

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-first Legislature – Second Regular Session

COMMITTEE ON GOVERNMENT

Minutes of Meeting
Tuesday, February 4, 2014
House Hearing Room 4 -- 2:00 p.m.

Chairman Ugenti called the meeting to order at 2:01 p.m. and attendance was noted by the secretary.

Members Present

Mr. Borrelli
Mr. Coleman
Mr. Forese

Ms. Hernández
Mr. Kavanagh
Mr. Quezada

Mr. Petersen, Vice-Chairman
Mrs. Ugenti, Chairman

Members Absent

None

Committee Action

HB2100 – DPA (7-0-0-1)	HB2321 – DPA (8-0-0-0)
HB2134 – DP (6-1-0-1)	HB2481 – DP (6-2-0-0)
HB2153 – DPA (5-2-0-1) (On Rereferral)	HB2489 – DP (5-2-0-1)
HB2179 – DISCUSSION ONLY	HB2501 – DP (7-0-0-1)
HB2275 – HELD	

CONSIDERATION OF BILLS

HB2179 – trampoline courts; safety – DISCUSSION ONLY

Chairman Ugenti announced that HB2179 will be heard for discussion purposes only; no action will be taken.

Virginia Carico, Majority Research Analyst, advised that HB2179, cited as “Ty’s Law”, defines *trampoline courts* and adds trampoline courts to the statutes that regulate amusement rides (Attachment 1).

Mr. Coleman, sponsor, related that the bill is a work in progress; however, there is an eminent need to require industry standards, i.e., annual equipment inspections, injury reports, record keeping, safety training, etc., for trampoline courts.

Rob Dalager, Lobbyist, representing Maureen Kerley and Gary Thomasson, appeared in support of HB2179 and gave a brief background on the death at a trampoline court two years ago.

Maureen Kerley, representing self, testified in support of HB2179, sharing a picture of her son, Ty Thomasson, in the hospital with life-threatening injuries. She said that today marks the second anniversary of his death. On February 2, 2012, her 30-year-old son went to a trampoline park for a team-building event for his employer. The trampoline park's website advertises a facility used for performing extreme aerial moves while landing in a soft, safe environment. Ty executed a half-gainer, a simple flip, and landed in the middle of the foam pit which he slid through like butter. He hit the concrete floor, breaking his neck in three places and causing severe trauma to his spinal cortex, and died three days later. Ms. Kerley stated that the trampoline park did not have any emergency procedures in place and the employees were ill equipped to handle an emergency; Ty's co-workers had to call 9-1-1.

She advised that the material used in the construction of the foam pit was of poor quality, the pit itself was only three feet deep. Upon visiting numerous trampoline parks, Ms. Kerley discovered that most facilities in Arizona have foam pits that are less than three feet deep but industry standard recommends six feet. HB2179 incorporates American Society for Testing and Materials (ASTM) guidelines for trampoline courts. Currently, patrons sign liability waivers and trampoline park owners have zero accountability for the facility design, construction or training of their employees. She stated that she believes the owners of the trampoline parks do not have a right to make a profit at the expense of children and questioned why the industry lacks oversight. She said that we have an obligation to protect our children; it is not a question of if it will happen again but rather when. Ty Thomasson would be alive today if safety measures and trampoline court standards were in place.

In reply to Chairman Ugenti, Ms. Kerley advised there are four components that she would like to see in the bill: construction material and design standards, injury report requirements, first aid training, including CPR, and supervision requirements.

Gary Thomasson, representing self, testified in favor of HB2179 and described his son Ty's jump into the foam pit. He said it was neither spectacular nor difficult; Ty simply did not get around far enough and it killed him. He questioned how, at a public facility that charges patrons, advertises and appeals to people wanting to have fun, this can happen. Mr. Thomasson stated that his son's death cannot be remedied but going forward there needs to be oversight and adequate standards for the trampoline court industry. He related that the pit was a mere 31 inches deep.

In response to Mr. Borrelli's question, Mr. Thomasson described a half-gainer flip comparing the skill level to stepping off of a curb.

Amanda Stewart, Owner, AIRWORX Trampoline Entertainment Center, testified as neutral on HB2179 and expressed remorse for Ty's tragedy. She said the incident was a "wake up" call and provided an impetus for the industry to begin to discuss and enforce trampoline park standards. Currently, all Arizona trampoline courts meet the minimum standards set in the proposed bill. She explained that, in order to obtain liability insurance, facilities have to be inspected by insurance companies and meet their minimum standards. Due to the financial stake, insurance companies ensure that all facilities and trampoline infrastructures meet ASTM guidelines and that operations are adequate to provide proper oversight of the facilities.

Ms. Stewart related that the industry was in its infancy a couple of years ago and has learned a great deal. Industry leaders formed a committee that has weekly conference calls and meets every three months to discuss standards. Decent trampoline park owners and managers are making certain that insurance and ASTM standards are followed.

Chairman Ugenti inquired the outcome for facilities not abiding by ASTM standards. Ms. Stewart replied that insurance companies require trampoline parks to follow ASTM standards. She said, at the time of Ty's death, ASTM standards were not in place for trampoline courts. Chairman Ugenti questioned how long the standards have been in place. Ms. Stewart answered three months but that the industry started working on and implementing standards shortly after Ty's death.

In response to further questions, Ms. Stewart addressed the following areas:

- ASTM standards on material, equipment and infrastructure application
- Operational guidelines
- Foam pit depth standards for trampoline courts – 36 inches
- Industry impact – with or without foam pits
- Industry reporting requirements
- Employee training
- Capital investment
- Insurance company mandates and annual inspections

Mike Williams, Lobbyist, International Trampoline Parks, testified as neutral on HB2179, stating that the industry is supportive of the regulations but has the following concerns:

- The inclusion of trampoline parks in statutes that regulate amusement rides.
- The exclusion of a mechanism to be licensed by the Arizona Department of Insurance.
- The exclusion of a mechanism for the industry to become self-insured.
- The property insurance requirements solely apply to amusement rides.

Mr. Williams stated appreciation for the willingness of Mr. Coleman and Mr. Dalager to address the concerns of industry and acknowledged his condolences to Ty Thomasson's family.

Vice-Chairman Petersen asked how long the trampoline park was open before Ty's accident. Mr. Williams was uncertain.

Mr. Dalager returned to the podium and advised Members that the trampoline park was open for four weeks before the tragedy. To clarify previous testimony, he stated that the ASTM standard for a foam pit is 60 inches in depth.

Mr. Kavanagh questioned if existing trampoline parks will have to abide by the new legislation requiring ASTM standards. Mr. Dalager answered in the affirmative; existing trampoline courts will be given 90 days to comply. Mr. Kavanagh inquired if the parks will be able to operate in the time frame given to comply. Mr. Dalager stated that the details are not completely worked out but the issue will be addressed.

Vice-Chairman Petersen announced the names of those who signed up in support of HB2179 but did not speak:

Dale Wiebusch, Legislative Associate, League of Arizona Cities and Towns
Deb Gullett, Gallagher and Kennedy

HB2321 – procurement code omnibus – DO PASS AMENDED

Virginia Carico, Majority Research Analyst, reviewed the provisions of HB2321 that makes various changes to the Arizona Procurement Code (APC) (Attachment 2). She advised that the Ugenti two-line amendment to HB2321 dated 02/03/14 (Attachment 3) makes a clarifying change.

Mark Minter, Executive Director, Arizona Builders Alliance, testified in favor of HB2321 and the amendment, stating that the bill addresses issues missed in last year's legislation.

Carly Fleege, Assistant Legislative Liaison, Arizona Department of Administration, testified in support of HB2321 and the amendment. She stated that the bill addresses procurement code issues that arose during the stakeholder process.

Vice-Chairman Petersen announced the names of those who signed up in support of HB2321 but did not speak:

Andrew Carlson, Executive Assistant for Policy Affairs, Arizona Department of Insurance
Daniel Romm, Legislative Liaison, Arizona Department of Housing
Kathy Ber, Director of Legislative Services, Arizona Department of Economic Security
Katy Proctor, Legislative Liaison, Arizona Department of Public Safety
Kevin Biesty, Lobbyist, Arizona Department of Transportation
Will Barnow, Lobbyist, Arizona Department of Corrections
Louis Dettorre, Arizona Department of Financial Institutions; Arizona Department of Real Estate
Michael David Hampton, Lobbyist, Arizona Department of Veterans Services
Doug Dunham, Lobbyist, Arizona Department of Water Resources
Holly Textor, Lobbyist, Arizona Department of Fire Building and Life Safety
Travis Schulte, Lobbyist, Arizona Department of Emergency and Military Affairs
Christina Estes-Werther, Lobbyist, Arizona Secretary of State
Courtney Coolidge, Lobbyist, Arizona Department of Gaming
Dean Gray, representing self
Colby Bower, Lobbyist, Arizona Department of Health Services
Michelle Bolton, Lobbyist, Cox Communications Arizona, LLC; Coxcom, Inc.
Ed Sanchez, Lobbyist, Arizona Commerce Authority
Tyler Palmer, Arizona Registrar of Contractors
Charles Flanagan, Lobbyist, Arizona Department of Juvenile Corrections
Sherry Henry, Arizona Office of Tourism
Laura French, Lobbyist, Arizona Office of Tourism
Ron Passarelli, representing self
Pearlette Ramos, Lobbyist, Arizona Department of Liquor Licenses and Control
Sean Laux, Lobbyist, Arizona Department of Revenue
Jennifer Carusetta, Lobbyist, Arizona Health Care Cost Containment System
Jack Peterson, Lobbyist, Arizona Department of Agriculture
Barbara Corella, Lobbyist, Arizona Department of Administration

Jean Clark, Lobbyist, Arizona Department of Administration

Vice-Chairman Petersen moved that HB2321 do pass.

Vice-Chairman Petersen moved that the Ugenti two-line amendment to HB2321 dated 02/03/2014 (Attachment 3) be adopted. The motion carried.

Vice-Chairman Petersen moved that HB2321 as amended do pass. The motion carried by a roll call vote of 8-0-0-0 (Attachment 4).

HB2481 – religious beliefs; solemnization of marriages – DO PASS

Victoria Pacheco, Majority Research Intern, explained that HB2481 prohibits government from requiring a minister to solemnize a marriage that is inconsistent with the minister's or church's sincerely held religious beliefs (Attachment 5). *Church* is defined as a religious assembly or institution but specifies that it does not include a hospital, hotel, restaurant, retail or service business or any other traditional place of accommodation. *Minister* is defined as an individual who is authorized to solemnize a marriage pursuant to statute.

Mr. Quezada questioned if the definition of *minister* includes a justice of the peace or other persons capable of performing marriages. Ms. Pacheco replied that, as listed in statute, the following persons are authorized to solemnize marriages:

- Duly licensed or ordained clergymen
- Judges of courts of record
- Municipal court judges
- Justices of the peace
- Justices of the United States Supreme Court
- Judges of courts of appeals
- United States magistrate judges
- Judges of the Arizona Court of Military Appeals
- Licensed or ordained clergymen including ministers, elders or other persons who by the customs, rule and regulations of a religious society or sect are authorized or permitted to solemnize marriages or to officiate at marriage ceremonies

Representative Steve Montenegro, sponsor, stated that the intent of "Arizona's First Freedom Act", HB2481, is to protect religious freedoms.

In reply to Mr. Quezada's question, Representative Montenegro explained that because of recent infringements on state rights by the federal government, adding a layer of protection for religious freedom is necessary.

Tracey Stewart, representing self, testified in opposition to HB2481. She related that she serves as the Executive Director of the Anti-Defamation League and stated concern that the definition of *minister* is not limited to clergy but rather incorporates civil servants, such as judges and justices of the peace. She said that conducting marriages in houses of worship or other private settings is much different than solemnizing civil marriages as a civil servant for the benefit of the

public. Ms. Stewart requested the Committee to remove language including civil servants from the bill.

Mr. Borrelli questioned if a public servant should be required to perform a marriage even if they do not want to. Ms. Stewart replied in the affirmative.

Vice-Chairman Petersen announced the names of those who signed up in support of HB2481 but did not speak:

Constantin Querard, Arizona Family Project

Vice-Chairman Petersen announced the names of those who signed up in opposition to HB2481 but did not speak:

Stephanie Seigla, representing self

Brenda Thomas, representing self

Leonard Clark, representing self

Ed Casper, representing self

Kelsie Dunmire, representing self

Diane Ziple, Lobbyist, Arizona Family Health Partnership

Vice-Chairman Petersen moved that HB2481 do pass. The motion carried by a roll call vote of 6-2-0-0 (Attachment 6).

HB2153 – exercise of religion; state action – DO PASS AMENDED (ON REREFERRAL)

Tom Savage, Majority Research Assistant Analyst, explained that HB2153 revises the definition of *exercise of religion* and *person* and extends the prohibition on substantially burdening a person's exercise of religion to applications of the law by nongovernmental persons (Attachment 7). He advised that the Ugenti 20-line amendment to HB2153 dated 02/03/14 (Attachment 8) contains the following:

- Clarifies that the government or nongovernmental person, rather than the opposing party, enforcing state action must demonstrate that the application of the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering the compelling governmental interest.
- Stipulates that a person that asserts a violation of their religious exercise must establish the following:
 - The person's action or refusal to act is motivated by a religious belief;
 - The person's religious belief is sincerely held; and
 - The state action substantially burdens the exercise of the person's religious beliefs.
- Allows a person asserting a claim or defense in a judicial proceeding, whose religious exercise is burdened, to receive injunctive and declaratory relief.
- Revises the definition of state action and specifies that the requirements in A.R.S. § 41-1493.04 relating to professional or occupational licenses and appointments to government offices are not included in the definition of state action.
- Revises the definition of *person*.

Representative Eddie Farnsworth, sponsor, said to prevent duplicating testimony, he will defer to the experts on the issue.

Josh Kredit, Legal Counsel, Center for Arizona Policy, testified in support of HB2153 and the amendment. He stated that the bill clarifies Arizona's Religious Freedom Restoration Act (RFRA) adopted in 1999. He provided history on the rich heritage of religious freedom and cited case law that burdened the free exercise of religion. HB2153 provides necessary updates to Arizona's RFRA by clarifying the definition of *person* to include all types of businesses and legal entities. The bill ensures that a government enactment is not permitted to infringe on religious belief merely because the enactment allows for enforcement by a private individual. Mr. Kredit stated that news headlines and claims related to this bill are simply misplaced. In no way does this legislation allow or promote unlawful discrimination of any kind. HB2153 is simply about implementing the Constitution's free exercise of religion clause allowing people to live and work according to their faith.

Mr. Quezada inquired the necessity for clarifying the state's RFRA. Mr. Kredit responded that Arizona's RFRA was modeled after the 1993 version of the federal RFRA which includes ambiguities on certain words and phrases. Mr. Quezada questioned his position on the intent of the federal RFRA. Mr. Kredit said that looking at Congress's legislative history on the issue; the federal RFRA was intended to include broad religious protections.

Joseph LaRue, representing self, testified in support of HB2153 and the amendment. He gave a brief history and stated that he is an attorney with Alliance Defending Freedom, a legal organization that advocates for and defends religious freedom in Arizona and around the world. Mr. LaRue advised that this bill does nothing more than protect the freedom guaranteed by the First Amendment. HB2153 ensures that everyone's religious view is respected, all people of faith are equally protected from discrimination and all religions are treated fairly by the government.

In response to a question, Mr. LaRue explained that the First Amendment is meant to protect against any time government's law infringes, in this case, on the free exercise of religion.

Ron Johnson, Lobbyist, Arizona Catholic Conference, testified in favor of HB2153 and the amendment. He spoke to the importance of protecting religious liberties and having perfect toleration of religious sentiment. Mr. Johnson reiterated concern with past court cases that infringe upon religious freedom and urged Members to support the bill.

In response to a question, Mr. Kredit returned to the podium and compared the differences in HB2153 from legislation from last session.

Elizabeth Forsyth, representing self, on behalf of the American Counseling Association, testified in opposition to HB2153 and the amendment. She stated concern for the discriminatory nature of the bill and the effect it will have on professional conduct in the counseling industry. Ms. Forsyth stressed the importance of not imposing personal beliefs on others and asked the Committee to vote against the legislation.

John Shelton, Lobbyist, Secular Coalition for Arizona, spoke against HB2153 and the amendment and cited the following reasons:

- Affords businesses the right to practice religion as a person
- Allows businesses to withhold services to certain groups
- Risks taxpayer money to defend legislation in federal court

Mr. Shelton stated that the rights for an individual to practice religious freedom are well protected. This bill is a bad solution to a problem that does not exist.

Tracey Stewart, Assistant Regional Director, Anti-Defamation League (ADL), testified in opposition to HB2153 and the amendment. She advised that the ADL supported the RFRA legislation in 1999 but cannot support this. An employer could use HB2153 as a defense to an employee's equal pay claim under A.R.S. § 23-341, arguing that his or her religious beliefs require men to be paid more than women. A Muslim-owned cab company could refuse to drive passengers to a Hindu temple. Ms. Stewart stated that this legislation will only lead to lengthy and costly litigation that will burden the court system. She said that Arizona already provides robust religious freedom protections but this unnecessary legislation will likely prove to be costly and harmful to the state.

Reverend Andrew Barreras, representing self, testified against HB2153 and the amendment, stating that he believes this legislation opens the door for more conservative and exclusionary churches to practice biased religious beliefs. He said that the bill is a waste of time and money.

Erica Keppler, representing self, spoke against HB2153 and the amendment. She stated that the bill breaks down the reasonable boundaries which preserve peace in society, strips state government of virtually all ability to intercede in conflicts over religious differences and is fundamentally un-American. Ms. Keppler stated that she believes the primary target of harm is the lesbian, gay, bisexual and transgender (LGBT) people.

Representative Farnsworth stated that professional conduct concerns are unwarranted because the issue is not part of the bill. Comments that the bill encourages discrimination, practices bigotry and is geared at the LGBT people are fallacies. He said that according to testimony against HB2153, he is expected to tolerate someone else's opinion but his own opinion will not be tolerated. This bill simply protects religious freedoms and is a preventative approach to the attacks on those freedoms that have been seen in court cases across the nation.

Vice-Chairman Petersen announced the names of those who signed up in support of HB2153 but did not speak:

Debi Vandenboom, representing self

Vice-Chairman Petersen announced the names of those who signed up in opposition to HB2153 but did not speak:

Jeremy Arp, Lobbyist, National Association of Social Workers, Arizona Chapter

Victoria Lopez, Lobbyist, American Civil Liberties Union of Arizona

Tory Anderson, Lobbyist, Secular Coalition for Arizona

Pat VanMaanen, representing self

Brenda Thomas, representing self
Abigail Jensen, representing self
Kelsie Dunmire, representing self
Diane Zipley, Lobbyist, Arizona Family Health Partnership

Vice-Chairman Petersen announced the names of those who signed up as neutral on HB2153 but did not speak:

Ed Casper, representing self

Vice-Chairman Petersen moved that HB2153 do pass.

Vice-Chairman Petersen moved that the Ugenti 20-line amendment to HB2153 dated 02/03/2014 (Attachment 8) be adopted. The motion carried.

Vice-Chairman Petersen moved that HB2153 as amended do pass. The motion carried by a roll call vote of 5-2-0-1 (Attachment 9).

HB2100 – address confidentiality program – DO PASS AMENDED

Virginia Carico, Majority Research Analyst, provided background on the Address Confidentiality Program (ACP) and explained that HB2100 allows an eligible participant in the ACP to attach a copy of their current and valid ACP card and a statement of certification from the Arizona Secretary of State to their affidavit request for confidentiality in documents maintained by the county recorder (Attachment 10). The Ugenti 10-page amendment to HB2100 dated 01/31/14 (Attachment 11) allows eligible participants in the ACP to request confidentiality in records maintained by the county assessor and county treasurer. The amendment requires the county recorder, on request of the participant, to seal the voter registration record of any eligible participant in the ACP and their families and increases the time participants are certified into the program from four years to five years.

Representative Kate Brophy McGee, sponsor, advised that HB2100 is a technical correction to previous legislation.

Jim Drake, Lobbyist, Arizona Secretary of State, spoke in favor of HB2100 and the amendment. In response to a question, he related that the program was put into effect in 2011 and worked on for an entire year to ensure success; the program began accepting participants in June 2012. Currently, the ACP is a self-funded program serving 230 participants, half of which are children.

Vice-Chairman Petersen announced the names of those who signed up in support of HB2100 but did not speak:

Shannon Rich, Lobbyist, Arizona Coalition to End Sexual and Domestic Violence
Jen Sweeney Marson, Lobbyist, Arizona Association of Counties
Trey Williams, Lobbyist, Arizona Association of Counties
Bahney Dedolph, Lobbyist, representing self
Betty McEntire, Lobbyist, Arizona Secretary of State
Ellen Katz, representing self

Vice-Chairman Petersen moved that HB2100 do pass.

Vice-Chairman Petersen moved that the Ugenti 10-page amendment to HB2100 dated 01/31/14 (Attachment 11) be adopted. The motion carried.

Vice-Chairman Petersen moved that HB2100 as amended do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 12).

HB2134 – fire; building; life safety; continuation. – DO PASS

Victoria Pacheco, Majority Research Intern, explained that HB2134 continues the Arizona Department of Fire Building and Life Safety for eight years and applies retroactively to July 1, 2014 (Attachment 13).

Gene Palma, Director, Arizona Department of Fire Building and Life Safety (D.F.B.L.S.), spoke in favor of HB2134. He related that the Department is charged with the responsibility of furthering public safety and welfare through regulatory responsibilities and consists of three sections: Office of the State Fire Marshal, Office of Manufactured Housing and Office of Administration. Mr. Palma provided a handout entitled “*D.F.B.L.S.*” “*To Further Public Safety and Welfare*” (Attachment 14) and said that 90 percent of the recommendations from a 2011 sunset audit on the Department have been implemented.

Dana Paschke, Lobbyist, Arizona Association of Manufactured Home Owners (AAMHO), appeared as neutral on HB2134 and stated concern for the Department’s use of the relocation fund. She said that her clients, through a personal property tax assessment on their homes, pay taxes into this fund to support the homeowner’s cost for relocating their homes in certain circumstances and for the administrative function related to the mobile home landlord-tenant hearing process. In 2011, under a different director, the sunset audit on the Department uncovered significant problems in the use of the relocation fund monies and recommendations were made. After numerous requests and under the leadership of Director Palma, the AAMHO is unable to obtain information on the specific changes that have been made.

Ryan O’Daniel, Lobbyist, Manufactured Housing Communities of Arizona, testified as neutral on HB2134 and stated that he wants to make certain all of the recommended policies from the sunset audit are implemented to enhance accountability and transparency.

Chairman Ugenti questioned if there will be an amendment to address the relocation fund. Mr. Palma responded with a willingness to address the issues upon speaking to the sponsor.

Vice-Chairman Petersen announced the names of those who signed up in support of HB2134 but did not speak:

John Flynn, Arizona Fire District Association

Michael Colletto, Professional Fire Fighters of Arizona

Lee Miller, Lobbyist, Arizona Fire District Association

Holly Textor, Lobbyist, Arizona Department of Fire Building and Life Safety

Debra Blake, Lobbyist, Arizona Department of Fire Building and Life Safety

Vice-Chairman Petersen announced the names of those who signed up as neutral on HB2134 but did not speak:

Michael Green, Lobbyist, Manufactured Housing Communities of Arizona, Inc.
Susan Brenton, Manufactured Housing Communities of Arizona, Inc.
Richard Zettlemoyer, Arizona Association Manufactured Home Owners, Inc.

Vice-Chairman Petersen moved that HB2134 do pass. The motion carried by a roll call vote of 6-1-0-1 (Attachment 15).

HB2501 – promotion; ceremony; 8th grade – DO PASS

Victoria Pacheco, Majority Research Intern, advised that HB2501 removes language allowing school boards to request and receive signed 8th grade promotion certificates from the county school superintendent and allows school districts to conduct 8th grade promotion ceremonies (Attachment 16).

Mr. Coleman stated that the intent of the bill is to prevent 8th grade from being viewed as a completion to education.

Vice-Chairman Petersen announced the names of those who signed up in support of HB2134 but did not speak:

Janice Palmer, Arizona School Boards Association
Leonard Clark, representing self
Tim Carter, Yavapai County School Superintendent, representing self
Geoff Esposito, Arizona School Boards Association
Jennifer Loreda, Lobbyist, Arizona Education Association

Vice-Chairman Petersen moved that HB2501 do pass. The motion carried by a roll call vote of 7-0-0-1 (Attachment 17).

HB2489 – fire access roads; limitation; sprinklers – DO PASS

Virginia Carico, Majority Research Analyst, explained that HB2489 prohibits municipalities and counties from adopting any fire code, ordinance, stipulation or other legal requirement for an approved fire apparatus access road or extension or an approved route or extension that would result in a one or two family residence, utility or miscellaneous accessory building or structure having to install fire sprinklers (Attachment 18).

Mr. Coleman questioned if this bill prohibits municipalities from requiring fire sprinklers in the absence of a fire access road. Ms. Carico responded that the bill will just prohibit the fire access road from requiring or mandating that fire sprinklers be installed.

Vice-Chairman Petersen, sponsor, related that several years ago, legislation was passed to prohibit municipalities from mandating fire sprinklers in single-family residences and low risk properties known as Group U and Group R-3. Some municipalities have found a loophole to mandate fire sprinklers in these low-risk facilities by removing an exemption in the international fire code. He said that the matter was brought to his attention by two constituents too afraid to testify for fear of reprisal. HB2489 clarifies that municipalities cannot directly or indirectly use these fire access requirements as a way to compel somebody to put fire sprinklers in their home.

The bill also restores the intent of the original legislation passed several years ago and what citizens have passed through initiative processes.

Mr. Coleman questioned why the issue is of statewide concern. Vice-Chairman Petersen responded that municipalities are working around citizen-passed initiatives.

Vice-Chairman Petersen announced the names of those who signed up in support of HB2489 but did not speak:

Tom Farley, Lobbyist, Arizona Association of REALTORS®
Spencer Kamps, Home Builders Association of Central Arizona

Vice-Chairman Petersen announced the names of those who signed up in opposition to HB2489 but did not speak:

Lee Miller, Lobbyist, Arizona Fire District Association
Sara Sparman, Lobbyist, Town of Queen Creek
John Flynn, Arizona Fire District Association

Vice-Chairman Petersen moved that HB2489 do pass. The motion carried by a roll call vote of 5-2-0-1 (Attachment 19).

HB2275 – mobile homes; abandonment; sale – HELD

Chairman Ugenti announced that HB2275 will be held.

Without objection, the meeting adjourned at 4:29 p.m.

Abby Selvey, Committee Secretary
February 27, 2014

(Original minutes, attachments and audio on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)