



Issue 4 – February 5, 2021

Legislative Update

Today is the 26th day of session and so far 1,645 bills and 105 memorials or resolutions have been introduced, including one holding the Maricopa County Board of Supervisors in contempt of the Senate for failing to comply with legislative subpoenas. On Thursday the Senate moved to suspend rules to set up a final vote for SR1005 Maricopa county; supervisors; contempt declaration, which would authorize the Senate president to take all legal action against the supervisors, including arrest by the sergeant-at-arms.

The legislature is acting swiftly on bills that were introduced during last year's session that did not receive a final vote. So far, one bill has been signed by the governor, and 15 have passed the legislature.

Utility Condemnation

HB2049 eminent domain; existing contracts, sponsored by Representative Jeff Weninger (R-Chandler) passed the House 34-24 and will proceed to the Senate where a mirror bill, SB1154 S/E: eminent domain; existing contracts, will be heard in the Senate Commerce Committee on Wednesday at 2 p.m.

The bill requires cities and towns exercising eminent domain on a public utility to assume all the assets and contractual obligations of the utility. This would require the assumption of private 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 due to the unintended consequences of assuming private liabilities in these transactions and the potential to negatively impact current and future condemnation processes.

Emergency Permit Tolling

The Senate Commerce Committee this week heard SB1258 state of emergency; tolling; permits, sponsored by Senator Javan Mesnard (R-Chandler). The bill is an emergency measure that will toll the period to exercise a permit, license or government approval for the duration of a state of emergency and will extend the remaining period to exercise by an additional 12 months. It will not be an automatic extension since the bill does require a written 90-day notice of intent to the issuing authority to exercise the tolling and extension, but it doesn't require the holder to demonstrate the need for the extension. The bill excludes permits, licenses, and approvals for 1) areas outside the state of emergency; 2) that are regulated by federal law; 3) are held by someone in significant noncompliance; or 4) are subject to court order. It will also exclude TPT and business licenses.

An amendment was adopted in committee that will 1) reduce the extension time period from 12 to six months; 2) exclude licenses in title 17 (hunting and fishing); and 3) specify it applies to a state of emergency which affects the ordinary operations of state, county or city government or which receives state or federal disaster monies. The League will continue to work with the sponsor and the Home Builders Association of Central Arizona to narrow the scope of the legislation.

Short Term Rentals

SB1379 vacation rentals; short-term rentals; enforcement sponsored by Senator JD Mesnard (R-Chandler) was heard in the Senate Commerce committee on Wednesday. The bill focuses on penalties cities and towns can apply to short term rental operators and makes modifications to occupancy limits for short term rentals that are inconsistent with other municipal occupancy ordinances for non-short term rental properties. The committee saw this as a positive step and nothing that infringed further on municipal authority. The bill passed committee on a vote of 9-0.

The League's short term rental bill, HB2481, will be heard in the House Government and Elections Committee on Wednesday, February 10th.

Public Posting Requirements

One of the League's resolution HB 2400 municipal ordinance; posting passed out of the House Government & Election committee this week. The measure, sponsored by Representative Joanne Osborne (R-Buckeye) would provide cities and towns flexibility to post ordinances that have a fine or penalty associated with the ordinance on the municipality's website and any additional manner deemed reasonable, in addition to publication in a paper of local circulation. The measure would modernize the current statute by allowing cities and towns to reach residents where constituents are going to

for information, while maintaining transparency. The League will work with stakeholders and legislators to address concerns raised in committee and clarify the resolution's goal.

Legislative Bill Monitoring

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