ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - Second Regular Session

COMMITTEE ON REGULATORY AFFAIRS

Report of Regular Meeting
Monday, February 3, 2020
House Hearing Room 5 -- 2:00 P.M.

Convened 2:29 P.M.
Recessed
Reconvened
Adjourned 3:43 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE
2-4-20

Members Present
Mr. Blackman
Ms. Powers Hannley
Mr. Shah
Mrs. Terán
Mr. Toma
Ms. Nutt, Vice-Chairman
Mr. Grantham, Chairman

Members Absent

Agenda
Original Agenda – Attachment 1

Request to Speak
Report – Attachment 2

Committee Attendance
Report – Attachment 3

Presentations

Name	Organization	Attachments (Handouts)

Committee Action

Bill	Action	Vote	Attachments
HB2313	DPA	4-3-0-0	4,5,6
HB2389	DP	5-1-1-0	7,8
HB2627	DP	7-0-0-0	9,10
HB2359	DPA	7-0-0-0	11,12,13
HB2713	DP	4-3-0-0	14,15

Susan Hite
Susan Hite, Committee Secretary
February 4, 2020

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

REVISED - 2/03/20 **REVISED - 2/03/20** **REVISED - 2/03/20**

Conv. 2:29 PM
Adj. 3:43 PM

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - Second Regular Session

REGULAR MEETING AGENDA

COMMITTEE ON REGULATORY AFFAIRS

DATE Monday, February 3, 2020 ROOM HHR 5 TIME 2:00 P.M.

Members:

Mr. Blackman
Ms. Powers Hannley
Mr. Shah
Mrs. Terán
Mr. Toma
Ms. Nutt, Vice-Chairman
~~Mr. Roberts, Vice-Chairman~~ ←
Mr. Grantham, Chairman

Bills		Short Title	Strike Everything Title
1 HB2313	dpa	fire sprinklers; existing buildings; prohibition (Grantham)	
	4-3-0-0	RA, RULES	
4 HB2359	dpa	license denial prohibited; drug convictions (Toma)	
	7-0-0-0	RA, RULES	
2 HB2389	dp	public nuisance; noise; evidence (Townsend)	
	5-1-1-0	RA, RULES	
3 HB2627	dp	timeshares; public reports; purchase contracts (Bolick: Biasiucci, Blackman, et al)	
	7-0-0-0	RA, RULES	
5 HB2713	dp	agency actions; procedures; fee awards (Grantham: Pierce)	
	4-3-0-0	RA, RULES	

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

Attachment 1

Sh ~~01/28/2020~~
02/03/2020

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

Information Registered on the Request to Speak System

House Regulatory Affairs (2/3/2020)

HB2313, fire sprinklers; existing buildings; prohibition

Testified in support:

Dan Bogert, AZ RESTAURANT ASSOCIATION

Testified as opposed:

Michael Colletto, PROFESSIONAL FIRE FIGHTERS OF AZ; Nick Ponder, LEAGUE OF ARIZONA CITIES & TOWNS

Support:

Terrance Traylor, representing self; Jose Borrajero, representing self; Kay Reardon, representing self; Lynne Weaver, representing self; Rose Sperry, representing self; Susan Hicks, representing self; Jered Skousen, representing self; James Dutton , representing self; Jennifer Wellsman, representing self; Nan Nicoll, representing self; JoAnn Dutton, representing self; Johanna Haver, representing self; George Moriarty, representing self; Walter Steiner, representing self; Ed Sangalli, representing self; Barry Aarons, representing self

Neutral:

John Flynn, representing self

Oppose:

Kelly Rostan, representing self; kathleen mayer, representing self; Brad Lundahl, SCOTTSDALE, CITY OF; Alison Porter, representing self; Rivko Knox, representing self; Steve Ramos, representing self; Karen McClelland, representing self; Judith Simons, representing self; Robert McCormick, representing self; Mary Pradelt, representing self; howard johnson, representing self; Janet Larkin, representing self; Rebecca Smith Gross, representing self; marilyn duerbeck, representing self; Victor Peterson, representing self; Eve Shapiro, representing self; Doug Arnold , representing self; Dianne Post, representing self; Brian Bickel, representing self; Susan Bickel, representing self; Elizabeth Putnam-Hidalgo, representing self; Miranda DeWitt, MESA, CITY OF; Jenise Porter, representing self; Jamie Wolgast, representing self; Bryna Koch, representing self; Helen Kim, representing self; Catherine Sigmon, representing self; Laura Hudson, representing self; Kathryn Kaczmarek, representing self; Susan Arnold, representing self; Andy Hall, representing self; Cathleen Bohnlein, representing self; Dale Wiebusch, MARICOPA, CITY OF; Elizabeth Schauer, representing self; Elizabeth Goff, representing self; Gail Kamaras, representing self; Ruth Lambert, representing self; Barbara Oliver, representing self; Kristin Clark, representing self; Cynthia Hans, representing self; Iain Hamp, representing self; Tom McConnell, representing self; Barbara Hutchinson, representing self; Ginger Hamp, representing self; Marcie Stone, representing self; Becky Sayler, representing self; Susan Morris, representing self; Krista McKinney, representing self; Brent Gibbs, representing self; Maureen Dowling, representing self; Julie Golding, representing self; Karen VanAllen, representing self; Megan Astudillo, representing self; Kristin Roberts, representing self; Melinda Sims, representing self; Carrie Landau, representing self; Linda Reichert, representing self; Cynthia Lehigh, representing self; Marlene Verdery, representing self; Claire Ellington, representing self; Linda Edwards, representing self; Kimberlee McClure, representing self; Irene Hunting, representing self; Mary Martiniak, representing self; Lucy Marshall, representing self; Truly Bone, representing self; Korey Hjelmeir, representing self; Kimberlee Holaway, representing self; Ryan

Attachment 2

Anderson, representing self; Susan Anderson, representing self; Debra Cabell, representing self; Mary Radcliffe, representing self; Janet Senf, representing self; Whitney Johnson, representing self; Marilyn Coyle, representing self; Beverly Berg, representing self; Penny Boone, representing self; Margaret Winchell, representing self; Laurie Nerat, representing self; Susanne Rose Muller, representing self; Ralph Meredith, representing self; Gayle Meredith, representing self; William Kelly, representing self; Merri Lisa Trigilio, representing self; Anne Leota Hart, representing self; janice sandoz, representing self; Mary Santy, representing self; Diane Lings, representing self; GARY LEW OLIVER, representing self; Kathleen O'Neill, representing self; Margaret Adams , representing self; Carolyn Pommier, representing self; Joan Mason, representing self; Susan Cook, representing self; Jeffrey Fortney, representing self; Mary Fortney, representing self; Marilyn Childs, representing self; Joan Marie Beverstock, representing self; Virginia Dotson, representing self; Greer Warren, representing self; Dorothy Schumacher, representing self; Lori Cinnamond, representing self; Hayley Stenger, representing self; Nancy Santori, representing self; Tamar Rala Kreiswirth, representing self; Sue Thorne, representing self; Margaret DeVries, representing self; Bradly Duell, representing self; John Flynn, AZ FIRE DISTRICT ASSN; Mary-Jeanne Fincher, representing self; Carrie L. Goode, representing self; Nickolas Stenger, representing self; Barbara Lynn Carpenter, representing self; Elizabeth Miles Packard, representing self; William S. James, representing self; Stephen Coyle, representing self; Sabrina Wishart, representing self; Paisley Rossetti, representing self; Kelli Lang, representing self; John Babicz, representing self; Norman Fuchs, representing self; Pamela Thompson, representing self; John Stuckey, representing self; Mary Nelson, representing self; Susan Phelps, representing self; Teresa Neiberg, representing self; Howard Neiberg, representing self; Karen Harris, representing self; Caroline Anderson, representing self; Margaret Nichols, representing self; Roberta Kithcart, representing self; David Patchen, representing self; Susan Knopp, representing self; Peter Byrd, representing self; Gary Rulapaugh, representing self; Linda Petersen-Vargas, representing self; Emmie Cardella, representing self; Irene Arango, representing self; Abby Brill, representing self; Margaret Owen, representing self; Mary Benin, representing self; Sharon Haynes, representing self; Charlotte Lis, representing self; Carol Trunnell, representing self; Janice Counts, representing self; Suzanne Mallamo , representing self; Michael Weingarten, representing self; Helen Herziger, representing self; Yesenia Dhott, PHOENIX, CITY OF; Margaret Bruns, representing self; Robert Fisher, representing self; Mary Gaudio, representing self; Ellen Toigo, representing self; Roy Verdery, representing self; Carol Garnett, representing self; Cynthia Cook-Keller, representing self; Sandra Rizzo, representing self; Laurie Munn, representing self; Barbara Patchen, representing self; Danielle Pollett, representing self; Kate Van Roekel, representing self; Constance Brunt, representing self; Margaret Lacey, representing self; Carol Stafford , representing self; Sandy McCoy, representing self; Linda Block, representing self; Susan Hernandez, representing self; Margaret Hendrickson, representing self; Janet Herbert, representing self; Diane Nevill, representing self; Erin McCamish, representing self; Martha Schulte-Nafeh, representing self; Dave Tanguay, representing self; Elizabeth Lyons, representing self; Daniel DeVries, representing self; Mary Keerins, representing self; Marie Williams, representing self; Frederique Delhaye, representing self; Steve Marks, representing self; Cynthia Wagner, representing self; Nancy Hancock, representing self; kathleen martin, representing self; Charles Albrecht, representing self; Barbara Hollway, representing self; Melanie Kishi, representing self; Austin Kerr, representing self; Beverly Cameron, representing self; Jane Atkins, representing self; Patrick Diehl, representing self; Daniel Wolgast, representing self; Gregory Hanson, representing self; John Sandoz, representing self; Rita Stahl, representing self; Linda McCormick, representing self; Crystal Lewis, representing self

All Comments:

Jered Skousen, Self: Can not impose code that was not in effect when building was built. Anti excessive regulation. Bringing to code should apply only when ownership is transferred; Nan Nicoll, Self: Common sense is that we bring a building to code upon ownership is transferred. What a boondoggle we could have if we had to update public buildings each time we have a code change.; Michael Colletto, PROFESSIONAL FIRE FIGHTERS OF AZ: Opposed;

kathleen mayer, Self: this is madness - taking away the ability of local governments to protect its citizens from fire risk makes no sense whatsoever. whose side is the sponsor on?; Rivko Knox, Self: Stop on going pre-emption laws that tie the hands of cities. We elect local leaders to make policy for our community; the state should not be usurping those powers.; Karen McClelland, Self: As long s the state refuses to allow counties and cities to regulate short term rentals- they should be able to require sprinklers in so called single family homes that will be used as short term rentals and inhabited by multiple, unrelated renters; Mary Pradelt, Self: Fire sprinklers save lives and property. Local communities should be able to decide how and whether to protect their citizens.; Janet Larkin, Self: We can't go backward on safety.; Eve Shapiro, Self: Cities and towns oppose this proposal as an unnecessary power grab. Vote no.; Doug Arnold , Self: Again the state trying to take away local control over cities at the behest of special interests.; Susan Bickel, Self: unnecessary intrusion and potentially dangerous.; Elizabeth Putnam-Hidalgo, Self: How does this bill add to public safety? Are you all out of your minds?; Kathryn Kaczmarek, Self: AZ cities and towns should be making this type of decision, not the AZ legislature.; Andy Hall, Self: We don't need more preemption laws, please!; Cathleen Bohnlein, Self: Local jurisdictions know their needs; Gail Kamaras, Self: Local governments should have this authority. Fire safety is important; Barbara Oliver, Self: Businesses should all be required to install fire sprinklers to keep Arizonans safe!!; Kristin Clark, Self: STOP THE BIG GOVERNMENT OVERREACH and let the cities, towns & counties make these critical decisions.; Tom McConnell, Self: Cities should decide this. Could you live with the impact of a fire tragedy that could have been prevented?; Susan Morris, Self: Municipalities have the right to make this choice. Stay out of it.; Krista McKinney, Self: Sprinklers are in the interest of public safety.; Melinda Sims, Self: What could possibly go wrong in an OLD building without fire sprinklers? I cannot believe anyone would actually think such a safety deviation would be a good idea.; Marlene Verdery, Self: Absurd!; Linda Edwards, Self: Safety over greedy landlords; Debra Cabell, Self: cities should be able to require sprinklers when it is in the public interest. it is a matter of public safety.; Mary Radcliffe, Self: Unnecessary; Penny Boone, Self: This bans cities from requiring businesses to install fire sprinklers unless they're already renovating which is a power grab from city government. I oppose.; Margaret Winchell, Self: Power grab.; Laurie Nerat, Self: We should NOT be taking away local control.; William Kelly, Self: Stop interfering in local affairs. Try to run the state and properly fund education instead.; Anne Leota Hart, Self: Another favorite "pre-emption tactic" and this is a power grab. These sorts of laws restrict the power of cities and counties on behalf of powerful special interests. Stop these bad bills.; Joan Mason, Self: This is undemocratic as it grabs power from cities and towns. And why would you ban a requirement for fire sprinklers. Aren't we concerned about the public welfare? Trust local govs to make decisions which won't hurt small business.; Joan Marie Beverstock, Self: again another AZ legislature playing Big Brother to local elected officials.; Virginia Dotson, Self: Please leave this public safety issue in he hands of cities and towns .; Greer Warren, Self: This is counter to commonsense; Lori Cinnamond, Self: Sprinklers save lives.; Nancy Santori, Self: An unnecessary power grab; Sue Thorne, Self: Preemption Laws restrict the power of cities on behalf of wealthy businessmen. Republicans stop your ugly game!; Elizabeth Miles Packard, Self: Why? Who benefits?; Norman Fuchs, Self: Local governing bodies know what their constituents need better than State government.; Pamela Thompson, Self: This power belongs in the hands of AZ cities and towns, not the legislature.; John Stuckey, Self: This bill is an attempt to stop local communities from safeguarding their citizens through sensible regulation. Cities & towns oppose the bill as a power grab by the State, in the name of special interests. Is the irony lost on the GOP sponsor?; Mary Nelson, Self: Local control should prevail; Caroline Anderson, Self: All old buildings built before fire sprinkler codes shouldn't have them? Really? Have building standards not changed? Did you ask any Fire Chiefs or Arson specialists?; Margaret Nichols, Self: Let local government determine what is best in its community. Stick to state business.; Peter Byrd, Self: Oppose. Cities should decide.; Irene Arango, Self: Let's try to save lives whenever possible!; Abby Brill, Self: Fire sprinklers SAVE LIVES! Kill this bill!; Margaret Owen, Self: Fire sprinklers are a safety issue. Consider safety first - for the public as well as the employees.; Mary Benin, Self: Give cities autonomy to protect their citizens.; Carol Trunnell, Self: Allow cities to establish their own laws regarding building.; Michael Weingarten, Self: Allow cities to determine for themselves what is in the best interest

of their residents.; Helen Herziger, Self: Let cities govern themselves; Mary Gaudio, Self: Benefits special interests.; Roy Verdery, Self: Fire sprinklers save lives!; Carol Garnett, Self: Safety of the people should come first. Fire extinguishing and warning equipment should be required in all buildings. Cities should require it.; Laurie Munn, Self: "Pre-emption laws" allow special interests to have too much influence at the risk of public safety. The majority party loves these laws, even at the risk of public safety. Please vote no on this bill.; Constance Brunt, Self: Strongly oppose this effort to remove decision-making about local issues from duly-elected local representatives in order to support the interests of powerful special interests.; Margaret Hendrickson, Self: This is ridiculous and will result in deaths.; Janet Herbert, Self: Strongly oppose.; Diane Nevill, Self: Cities and towns should not be prevented from requiring businesses to install fire sprinklers unless they are renovating. Preemptions laws that restrict the power cities and towns to benefit special interests are wrong.; Martha Schulte-Nafeh, Self: No "preemption" laws.; Mary Keerins, Self: Oppose this bill. It is a power grab trying to take control from the cities and towns. Allow our municipalities to handle local ordnances like this.; Marie Williams, Self: Oppose!; Frederique Delhaye, Self: let the local power decide; Steve Marks, Self: no preemption legislation-- I thought republicans were for LOCAL control NO; Cynthia Wagner, Self: Unnecessary; Melanie Kishi, Self: Why would we NOT want a requirement for fire sprinklers?; Beverly Cameron, Self: This is an unnecessary power grab from cities and towns.; Jane Atkins, Self: State and local decisions need to remain there without the influence of outside parties.; Patrick Diehl, Self: Another act of aggression (preemption) by state government against local government. These bills give lobbyists in Phoenix greater access and influence, which is the last thing AZ needs.

HB2389, public nuisance; noise; evidence

Testified as opposed:

Nick Ponder, LEAGUE OF ARIZONA CITIES & TOWNS

Support:

Braden Biggs, representing self; Mike Sullivan, representing self; Tom Dodson, representing self; David Schafranka, representing self; Cindy Sullivan, representing self; Steve Daniels, representing self

Oppose:

Jose Borrajero, representing self; Kay Reardon, representing self; Lynne Weaver, representing self; Rose Sperry, representing self; Jered Skousen, representing self; James Dutton , representing self; Jennifer Wellsman, representing self; Nan Nicoll, representing self; JoAnn Dutton, representing self; Johanna Haver, representing self; George Moriarty, representing self; Walter Steiner, representing self; Janet Senf, representing self; Ed Sangalli, representing self; Yesenia Dhott, PHOENIX, CITY OF; Ryan Lee, GLENDALE, CITY OF

All Comments:

Braden Biggs, Self: Please vote yes per email sent to committee members this morning. Thank you.; Tom Dodson, Self: I Support this bill to protect business owners from frivolous accusations based on heresay. A real nuslance should be proven before any legal actions are allowed. Please protect the innocent from undue harassment.; David Schafranka, Self: HB2389 will require cities and towns to 1st get an accurate reading of a noise level before they can charge someone with nuisance. This bill would require a peace officer to be the one to take the measurement with industry standard equipment.; Steve Daniels, Self: People/business owners should be given clear due process for noise violations.; Jered Skousen, Self: Requires scientifically measured noise level. It would be expensive to equip enough cops with sound measuring devices. Loudness is not the only measure of nuisance noise. Impractical; Jennifer Wellsman, Self: Impractical; Nan Nicoll, Self: Loudness in not the only measure of nuisance noise.

HB2627, timeshares; public reports; purchase contracts

Testified in support:

Louis Dettorre, Legislative Liaison, Arizona Department of Real Estate, AZ DEPT OF REAL ESTATE

HB2359, license denial prohibited; drug convictions

Testified in support:

Meghaen Dell'Artino, OPPORTUNITY SOLUTIONS PROJECT

Support:

Jeff Sandquist, JUSTICE ACTION NETWORK; Donna Hamm, Executive Director, Middle Ground Prison Reform; Laurence Wittig, representing self; Bahney Dedolph, Arizona Council Of Human Service Providers; kathyrn busby, Arizona Nurses Association; Kevin Brown, representing self; Dianne Post, representing self; Elizabeth Putnam-Hidalgo, representing self; Andy Hall, representing self; Shaun Rieve, JUSTICE ACTION NETWORK; Jessica Fishell, representing self; Greer Warren, representing self; Marilyn Rodriguez, ACLU Of Arizona , AZ ATTORNEYS FOR CRIMINAL JUSTICE, LIVING UNITED FOR CHANGE IN ARIZONA; Darrell Hill, AMERICAN CIVIL LIBERTIES UNION OF AZ (ACLU-AZ)

Oppose:

Kevin Earle, Executive Director, Arizona Dental Association; Jose Borrajero, representing self; Kay Reardon, representing self; Lynne Weaver, representing self; Rose Sperry, representing self; Jered Skousen, representing self; James Dutton , representing self; Jennifer Wellsman, representing self; Nan Nicoll, representing self; JoAnn Dutton, representing self; Johanna Haver, representing self; George Moriarty, representing self; Walter Steiner, representing self; Ed Sangalli, representing self; Lynne Breyer, representing self

All Comments:

Donna Hamm, Middle Ground Prison Reform: An excellent step toward helping ex-felons re-enter society after a conviction.; Bahney Dedolph, Arizona Council Of Human Service Providers: We support this bill with the amendment exempting health professional boards.; kathyrn busby, Arizona Nurses Association: The Arizona Nurses Association supports this bill with the addition of the Grantham amendment exempting health professional regulatory boards; Kevin Earle, Arizona Dental Association: The Arizona Dental Association supports the Grantham amendment that would exempt health care licensing boards.; Jered Skousen, Self: Too broad. Blanket application Some convicted drug dealers should not be operating in certain businesses or occupations.; Jennifer Wellsman, Self: Too broad; Nan Nicoll, Self: Self evident

HB2713, agency actions; procedures; fee awards

Testified in support:

Marc Osborn, Kutak Rock LLP

Support:

Ellen Poole, Executive Director, SW Region Govt Relations, American Property & Casualty Insurers; Jenna Bentley, BARRY GOLDWATER INSTITUTE FOR PUBLIC POLICY RESEARCH; Courtney Coolidge, AZ CHAMBER OF COMMERCE

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Reg Affairs Bill Number 2713

Date _____ ☒ Support ☐ Oppose ☐ Neutral

Name Marc Osborn Need to Speak? ☒ Yes ☐ No

Representing Kutak Rock LLP Are you a registered lobbyist? Yes

Complete Address _____

E-mail Address Marc.Osborn@KutakRock.com Phone Number _____

Comments: _____

*****FIVE-MINUTE SPEAKING LIMIT*****

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spoke

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Reg Affairs Bill Number 2389 2398

Date 2/3/2020 ☐ Support ☒ Oppose ☐ Neutral

Name NICK PONDER Need to Speak? ☒ Yes ☐ No

Representing LEAGUE Are you a registered lobbyist? Y

Complete Address 1820 W WASHINGTON ST, PHX, 85028

E-mail Address ponder.nick@gmail.com Phone Number _____

Comments: _____

*****FIVE-MINUTE SPEAKING LIMIT*****

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HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on _____ Bill Number 2389

Date 2/3/2020 ☐ Support ☐ Oppose ☐ Neutral

Name MEHMOOD MOHIUDDIN Need to Speak? ☒ Yes ☐ No

Representing HITCHING POST Are you a registered lobbyist? ____

Complete Address 2341 N. APACHE TRAIL

E-mail Address TMLOVELADY@MSN.COM Phone Number 602-214-5635

Comments: NOISE LEVEL

*****FIVE-MINUTE SPEAKING LIMIT*****

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD

HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on _____ Bill Number 2313

Date 2/3/2020 ☐ Support ☒ Oppose ☐ Neutral

Name Mehmood Mohiuddin Need to Speak? ☐ Yes ☐ No

Representing HITCHING POST Are you a registered lobbyist? ____

Complete Address 2341 N. APACHE TRAIL AS AZ 85749

E-mail Address TMLOVELADY@MSN.COM Phone Number 602-214-5635

Comments: COST TOO MUCH TO INSTALL SPRINKLER SYSTEMS

*****FIVE-MINUTE SPEAKING LIMIT*****

ARIZONA STATE LEGISLATURE
Fifty-fourth Legislature - Second Regular Session

COMMITTEE ATTENDANCE RECORD

COMMITTEE ON **REGULATORY AFFAIRS**

CHAIRMAN: Travis W. Grantham VICE-CHAIRMAN: Becky A. Nutt

	DATE	02/03/20	/20	/20	/20	/20
	CONVENED	2:29 p m	m	m	m	m
	RECESSED					
	RECONVENED					
	ADJOURNED	3:43pm				
MEMBERS						
Blackman		✓				
Powers Hannley		✓				
Shah		✓				
Terán		✓				
Toma		✓				
Nutt, Vice-Chairman		✓				
Grantham, Chairman		✓				

√ Present --- Absent exc Excused

Attachment 3

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

HB 2313: fire sprinklers; existing buildings; prohibition
Sponsor: Representative Grantham, LD 12
Committee on Regulatory Affairs

Overview
Prohibits a municipality from adopting regulations that require the installation of fire sprinklers in a building that was not required to have fire sprinklers when originally constructed.

History
According to statute, a municipality cannot adopt a code or ordinance, or part of a uniform code or ordinance, that prohibits or requires installation or equipment of fire sprinklers in a single family detached residence, or a residential building with not more than two dwelling units. A municipality cannot impose any fine, penalty or other requirement on any person or entity for choosing to install or equip or not install or equip fire sprinklers in such a residence (A.R.S. § 9-807).

Provisions
1. Prohibits a municipality from adopting a code or ordinance, or part of a uniform code or ordinance, that requires the installation of fire sprinklers in an existing building that wasn't required to have fire sprinklers when originally constructed. (Sec. 1)
2. Prohibits a municipality from imposing a fine for choosing not to install fire sprinklers on such a building. (Sec. 1)
3. Authorizes a municipality to require the installation of fire sprinklers if the existing building undergoes a *major renovation or remodel.* (Sec. 1)
4. Defines a *major renovation or remodel* as one in which:
   a) The business will not be open to patrons during the renovation or remodel; and
   b) The contracted price of the work to be performed is over $250,000. (Sec. 1)

Attachment 4

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2313

(Reference to printed bill)

Page 1, line 6, after the second "A" insert "UNIFORM"

Line 8, after "BUILDING" insert "IN WHICH THE CURRENT OCCUPANCY CLASSIFICATION ALLOWS THREE HUNDRED OR MORE OCCUPANTS, THAT IS LICENSED TO SERVE ALCOHOLIC BEVERAGES AS AUTHORIZED BY TITLE 4 AND"

After line 23, insert:

"Sec. 2. Section 11-861, Arizona Revised Statutes, is amended to read:

11-861. Adoption of codes by reference; limitations; method of adoption; fire sprinklers; fire apparatus access roads or approved routes; intent; state preemption; fire watch requirements; pool barrier gates; existing buildings; definition

A. In any county that has adopted zoning pursuant to this chapter, the board of supervisors may adopt and enforce, for the unincorporated areas of the county so zoned, a building code and other related codes to regulate the quality, type of material and workmanship of all aspects of construction of buildings or structures, except that the board may authorize that areas zoned rural or unclassified may be exempt from the provisions of the code adopted. The codes may be adopted by reference after notice and hearings before the county planning and zoning commission and board of supervisors as provided in this chapter for amendments to the zoning ordinance of the county.

B. The board of supervisors may adopt a fire prevention code in the unincorporated areas of the county in which a fire district has not adopted a nationally recognized fire code pursuant to section 48-805. Any fire

Attachment 5

Adopted X # of Verbals ____
Failed ____ Withdrawn ____
Not Offered ____ Analysts Initials TR

code adopted by a board of supervisors pursuant to this subsection shall remain in effect until a fire district is established and adopts a code applicable within the boundaries of the district.

C. For the purpose of this article, codes authorized by subsections A and B of this section shall be limited to the following:

1. Any building, electrical, plumbing or mechanical code that has been adopted by any national organization or association that is organized and conducted for the purpose of developing codes or that has been adopted by the largest city in that county. If the board of supervisors adopts a city code, ~~it shall adopt,~~ within ninety days after receiving a written notification of a change to the city code, THE BOARD OF SUPERVISORS SHALL ADOPT the same change or shall terminate the adopted city code.

2. Any fire prevention code that has been adopted by a national organization or association organized or conducted for the purpose of developing fire prevention codes and that is as stringent as the state fire code adopted pursuant to section 37-1383.

D. The board of supervisors may adopt a current wildland-urban interface code. The code may be adapted from a model code adopted by a national or international organization or association for mitigating the hazard to life and property. The board must follow written public procedures in the development and adoption of the code and any revisions to the code to provide effective, early and continuous public participation through:

1. The broad dissemination and publicity of the proposed code and any revisions to the code.

2. The opportunity for submission and consideration of written public comments.

3. Open discussions, communications programs and information services.

4. Consultation with federal agencies and state and local officials.

E. The board of supervisors shall not adopt a code or ordinance or part of a uniform code or ordinance that prohibits a person or entity from

choosing to install or equip or not install or equip fire sprinklers in a ~~single family~~ SINGLE-FAMILY detached residence or any residential building that contains not more than two dwelling units. The board of supervisors shall not impose any fine, penalty or other requirement on any person or entity for choosing to install or equip or not install or equip fire sprinklers in such a residence. This subsection does not apply to any code or ordinance that requires fire sprinklers in a residence and that was adopted before December 31, 2009. The provisions of this subsection shall be included on all fire sprinkler permit applications that are for a ~~single family~~ SINGLE-FAMILY detached residence or any residential building that contains not more than two dwelling units.

F. A fire sprinkler permit application may be in either print or electronic format.

G. A board of supervisors may not adopt any, or part of any, fire code, ordinance, stipulation or other legal requirement for an approved fire apparatus access road or a fire apparatus access road extension, or both, or an approved route or a route extension, or both, that directly or indirectly requires a one or ~~two family~~ TWO-FAMILY residence or a utility or miscellaneous accessory building or structure to install fire sprinklers. A fire code official may increase or extend an approved fire apparatus access road or a fire apparatus access road extension, or both, or an approved route or a route extension, or both, to comply with this subsection. Compliance with this subsection is not grounds to deny or suspend a license or permit. This subsection may be enforced in a private civil action and relief, including an injunction, may be awarded against a county. The court shall award reasonable attorney fees, damages, lost opportunity costs, interest and the cost of the sprinkler system to a party that prevails in an action against a county for a violation of this subsection. The legislature finds and determines that property rights are a matter of statewide concern and a fundamental element of freedom. A property owner's right to use the property owner's property must be protected from unreasonable abridgment by county regulation and

enforcement. This subsection supersedes and preempts any regulation adopted by a county regarding an approved fire apparatus access road, fire apparatus access road extension, approved route or route extension. For the purposes of this subsection:

1. "Fire code" includes the international fire code, however denominated.

2. "Utility or miscellaneous accessory building or structure" includes an agricultural building, aircraft hangar, accessory to a residence, barn, carport, fence that is more than six feet high, grain silo, greenhouse, livestock shelter, private garage, retaining wall, shed, stable, tank or tower.

H. If a fire code adopted by a board of supervisors requires the use of a fire watch, an employee who works at the building in which a fire watch is required may serve as the fire watch. A person who is designated as a fire watch shall be equipped with means to contact the local fire department, and the person's only duty while keeping watch for fires shall be to perform constant patrols of the protected premises. The county shall provide the fire watch with printed instructions from the office of the state fire marshal and may provide a free training session before the person's deployment as the fire watch begins. For the purposes of this subsection, "fire watch" means a person who is stationed in a building or in a place relative to a building to observe the building and its openings when the fire protection system for the building is temporarily nonoperational or absent.

I. From and after December 31, 2014, a code or ordinance or part of a uniform code or ordinance that is adopted by the board of supervisors applies to locking devices for pool barrier gates used for means of ingress or egress for semipublic swimming pools. Any new construction or major renovation of a semipublic swimming pool from and after December 31, 2014 must meet the requirements of the code or ordinance or part of the uniform code or ordinance that is adopted by the board of supervisors. This subsection does not apply to a locking device for a pool barrier gate used

for means of ingress or egress for a semipublic swimming pool that was installed before January 1, 2015, if the locking device meets the requirements prescribed in section 36-1681, subsection B, paragraph 3.

J. A BOARD OF SUPERVISORS MAY NOT ADOPT A UNIFORM CODE OR ORDINANCE OR PART OF A UNIFORM CODE OR ORDINANCE THAT REQUIRES A PERSON OR ENTITY TO INSTALL FIRE SPRINKLERS IN AN EXISTING BUILDING IN WHICH THE CURRENT OCCUPANCY CLASSIFICATION ALLOWS THREE HUNDRED OR MORE OCCUPANTS, THAT IS LICENSED TO SERVE ALCOHOLIC BEVERAGES AS AUTHORIZED BY TITLE 4 AND THAT WAS NOT REQUIRED TO HAVE FIRE SPRINKLERS WHEN THE BUILDING WAS ORIGINALLY CONSTRUCTED. THE BOARD OF SUPERVISORS MAY NOT IMPOSE ANY FINE, PENALTY OR OTHER REQUIREMENT ON A PERSON OR ENTITY FOR CHOOSING NOT TO INSTALL OR EQUIP FIRE SPRINKLERS IN SUCH A BUILDING. A BOARD OF SUPERVISORS MAY REQUIRE THE INSTALLATION OF FIRE SPRINKLERS IN AN EXISTING BUILDING IF THE OWNER UNDERTAKES A MAJOR RENOVATION OR REMODEL. FOR THE PURPOSES OF THIS SUBSECTION, BUILDING DOES NOT INCLUDE A SINGLE-FAMILY DETACHED RESIDENCE OR ANY RESIDENTIAL BUILDING THAT CONTAINS NOT MORE THAN TWO DWELLING UNITS.

K. FOR THE PURPOSES OF THIS SECTION, "MAJOR RENOVATION OR REMODEL" MEANS:

1. THE RENOVATION OR REMODEL IN WHICH THE BUSINESS WILL NOT BE OPEN TO PATRONS DURING THE RENOVATION OR REMODEL.

2. A RENOVATION OR REMODEL IN WHICH THE CONTRACTED PRICE OF THE WORK TO BE PERFORMED IS OVER $250,000.

Sec. 3. Section 48-805, Arizona Revised Statutes, is amended to read:

48-805. Fire district; powers and duties; definition

A. A fire district, through its board, shall:

1. Hold public meetings at least once each calendar month ~~unless~~ EXCEPT AS FOLLOW:

(a) IF a board consists of three members and the fire district levies less than $500,000 annually, ~~then~~ the board shall meet in July and at least every two months thereafter.

(b) A board for a district organized pursuant to article 3 of this chapter shall hold public meetings at least every two months.

2. Determine the compensation payable to district personnel.

3. Require all current and prospective employees and volunteers to submit a full set of fingerprints to the fire district, joint powers authority, fire authority, fire and medical authority or fire and ambulance authority that is formed with that fire district pursuant to section 48-805.01. The fire district, joint powers authority that is formed pursuant to section 48-805.01, fire authority, fire and medical authority or fire and ambulance authority shall submit the fingerprints to the department of public safety for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

B. A fire district, through its board, may:

1. Employ any personnel and provide services deemed necessary for fire protection, for preservation of life and for carrying out its other powers and duties, including providing ambulance transportation services when authorized to do so pursuant to title 36, chapter 21.1, article 2, but a member of a district board shall not be an employee of the district. The merger of two or more fire districts pursuant to section 48-820 or the consolidation with one or more fire districts pursuant to section 48-822 shall not expand the boundaries of an existing certificate of necessity unless authorized pursuant to title 36, chapter 21.1, article 2.

2. Construct, purchase, lease, lease-purchase or otherwise acquire the following or any interest in the following and, in connection with the construction or other acquisition, purchase, lease, lease-purchase or grant a lien on any or all of its present or future property, including:

(a) Apparatus, water and rescue equipment, including ambulances and equipment related to any of the foregoing.

(b) Land, buildings, equipment and furnishings to house equipment and personnel necessary or appropriate to carry out its purposes.

3. Finance the acquisition of property as provided in this section and costs incurred in connection with the issuance of bonds as provided in section 48-806. Bonds shall not be issued without the consent of a majority of the electors of the district voting at an election held for that purpose. For the purposes of an election held under this paragraph, all persons who are eligible to vote in fire district elections under section 48-802 are eligible to vote.

4. Enforce the fire code adopted by the district, if any, and assist the office of the state fire marshal in the enforcement of fire protection standards of this state within the fire district, including enforcement of a nationally recognized fire code if expressly authorized by the office of the state fire marshal.

5. After the approval of the qualified electors of the fire district voting at a regular district election or at a special election called for that purpose by the district board, as appropriate, or at any election held in the county that encompasses the fire district, adopt the _____ fire code, which is a nationally recognized fire code approved by the state fire marshal. The words appearing on the ballots shall be "should _____ fire district adopt the _____ fire code, which is a nationally recognized fire code approved by the state fire marshal--yes", "should _____ fire district adopt the _____ fire code, which is a nationally recognized fire code approved by the office of the state fire marshal--no". The code shall be enforced by the county attorney in the same manner as any other law or ordinance of the county. Any inspection or enforcement costs are the responsibility of the fire district involved. The district shall keep the code on file, which shall be open to public inspection for a period of thirty days before any election for the purpose of adopting a fire code. Copies of the order of election shall be posted in three public places in the district at least twenty days before the date of the election, and if a newspaper is published in the county having a general circulation in the district, the order shall be published in the

newspaper at least once a week during each of the three calendar weeks preceding the calendar week of the election.

6. Amend or revise the adopted fire code, including replacement of the adopted fire code with an alternative nationally recognized fire code, with the approval of the office of the state fire marshal and after a hearing held pursuant to posted and published notice as prescribed by section 48-805.02, subsection A. The district shall keep three copies of the adopted code, amendments and revisions on file for public inspection.

7. Enter into an agreement procuring the services of an organized private fire protection company or a fire department of a neighboring city, town, district or settlement without impairing the fire district's powers.

8. Contract with a city or town for fire protection services for all or part of the city or town area until the city or town elects to provide regular fire department services to the area.

9. Retain a certified public accountant to perform an annual audit of district books.

10. Retain private legal counsel.

11. Accept gifts, contributions, bequests and grants and comply with any requirements of those gifts, contributions, bequests and grants that are not inconsistent with this article.

12. Appropriate and expend annually monies as are necessary for the purpose of fire districts belonging to and paying dues in the Arizona fire district association and other professional affiliations or entities.

13. Adopt resolutions establishing fee schedules both within and outside of the jurisdictional boundaries of the district for providing fire protection services and services for the preservation of life, including emergency fire and emergency medical services, plan reviews, standby charges, fire cause determination, users' fees or facilities benefit assessments or any other fee schedule that may be required.

14. With the approval of two of the three members of a three-member board, four of the five members of a five-member board or five of the seven members of a seven-member board, change the district's name and on so doing

shall give written notice to the board of supervisors of the change. The governing board of a fire district may place a question on the general election ballot as to whether the fire district shall change its name.

15. Require all employees to submit a full set of fingerprints as prescribed by subsection A, paragraph 3 of this section.

16. Enter into intergovernmental agreements or contracts as follows:

(a) Enter into an intergovernmental agreement with another political subdivision for technical or administrative services or to provide fire services to the property owned by the political subdivision, including property that is outside the district boundary.

(b) Enter into a contract with individuals to provide technical or administrative services.

(c) Enter into a contract with individuals to provide fire protection services or emergency medical services, or both, to the extent not regulated by title 36, chapter 21.1 to property owned by the individual located outside the district boundaries if the individual's property is not located in a county island as defined in section 11-251.12 and at least one of the following apply:

(i) The existing fire service provider where the individual's property is located has issued a notice to the individual that the provider plans to discontinue service.

(ii) Fire service is not available to the individual's property.

(iii) Fire service is offered pursuant to a contract or subscription and the individual has not obtained service for a period of twenty-four months before the date of the contract with the district.

(d) Enter into a contract with individuals to provide fire services to property owned by the individual located outside the district boundaries, where the individual's property is located in a county island as defined in section 11-251.12, if both of the following apply:

(i) The existing fire service provider where the individual's property is located has issued a notice to the residents of the county

island and the individual that the provider plans to discontinue or substantially reduce service.

(ii) The district offers contracts to all residents and property owners of the county island who will be affected by the discontinuance or substantial reduction in service by the current fire service provider.

(e) For the purposes of subdivision (a), (b), (c) or (d) of this paragraph, a district may contract with any public or private fire service provider to provide some or all of the contractual services the district is contracting to deliver.

(f) Any contract entered into pursuant to subdivisions (b), (c) and (d) of this paragraph shall include a provision setting forth the cost of service and performance criteria.

17. Sell or otherwise dispose of any real property, facilities or equipment if the district board determines the real property, facilities or equipment to be surplus.

C. A fire district may not administratively add or annex additional property or delete property or otherwise modify its boundaries except in a merger or consolidation pursuant to this chapter or in a boundary change made pursuant to section 48-262. This subsection does not apply to a district organized pursuant to article 3 of this chapter.

D. The ~~chairman~~ CHAIRPERSON and clerk of the district board or their respective designees, as applicable, shall draw warrants, substitute checks or electronic funds transfers on the county treasurer for money required to operate the district in accordance with the budget and, as so drawn, the warrants, substitute checks or electronic funds transfers shall be sufficient to authorize the county treasurer to pay from the fire district fund.

E. For any fire district that designates one or more board members to have access to the financial books and records of the district, those board members are authorized by law to have full access to those financial books and records.

F. The district board may assess and levy a secondary property tax pursuant to this article to pay for the costs of fire protection services or emergency medical services except for services regulated pursuant to title 36, chapter 21.1.

G. The county attorney may advise and represent the district if, in the county attorney's judgment, the advice and representation are appropriate and not in conflict with the county attorney's duties under section 11-532. If the county attorney is unable to advise and represent the district due to a conflict of interest, the district may retain private legal counsel or may request the attorney general to represent it, or both.

H. If a district's fire code requires the use of a fire watch, an employee who works at the building in which a fire watch is required may serve as the fire watch. A person who is designated as a fire watch shall be equipped with the means to contact the local fire department, and the person's only duty while keeping watch for fires shall be to perform constant patrols of the protected premises. The district shall provide the fire watch with printed instructions from the office of the state fire marshal and may provide a free training session before the person's deployment as the fire watch begins.

I. A FIRE DISTRICT MAY NOT ADOPT A UNIFORM CODE OR ORDINANCE OR PART OF A UNIFORM CODE OR ORDINANCE THAT REQUIRES A PERSON OR ENTITY TO INSTALL FIRE SPRINKLERS IN AN EXISTING BUILDING IN WHICH THE CURRENT OCCUPANCY CLASSIFICATION ALLOWS THREE HUNDRED OR MORE OCCUPANTS, THAT IS LICENSED TO SERVE ALCOHOLIC BEVERAGES AS AUTHORIZED BY TITLE 4 AND THAT WAS NOT REQUIRED TO HAVE FIRE SPRINKLERS WHEN THE BUILDING WAS ORIGINALLY CONSTRUCTED. A FIRE DISTRICT MAY NOT IMPOSE ANY FINE, PENALTY OR OTHER REQUIREMENT ON A PERSON OR ENTITY FOR CHOOSING NOT TO INSTALL OR EQUIP FIRE SPRINKLERS IN SUCH A BUILDING. A FIRE DISTRICT MAY REQUIRE THE INSTALLATION OF FIRE SPRINKLERS IN AN EXISTING BUILDING IF THE OWNER UNDERTAKES A MAJOR RENOVATION OR REMODEL. FOR THE PURPOSES OF THIS SUBSECTION, BUILDING DOES NOT INCLUDE A SINGLE-FAMILY DETACHED RESIDENCE OR ANY RESIDENTIAL BUILDING THAT CONTAINS NOT MORE THAN TWO DWELLING UNITS.

~~I.~~ J. For the purposes of this section: ~~,~~

1. "Fire watch" means a person who is stationed in a building or in a place relative to a building to observe the building and its openings when the fire protection system for the building is temporarily nonoperational or absent.

2. "MAJOR RENOVATION OR REMODEL" MEANS:

(a) A RENOVATION OR REMODEL IN WHICH THE BUSINESS WILL NOT BE OPEN TO PATRONS DURING THE RENOVATION OR REMODEL.

(b) A RENOVATION OR REMODEL IN WHICH THE CONTRACTED PRICE OF THE WORK TO BE PERFORMED IS OVER $250,000."

Amend title to conform

TRAVIS W. GRANTHAM

2313GRANTHAM
01/31/2020
8:15 AM
C: LAT

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2313

DATE February 03, 2020 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Blackman		✓			
Powers Hannley			✓		
Shah			✓		
Terán			✓		
Toma		✓			
Nutt, Vice-Chairman		✓			
Grantham, Chairman		✓			
		4	3	0	0

Susan Hitti
COMMITTEE SECRETARY

APPROVED:

TRAVIS W. GRANTHAM, Chairman
BECKY A. NUTT, Vice-Chairman

ATTACHMENT 6

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

HB 2389: public nuisance; noise; evidence
Sponsor: Representative Townsend, LD 16
Committee on Regulatory Affairs

Overview
Requires a noise violation to include an accurate recording and measurement of the noise by a peace officer using specified standards.

History
It is considered a public nuisance when the extent of the annoyance or damage inflicted is injurious to health, indecent, offensive to the senses or obstructs the free use of property that interferes with the comfortable enjoyment of life or property by a community. Any person who maintains, commits or refuses to remove a public nuisance is guilty of a class 2 misdemeanor (A.R.S. § 13-2917).

Provisions
1. Requires the prosecution of a noise violation to include an accurate recording and measurement of the noise by a peace officer. (Sec. 1)
2. Requires the following types of noise measurements be used:
   a) Sound pressure measurements made on the A-Weighted fast response mode scale;
   b) Measurements taken according to American National Standards Institute's (ANSI):
      i. Standard method ANSI S1.2-1962 (R1976);
      ii. Physical measurement of sound and ANSI S1.2-1971 (R1976);
      iii. ANSI method for measuring sound pressure levels; and
      iv. Measurements taken using a Type 1 sound meter meeting the requirements of ANSI S1.4L-1971 (Sec. 1).
3. Defines *A-Weighted* as a frequency weighting network that is used to account for changes in sensitivity as a function of frequency. (Sec. 1)
4. Makes technical and conforming changes. (sec. 1)
5. Contains an applicability clause. (Sec. 2)
6. Contains an emergency clause. (Sec. 3)

Attachment 7

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☒ Emergency (40 votes) ☐ Fiscal Note

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2389

DATE February 03, 2020 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Blackman		✓			
Powers Hannley			✓		
Shah				✓	
Terán	✓	✓			
Toma		✓			
Nutt, Vice-Chairman		✓			
Grantham, Chairman		✓			
		5	1	1	0

Susan Hete
COMMITTEE SECRETARY

APPROVED:

TRAVIS W. GRANTHAM, Chairman
BECKY A. NUTT, Vice-Chairman

ATTACHMENT 8

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

HB 2627: timeshares; public reports; purchase contracts
Sponsor: Representative Bolick, LD 20
Committee on Regulatory Affairs

Overview

Changes the amount of time a prospective buyer or seller has to cancel a time share purchase agreement or enter into a contract for purchase of a timeshare interest, from seven business days to ten business days. States where a timeshare interest reservation statement must be.

History

Statute requires the Real Estate Commissioner (Commissioner) to approve a public report (Report) for use by the developer, unless there are grounds for denial, authorizing the sale or lease of timeshare interests within a timeshare plan. The developer must provide each prospective customer with a copy. The Report must include a statement informing the purchaser that by midnight of the seventh calendar day after execution of the purchase agreement, the purchaser may cancel any purchaser agreement. If the purchaser agreement allows for a cancellation period longer than seven days, the developer must include a corresponding statement on the Report (A.R.S. § 32-2197.08).

The approval for use of a Report is not required for any party to enter into a timeshare interest reservation (Reservation). Before the approval for use of a Report for a timeshare plan, a deposit may be accepted from a prospective buyer for a Reservation, provided that within fifteen calendar days from receiving the approved Report, the prospective seller provides the prospective buyer with a copy of the Report and of the purchase agreement. The prospective buyer and seller have seven business days after receipt of the Report and the purchase agreement to enter into a purchasing contract. If the prospective buyer and seller do not enter into a contract for the purchase within seven business days, the Reservation automatically terminates (A.R.S. § 32-2197.10).

Each Reservation form must contain a conspicuous statement, communicating that the Arizona Department of Real Estate has not inspected or approved the timeshare property, no Report has been issued and that without issuance of a Report or pre-sale authorization for the timeshare plan, no offer to sell or purchase may be made (A.R.S. § 32-2197.10).

Provisions

1. Changes the required Report statement to inform a purchaser that they may cancel any purchase agreement for a timeshare interest by midnight of the tenth calendar day, rather than the seventh calendar day, after execution of the purchase agreement. (Sec. 1)
2. States that If the purchaser agreement allows for a cancellation period longer than ten calendar days, rather than seven calendar days, the developer must include a corresponding statement on the Report. (Sec. 1)
3. Extends the amount of time a prospective buyer and prospective seller have to enter into a contract for the purchase of a time share interest before the Reservation automatically terminates, from seven business days to ten business days. (Sec. 2)

4. Specifies that the conspicuous Reservation statement must appear above the purchaser's signature line. (Sec. 2)
5. Makes technical changes. (Sec. 2)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2627

DATE February 03, 2020 MOTION: dp

	PASS	AYE	NAY	PRESENT	ABSENT
Blackman		✓			
Powers Hannley		✓			
Shah		✓			
Terán		✓			
Toma		✓			
Nutt, Vice-Chairman		✓			
Grantham, Chairman		✓			
		7	0	0	0

Susan Hite
COMMITTEE SECRETARY

APPROVED:

TRAVIS W. GRANTHAM, Chairman
BECKY A. NUTT, Vice-Chairman

ATTACHMENT 10

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

HB 2359: license denial prohibited; drug convictions
Sponsor: Representative Toma, LD 22
Committee on Regulatory Affairs

Overview

Prohibits an agency from denying a person who has been convicted of a drug or imitation substance offense from an *occupational license* or a provisional *occupational license*, if that person is otherwise qualified.

History

Upon the conviction of a person of a drug offense, the court must provide information pertinent to that person and the offense to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice a profession. The court may suspend or revoke the license or registration of the convicted defendant. (A.R.S. § 13-2414)

An agency may determine if a person's criminal record disqualifies the person from obtaining a license, permit, certificate or other state recognition only if the agency concludes that the state has an important interest in protecting public safety that is superior to the person's rights if certain specified conditions are met. (A.R.S. § 41-1093.04)

Provisions

1. Prohibits an agency from denying a person who has been convicted of a drug or imitation substance offense from an *occupational license* or a provisional *occupational license*, if that person is otherwise qualified. (Sec. 1)
2. Defines *occupational license* as any agency permit, certificate, approval, registration, charter or similar form of permission that allows an individual to use an occupational title or work in a lawful occupation, trade or profession. (Sec. 1)

Attachment 11

Fifty-fourth Legislature
Second Regular Session

Regulatory Affairs
H.B. 2359

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2359

(Reference to printed bill)

Page 1, line 5, after the semicolon insert "exception:"

Between lines 13 and 14, insert:

"B. THIS SECTION DOES NOT APPLY TO A HEALTH PROFESSION REGULATORY BOARD AS DEFINED IN SECTION 32-3201."

Reletter to conform

Amend title to conform

TRAVIS W. GRANTHAM

2359GRANTHAM
01/22/2020
04:25 PM
C: NS

Attachment 12

Adopted X # of Verbals _____
Failed _____ Withdrawn _____
Not Offered ___ Analysts Initials JK

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2359

DATE February 03, 2020 MOTION: dpa

	PASS	AYE	NAY	PRESENT	ABSENT
Blackman		✓			
Powers Hannley		✓			
Shah		✓			
Terán		✓			
Toma		✓			
Nutt, Vice-Chairman		✓			
Grantham, Chairman		✓			
		7	0	0	0

Susan Hite
COMMITTEE SECRETARY

APPROVED:

TRAVIS W. GRANTHAM, Chairman
BECKY A. NUTT, Vice-Chairman

ATTACHMENT 13

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fourth Legislature
Second Regular Session

HB 2713: agency actions; procedures; fee awards
Sponsor: Representative Grantham, LD 12
Committee on Regulatory Affairs

Overview

Makes various changes regarding the awarding of fees and other expenses against the state, city, town or county. Makes various administrative procedural changes regarding licensees and licensing decisions made by an agency.

History

A party that prevails by an adjudication against this state, city, town or county can be awarded fees and other expenses by a court in addition to any costs that are awarded under certain outlined conditions (A.R.S. § 12-348).

The Regulatory Bill of Rights (RBR) provides rights to a person to ensure fair and open regulation by a state agency. Each state agency that conducts audits, inspections or other regulatory enforcement must create and clearly post on the agency's website a Small Business Bill of Rights (SBBR) by selecting the applicable rights in the RBR and any other agency specific statutes and rules. A written document of the SBBR must be provided by the agency to the authorized on-site representative of the regulated small business. The agency notice of the SBBR must include the process in which a small business may file a complaint with the agency. The agency notice must also state that if the regulated person has made a reasonable effort to resolve an issue with an agency and has not been successful, the regulated person can contact the Office of Ombudsman-Citizens Aide (A.R.S. § 41-1001.01).

Provisions

Award of Fees and Other Expenses Against the State or a City, Town or County (Sec. 1)

1. Removes language prohibiting an expert from being eligible for compensation at a rate in excess of the highest rate of compensation for experts paid by this state, city, town or county.
2. Removes language stating that an award of attorney fees may not exceed the amount that the prevailing party has paid, agreed to pay or a maximum amount of $75 per hour unless the court determines that an increase in the cost of living or a special factor justifies a higher fee.
3. Removes language that states an award of fees against a city, town county must not exceed $10,000.
4. Changes the amount for an award of fees when a party prevails by adjudication against the state, city, town or county to not exceed $125,000, rather than $75,000, for fees incurred at each judicial appeal.

Administrative Procedure

Attachment 14

5. Modifies the definition of *licensing* to include:

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note

a) An existing permit, certificate, approval, registration, charter or similar form of permission, approval or authorization obtained from an agency by the holder of the license; and
b) The agency process regarding the change, reduction or modification of a license. (Sec. 2)

6. Defines *licensing decision* as any action by an agency to grant or deny any request for permission, approval or authorization issued in response to any request from an applicant for a license or exercise authority of the license by the license holder. (Sec. 2)
7. Adds a provision to the RBR that states a person is entitled to have an agency not base a decision regarding any filing submitted to an agency on a requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. (Sec. 3)
8. Prohibits an agency from basing a decision regarding any filing by a licensee on a requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. (Sec. 5)
9. States that a general grant of authority in statute does not constitute a basis for imposing a requirement or condition for approval of a decision on a filing submitted by a licensee unless a rule is made that authorizes the requirement or condition. (Sec. 5)
10. Modifies the definition of *appealable agency action* to include the administrative completeness of an application. (Sec. 7)
11. States that a determination by an agency that an application is not administratively complete is an *appealable agency action*, which if timely initiated, entitles the applicant to an adjudication on the merits of the completeness of the application. (Sec. 6)
12. States that, except as otherwise noted, the administrative procedure statutes governing inspections, audits, applicability and exceptions apply:
    a) To all state agencies that conduct inspections and audits; and
    b) If a conflict arises between the rights of a regulated person pursuant to this section and the rights of a regulated person pursuant to another statute, this section governs. (Sec. 4)

Miscellaneous

13. Makes technical changes. (Sec. 6, 7)
14. Makes technical and conforming changes. (Sec. 1-5)
15. Contains an applicability clause. (Sec. 8)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-fourth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Regulatory Affairs BILL NO. HB 2713

DATE February 03, 2020 MOTION: do

	PASS	AYE	NAY	PRESENT	ABSENT
Blackman		✓			
Powers Hannley			✓		
Shah			✓		
Terán			✓		
Toma		✓			
Nutt, Vice-Chairman		✓			
Grantham, Chairman		✓			
		4	3	0	0

Susan Hite
COMMITTEE SECRETARY

APPROVED:

TRAVIS W. GRANTHAM, Chairman
BECKY A. NUTT, Vice-Chairman

ATTACHMENT 15