



Issue 6 – February 19, 2021

Legislative Update

Today is the 40th day of the legislative session. With the exception of the Appropriations committee, today marks the last day for committees to hear bills in the chamber of origin. Next week is crossover week which means that floor calendars will be longer than usual. We can expect floor sessions and debate to be lengthy as legislators work to pass their bills out of the chamber of origin so that they can begin their process in the opposite chamber.

So far, the governor has signed 31 measures into law, and 5 other bills are pending his consideration.

Publication of Notice

[SB1645 publication of notice](#) sponsored by Senator TJ Shope (R-Coolidge) comes from a League resolution sponsored by the City of Buckeye related to newspaper publications required by cities and towns. The bill would allow a city or town to choose a paper printed in the county over a paper printed in the city if certain conditions apply. Specifically, the newspaper printed in the county must have a greater circulation than the newspaper printed in the city or town in order to utilize this exception. The bill was heard in the Senate Government Committee on Monday afternoon and passed the committee by a vote of 6-1 with one committee member absent.

This bill now moves to the floor of the Senate where we expect it to pass with wide bipartisan support.

Consular ID Card

This week both the House and Senate education committees heard bills to allow a consular ID card to be an acceptable form of identification accepted by political subdivisions. Additionally, the House Military and Public Safety committee heard a third related measure. [HB2458](#) sponsored by Representative David Cook (R-Globe), [SB1420](#) sponsored by Senator Paul Boyer (R-Glendale) and [HB2685](#) sponsored by Representative

Cesar Chavez (D-Phoenix) passed their respective committees with bipartisan support. The measures would require the consular ID cards to meet specific biometric security standards in order for it to be an accepted form of ID. The League is actively supporting the three measures.

Executive Session

[HB2804 public meetings; executive sessions](#) sponsored by Representative Beverly Pingerelli (R-Peoria) would limit the types of discussions that can take place during executive session between a public body and legal counsel. Current law allows discussion in executive session for the purposes of providing legal advice to the city or town council. HB2804 would limit this ability by stipulating that the body could only receive legal advice in executive session solely for topics outlined in statute which enable the public body to enter executive session (i.e. discussion of personnel matters, security plans, negotiation of contracts).

There are instances when attorneys will need to meet with council to give legal advice on issues that may not necessarily be before the council at that particular point in time but are still relevant for the governing body. To require that legal advice be provided in a public setting would waive attorney-client privileges currently afforded to public bodies. The League opposed the measure in committee for of the aforementioned concerns. HB2804 passed committee on a party line vote of 7-6.

Prohibition on Social Media

[SB1687 governmental entities; social media prohibitions](#) sponsored by Senator Ugenti-Rita (R-Scottsdale) prohibits government entities, including cities and towns, from using social media platforms for any governmental purpose. Arizona cities and towns use social media platforms such as Twitter and Facebook to communicate with residents for several reasons, such as providing information on temporary street closures, promoting local events and small business and notifying the public on local improvements (parks, street lights, sidewalks).

During the COVID-19 pandemic, cities and towns used social media platforms to advertise funding opportunities available for small businesses, utility assistance opportunities for residents, as well as information on nearby COVID-19 infection rates and testing sites. The League opposes the measure as it would reduce transparency and limit a municipality's ability to update residents. The measure passed the Senate Technology & Transportation committee 5-4.

Photo Radar Ban

A strike everything amendment on [SB1419](#) would have banned cities from using photo radar speed and red-light cameras to enforce traffic laws. The sponsor and proponents of the bill argued in committee that photo radar violates due process rights, and that

cameras do not offer the discretion an officer would be able to provide. Police chiefs from affected communities testified in support of the technology citing photo radar's effectiveness at slowing down traffic and reducing the number of collisions at busy intersections and school zones. The bill ultimately failed to pass the committee receiving a 4-5 vote.

Civilian Review Boards

[HB2567 peace officers; investigator membership requirements](#) sponsored by Representative John Kavanagh (R-Scottsdale) would require every government committee, board or entity that investigates officer misconduct, recommends disciplinary actions or that imposes discipline for law enforcement officers be made-up of voting members of which two-thirds must be AZPOST certified. If an entity does not meet these requirements, a supervisor, department or agency head that supervises a law enforcement officer is authorized to investigate and impose discipline for an officer's misconduct independently of the entity.

The League opposed the measure in committee because the language in the bill could be interpreted to apply to both public boards and internal processes for handling officer discipline. A law enforcement agency's chain of command may include members of staff such as an attorney or retired officer that may not be AZPOST certified. Additionally, civilian review boards are intended to be reflective of the community and provide independent recommendations from a civilian perspective. The bill passed committee on a party line vote.

Construction Contracting

Since the legislature made significant changes to the construction contracting statutes in 2013, making the application significantly more complex, there have been annual efforts to make modifications to the law. Each year those efforts are targeted towards moving all construction to materials only taxes thus depriving cities and towns of substantial revenue. [HB 2211 TPT; prime contracting; exemptions; certificates](#) sponsored by Representative Regina Cobb (R-Kingman) was an effort this year to limit construction contracting taxes to only those jobs where there was an expansion of square footage. The League feels confident this would result in significant losses of revenue because many buildings are built to a shell without walls or complete electric and plumbing because the tenant is unknown and their desires for the location of those items aren't know until the space is rented. In this scenario all construction beyond the initial building construction would be as materials only because it was not an expansion of square footage. The League defeated a similar effort last session (HB2040) and on Wednesday HB2211 was not heard in the House Ways & Means Committee.

While we were not supportive of HB2211 League staff, contractors, Department of Revenue, and other stakeholders have been working on a solution to the construction contracting dilemma. [SB1721 TPT; prime contracting classification](#) sponsored by Senate

President Karen Fann (R-Prescott) is our effort to resolve this issue for the foreseeable future. This bill was heard in the Senate Finance Committee on Wednesday where it passed 8-1. While it was a success in passing committee the Senate President acknowledged this was just the start and additional work needed to be done on the bill.

Peer-to-Peer

[SB1720 Peer-to-Peer car sharing](#) introduced by Senate President Fann (R-Prescott) creates regulations and tax requirements for a program that provides authorized use of a shared vehicle by someone other than the vehicle owner. These regulations deal with liability, insurance, registration, taxation, etc. It also prohibits cities and towns from imposing any additional taxes, fees, or charges on car sharing transactions that they do not also impose on traditional rental cars.

The League signed in against SB1720 because Arizona tax law applies taxes based on the transaction type rather than on the technology used to execute the transaction. In other words, our belief is that traditional car rental and peer-to-peer car rental are both in the business of renting cars and thus should be treated equally under the law. The bill passed out of the Senate Finance committee with all 9 members present voting yes.

Single Family Building Permits

[HB2716 licensing; building permits; temporary permits](#) sponsored by Representative Gail Griffin (R-Hereford) would require a city or town to provide approve all single-family residential building permit within 7 days of receiving administratively complete information from the builder. If the city were unable to provide the permit within 7 days, they municipality would be required to issue a temporary permit where the building could begin construction. Additionally, cities and towns would be precluded from prioritizing single-family building permits over other types of permits in order to satisfy the requirements of the statute.

The League testified in opposition to HB2716 in the House Commerce Committee on Wednesday, but the bill passed committee on a party-line vote 6-4.

Building Permit Fees

[HB2861 building permits; fees](#) sponsored by Representative Steve Kaiser (R-Phoenix) stipulates that cities and towns can only charge permit costs that are reasonably proportionate to the direct cost for issuing a permit. Additionally, the bill indicates monies received for permitting cannot be sent to the general fund and requires that cities and towns do separate auditing and accounting for permitting which then must be posted on the municipal website.

During testimony on the bill the proponents suggested that all cities and towns run permitting through enterprise funds and there should be no opposition to the bill. The League testified in opposition indicating that only one municipality in Arizona had an enterprise fund for their permitting department and consequently the bill would result in increased permitting fees. Despite that testimony the bill passed on a party-line vote, 6-4.

Food Trucks

[HB 2882 mobile food vendor; municipality; prohibition](#) sponsored by Representative Jacqueline Parker (R-Mesa) was a strike everything bill attempting to upend food truck negotiations between the League and food truck vendors in 2018. Identified as the Food Truck Freedom bill passed in 2018, the League and stakeholders laboriously worked on legislation that created a balance between issues identified from the food truck industry and protecting local control in the cities and counties. Unfortunately, HB2882 strips away some of the key local control provisions negotiated out of the 2018 legislation.

Unfortunately, Representative Parker represented her bill as a “cleanup” to some “unintended consequences” of the 2018 legislation which she called the “first step.” The League of Cities and Towns disagrees with her characterization of the bill because everything within the Food Truck Freedom bill was intentionally and carefully negotiated. The League opposed the bill in House Commerce Committee on Wednesday where after significant debate it passed on a strict party-line vote, 6-4.

Legislative Bill Monitoring

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