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Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HOUSE BILL 2644

AN ACT

AMENDING SECTIONS 28-4332, 33-1409, 33-1432, 33-1476.01, 33-1476.02, 33-1485.01, 34-461, 36-1639, 41-2141, 41-2142, 41-2146, 41-2147, 41-2161, 41-2163, 41-2171, 41-3012.14 AND 49-356, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 16, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2149; AMENDING TITLE 41, CHAPTER 16, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2169.01; CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 16, ARIZONA REVISED STATUTES, TO "DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY"; AMENDING TITLE 41, CHAPTER 16, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6; RELATING TO THE DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-4332, Arizona Revised Statutes, is amended to
3 read:

4 28-4332. Limited exemption; definitions

5 A. The director shall grant an exemption from the new or used house
6 trailer dealer licensing requirements of this chapter if the person claiming
7 the exemption furnishes satisfactory proof to the director of licensure as a
8 dealer under title 41, chapter 16.

9 B. The cash deposit or bond posted by the person pursuant to section
10 41-2179 is subject to the same conditions and inures to the benefit of the
11 same persons as prescribed in sections 28-4362, 28-4405, 28-4406 and 28-4408.

12 C. A new or used house trailer dealer who claims an exemption pursuant
13 to subsection A of this section shall comply with all other requirements
14 applicable to a new or used house trailer dealer licensed under this chapter.
15 The director of the department of transportation may suspend or cancel the
16 license issued pursuant to title 41, chapter 16 pursuant to this chapter. On
17 issuing a final order cancelling or suspending a license issued pursuant to
18 section 41-2176, the director of the department of transportation shall
19 notify the director of the department of FIRE, building and fire LIFE safety
20 who shall require the surrender of the license.

21 D. An exemption granted pursuant to subsection A of this section
22 expires on suspension, revocation or nonrenewal of the license issued
23 pursuant to title 41, chapter 16. The director of the department of FIRE,
24 building and fire LIFE safety shall notify the director of the department of
25 transportation of any such suspension, revocation or nonrenewal.

26 E. For the purposes of this section:

27 1. "House trailer" means a vehicle, other than a motor vehicle, that
28 is built on a chassis designed for being drawn on the highways by a motor
29 vehicle and that is designed for human habitation.

30 2. "Used house trailer dealer" means a person, other than a new house
31 trailer dealer, who buys, sells, exchanges or offers or attempts to negotiate
32 a sale or exchange of an interest in used house trailers or who is engaged in
33 the business of selling used house trailers.

34 Sec. 2. Section 33-1409, Arizona Revised Statutes, is amended to read:

35 33-1409. General definitions

36 Subject to additional definitions which are contained in subsequent
37 articles of this chapter and which apply to those specific articles, and
38 unless the context otherwise requires, in this chapter:

39 1. "Action" includes recoupment, counterclaim, setoff, suit in equity
40 and any other proceeding in which rights are determined, including an action
41 for possession.

42 2. "Anniversary date" means an annual date applying to all tenants
43 stated in the rental agreement on which the landlord may adjust the amount of
44 rent.

45 3. "Appurtenances" means awnings, sheds, porches and other attachments
46 to the mobile home.

- 1 4. "Building and housing codes" includes any law, ordinance or
2 governmental regulation concerning fitness for habitation, or the
3 construction, maintenance, operation, occupancy, use or appearance of any
4 premises, dwelling unit or mobile home space.
- 5 5. "Change in use" means either of the following:
6 (a) A change in the use of land from the rental of mobile home spaces
7 in a mobile home park to some other use.
8 (b) The redevelopment of the mobile home park.
- 9 6. "Compatible" means a mobile home which is in a similar condition as
10 the majority of the other mobile homes in the mobile home park, as determined
11 by the maintenance, condition and overall appearance of the mobile home.
- 12 7. "Director" means the director of the department of FIRE, building
13 and fire LIFE safety.
- 14 8. "Dwelling unit" excludes real property used to accommodate a mobile
15 home.
- 16 9. "Educational program" means a class, workshop or educational
17 convention that primarily instructs attendees on issues dealing with the
18 operation of a mobile home park and that is sponsored by a nonprofit
19 organization whose sole or primary purpose is the advocacy and promotion of
20 the rental mobile home parks industry.
- 21 10. "Fund" means the mobile home relocation fund.
- 22 11. "Good faith" means honesty in fact in the conduct or transaction
23 concerned.
- 24 12. "Guest" means a nonresident, over and above the occupancy limit set
25 for the resident's space under the terms of the rental agreement or by park
26 rules, of a mobile home park who stays at the home of a person with
27 constructive possession of the home with the consent of the resident for one
28 or more nights and not more than thirty days in any twelve month period.
- 29 13. "Landlord" means the owner, lessor, sublessor or operator, or any
30 combination thereof, of a mobile home park and it also means a manager of the
31 premises who fails to disclose as required by section 33-1432.
- 32 14. "Mobile home":
33 (a) Means either of the following:
34 (i) A residential structure manufactured on or before June 15, 1976,
35 that is transportable in one or more sections, eight feet or more in body
36 width, over thirty feet in body length with the hitch, built on an integral
37 chassis, designed to be used as a dwelling when connected to the required
38 utilities and not originally sold as a travel trailer or recreational vehicle
39 and which includes the plumbing, heating, air conditioning and electrical
40 systems in the structure.
41 (ii) A manufactured home built after June 15, 1976, originally bearing
42 an appropriate insignia of approval issued by the United States department of
43 housing and urban development.
44 (b) Does not include either of the following:
45 (i) A recreational vehicle such as a motor home, camping trailer, van,
46 fifth wheel trailer or other type of recreational vehicle.

1 (ii) A structure known as a park model trailer that is a structure
2 built on a single chassis, mounted on wheels and designed to be connected to
3 the utilities necessary for the operation of installed fixtures and
4 appliances and that has a gross interior area of not less than three hundred
5 twenty square feet and not more than four hundred square feet when prepared
6 for occupancy.

7 15. "Mobile home park" means any parcel of land that contains four or
8 more mobile home spaces.

9 16. "Mobile home space" means a parcel of land for rent which has been
10 designed to accommodate a mobile home and provide the required sewer and
11 utility connections.

12 17. "Moving expenses" means the cost incurred by the tenant whose
13 mobile home is moved for taking down, transporting and setting up the mobile
14 home with the identical, or substantially similar, improvements as were
15 attached to the tenant's mobile home on the mobile home space from which it
16 was removed but does not include the cost of landscaping or the cost of
17 utility lines, trenching or utility connections located in excess of
18 twenty-five feet from the point of hookup on the mobile home.

19 18. "Organization" includes a corporation, limited liability company,
20 government, governmental subdivision or agency, business trust, estate,
21 trust, partnership or association, two or more persons having a joint or
22 common interest and any other legal or commercial entity which is a landlord,
23 owner, manager or designated agent pursuant to section 33-1432.

24 19. "Owner" means one or more persons, jointly or severally, in whom is
25 vested all or part of the legal title to property or all or part of the
26 beneficial ownership and a right to present use and enjoyment of the
27 premises. The term includes a mortgagee in possession.

28 20. "Park manager" means the person who is primarily responsible for
29 the day-to-day operation of a mobile home park.

30 21. "Person" includes a company, partnership or firm as well as a
31 natural person.

32 22. "Premises" means the mobile home park and its existing facilities
33 and appurtenances, including furniture and utilities where applicable, and
34 grounds, areas and existing facilities held out for the use of tenants
35 generally or whose use is promised to the tenant.

36 23. "Prospective tenant" means a person who desires to become a tenant.

37 24. "Redevelopment of the mobile home park" means that the spaces being
38 redeveloped shall remain vacant for at least one hundred eighty days after
39 the effective date of all change in use notices that are given to the tenants
40 and either of the following applies:

41 (a) A minimum of twenty-five per cent of the spaces in the park, in
42 groups of at least five contiguous spaces, are being changed into an upgraded
43 mobile home park.

44 (b) A minimum of twenty-five of the total number of spaces in the park,
45 in groups of at least five contiguous spaces, are being changed into an
46 upgraded mobile home park.

1 25. "Rent" means payments to be made to the landlord or designated
2 agent in full consideration for the rented premises.

3 26. "Rental agreement" means leases or agreements and valid rules
4 adopted under section 33-1452 embodying the terms and conditions concerning
5 the use and occupancy of a mobile home space and premises, and includes
6 month-to-month tenancies that arise out of the expiration of a written rental
7 agreement pursuant to section 33-1413.

8 27. "Resident" means a person entitled under a rental agreement to
9 occupy a mobile home space to the exclusion of others and does not include a
10 person rendering necessary live-in care under section 33-1413.03.

11 28. "Security" or "security deposit" means any refundable money or
12 property given to assure payment or performance under a rental agreement.

13 29. "Tenant" means a person signing a rental agreement or otherwise
14 agreeing with a landlord for the occupancy of a mobile home space.

15 30. "Visitor" means a nonresident of a mobile home park who stays at
16 the home of a resident with the consent of the resident but does not stay
17 overnight.

18 Sec. 3. Section 33-1432, Arizona Revised Statutes, is amended to read:

19 33-1432. Disclosure of written rental agreement

20 A. The landlord or any person authorized to enter into a rental
21 agreement on the landlord's behalf shall disclose to the tenant in writing
22 before entering into the rental agreement each of the following:

23 1. The name and address of the person authorized to manage the
24 premises.

25 2. The name and address of the owner of the premises.

26 3. If applicable, the name and address of a person authorized to act
27 for and on behalf of the owner for the purpose of service of process and for
28 the purpose of receiving and receipting for notices and demands.

29 4. For a prospective tenant on an initial rental agreement, a written
30 statement that shows the rent increases for the three full calendar years
31 immediately preceding the prospective initial rental agreement date. This
32 information shall be for basic space rental only and does not apply to other
33 fees such as late charges, guest fees and utility charges. The landlord may
34 disclose the rent history with calculations that fairly describe the rent
35 history and that are made in any manner that reasonably informs the
36 prospective tenant of the history of basic space rent in the mobile home park
37 during that period. The disclosure calculation may be made in January of
38 each year by adding the dollar amounts or percentage amounts for aggregate
39 rental increases that became effective in the prior calendar year for every
40 space in the park and dividing that number by the total number of occupied
41 revenue spaces for which rent was or could have been increased. This average
42 amount of rental increase or average percentage of rental increase shall be
43 posted at the rental office for three years. Disclosure calculations made
44 pursuant to this section shall be made to the best of the landlord's ability.

45 B. The information required to be furnished by this section shall be
46 kept current and refurnished to the tenant upon the tenant's request except

1 that any successor landlord shall not be required to provide average rent
2 disclosures relating to previous landlords.

3 C. When there is a new owner or operator this section extends to and
4 is enforceable against any successor landlord, owner or manager.

5 D. A person who fails to comply with subsection A, paragraph 1, 2 or 3
6 or subsection B becomes an agent of each person who is a landlord for the
7 following purposes:

8 1. Service of process and receiving and receipting for notices and
9 demands.

10 2. Performing the obligations of the landlord under this chapter and
11 under the rental agreement and expending or making available for the purpose
12 all rent collected from the premises.

13 E. The landlord or any person authorized to enter into a rental
14 agreement on the landlord's behalf shall post in a conspicuous place a copy
15 of the current utility rates unless the tenant is charged directly by the
16 utility company.

17 F. Each tenant shall be notified, in writing, of any rent increase at
18 least ninety days prior to the increase by first class or certified mail or
19 by personal delivery. The mobile home parks hearing officer has jurisdiction
20 to determine whether notices have been served properly and in a timely
21 manner.

22 G. Before entering into a rental agreement, the landlord or any person
23 authorized to enter into the rental agreement shall provide to the
24 prospective tenant a concise written summary of the Arizona mobile home parks
25 residential landlord and tenant act that is approved by the director of the
26 department of FIRE, building and fire LIFE safety annually by November 1 and
27 that includes any legislative changes made in the preceding year. The
28 director of the department of FIRE, building and fire LIFE safety shall post
29 the approved summary on the department's web site. The landlord shall
30 provide the summary to the tenant at no cost to the tenant. The summary
31 shall include information regarding where a complete copy of the act may be
32 obtained or reviewed, including listing the secretary of state's web site.
33 This subsection does not apply to renewal of rental agreements. The
34 secretary of state shall post the act on the secretary of state's web site.

35 H. The landlord shall make available to all tenants a concise written
36 summary of the Arizona mobile home parks residential landlord and tenant act
37 that is approved by the director of the department of FIRE, building and fire
38 LIFE safety annually by November 1 and that includes any legislative changes
39 made in the preceding year. The summary shall include information regarding
40 where a complete copy of the act may be obtained or reviewed, including
41 listing the secretary of state's web site. The director of the department of
42 FIRE, building and fire LIFE safety shall post the approved summary on the
43 department's web site. The landlord shall provide the summary at no cost to
44 the tenants.

45 Sec. 4. Section 33-1476.01, Arizona Revised Statutes, is amended to
46 read:

1 33-1476.01. Change in use; notices; compensation for moving
2 expenses; payments by the landlord

3 A. The landlord shall notify the director and all tenants in writing
4 of a change in use at least one hundred eighty days before the change in use.
5 The landlord may not increase rent within ninety days before giving notice of
6 a change in use.

7 B. The landlord shall inform all tenants in writing about the mobile
8 home relocation fund established in section 33-1476.02.

9 C. If a tenant is required to move due to a change in use or
10 redevelopment of the mobile home park, the tenant may do either of the
11 following:

12 1. Collect payment from the mobile home relocation fund for the lesser
13 of the actual moving expenses of relocating the mobile home to a new location
14 that is within a fifty mile radius of the vacated mobile home park or five
15 thousand dollars for a single section mobile home or ten thousand dollars for
16 a multisection mobile home. Moving expenses include the cost of taking down,
17 moving and setting up the mobile home in the new location.

18 2. Abandon the mobile home in the mobile home park and collect an
19 amount equal to one-fourth of the maximum allowable moving expense for that
20 mobile home from the mobile home relocation fund. To qualify for abandonment
21 payment pursuant to this paragraph, the tenant shall deliver to the landlord
22 the current title to the mobile home with the notarized endorsement of the
23 owner of record together with complete releases of all liens that are shown
24 on the title. The tenant shall provide a copy of these documents to the
25 department of FIRE, building and fire LIFE safety in support of the tenant's
26 application for payment. If the tenant chooses to abandon the mobile home
27 pursuant to this paragraph, the landlord is exempt from making the payments
28 to the fund prescribed in subsection D of this section.

29 D. Except as provided in subsection C, paragraph 2 and subsection F of
30 this section, if there is a change in use the landlord shall pay five hundred
31 dollars for each single section mobile home and eight hundred dollars for
32 each multisection mobile home relocated to the fund for each tenant filing
33 for relocation assistance with the director.

34 E. If a change in use occurs before the time stated in the statements
35 of policy and the landlord does not comply with subsection A of this section
36 and with section 33-1436 and section 33-1476, subsection H, the landlord
37 shall pay to the fund in addition to the monies prescribed in subsection D of
38 this section:

39 1. Five hundred dollars for each mobile home space occupied by a
40 single section mobile home.

41 2. Eight hundred dollars for each mobile home space occupied by a
42 multisection mobile home.

43 F. The landlord is not required to make the payments prescribed in
44 subsections D and E of this section for moving mobile homes owned by the
45 landlord or for moving a mobile home under a contract with the tenant if the
46 tenant does not file for relocation assistance with the director.

1 G. If a change in use occurs within two hundred seventy days of
2 relocations under section 33-1476.04, the landlord shall pay to the fund in
3 addition to the monies prescribed in subsection D of this section:

4 1. Five hundred dollars for each mobile home space occupied by a
5 single section mobile home.

6 2. Eight hundred dollars for each mobile home space occupied by a
7 multisection mobile home.

8 H. The tenant shall submit a contract for relocation of a mobile home
9 for approval to the director within sixty days after the relocation to be
10 eligible for payment of relocation expenses. The director must approve or
11 disapprove the contract within fifteen days after receipt of the contract, or
12 the contract is deemed to be approved. The payment of expenses shall be made
13 as provided in the rules adopted by the director. If the contract is not
14 approved, the tenant may appeal to the hearing officer.

15 I. If this state or a political subdivision of this state exercises
16 eminent domain and the mobile home park is sold or a sale is made to this
17 state or a political subdivision of this state that intends to exercise
18 eminent domain, the state or political subdivision is responsible for the
19 relocation costs of the tenants.

20 J. If a tenant is vacating the premises and has informed the landlord
21 or manager before the change in use notice has been given, the tenant is not
22 eligible for compensation under this section.

23 K. A person who purchases a mobile home already situated in a park or
24 moves a mobile home into a park in which a change in use notice has been
25 given is not eligible for compensation under this section.

26 L. This section does not apply to a change in use if the landlord
27 moves a tenant to another space in the mobile home park at the landlord's
28 expense.

29 Sec. 5. Section 33-1476.02, Arizona Revised Statutes, is amended to
30 read:

31 33-1476.02. Mobile home relocation fund; investment of monies

32 A. The mobile home relocation fund is established consisting of monies
33 collected pursuant to section 33-1476.03. The ~~department~~ DIRECTOR shall
34 administer the fund.

35 B. Fund monies shall be used as prescribed in sections 33-1476.04 and
36 41-2157 and to pay premiums and other costs of purchasing, from a private
37 insurer who is licensed to transact insurance business in this state,
38 insurance coverage for tenant relocation costs due to a change in use as
39 prescribed in section 33-1476.01. Any insurance rebates shall be deposited
40 in the fund. If such insurance is not available, or if the insurance costs
41 exceed the amount available from the fund, the fund shall be used to make
42 direct payments for tenant relocation costs. Monies in the fund in excess of
43 the amount required for these purposes shall be used, as necessary, to
44 support the ~~department's~~ DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY'S
45 administration of the hearing function under title 41, chapter 16, article 5.

1 C. On notice from the ~~department~~ DIRECTOR, the state treasurer shall
2 invest and divest monies in the fund as provided by section 35-313, and
3 monies earned from investment shall be credited to the fund. Any unexpended
4 and unencumbered monies remaining in the fund at the end of the fiscal year
5 do not revert to the state general fund but remain in the fund, separately
6 accounted for, as a contingency reserve.

7 D. The director may adopt, amend or repeal rules pursuant to title 41,
8 chapter 6 for the administration of the fund. Fund monies shall be paid to
9 the department of FIRE, building and fire LIFE safety to offset the costs of
10 administering the fund, including the direct and indirect costs of processing
11 applications for reimbursement submitted under section 41-2157. The attorney
12 general shall review the costs charged to the fund.

13 Sec. 6. Section 33-1485.01, Arizona Revised Statutes, is amended to
14 read:

15 33-1485.01. Removal of mobile home from mobile home park;
16 violation; joint and several liability

17 A. A tenant or a tenant's successor in interest shall provide the
18 landlord with a written notification of intent to remove a mobile home from a
19 mobile home space. The notification shall include the date the mobile home
20 will be removed from the mobile home park, ~~and~~ the name, address and
21 telephone number of the person or entity that will be removing the mobile
22 home from the mobile home park and the name, address and telephone number of
23 the person or entity that will be the responsible party for restoring the
24 mobile home space in accordance with the rental agreement and the mobile home
25 park rules and regulations. If the responsible party is not licensed by the
26 department of FIRE, building and fire LIFE safety or the registrar of
27 contractors, the landlord may require a security deposit or surety bond of
28 not more than one thousand dollars minus the amount of any security deposit
29 that was collected at the beginning of the tenant's tenancy. The security
30 deposit or surety bond shall be paid or provided before work begins on
31 restoring the mobile home space and shall secure the cost of restoration if
32 the responsible party fails to completely restore the mobile home space. The
33 landlord shall provide an accounting of any security deposit as prescribed in
34 section 33-1431, subsection C.

35 B. A mobile home shall not be removed from a mobile home park by any
36 tenant, any mobile home owner or any other person or entity unless the person
37 or entity that is removing the mobile home has received from the landlord a
38 written clearance for removal. The landlord shall not interfere with the
39 removal of a mobile home for any reason other than nonpayment of monies due
40 as of the date of removal even if the term of the rental agreement has not
41 expired. The written clearance shall contain both of the following:

42 1. A statement that all monies due for space rent as of the date of
43 removal have been paid or that the landlord and that person or entity have
44 otherwise agreed to the removal.

45 2. The requirements for a mobile home space restoration as prescribed
46 by the rental agreement and by the mobile home park rules and regulations and

1 that shall be performed by the responsible party listed in the removal
2 notification that is required by subsection A of this section.

3 C. A person or entity who violates subsection B of this section shall
4 be liable for two times the amount of any rents due.

5 D. The responsible party identified in the removal notification that
6 is removing a mobile home from a mobile home space shall also remove all
7 accessory structures unless the landlord has agreed in writing to allow those
8 structures to remain. The responsible party identified in the removal
9 notification that is removing the mobile home shall also remove all
10 construction debris, trash and personal property on the rental space from the
11 mobile home park and shall be responsible for restoring the space in
12 accordance with the rental agreement and the mobile home park rules and
13 regulations. The rules and regulations may contain conditions regarding the
14 removal of a mobile home from the mobile home park and the restoration of a
15 mobile home space by a tenant or a tenant's successor in interest after
16 removal of the mobile home. The conditions shall not include any provisions
17 regarding environmental liability or environmental remediation, and any
18 environmental liability or environmental remediation requirements shall be
19 governed as otherwise provided by law. If a rental space does not satisfy
20 the requirements of this section following removal of a mobile home, the
21 landlord may provide the last tenant, the tenant's successor in interest or
22 the mobile home owner and the responsible party identified in the removal
23 notification with written notice that specifies what must be done to bring
24 the space into compliance and that requests that the parties remedy the
25 condition within ten days. If the work is not completed within ten days, the
26 landlord may cause the work to be done and shall prepare an itemized bill for
27 the actual and reasonable cost or the fair and reasonable value of the work
28 and submit it to the last tenant, the tenant's successor in interest or the
29 mobile home owner and the responsible party identified in the removal
30 notification. All of those persons shall be jointly and severally liable for
31 the expenses.

32 Sec. 7. Section 34-461, Arizona Revised Statutes, is amended to read:
33 34-461. Applicability of local codes; exception; definition

34 A. Public buildings shall be constructed in compliance with the state
35 fire code unless a fire code has been adopted by the city, town, county or
36 fire district in which the building is located. Public buildings shall be
37 constructed in compliance with applicable building, plumbing, electrical,
38 fire prevention and mechanical codes adopted by the city, town, county or
39 fire district in which the building is located. The owner of the public
40 building is subject to the same fees required of other persons. Public
41 buildings are subject to inspection during construction pursuant to these
42 codes to determine compliance.

43 B. If a public building is built in an area that has not adopted local
44 codes, the building shall be designed or constructed according to the state
45 fire code adopted by the state fire marshal and the building, plumbing,

1 electrical, fire prevention and mechanical codes that apply in the largest
2 city in the county in which the building is located.

3 C. Public buildings are subject to those codes that apply and are in
4 effect when the building is designed or constructed and to the currently
5 adopted codes when a building is found to be structurally unsafe, without
6 adequate egress, ~~or~~ or a fire hazard or ~~are~~ IS otherwise dangerous to human
7 life.

8 D. Subsections A and B do not apply to state owned buildings except
9 for the application of the fire code in effect where a state owned building
10 is located. State department of corrections facilities are exempt from the
11 application of the local fire code in the absence of an intergovernmental
12 agreement between the state department of corrections and the governmental
13 entity responsible for enforcing any local fire code.

14 E. NOTWITHSTANDING SUBSECTION A, CITIES PRESCRIBED IN SECTION 41-2163,
15 SUBSECTION A, PARAGRAPH 2 DO NOT HAVE AUTHORITY THAT SUPERSEDES AND ARE NOT
16 EXEMPT FROM THE STATE FIRE SAFETY COMMITTEE'S ESTABLISHED FIRE CODE IN STATE
17 OR COUNTY OWNED BUILDINGS AND PUBLIC SCHOOLS WHEREVER LOCATED THROUGHOUT THE
18 STATE.

19 ~~E.~~ F. ~~IN~~ FOR THE PURPOSES OF this section, "public building" means a
20 building or appurtenance to a building that is built in whole or in part with
21 public monies.

22 Sec. 8. Section 36-1639, Arizona Revised Statutes, is amended to read:

23 36-1639. Exemptions

24 ~~The provisions of~~ This article ~~do~~ DOES not apply to:

25 1. Manufactured homes as defined in section 41-2142 which were
26 manufactured from and after June 15, 1976.

27 2. Factory-built buildings as defined by section 41-2142 which display
28 an insignia of approval from the department of FIRE, building and ~~fire~~ LIFE
29 safety, office of administration.

30 Sec. 9. Heading change

31 The chapter heading of title 41, chapter 16, Arizona Revised Statutes,
32 is changed from "DEPARTMENT OF BUILDING AND FIRE SAFETY" to "DEPARTMENT OF
33 FIRE, BUILDING AND LIFE SAFETY".

34 Sec. 10. Section 41-2141, Arizona Revised Statutes, is amended to
35 read:

36 41-2141. Department of fire, building and life safety;
37 establishment; purposes; components

38 A. The department of FIRE, building and ~~fire~~ LIFE safety is
39 established to further the public interest of safety and welfare by
40 maintaining and enforcing standards of quality and safety for manufactured
41 homes, mobile homes and factory-built buildings and by reducing hazards to
42 life and property through the maintenance and enforcement of the state fire
43 code BY PROVIDING FIRE TRAINING, FIRE INVESTIGATIONS AND PUBLIC LIFE SAFETY
44 EDUCATION AS PROVIDED FOR IN THIS CHAPTER. It is also the purpose of the
45 department to establish a procedure to protect the consumer of such products
46 and services.

1 B. The department of FIRE, building and ~~fire~~ LIFE safety consists of
2 the board of manufactured housing, the installation standards committee, the
3 state fire safety committee and the director of the department. The
4 director's office consists of the DEPUTY DIRECTOR, THE office of manufactured
5 housing, the office of state fire marshal and the office of administration.

6 C. The attorney general shall act for the department in all legal
7 actions or proceedings and shall advise the department on all questions of
8 law arising out of the administration of this chapter.

9 Sec. 11. Section 41-2142, Arizona Revised Statutes, is amended to
10 read:

11 41-2142. Definitions

12 In this chapter, unless the context otherwise requires:

13 1. "Accessory structure" means the installation, assembly, connection
14 or construction of any one-story habitable room, storage room, patio, porch,
15 garage, carport, awning, skirting, retaining wall, evaporative cooler,
16 refrigeration air conditioning system, solar system or wood decking attached
17 to a new or used manufactured home, mobile home or residential single family
18 factory-built building.

19 2. "Act" means the national manufactured home construction and safety
20 standards act of 1974 and title VI of the housing and community development
21 act of 1974 (P.L. 93-383, as amended by P.L. 95-128, 95-557, 96-153 and
22 96-339).

23 3. "Alteration of units" means the replacement, addition, modification
24 or removal of any equipment or installation after the sale by a manufacturer
25 to a dealer or distributor but prior to the sale by a dealer to a purchaser,
26 which may affect compliance with the standards, construction, fire safety,
27 occupancy, plumbing or heat-producing or electrical system. Alteration does
28 not mean the repair or replacement of a component or appliance requiring
29 plug-in to an electrical receptacle if the replaced item is of the same
30 configuration and rating as the component or appliance being repaired or
31 replaced. Alteration also does not mean the addition of an appliance
32 requiring plug-in to an electrical receptacle if such appliance is not
33 provided with the unit by the manufacturer and the rating of the appliance
34 does not exceed the rating of the receptacle to which such appliance is
35 connected.

36 4. "Board" means the board of manufactured housing.

37 5. "Broker" means any person who, on behalf of another, sells,
38 exchanges, buys, offers or attempts to negotiate or acts as an agent for the
39 sale or exchange of a used manufactured home or mobile home except as
40 exempted in section 41-2178.

41 6. "Component" means any part, material or appliance which is built-in
42 as an integral part of the unit during the manufacturing process.

43 7. "Consumer" means either a purchaser or seller of a unit regulated
44 by this chapter who utilizes the services of a person licensed by the
45 department.

1 8. "Consummation of sale" means that a purchaser has received all
2 goods and services that the dealer or broker agreed to provide at the time
3 the contract was entered into or the transfer of title. Consummation of sale
4 does not include warranties.

5 9. "Dealer" means any person who sells, exchanges, buys, offers or
6 attempts to negotiate or acts as an agent for the sale or exchange of
7 factory-built buildings, subassemblies, manufactured homes or mobile homes
8 except as exempted in section 41-2178. A lease or rental agreement by which
9 the user acquired ownership of the unit with or without additional
10 remuneration is considered a sale under ~~the provisions of~~ this chapter.

11 10. "Defect" means any defect in the performance, construction,
12 components or material of a unit that renders the unit or any part of the
13 unit unfit for the ordinary use for which it was intended.

14 11. "Department" means the department of FIRE, building and fire LIFE
15 safety.

16 12. "Director" means the director of the department.

17 13. "Earnest monies" means all monies given by a purchaser or a
18 financial institution to a dealer or broker before consummation of the sale.

19 14. "Factory-built building" means a residential or nonresidential
20 building including a dwelling unit or habitable room thereof which is either
21 wholly or in substantial part manufactured at an off-site location to be
22 assembled on-site, except that it does not include a manufactured home,
23 recreational vehicle or mobile home as defined in this section.

24 15. "HUD" means the United States department of housing and urban
25 development.

26 16. "Imminent safety hazard" means an imminent and unreasonable risk of
27 death or severe personal injury.

28 17. "Insignia of approval" means a numbered or serialized label or seal
29 issued by the assistant director of the office of administration as
30 certification of compliance with ~~the provisions of~~ this chapter.

31 18. "Installation" means:

32 (a) Connecting new or used mobile homes, manufactured homes or
33 factory-built buildings to on-site utility terminals or repairing these
34 utility connections.

35 (b) Placing new or used mobile homes, manufactured homes, accessory
36 structures or factory-built buildings on foundation systems or repairing
37 these foundation systems.

38 (c) Providing ground anchoring for new or used mobile homes or
39 manufactured homes or repairing the ground anchoring.

40 19. "Installation supervision" means that the installer may act as an
41 installer of accessory structures for manufactured homes, mobile homes or
42 residential single family factory-built buildings and may also contract with
43 the purchaser or owner of a unit, or a dealer licensed under this chapter, to
44 arrange for, control and supervise all aspects of the installation of a unit
45 and accessory structures, including retaining and supervising persons whose
46 activities are licensed under this chapter. A licensed installer may not

1 contract with the purchaser or owner of a unit or with a dealer licensed
2 under this chapter, to arrange for, retain and supervise a person who is
3 licensed or regulated by an agency other than the office of manufactured
4 housing, unless the licensed installer is also licensed by the same agency
5 which licenses or regulates the person whom the installer retains and
6 supervises. Installation supervision also includes the installer's right, if
7 authorized by the purchaser, owner or dealer, to seek and obtain recourse,
8 remedies or relief against all persons whose activities are supervised. If
9 requested by a licensed installer or an applicant for an installer's license,
10 and approved by the assistant director pursuant to sections 41-2175 and
11 41-2176, an installer may obtain a license that includes installation
12 supervision.

13 20. "Installer" means any person who engages in the business of
14 performing installations of manufactured homes, mobile homes or residential
15 single family factory-built buildings.

16 21. "Installer of accessory structures" means any person who engages in
17 the business of installing accessory structures.

18 22. "Listing agreement" means a document which contains the name and
19 address of the seller, a description of the unit to be listed and the terms
20 which include the period of time that the agreement is in force, the price
21 the seller is requesting for the unit, the commission to be paid to the
22 licensee and the signatures of the sellers and the licensee who obtains the
23 listing.

24 23. "Local enforcement agency" means a zoning or building department of
25 a city, town or county or its agents.

26 24. "Manufactured home" means a structure built in accordance with the
27 act.

28 25. "Manufacturer" means any person engaged in manufacturing,
29 assembling or reconstructing any unit regulated by this chapter.

30 26. "Mobile home" means a structure built prior to June 15, 1976, on a
31 permanent chassis, capable of being transported in one or more sections and
32 designed to be used with or without a permanent foundation as a dwelling when
33 connected to on-site utilities except recreational vehicles and factory-built
34 buildings.

35 27. "Purchaser" means a person purchasing a unit in good faith from a
36 licensed dealer or broker for purposes other than resale.

37 28. "Qualifying party" means a person who is an owner, employee,
38 corporate officer or partner of the licensed business and who has active and
39 direct supervision of and responsibility for all operations of that licensed
40 business.

41 29. "Reconstruction of a unit" means construction work performed for
42 the purpose of restoration or modification of a unit by changing or adding
43 structural components or electrical, plumbing or heat or air producing
44 systems.

45 30. "Recreational vehicle" means a vehicular type unit which is:

1 (a) A portable camping trailer mounted on wheels and constructed with
2 collapsible partial sidewalls which fold for towing by another vehicle and
3 unfold for camping.

4 (b) A motor home designed to provide temporary living quarters for
5 recreational, camping or travel use and built on or permanently attached to a
6 self-propelled motor vehicle chassis or on a chassis cab or van that is an
7 integral part of the completed vehicle.

8 (c) A park trailer built on a single chassis, mounted on wheels and
9 designed to be connected to utilities necessary for operation of installed
10 fixtures and appliances and has a gross trailer area of not less than three
11 hundred twenty square feet and not more than four hundred square feet when it
12 is set up, except that it does not include fifth wheel trailers.

13 (d) A travel trailer mounted on wheels, designed to provide temporary
14 living quarters for recreational, camping or travel use, of a size or weight
15 that may or may not require special highway movement permits when towed by a
16 motorized vehicle and has a trailer area of less than three hundred twenty
17 square feet. This subdivision includes fifth wheel trailers. If a unit
18 requires a size or weight permit, it shall be manufactured to the standards
19 for park trailers in A 119.5 of the American national standards institute
20 code.

21 (e) A portable truck camper constructed to provide temporary living
22 quarters for recreational, travel or camping use and consisting of a roof,
23 floor and sides designed to be loaded onto and unloaded from the bed of a
24 pickup truck.

25 31. "Salesperson" means any person who, for a salary, commission or
26 compensation of any kind, is employed by or acts on behalf of any dealer or
27 broker of manufactured homes, mobile homes or factory-built buildings to
28 sell, exchange, buy, offer or attempt to negotiate or act as an agent for the
29 sale or exchange of an interest in a manufactured home, mobile home or
30 factory-built building.

31 32. "Seller" means a natural person who enters into a listing agreement
32 with a licensed dealer or broker for the purpose of resale.

33 33. "Site development" means the development of an area for the
34 installation of the unit's or units' locations, parking, surface drainage,
35 driveways, on-site utility terminals and property lines at a proposed
36 construction site or area.

37 34. "Statutory agent" means an adult person who has been a bona fide
38 resident of this state for at least three years and has agreed to act as
39 agent for a licensee.

40 35. "Subassembly" means a prefabricated wall, floor, ceiling, roof or
41 similar combination of components.

42 36. "Title transfer" means a true copy of the application for title
43 transfer which is stamped or validated by the appropriate government agency.

44 37. "Unit" means a manufactured home, mobile home, factory-built
45 building, subassembly or accessory structures.

1 38. "Unit safety" means the performance of a unit in such a manner that
2 the public is protected against any unreasonable risk of the occurrence of
3 accidents due to the design or construction of such unit, or any unreasonable
4 risk of death or injury to the user or to the public if such accidents occur.

5 39. "Used unit" means any unit which is regulated by this chapter and
6 which has been sold, bargained, exchanged or given away from a purchaser who
7 first acquired the unit which was titled in the name of such purchaser.

8 40. "Workmanship" means a minimum standard of construction or
9 installation reflecting a journeyman quality of the work of the various
10 trades.

11 Sec. 12. Section 41-2146, Arizona Revised Statutes, is amended to
12 read:

13 41-2146. State fire safety committee; members; terms; powers
14 and duties; compensation

15 A. A state fire safety committee is established consisting of seven
16 members **WHO ARE** appointed for three year terms by the governor pursuant to
17 section 38-211. The governor may remove any member from the committee for
18 incompetency, improper conduct, disability or neglect of duty. Membership on
19 the committee is as follows:

20 1. Two members, not from the same municipality, ~~who~~ **EACH OF WHOM** shall
21 be a fire chief or fire marshal of a paid municipal fire department of a city
22 with a population of one hundred thousand persons or more.

23 2. One member shall be a fire chief of a paid municipal fire
24 department of a town with a population of less than one hundred thousand
25 persons.

26 3. One member shall be a member of the Arizona fire chiefs'
27 association.

28 4. One member shall be a registered architect.

29 5. One member shall be a chief building official of a city, town or
30 county.

31 6. One member shall be a member of the public.

32 B. The state fire safety committee shall annually select from its
33 membership a chairman for the committee. The committee shall meet on the
34 call of the chairman or on the request of at least four members.

35 C. The state fire safety committee shall adopt by rule a state fire
36 code establishing minimum standards for:

37 1. Safeguarding life and property from fire and fire hazards.

38 2. Prevention of fires and alleviation of fire hazards.

39 3. Storage, sale, distribution and use of dangerous chemicals,
40 combustibles, flammable liquids, explosives and radioactive materials.

41 4. Installation, maintenance and use of fire escapes, fire protection
42 equipment, fire alarm systems, smoke detectors and fire extinguishing
43 equipment.

44 5. The means and adequacy of fire protection and exit in case of fire
45 in places in which numbers of persons work, live or congregate, excluding
46 family dwellings which have fewer than five residential dwelling units.

1 6. Other matters relating to fire prevention and control which are
2 considered necessary by the committee.

3 D. The state fire safety committee ~~may~~ SHALL adopt rules and a
4 schedule of fees ~~which shall not exceed ninety dollars~~ for a permit, ~~twenty~~
5 ~~dollars~~ for a plan submission, ~~forty dollars an hour~~ for plan review and
6 ~~thirty dollars an hour~~ for reinspections ~~which~~ THAT are payable by persons
7 regulated under article 3 of this chapter.

8 E. The state fire safety committee shall adopt rules for the
9 allocation of monies from the arson detection reward fund established in
10 section 41-2167. The rules shall be consistent with the purposes set forth
11 in section 41-2167 and shall promote the effective and efficient use of the
12 fund monies.

13 F. Members of the committee are not eligible to receive compensation
14 for service on the committee but are eligible for reimbursement of expenses
15 pursuant to title 38, chapter 4, article 2.

16 Sec. 13. Section 41-2147, Arizona Revised Statutes, is amended to
17 read:

18 41-2147. Director; qualifications; appointment; salary;
19 assistants; powers and duties

20 A. The governor shall appoint a director of the department pursuant to
21 section 38-211. The director shall serve at the pleasure of the governor.

22 B. The director shall be experienced in administration and the
23 technical knowledge necessary to administer this chapter.

24 C. The compensation of the director shall be as determined pursuant to
25 section 38-611.

26 D. The director with the approval of the governor shall appoint A
27 DEPUTY DIRECTOR, an assistant director of the office of manufactured housing,
28 the state fire marshal of the office of fire marshal, THE STATE FIRE TRAINING
29 OFFICER, THE FIRE RESOURCE COORDINATOR and an assistant director of the
30 office of administration, all of whom serve at the pleasure of the director
31 and are exempt from ~~the provisions of~~ chapter 4, article 5 of this title.
32 Compensation for the assistant directors and the fire marshal shall be as
33 determined pursuant to section 38-611.

34 E. The director shall establish and have authority over the functions
35 of the office of manufactured housing, the office of state fire marshal and
36 the office of administration and shall appoint employees necessary to perform
37 the duties of articles 2, 3 ~~and~~, 4 AND 6 of this chapter.

38 F. The director shall employ any deputies, investigators and
39 assistants and shall procure all equipment and records that are necessary to
40 enforce this chapter. With respect to the enforcement of section 41-2194,
41 the director or ~~his~~ THE DIRECTOR'S designees are vested with the authority to
42 issue a citation in accordance with section 13-3903 or to issue a cease and
43 desist order to any violators of this chapter. When the director or ~~his~~ THE
44 DIRECTOR'S designees conduct investigations they may receive criminal history
45 record information from the department of public safety and other law
46 enforcement entities.

1 G. In order to protect public health, safety and welfare, the director
2 may revoke or suspend a license.

3 H. The director may issue citations to licensees for alleged
4 violations of any of the provisions of this chapter or rules adopted pursuant
5 to this chapter.

6 I. The director, on ~~his~~ THE DIRECTOR'S motion or on the written
7 request of the licensee, may reduce, at ~~his~~ THE DIRECTOR'S discretion, the
8 amount of any administrative penalty imposed.

9 Sec. 14. Section 41-2161, Arizona Revised Statutes, is amended to
10 read:

11 41-2161. Office of state fire marshal; purpose; qualifications

12 To promote public health and safety and to reduce hazards to life, limb
13 and property, the office of state fire marshal is established within the
14 department. ~~THE OFFICE SHALL PERFORM ITS DUTIES BY PERFORMING INSPECTIONS~~
15 ~~AND FIRE INVESTIGATIONS, BY PROVIDING PUBLIC EDUCATION AND BY ADOPTING FIRE~~
16 ~~PROTECTION CODES.~~ The person appointed as state fire marshal shall have
17 extensive experience in the field of fire prevention and fire protection
18 including administrative experience in such capacity.

19 Sec. 15. Section 41-2163, Arizona Revised Statutes, is amended to
20 read:

21 41-2163. Powers and duties; arson investigators

22 A. The state fire marshal shall, under the authority and direction of
23 the director:

24 1. Assist in the enforcement of state laws and ordinances of cities
25 and counties relating to fire prevention and fire protection.

26 2. Enforce compliance with the fire code ~~promulgated~~ ADOPTED by the
27 state fire safety committee throughout the state except in any city having a
28 population of one hundred thousand persons or more which has in effect a
29 nationally recognized fire code, whether modified or unmodified, and which
30 has enacted an ordinance to assume such jurisdiction from the state fire
31 safety committee. Such cities ~~shall DO~~ not have authority ~~superceding or be~~
32 ~~exempted~~ THAT SUPERSEDES AND ARE NOT EXEMPT from the state fire safety
33 committee's established fire ~~prevention standards~~ CODE in state or county
34 owned buildings and public schools wherever located throughout the state.

35 3. Cooperate and coordinate with other state agencies in the
36 administration of the state fire code.

37 4. Establish a regularly scheduled fire safety inspection program for
38 all state and county owned public buildings and all public and private school
39 buildings wherever located throughout the state, except for private school
40 buildings in cities with a population of one hundred thousand or more persons
41 according to the last decennial census.

1 5. Inspect as necessary all other occupancies located throughout this
2 state, except family dwellings having fewer than five residential dwelling
3 units and occupancies located in cities with a population of one hundred
4 thousand or more persons according to the last decennial census.

5 6. At the written request of county or municipal authorities, make and
6 provide to them a written report of the examination made by the state fire
7 marshal of any fire within their jurisdiction.

8 7. Compile, update as necessary and make available to the public a
9 fully indexed and cross-referenced list of all rules adopted by state
10 agencies and departments and agencies and departments of political
11 subdivisions of this state relating to the control of all hazardous materials
12 as defined in section 28-5201 and all federal regulations relating to the
13 control of hazardous materials as defined in section 28-5201 for which there
14 is no state regulation.

15 8. Establish and maintain a library of all rules and regulations
16 identified in the index required by paragraph 7 of this subsection and
17 support the regulated industry's request for information through research or
18 referral to the agency adopting the specific rule for technical information
19 or other assistance as circumstances dictate.

20 9. Administer the arson detection reward fund established by section
21 41-2167.

22 B. The state fire marshal and this state are not liable for damages
23 caused by information which is omitted from the rules and federal regulations
24 compiled pursuant to subsection A, paragraph 7 of this section.

25 C. All plans and specifications for new construction, remodeling,
26 alterations and additions for state, county and public school buildings and
27 grounds shall be submitted to the director for review and approval by the
28 state fire marshal prior to construction. The plans and specifications shall
29 be reviewed and approved or disapproved within sixty days of submission. No
30 construction shall commence until the plans have been approved and a permit
31 has been issued.

32 D. The state fire marshal may, under the authority and direction of
33 the director:

34 1. Conduct or participate in investigations of causes, origins and
35 circumstances of fires, including cases of possible arson.

36 2. Prescribe a uniform system of reporting fires and their causes and
37 effects.

38 3. Provide and coordinate training in fire fighting and fire
39 prevention and cooperate with educational institutions to provide and further
40 such training.

41 4. Impound necessary evidence in conjunction with investigations of
42 causes, origins and circumstances of fires, in the event that such evidence
43 might be lost, destroyed or otherwise altered if not so impounded.

44 5. Employ specialized testing services to evaluate evidence and
45 conditions involved in fire investigations.

1 6. Designate certain members of the state fire marshal's staff as
2 arson investigators.

3 E. The primary duty of investigators designated pursuant to subsection
4 D, paragraph 6 of this section is the investigation, detection, ~~and~~ and
5 apprehension of persons who have violated or are suspected of violating any
6 provision of title 13, chapter 17. A person designated as an arson
7 investigator, while engaged in arson investigation in this state, possesses
8 and may exercise law enforcement powers of peace officers of this state. This
9 subsection does not grant any powers of peace officers of this state to arson
10 investigators other than those necessary for the investigation, detection and
11 apprehension authority granted by ~~the provisions of~~ this subsection. Any
12 individual designated as an arson investigator shall have law enforcement
13 training under ~~the provisions of~~ section 41-1822.

14 Sec. 16. Title 41, chapter 16, article 3, Arizona Revised Statutes, is
15 amended by adding section 41-2169.01, to read:

16 41-2169.01. Safety standards in fire training

17 ALL TRAINING PROVIDED BY THE DEPARTMENT SHALL COMPLY WITH THE SAFETY
18 STANDARDS PRESCRIBED BY THE NATIONAL FIRE PROTECTION ASSOCIATION AND THE
19 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGULATIONS OF THIS STATE.

20 Sec. 17. Section 41-2171, Arizona Revised Statutes, is amended to
21 read:

22 41-2171. Office of administration; purpose

23 The purpose of the office of administration within the department of
24 FIRE, building and fire LIFE safety is to provide the administrative services
25 necessary to facilitate the operation of the office of manufactured housing
26 and the office of state fire marshal, including procedures to ensure
27 compliance with laws and rules relating to ~~such~~ THESE offices.

28 Sec. 18. Section 41-3012.14, Arizona Revised Statutes, is amended to
29 read:

30 41-3012.14. Department of fire, building and life safety;
31 termination July 1, 2012

32 A. The department of FIRE, building and LIFE safety terminates on July
33 1, 2012.

34 B. Title 41, chapter 16 is repealed on January 1, 2013.

35 Sec. 19. Section 49-356, Arizona Revised Statutes, is amended to read:

36 49-356. Water systems; designating lead agency; coordinating
37 council

38 A. The department of environmental quality is designated as the lead
39 agency to review the operations of water systems and the practices of
40 governmental agencies which oversee and regulate them.

41 B. A water systems coordinating council is established in the
42 department of environmental quality consisting of representatives of at least
43 the following governmental entities and agencies or private water systems:

44 1. The department of environmental quality.

45 2. The corporation commission.

46 3. The state real estate department.

- 1 4. The department of water resources.
2 5. The department of health services.
3 6. The office of state fire marshal in the department of FIRE,
4 building and ~~fire~~ LIFE safety.
5 7. One representative of the health department of a county having a
6 population exceeding one million five hundred thousand persons according to
7 the most recent United States decennial census.
8 8. One representative of the health department of a county having a
9 population exceeding five hundred thousand but not exceeding one million five
10 hundred thousand persons according to the most recent United States decennial
11 census.
12 9. One member, ~~WHO IS~~ appointed by the director ~~to represent~~ AND WHO
13 REPRESENTS county planning and zoning departments.
14 10. One member, ~~WHO IS~~ appointed by the director, ~~to represent~~ AND WHO
15 REPRESENTS a city or town with a population of less than ten thousand.
16 11. One member, ~~WHO IS~~ appointed by the director, ~~to represent~~ AND WHO
17 REPRESENTS investor owned water systems.
18 C. The determination of the number and appointment of representatives
19 for the departments ~~designed~~ DESIGNATED in subsection B, paragraphs 1, 4 and
20 5, ~~shall~~ shall be made by the director of the respective departments. The
21 determination of the number and appointment of representatives of the state
22 real estate department shall be made by the real estate commission. The
23 determination of the number and appointment of representatives of the office
24 of state fire marshal shall be made by the state fire marshal. The
25 appointment of representatives under subsection B, paragraphs 7 and 8, ~~shall~~
26 be made by the director of the department of health ~~services~~ SERVICES.
27 D. Additional members may be appointed at the discretion of the
28 council. A representative from the department of environmental quality,
29 selected by the director, shall serve as chairman of the council. The
30 council shall meet at least quarterly and may meet more often to conduct its
31 business.
32 E. The council shall:
33 1. Develop public education and information programs for owners,
34 operators and customers of water systems.
35 2. Identify programs to advise and assist owners and operators of
36 water systems in management, accounting, engineering and other technical
37 areas.
38 3. Integrate and coordinate information ~~data-bases~~ DATABASES among
39 member agencies.
40 4. Evaluate the statutory and regulatory authority of governmental
41 entities regarding water systems and recommend appropriate changes.
42 5. Develop any other programs and recommendations which would benefit
43 the owners, operators and customers of water systems and the statutory and
44 regulatory practices of government agencies.
45 6. Identify sources of funding to accomplish the purposes of this
46 section.

1 7. Investigate mechanisms to ensure the financial viability of new
2 water systems before they begin operation.

3 Sec. 20. Effective date

4 This act is effective from and after June 30, 2006.