

REFERENCE TITLE: religious beliefs; solemnization of marriages

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2481

Introduced by
Representatives Montenegro, Allen, Barton, Borrelli, Boyer, Farnsworth E,
Forese, Gowan, Kavanagh, Kwasman, Mitchell, Olson, Petersen, Seel, Smith,
Stevens, Thorpe, Townsend, Senators Burges, Crandell, Farnsworth D,
Griffin, Melvin, Ward: Representatives Fann, Gray, Livingston, Lovas,
Mesnard, Shope, Senators Biggs, Murphy, Pierce, Shooter, Worsley

AN ACT

AMENDING SECTIONS 41-1442 AND 41-1493, ARIZONA REVISED STATUTES; AMENDING
TITLE 41, CHAPTER 9, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION
41-1493.05; RELATING TO FREE EXERCISE OF RELIGION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-1442, Arizona Revised Statutes, is amended to
3 read:

4 41-1442. Discrimination in places of public accommodation:
5 exceptions; definitions

6 A. Discrimination in places of public accommodation against any person
7 because of race, color, religion, sex, national origin or ancestry is
8 contrary to the policy of this state and shall be deemed unlawful.

9 B. No person, directly or indirectly, shall refuse to, withhold from
10 or deny to any person, nor aid in or incite the refusal to deny or withhold,
11 accommodations, advantages, facilities or privileges thereof because of race,
12 color, religion, sex, national origin or ancestry, nor shall distinction be
13 made with respect to any person based on race, color, religion, sex, national
14 origin or ancestry in connection with the price or quality of any item, goods
15 or services offered by or at any place of public accommodation.

16 C. Any person who is under the influence of alcohol or narcotics, who
17 is guilty of boisterous conduct, who is of lewd or immoral character, who is
18 physically violent or who violates any regulation of any place of public
19 accommodation that applies to all persons regardless of race, color,
20 religion, sex, national origin or ancestry may be excluded from any place of
21 public accommodation and nothing in this article shall be considered to limit
22 the right of such exclusion.

23 D. Notwithstanding any other provision of this article and except as
24 required by federal law, it is not an unlawful practice if a person fails to
25 provide a trained and competent bilingual person who is skilled in
26 interpreting a language other than English to assist a person who is seeking
27 services at a place of public accommodation. Notwithstanding any other
28 provision of this article and except as required by federal law, a person who
29 offers a service at a place of public accommodation is not required to
30 provide a person who is seeking the service any form or other documentation
31 in that person's native language.

32 E. It is not an unlawful practice pursuant to this section for a
33 person to fail to provide service at a place of public accommodation if by
34 providing the service the person offering the service would violate a state
35 or federal law or a rule that is adopted by a state or federal board,
36 commission or agency that has jurisdiction over the person offering the
37 service.

38 F. THIS SECTION DOES NOT REQUIRE A CHURCH TO ECUMENICALLY RECOGNIZE,
39 FACILITATE OR SOLEMNIZE A MARRIAGE THAT IS INCONSISTENT WITH THE SINCERELY
40 HELD RELIGIOUS BELIEF, DOCTRINE OR TENET OF THE CHURCH.

41 G. FOR THE PURPOSES OF THIS SECTION, "CHURCH" MEANS A RELIGIOUS
42 ASSEMBLY OR INSTITUTION AND DOES NOT INCLUDE A HOSPITAL, HOTEL, RESTAURANT,
43 RETAIL OR SERVICE BUSINESS OR ANY OTHER TRADITIONAL PLACE OF ACCOMMODATION.

1 Sec. 2. Section 41-1493, Arizona Revised Statutes, is amended to read:

2 ~~41-1493.~~ Definitions

3 In this article, unless the context otherwise requires:

4 1. "Demonstrates" means meets the burdens of going forward with the
5 evidence and of persuasion.

6 2. "Exercise of religion" means the ability to act or refusal to act
7 in a manner substantially motivated by a religious belief, whether or not the
8 exercise is compulsory or central to a larger system of religious belief.

9 3. "Government" includes this state and any agency or political
10 subdivision of this state.

11 4. "MINISTER" MEANS AN INDIVIDUAL WHO IS AUTHORIZED TO SOLEMNIZE A
12 MARRIAGE PURSUANT TO SECTION 25-124.

13 ~~4.~~ 5. "Nonreligious assembly or institution" includes all membership
14 organizations, theaters, cultural centers, dance halls, fraternal orders,
15 amphitheatres and places of public assembly regardless of size that a
16 government or political subdivision allows to meet in a zoning district by
17 code or ordinance or by practice.

18 ~~5.~~ 6. "Person" includes a religious assembly or institution.

19 ~~6.~~ 7. "Political subdivision" includes any county, city, including a
20 charter city, town, school district, municipal corporation or special
21 district, any board, commission or agency of a county, city, including a
22 charter city, town, school district, municipal corporation or special
23 district or any other local public agency.

24 ~~7.~~ 8. "Religion-neutral zoning standards":

25 (a) Means numerically definable standards such as maximum occupancy
26 codes, height restrictions, setbacks, fire codes, parking space requirements,
27 sewer capacity limitations and traffic congestion limitations.

28 (b) Does not include:

29 (i) Synergy with uses that a government holds as more desirable.

30 (ii) The ability to raise tax revenues.

31 ~~8.~~ 9. "Suitable alternate property" means a financially feasible
32 property considering the person's revenue sources and other financial
33 obligations with respect to the person's exercise of religion and with
34 relation to spending that is in the same zoning district or in a contiguous
35 area that the person finds acceptable for conducting the person's religious
36 mission and that is large enough to fully accommodate the current and
37 projected seating capacity requirements of the person in a manner that the
38 person deems suitable for the person's religious mission.

39 ~~9.~~ 10. "Unreasonable burden" means that a person is prevented from
40 using the person's property in a manner that the person finds satisfactory to
41 fulfill the person's religious mission.

1 Sec. 3. Title 41, chapter 9, article 9, Arizona Revised Statutes, is
2 amended by adding section 41-1493.05, to read:

3 41-1493.05. Free exercise of religion; ministers' rights

4 GOVERNMENT MAY NOT REQUIRE A MINISTER TO SOLEMNIZE A MARRIAGE THAT IS
5 INCONSISTENT WITH THE MINISTER'S SINCERELY HELD RELIGIOUS BELIEFS.

6 Sec. 4. Severability

7 If a provision of this act or its application to any person or
8 circumstance is held invalid, the invalidity does not affect other provisions
9 or applications of the act that can be given effect without the invalid
10 provision or application, and to this end the provisions of this act are
11 severable.

12 Sec. 5. Short title

13 This act may be cited as the "Arizona's First Freedom Act".