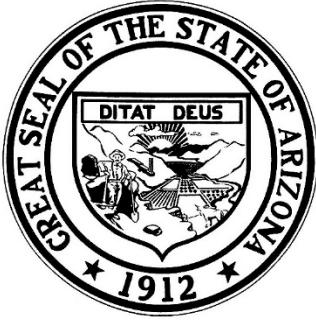


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1348**

Márquez Floor Amendment

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- Allows municipalities to designate a person knowledgeable in the state fire code, instead of the State Forester, to review and approve the plans and specifications for new construction, remodeling, alterations and additions for municipal and private buildings and grounds.
 - Removes the requirement that a municipality can only appoint an individual knowledgeable in the state fire code to review plans and specifications if the municipality's population is 30,000 persons or fewer.

Amendment explanation prepared by Michael Bencomo

Phone Number 6-3649

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3/31/2025

MÁRQUEZ FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1348
(Reference to Senate engrossed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 37-1382, Arizona Revised Statutes, is amended to
3 read:

4 37-1382. Deputy fire marshals and assistants; appointment;
5 duties; recovery of costs

6 A. With the approval of the state forester, the assistant director
7 of the office of the state fire marshal may:

8 1. Hire deputy fire marshals who shall have knowledge in the field
9 of fire safety ~~and have at least five years' experience in fire safety~~ and
10 hire such other assistants and employees as are necessary to properly
11 discharge the duties imposed on the office of the state fire marshal
12 pursuant to this article.

13 2. Appoint as assistant fire inspectors any of the fire chiefs of a
14 city, town, county, volunteer fire company or protective district or an
15 employee of a private fire service provider who meets the requirements of
16 this section to act within their area of jurisdiction or area of service
17 or on the recommendation of the fire chief appoint other assistant fire
18 inspectors if needed to function within the jurisdiction.

19 3. Appoint other assistant fire inspectors who meet the
20 requirements of this section as are necessary in areas that are not under
21 the jurisdiction of a fire chief designated in paragraph 2 of this
22 subsection and who may be employees of this state, the federal government
23 or a private fire service provider.

24 B. Assistant fire inspectors appointed pursuant to subsection A of
25 this section shall carry out their duties only within the geographic areas
26 assigned by the assistant director of the office of the state fire
27 marshal. When designating assistant fire inspectors and when assigning
28 geographic areas, the assistant director of the office of the state fire

1 marshal shall give a preference to assigning assistant fire inspectors to
2 the service area covered by the municipal or private fire service provider
3 where the assistant fire inspector is employed.

4 C. Assistant fire inspectors appointed under subsection A,
5 paragraph 2 or 3 of this section are not entitled to receive additional
6 compensation for performing duties under this article, except that an
7 employee of a public or private fire service provider who acts as an
8 assistant fire inspector may charge fees to recover costs incurred in
9 conducting inspections or for the review of plans and inspections of
10 property. Assistant fire inspectors appointed under subsection A,
11 paragraph 2 or 3 of this section or fire inspectors appointed pursuant to
12 subsection E of this section shall have attended fire inspector training
13 by an entity that meets nationally recognized standards and is approved by
14 the office of the state fire marshal.

15 D. An assistant fire inspector who is appointed pursuant to
16 subsection A of this section may inspect property, issue notices of
17 violation and enforce the jurisdiction's fire code. An assistant fire
18 inspector who is appointed pursuant to subsection A of this section shall
19 report all actions taken to the assistant director of the office of the
20 state fire marshal in a manner prescribed by the assistant director.

21 E. A city, town or county may appoint a fire inspector from one or
22 more public or private fire service providers that service areas in the
23 city, town or county to inspect property. City, town or county fire
24 inspectors may issue notices of violation and enforce the fire code on
25 behalf of the city, town or county within the respective service area of
26 the public or private fire service provider. A fire inspector shall
27 report all actions taken to the city, town or county manager. A fire
28 inspector who is appointed pursuant to this subsection is not entitled to
29 receive additional compensation for performing duties on behalf of the
30 city, town or county, but may charge fees to recover the costs for review
31 of plans and the inspection of public or private premises.

32 F. The assistant director of the office of the state fire marshal,
33 deputy fire marshals, assistant fire inspectors or a fire inspector who is
34 appointed pursuant to this section may inspect buildings and premises in
35 response to an emergency call or at the request of the occupant of the
36 public or private property.

37 G. The amount of the fees charged by a fire inspector or an
38 assistant fire inspector shall be available at the office of the state
39 fire marshal or the city, town or county where the property is located.

40 Sec. 2. Section 37-1383, Arizona Revised Statutes, is amended to
41 read:

42 37-1383. Powers and duties; construction plans and
43 specifications; arson investigators

44 A. Under the authority and direction of the state forester, the
45 assistant director of the office of the state fire marshal or a deputy
46 fire marshal or an assistant fire inspector WHO IS acting at the direction
47 of the assistant director of the office of the state fire marshal shall:

- 1 1. Assist in the enforcement of state laws and ordinances of cities
2 and counties relating to fire prevention and fire protection.
- 3 2. Adopt by rule a state fire code establishing minimum standards
4 for:
 - 5 (a) Safeguarding life and property from fire and fire hazards.
 - 6 (b) The prevention of fires and alleviation of fire hazards.
 - 7 (c) The storage, sale, distribution and use of dangerous chemicals,
8 combustibles, flammable liquids, explosives and radioactive materials.
 - 9 (d) The installation, maintenance and use of fire escapes, fire
10 protection equipment, fire alarm systems, smoke detectors and fire
11 extinguishing equipment.
 - 12 (e) The means and adequacy of fire protection and exit in case of
13 fire in places in which numbers of persons work, live or congregate,
14 excluding family dwellings that have fewer than five residential dwelling
15 units.
 - 16 (f) Other matters relating to fire prevention and control that are
17 considered necessary by the office of the state fire marshal.
- 18 3. Adopt rules and a schedule of fees for permits, plan
19 submissions, plan reviews and reinspections that are payable by persons
20 regulated under this article.
- 21 4. Adopt rules for the allocation of monies from the arson
22 detection reward fund established by section 37-1387. The rules shall be
23 consistent with the purposes set forth in section 37-1387 and shall
24 promote the effective and efficient use of the fund monies.
- 25 5. Enforce compliance with the fire code adopted pursuant to this
26 subsection throughout this state except in any city ~~having~~ WITH a
27 population of one hundred thousand persons or more that has in effect a
28 nationally recognized fire code, whether modified or unmodified, and that
29 has enacted an ordinance to assume such jurisdiction from the office of
30 the state fire marshal. Such cities do not have authority that supersedes
31 and are not exempt from the state fire code ~~established~~ ADOPTED pursuant
32 to PARAGRAPH 2 OF this subsection in state or county owned buildings
33 wherever located throughout ~~the~~ THIS state.
- 34 6. Cooperate and coordinate with other state agencies in the
35 administration of the state fire code.
- 36 7. Establish a regularly scheduled fire safety inspection program
37 for all state and county owned public buildings and all public and private
38 school buildings wherever located throughout ~~the~~ THIS state, except for
39 private school buildings in cities with a population of one hundred
40 thousand or more persons.
- 41 8. Inspect as necessary all other occupancies located throughout
42 this state, except family dwellings having fewer than five residential
43 dwelling units and occupancies located in cities with a population of one
44 hundred thousand or more persons.
- 45 9. At the written request of county or municipal authorities, make
46 and provide to them a written report of the examination made by the office
47 of the state fire marshal of any fire within their jurisdiction.

1 10. Administer the arson detection reward fund established by
2 section 37-1387.

3 B. ~~EXCEPT AS PROVIDED IN SUBSECTION G OF THIS SECTION,~~ all plans
4 and specifications for new construction, remodeling, alterations and
5 additions for state, county and public school buildings and grounds shall
6 be submitted to the state forester for review and approval by the
7 assistant director of the office of the state fire marshal or as
8 authorized to a deputy fire marshal or an assistant fire inspector acting
9 at the direction of the assistant director of the office of the state fire
10 marshal before construction. ~~THE STATE FORESTER SHALL ADOPT RULES TO~~
11 ~~IMPLEMENT A ONE-PHASE AND A TWO-PHASE CONSTRUCTION, REMODELING, ALTERATION~~
12 ~~OR ADDITION PERMIT. A PERSON MAY CHOOSE TO SUBMIT EITHER A ONE-PHASE OR A~~
13 ~~TWO-PHASE PERMIT APPLICATION.~~

14 C. ~~FOR A ONE-PHASE PERMIT APPLICATION, WITHIN SIXTY DAYS AFTER~~
15 ~~RECEIVING A VALID PERMIT APPLICATION, THE STATE FORESTER SHALL MAKE A~~
16 ~~FINAL DETERMINATION TO APPROVE OR DENY THE PERMIT APPLICATION.~~
17 ~~CONSTRUCTION MAY NOT COMMENCE UNTIL THE PLANS HAVE BEEN APPROVED AND A~~
18 ~~PERMIT HAS BEEN ISSUED OR UNLESS THE STATE FORESTER HAS NOT TAKEN ACTION~~
19 ~~ON A PERMIT APPLICATION WITHIN SIXTY DAYS AFTER RECEIVING A VALID~~
20 ~~APPLICATION.~~

21 D. ~~FOR A TWO-PHASE APPLICATION, WITHIN THIRTY DAYS AFTER RECEIVING~~
22 ~~A VALID PERMIT APPLICATION, the STATE FORESTER SHALL REVIEW THE plans and~~
23 ~~specifications shall be reviewed and approved or disapproved AND MAKE AN~~
24 ~~INITIAL DETERMINATION TO APPROVE OR DENY THE PERMIT. Within sixty days~~
25 ~~after A VALID submission, THE STATE FORESTER SHALL MAKE A FINAL~~
26 ~~DETERMINATION TO APPROVE OR DENY THE PERMIT APPLICATION. Construction~~
27 ~~shall not commence BEYOND THE CONSTRAINTS OF PHASE ONE until the plans~~
28 ~~have been approved and a permit has been issued OR UNLESS THE STATE~~
29 ~~FORESTER HAS NOT TAKEN ACTION ON PHASE TWO OF A PERMIT APPLICATION WITHIN~~
30 ~~SIXTY DAYS AFTER RECEIVING A VALID APPLICATION.~~

31 ~~E.~~ E. Under the authority and direction of the state forester, the
32 assistant director of the office of state fire marshal or a deputy fire
33 marshal or an assistant fire inspector acting at the direction of the
34 assistant director of the office of the state fire marshal may:

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

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

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

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

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

1 6. Designate certain members of the office of the state fire
2 marshal's staff or a deputy fire marshal or an assistant fire inspector as
3 arson investigators.

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

15 G. ~~[IN] A [CITY OR TOWN WITH A POPULATION OF THIRTY THOUSAND OR~~
16 ~~LESS, THE] CITY OR TOWN MAY ALLOW ALL PLANS AND SPECIFICATIONS FOR NEW~~
17 ~~CONSTRUCTION, REMODELING, ALTERATIONS AND ADDITIONS FOR [STATE, COUNTY AND~~
18 ~~PUBLIC SCHOOL] [MUNICIPAL OR PRIVATE] BUILDINGS AND GROUNDS TO BE~~
19 ~~SUBMITTED TO THE CITY OR TOWN FOR REVIEW AND APPROVAL BY A PERSON~~
20 ~~DESIGNATED BY THE CITY OR TOWN AS [KNOWLEDGABLE] [KNOWLEDGEABLE] OF THE~~
21 ~~STATE FIRE CODE. IF THE CITY OR TOWN ADOPTS A PROCESS TO APPROVE~~
22 ~~CONSTRUCTION PERMITS PURSUANT TO THIS SUBSECTION, THE PLANS AND~~
23 ~~SPECIFICATIONS SHALL BE REVIEWED AND APPROVED OR DISAPPROVED WITHIN SIXTY~~
24 ~~DAYS AFTER SUBMISSION. CONSTRUCTION SHALL NOT COMMENCE UNTIL THE PLANS~~
25 ~~AND SPECIFICATIONS HAVE BEEN APPROVED AND A PERMIT HAS BEEN ISSUED.~~

26 Enroll and engross to conform

27 Amend title to conform

AARON MÁRQUEZ

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