

Senate Engrossed House Bill

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 234

HOUSE BILL 2233

AN ACT

AMENDING SECTIONS 34-461 AND 41-2163, ARIZONA REVISED STATUTES; RELATING TO BUILDING CODES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 34-461, Arizona Revised Statutes, is amended to
3 read:

4 34-461. Applicability of local codes; exceptions; definition

5 A. Public buildings shall be constructed in compliance with the state
6 fire code ~~unless~~ OR, IF AT THE REQUEST OF A SCHOOL DISTRICT OR CHARTER
7 SCHOOL, THE STATE FIRE MARSHAL MAY AUTHORIZE THROUGH AN INTERGOVERNMENTAL
8 AGREEMENT WITH A CITY, TOWN, COUNTY OR FIRE DISTRICT IN WHICH THE SCHOOL
9 DISTRICT OR CHARTER SCHOOL BUILDING IS LOCATED TO IMPOSE THE fire code ~~has~~
10 ~~been~~ adopted by the city, town, county or fire district ~~in which the building~~
11 ~~is located~~ ON SCHOOL DISTRICT OR CHARTER SCHOOL BUILDINGS. AN
12 INTERGOVERNMENTAL AGREEMENT ENTERED INTO PURSUANT TO THIS SUBSECTION MAY
13 ALLOW THE CITY, TOWN, COUNTY OR FIRE DISTRICT TO CONDUCT REGULARLY SCHEDULED
14 FIRE SAFETY INSPECTIONS. Public buildings shall be constructed in compliance
15 with applicable building, plumbing, electrical, fire ~~prevention~~ and
16 mechanical codes adopted by the city, town, county or fire district in which
17 the building is located. The owner of the public building is subject to the
18 same fees required of other persons. Public buildings are subject to
19 inspection during construction pursuant to these codes to determine
20 compliance.

21 B. If a public building is built in an area that has not adopted local
22 codes, the building shall be designed or constructed according to the state
23 fire code adopted by the state fire marshal and the building, plumbing,
24 electrical, ~~fire prevention~~ and mechanical codes that apply in the largest
25 city in the county in which the building is located.

26 C. Public buildings are subject to those codes that apply and are in
27 effect when the building is designed or constructed and to the currently
28 adopted codes when a building is found to be structurally unsafe, without
29 adequate egress or a fire hazard or is otherwise dangerous to human life.

30 D. Subsections A and B of this section do not apply to state owned
31 buildings except for the application of the fire code in effect where a state
32 owned building is located. In complying with the applicable codes pursuant
33 to subsections A and B of this section, the permitting process and fees do
34 not apply to a public school district owned building in a county with a
35 population of more than seven hundred fifty thousand persons but less than
36 two million persons except for the application of the design and permitting
37 process and any fee required of a fire code in effect where such a public
38 school district owned building is located. State department of corrections
39 facilities are exempt from the application of the local fire code in the
40 absence of an intergovernmental agreement between the state department of
41 corrections and the governmental entity responsible for enforcing any local
42 fire code.

43 E. Notwithstanding subsection A of this section, cities prescribed in
44 section 41-2163, subsection A, paragraph 2 do not have authority that
45 supersedes and are not exempt from the state fire safety committee's

1 established fire code in state or county owned buildings ~~and public schools~~
2 wherever located throughout the state.

3 F. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, BUILDINGS AND
4 PROPERTIES OWNED BY THE ARIZONA BOARD OF REGENTS OR A UNIVERSITY UNDER ITS
5 JURISDICTION ARE EXEMPT FROM ANY CITY, TOWN, COUNTY OR FIRE DISTRICT FIRE
6 CODE IN THE ABSENCE OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA
7 BOARD OF REGENTS OR THE UNIVERSITY AND THE CITY, TOWN, COUNTY OR FIRE
8 DISTRICT.

9 G. IF THE STATE FIRE MARSHAL ENTERS INTO AN INTERGOVERNMENTAL
10 AGREEMENT PURSUANT TO SUBSECTION A OF THIS SECTION, A SCHOOL DISTRICT OR
11 CHARTER SCHOOL MAY CHOOSE TO HAVE THE PLAN REVIEW, PERMITTING AND ANY RELATED
12 INSPECTIONS OR ANY REGULARLY SCHEDULED FIRE SAFETY INSPECTIONS COMPLETED BY
13 EITHER THE STATE FIRE MARSHAL OR THE CITY, TOWN, COUNTY OR FIRE DISTRICT. IF
14 THE SCHOOL DISTRICT OR CHARTER SCHOOL CHOOSES TO HAVE THE CITY, TOWN, COUNTY
15 OR FIRE DISTRICT PERFORM THE PLAN REVIEW, PERMITTING AND ANY RELATED
16 INSPECTIONS OR THE REGULARLY SCHEDULED FIRE SAFETY INSPECTIONS THE CITY,
17 TOWN, COUNTY OR FIRE DISTRICT SHALL INFORM THE SCHOOL DISTRICT OR CHARTER
18 SCHOOL OF ANY FEES ASSOCIATED WITH THE INSPECTION PROCESS.

19 ~~F.~~ H. This section does not preclude a public school district in a
20 county with a population of more than seven hundred fifty thousand persons
21 but less than two million persons from submitting, at its discretion, to the
22 building design or construction permitting process of the appropriate local
23 government entity for any given project. A public school district making
24 such a decision is subject to subsections A and B of this section and the
25 permit and code compliance requirements of the local government entity,
26 including inspections and fee payments that may be required, for the duration
27 of the project that the district submitted to the local government entity.

28 ~~G.~~ I. Public school districts in a county with a population of more
29 than seven hundred fifty thousand persons but less than two million persons
30 shall adopt policies to provide requirements to be followed by licensed or
31 registered contractors or employees in order to ensure THAT construction
32 projects are in compliance with the applicable codes pursuant to subsections
33 A and B of this section and that records required by code or law for a given
34 project are completed and maintained by the applicable district. At a
35 minimum, these policies shall:

36 1. Include the method by which the public school district will notify
37 the appropriate local government unit or units, and retain a record of the
38 notification, that the public school district will not be using the
39 permitting process for a given project pursuant to subsection D of this
40 section.

41 2. Prohibit a construction contractor from serving as a district's
42 inspector and code compliance official on the same project for which the
43 contractor is providing construction services.

1 3. Require the architect of record for a given district project TO be
2 responsible for signing the certificate of occupancy when such a certificate
3 is required for that particular project.

4 H. J. For the purposes of this section, "public building" means a
5 building or appurtenance to a building that is built in whole or in part with
6 public monies.

7 Sec. 2. Section 41-2163, Arizona Revised Statutes, is amended to read:
8 41-2163. Powers and duties; arson investigators

9 A. The state fire marshal or a deputy fire marshal or an assistant
10 fire inspector acting at the direction of the fire marshal shall, under the
11 authority and direction of the director:

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

14 2. Enforce compliance with the fire code adopted by the state fire
15 safety committee throughout the THIS state except in any city having a
16 population of one hundred thousand persons or more that has in effect a
17 nationally recognized fire code, whether modified or unmodified, and that has
18 enacted an ordinance to assume such jurisdiction from the state fire safety
19 committee. Such cities do not have authority that supersedes and are not
20 exempt from the state fire safety committee's established fire code in state
21 or county owned buildings ~~and public schools~~ wherever located throughout the
22 state.

23 3. Cooperate and coordinate with other state agencies in the
24 administration of the state fire code.

25 4. Establish a regularly scheduled fire safety inspection program for
26 all state and county owned public buildings and all public and private school
27 buildings wherever located throughout the state, except for private school
28 buildings in cities with a population of one hundred thousand or more persons
29 ~~according to the last decennial census.~~

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

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

37 7. Compile, update as necessary and make available to the public a
38 fully indexed and cross-referenced list of all rules adopted by state
39 agencies and departments and agencies and departments of political
40 subdivisions of this state relating to the control of all hazardous materials
41 as defined in section 28-5201 and all federal regulations relating to the
42 control of hazardous materials as defined in section 28-5201 for which there
43 is no state regulation.

44 8. Establish and maintain a library of all rules and regulations
45 identified in the index required by paragraph 7 of this subsection and

1 support the regulated industry's request for information through research or
2 referral to the agency adopting the specific rule for technical information
3 or other assistance as circumstances dictate.

4 9. Administer the arson detection reward fund established by section
5 41-2167.

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

9 C. All plans and specifications for new construction, remodeling,
10 alterations and additions for state, county and public school buildings and
11 grounds shall be submitted to the director for review and approval by the
12 state fire marshal or as authorized to a deputy fire marshal or an assistant
13 fire inspector acting at the direction of the fire marshal before
14 construction. The plans and specifications shall be reviewed and approved or
15 disapproved within sixty days of submission. ~~No~~ Construction shall NOT
16 commence until the plans have been approved and a permit has been issued.

17 D. The state fire marshal or a deputy fire marshal or an assistant
18 fire inspector acting at the direction of the state fire marshal may, under
19 the authority and direction of the director:

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

22 2. Prescribe a uniform system of reporting fires and their causes and
23 effects.

24 3. Provide and coordinate training in ~~fire-fighting~~ FIREFIGHTING and
25 fire prevention and cooperate with educational institutions to provide and
26 further such training.

27 4. Impound necessary evidence in conjunction with investigations of
28 causes, origins and circumstances of fires, ~~in the event~~ IF that such
29 evidence might be lost, destroyed or otherwise altered if not ~~so~~ impounded.

30 5. Employ specialized testing services to evaluate evidence and
31 conditions involved in fire investigations.

32 6. Designate certain members of the state fire marshal's staff or a
33 deputy fire marshal or an assistant fire inspector as arson investigators.

34 E. The primary duty of investigators designated pursuant to
35 subsection D, paragraph 6 of this section is the investigation, detection and
36 apprehension of persons who have violated or are suspected of violating any
37 provision of title 13, chapter 17. A person designated as an arson
38 investigator, while engaged in arson investigation in this state, possesses
39 and may exercise law enforcement powers of peace officers of this state.
40 This subsection does not grant any powers of peace officers of this state to
41 arson investigators other than those necessary for the investigation,
42 detection and apprehension authority granted by this subsection. Any
43 individual designated as an arson investigator shall have law enforcement
44 training under section 41-1822.

APPROVED BY THE GOVERNOR MAY 12, 2016..

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2016.

Passed the House February 25, 20 16

Passed the Senate April 21, 20 16

by the following vote: 60 Ayes,

by the following vote: 24 Ayes,

0 Nays, 0 Not Voting

1 Nays, 3 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House Pro Tempore

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of _____

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20 _____

at _____ o'clock _____ M.

Secretary of State

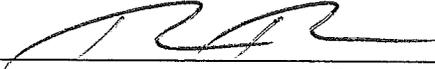
H.B. 2233

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

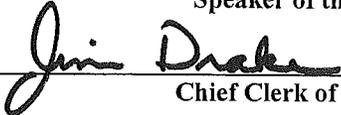
May 6, 2016

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7 day of May, 2016,

at 1:18 o'clock A. M.

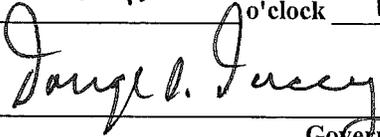


Secretary to the Governor

Approved this 12th day of

May, 2016,

at 9:42 o'clock A. M.



Governor of Arizona

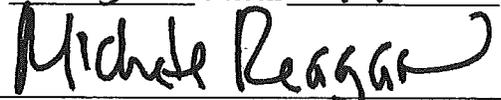
H.B. 2233

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of May, 2016

at 8:30 o'clock A. M.



Secretary of State