



# LEGISLATIVE BULLETIN

**Issue 4 – February 7th, 2020**

## Legislative Overview

Today is the 26th day of the legislative session. To date, 1,506 bills have been introduced, which has surpassed records of bill introductions in previous legislative sessions. Monday is the deadline for the House to introduce legislation. Staff in the House clerk's office projected the possibility of almost 1,100 bills introduced by House members if all 60 members use their seven-bill limit, which is a substantial increase of bill introductions in recent memory. The last day for committees to hear bills in the chamber or origin is February 21, which means the next two weeks will be very busy and committee action potentially lasting several hours.

## Civil Penalty Restitution

HB2055 S/E: penalties; civil traffic violations, sponsored by Representative Leo Biasiucci (R-Lake Havasu City), will allow a person who receives a civil traffic violation to perform court-approved community restitution instead of paying a civil penalty. The amendment adopted in committee sets the credited rate of community restitution at \$10 per hour and allows the assessment of time payment fees to cover court administrative costs. There was testimony in opposition due to the concerns from the Clean Elections Commission not receiving funds because the bill waives the 10% surcharge assessed on civil traffic penalties. The bill proceeds to the Rules Committee.

## State Liquor Board Membership

HB2144 state liquor board; membership, sponsored by Representative Anthony Kern (R-Glendale), passed House Committee of the Whole on Thursday with an amendment that is intended to satisfy the objection of the governor, who vetoed the bill last session. Rather than requiring the appointment to be made based on League recommendations, the bill will only require that one seat on the Board be filled by a current local elected official. The League continues to support the bill as it will ensure there is a local perspective on Board decisions. The bill awaits a third read in the House before it will be transmitted to the Senate.

## Utility Condemnation

HB2499 eminent domain; existing contracts, sponsored by Representative Jeff Weninger (R-Chandler) passed the House Commerce Committee on Tuesday with a vote of 6-2-1. Representatives Epstein (D-Tempe) and Butler (D-Paradise Valley) voting NO and Representative Biasiucci (R-Lake Havasu City) voting present. The bill requires cities and towns exercising eminent domain on a public utility to assume all the assets and contractual liabilities of the utility. This would require the assumption of contracts under any circumstance, regardless of their provisions and whether it is legal for municipalities to assume under the state Constitution and laws. The League opposed the measure in committee due to the unintended consequences of assuming private liabilities in these transactions.

## Fire Sprinklers

Representative Travis Grantham (R-Gilbert) introduced HB2313 fire sprinklers; existing buildings; prohibition, which prohibits municipalities from enforcing a section of the 2018 International Fire Code related to A-2 (restaurants, bars, night clubs, etc.) buildings. Specifically, the bill prohibits municipalities from requiring in installation of fire sprinklers in A-2 buildings with an occupancy exceeding 300 occupants and serves alcohol. The fire code was updated out of the result of the Station Nightclub fire in 2003 where 100 people died, and 230 people were injured in a structure without sprinklers.

The League views this as a bad bill for two main reasons: 1) we believe the municipality plays a role in protecting the lives of our residents so that another Station Nightclub incident doesn't happen in the future and 2) mitigating risk of cancer among firefighters has become a major concern for our municipalities. The existence of fire sprinklers ensures that our firefighters are not exposed to elevated levels of carcinogens.

The bill passed through the House Regulatory Affairs Committee this past Monday on a strict party-line vote, 4-3. Although the bill passed out of committee, several members who voted for the bill indicated they have significant concerns and the language likely needs a lot of work.

## Cancer Presumption

SB1160 firefighters; cancers; presumption; workers' compensation sponsored by Senator Heather Carter (R-Phoenix) proposes to alter the workers' compensation statutes to ensure a firefighter who is diagnosed with a cancer on the covered list, has at least 5 years of service, and is a non-tobacco user has an irrebuttable presumption to workers' compensation benefits.

The League has worked with the firefighting community to come to an amicable resolution on this bill. The bill passed out of the Senate Appropriations Committee 7-2 on Wednesday.

## Private Attorneys Contingency Fee Arrangements

Senator Vince Leach (R-Tucson) sponsored SB1459 private attorney retention; municipalities; counties. This bill would require municipalities to receive approval from the Attorney General's Office before entering into contingency fee arrangements with private attorneys. Additionally, the bill would allow the attorney general to reject a municipal request and limit the fees contingency attorneys can receive with contracting with municipalities.

This language originated from the US Chamber of Commerce from a document titled "Mitigating Municipality Litigation" and was targeted around local governments engaging in opioid lawsuits due to their costs

incurred through public safety, EMS, Narcan, 911, homelessness, and addiction services.

The League opposed this bill in the Senate Judiciary Committee where it passed on a strict party-line vote of 4-3.

## Legislative Bill Monitoring

All bills being actively monitored by the League [can be found here](#).

*Legislative Bulletin* is published by the League of Arizona Cities and Towns.  
Forward your comments or suggestions to [league@azleague.org](mailto:league@azleague.org).