

Week of January 26-30, 2015



Legislative Update

General Issues

January 30th is the 19th day of the 52st Legislature, First Regular Session. To date, 914 bills have been introduced and one bill has been signed by the Governor.

Key Legislation

HB 2254 – Municipal Tax Exemption; Residential Rental – HB 2254 would prohibit municipalities from levying a TPT on businesses who rent or lease real property for residential purposes. The bill would require municipalities to completely phase-out their residential rental tax over a four-year period. **This legislation has an estimated \$87 million impact to all cities and towns. Scottsdale collected \$5.1 million in residential rental tax (December 2013 to November 2014).**

Status:

HB 2245 was introduced by Representative Darin Mitchell (Litchfield Park) and will be heard in the House Ways & Means Committee on Monday, February 2nd.

Recommended Action:

OPPOSE

SB 1069 – Ordinances; Businesses; Prohibited Security Requirements – SB 1069 would prohibit municipalities and counties from adopting an ordinance requiring a retail business to comply with specified security requirements. Provisions of the bill exempt bars and restaurants from the security measure prohibition. An amendment to the bill would further exempt businesses which provide live entertainment from the security measure prohibition. The amendment also adds preemptive language prohibiting municipalities from regulating businesses for security purposes.

Status:

SB 1069 was introduced by Senator Steve Smith (Maricopa) and passed the Public Safety, Military and Technology committee with a vote of 6-0. The amendment was offered by Senator John Kavanagh (Fountain Hills).

Recommended Action:

OPPOSE

Scottsdale Votes:

Senator John Kavanagh, Yes

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HB 2212 – Licensing; Accountability; Enforcement; Exceeding Regulation – HB 2212 would prohibit municipalities, counties, and state agencies from basing licensing decisions on requirements or conditions that are not specifically authorized by statute, rule, ordinance, or code. Enforcement is provided by a private right of action and relief may be awarded against a municipality, county, or state agency. The court is required to award attorney fees, costs, damages and license application fees to a party that prevails in an action. The bill also requires that the language of these statutes must be prominently printed on all license applications. A similar bill was vetoed last year by Governor Brewer. **Scottsdale and other cities have been successful in working with the bill sponsor to tone down the more egregious portions of the bill. The bill sponsor has tentatively agreed to amend the bill to address our concerns.**

Status: *HB 2212 was introduced by Representative Warren Petersen (Gilbert) and passed to the Judiciary Committee on January 28 (Vote 5-1) and will next be heard in the Committee on Government and Higher Education.*

Recommended Action: *Neutral with amendments.*

Scottsdale Votes: *No Scottsdale legislators have yet voted on this bill.*

Public Safety Bills

SB 1064 – Service of Process; Regulation – SB 1064 stipulates that a service of process may only be attempted on the same person and for the same matter one time each day. Alternative or substitute service of process must be sent by registered or certified mail and a notice must be posted on the front door of the business or residence and, if present and accessible, a residence's garage door. The bill will be amended to apply to service of process relating only to photo-enforcement violations.

Status: *SB 1064 was introduced by Senator John Kavanagh (Fountain Hills) and passes the Senate Government Committee on January 22 with a vote of 6-1.*

Recommended Action: *Support with amendments.*

SB 1169 – Fire Code Requirements; Fire Watch – SB 1169 would prohibit a the State Fire Safety Committee, municipalities and other governments from the use of a “fire watch.” A fire watch is defined as a person who is stationed in a building or a place relative to a building to observe the openings when the fire protection system for the building is temporarily broken or missing.

Status: *SB 1169 was introduced by Senator Sylvia Allen (Snowflake) and has been assigned to the Rural Affairs and Environment Committee.*

Recommended Action: **OPPOSE**

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SB 1300 – Law Enforcement Officers; Body Cameras – Law enforcement agencies are authorized to employ a law enforcement officer body camera that operates on a continuous basis or that is manually turned on or off by the officer. If a body camera is continuously on, an officer is permitted to turn the camera off during specified “nonrecordable incidents” (defined) or during specified “recordable incidents” (defined) if the officer announces on the recording that the camera is being turned off. If a body camera does not operate continuously, an officer may activate the camera only during a recordable incident or any other situation when a person informs the officer that the person is going to submit a complaint against the officer or when all parties consent to the recording. Also establishes regulations for the viewing, erasing and release of law enforcement officer body camera recordings. Note: Because of the complexity of this issue, this bill will go through several iterations. Scottsdale has been asked to be part of a working group assigned to work out the issues with the bill as introduced.

Status: *SB 1300 was introduced by Senator John Kavanagh (Fountain Hills) and has not yet been assigned to a committee.*

Recommended Action: *Work with bill sponsor*

HB 2517 – Internet Crimes Against Children – HB 2517 directs \$4.5 million of unencumbered remaining lottery funds to be deposited in the newly established *Internet Crimes Against Children Enforcement Fund* and \$500,000 to be deposited in the *Victims’ Rights Enforcement Fund*. Allows the Attorney General to enter into intergovernmental agreements to continue the operation of the Internet Crimes Against Children Task Force Program in investigations, forensic examinations and prosecutions relating to technology-facilitated sexual exploitation of children. The bill provides that if a law enforcement agency receives information that a communication service provider is hosting a website containing an alleged violation of crimes of sexual exploitation of children, the agency is required to serve a notice of the alleged violation on the statutory agent of the communication service provider. In any prosecution for a violation of crimes of sexual exploitation of children, the defendant or any person assisting the defendant is prohibited from removing any visual depiction or any computer or other device that contains a visual depiction that is alleged to be in violation and that is in the possession of a law enforcement agency or the prosecutor

Status: *HB 2517 was introduced by Representative Paul Boyer (Phoenix) and was cosponsored by 78 of the remaining 89 legislators in the House and Senate. HB 2517 passed the House Judiciary Committee on January 28 with a vote of 6-0.*

Recommended Action: *Support*

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Elections

HB 2133 – Countywide Elections; Vote by Mail – would give authority to the County Board of Supervisors to conduct a mail ballot election for all elections administered by that county, including elections for federal and state offices and measures, and elections for county, municipal, school district and special districts. Counties that conduct mail ballot elections are required to report specified information about the election to the Legislature by January 1 of each year following a mail ballot election.

Status: *HB 2133 was introduced by Representative TJ Shope (Coolidge) and has been assigned to the House Elections Committee and the County and Municipal Affairs Committee.*

Recommended Action: *Watch to see if bill receives a hearing.*

HB 2543 – Municipal Elections; Majority Vote Calculation – Establishes a formula for determining the majority of votes cast in municipal elections for the office of mayor or city council. If more candidates receive a majority of votes cast than there are seats to be filled for that office, the candidates who receive the highest number of votes shall be declared elected to that office. If no candidates or not enough candidates receive the majority of votes cast, the number of candidates who advance to the general or runoff election must be equal to twice the number of seats to be filled.

Status: *HB 2543 was introduced by Representative Michelle Ugenti (Scottsdale) at the request of the League of Arizona Cities and Towns. It will be heard in the House Elections Committee on February 2nd.*

Recommended Action: **SUPPORT**

Municipal Operations

SB 1066 – Political Subdivisions; Financial Audit Reports – SB 1066 would require municipalities, counties, and community college districts to post financial statements on their websites for at least 5 years. Governing bodies that fail to file financial statements within 18 months after the close of the fiscal year would be prohibited from adopting a general fund budget in the subsequent fiscal year that exceeds the amount budgeted in the current fiscal year.

Status: *SB 1066 was introduced by Senator Steve Pierce (Prescott) and has been assigned to the Senate Government Committee.*

Recommended Action: *Watch to see if bill gets hearing.*

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HB 2480 – Municipalities; Pawnbrokers; Gold; Prohibited Fees – HB 2480 would prohibit a municipality from imposing a fee, tax, or assessment on a pawnbroker or a person is in the business of buying gold in connection with any reportable transaction.

Status: *HB 2480 was introduced by Representative Warren Petersen (Gilbert) and has been assigned to the Committee on Government and Higher Education.*

Recommended Action: **OPPOSE.** *This would eliminate TPT and licensing fee requirements on pawn shops and gold purchasing businesses.*

HB 2570 – Municipalities; Vegetation Requirements; Prohibition – HB 2570 would prohibit a municipality from requiring a property owner to install specific plants, trees or vegetation species. It would also prevent a property owner from clearing all vegetation from their property (with exclusions for state protected species). Municipalities would also be prohibited from requiring landscape densities beyond what the property owner's landscape architect has recommended.

Status: *HB 2570 was introduced by Representative Darrin Mitchell (Litchfield Park) and has not yet been assigned.*

Recommended Action: **OPPOSE.**