liability for the cost of services provided outside a fire district boundary and the consolidation of two or more fire districts. Modifies requirements for public records retention and boundary expansion of noncontiguous county island fire districts (county island districts).

Background

Fire districts are governed by three-member or five-member district boards, depending on the population of the fire district. If a vacancy occurs on the fire district board for any reason other than expiration of a term, a quorum of the remaining board must fill the vacancy by appointment of an interim member ([A.R.S. § 48-803](#)). Fire district boards may employ personnel and provide services necessary for fire protection, the preservation of life and carrying out its duties ([A.R.S. § 48-805](#)).

Statute outlines processes for two or more fire districts to consolidate if it is determined by the fire district to promote the public safety, health, comfort, convenience, necessity or welfare. Fire district consolidations must either be approved by the voters of the fire district at a consolidation election or, if certain conditions are met, the fire district governing body may vote to consolidate two or more fire districts by either unanimous or majority vote ([A.R.S. § 48-822](#)).

Fire districts are required to be contiguous; however, one or more persons can petition to form a county island district. A county island district must: 1) consist only of noncontiguous county islands in an area contained in a municipal planning area and within the boundaries of an automatic aid or mutual aid consortium; and 2) not be funded using a fire district assistance tax at its formation. Additionally, there may be only one fire district within the geographic area of the municipal planning area for any one city or town for a county island district to be formed ([A.R.S. § 48-851](#)). Following formation, a county island district may expand its boundaries to include unincorporated parcels within a city's or town's municipal planning area, with permission of the city or town ([A.R.S. § 48-853](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Fire Districts

1. Requires a position on a fire district board to be declared vacant upon expiration of a fire district board member's term of office, unless filled at a general election or by appointment if only one nominating petition is filed to fill the position.

2. Requires a vacancy on a fire district board, if the vacancy occurs due to the expiration of a fire district board member's term of office, to be filled by:
 - a) appointment by a quorum of the fire district board within 90 days of the beginning of the new term of office; or
 - b) the county board of supervisors, if the fire district board is unable to establish a quorum.
3. Allows a fire district that contracts for fire and emergency medical services to designate the fire chief of the service provider as the fire district fire chief.
4. Requires a fire district board, in a sale of real property, to obtain an appraisal of the property by a licensed or certified appraiser.
5. Requires the appraiser to determine the market value for the real property and prohibits a fire district board from accepting a bid that is less than 75 percent of the appraised market value.
6. Allows a fire district board to value real property using a market analysis, rather than an appraisal, if the property has no market value or a net value of \$10,000 or less.
7. Allows a fire district board to sell or lease fire district property to any other governmental entity, including the state or a city, town, county, political subdivision or special taxing district, on any terms deemed advantageous to the fire district.
8. Allows a fire district board, on unanimous consent, to grant an easement on fire district property to a utility for public purposes.
9. Requires a fire district board, if a fire district consolidation is approved by a board vote pursuant to statutory requirements, to declare the fire district consolidated by resolution.
10. Requires a fire district board, if a fire district consolidation is approved by a majority vote for a fire district that has obtained a consolidation, merger or joint operating alternatives study or has a tax rate above the allowable tax rate, to receive written consent to the consolidation from any taxpayer within the fire districts that owns 30 percent or more of the net-assessed value of the fire district.
11. Defines *property owner* relating to emergency fire or emergency medical services provided by a fire district to a mobile home park.
12. Defines *metropolitan statistical area*.

County Island Districts

13. Allows a county island district to post and publish the county island district budget more than 20 days before a public hearing to adopt the budget.
14. Removes the requirement that all public records of a county island district be maintained in an electronic media or digital imaging format.

15. Removes the requirement that the Director of the Arizona State Library, Archives and Public Records approve an acceptable electronic media or digital imaging format for the county island district.
16. Removes the requirement that a copy of permanent public records of county island districts be maintained by the county in which the county island district resides.
17. Requires county island districts to adopt the Arizona Fire Codes, rather than the applicable municipal fire code.

Miscellaneous

18. Makes technical and conforming changes.
19. Becomes effective on the general effective date.

Amendments Adopted by the Government Committee

1. Reinserts the requirement that the person receiving emergency fire or emergency medical services outside of fire district boundaries, rather than the property owner, is held liable for the cost of the services.
2. Removes language stipulating that the owner of a mobile home where emergency fire or emergency medical services are provided by a fire district outside of the fire district boundaries is liable for the cost of the services, unless the services are provided to a common area of the mobile home park.
3. Removes language allowing a city, town or fire district that meet certain requirements and are participating in a regional automatic aid-agreement to bill non-participating cities, towns and fire districts to recover the cost of provided services.

Senate Action

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Prepared by Senate Research

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MH/gs