



LEGISLATIVE BULLETIN

Issue 18 – May 10, 2019

Legislative Overview

Today is the 117th day of session and the legislature is continuing to work towards a solution on getting the state budget passed, but there is no clear indication when the legislature will sine die. As reported in last week's Bulletin, some legislators have publicly linked their vote on the budget to the passage of an unrelated and contentious policy issue, which will continue to complicate the budget process moving forward. The House Democrats this week released their own budget proposal that appears to have accomplished many of Governor Ducey's requests but failed to receive support from members of the Republican caucus for not including tax conformity.

Both chambers are slowly working on the 177 remaining bills that are still technically active. Some of these may not move out of the Rules committees either because they have an appropriation that will be discussed in budget negotiations or due to lack of support. Here is a count of what is left: House Rules has 36 bills and Senate Rules has 42. The House has 44 bill that are ready for a floor debate or vote and the Senate has 50 awaiting similar actions. Five bills are waiting for final conference committee action and vote.

ACTION ALERT – Big Tobacco's Continued Efforts at Preemption of Public Health, Safety and Welfare Regulations

For the second time this week, SB1147 S/E: tobacco products; vapor products, sponsored by Representative John Allen (R-Scottsdale) and Representative Nancy Barto (R-Phoenix) was held from consideration due to lack of support for this measure. However, we continue to hear that Big Tobacco's lobbyists are giving misleading information to lawmakers and have drafted a new amendment to include a warning

requirement they are already subject to by the [U.S. Food and Drug Administration](#). They are doing this to mislead lawmakers into thinking they are accepting more regulation of their industry, when in fact it is being done to distract from the bill's preemption of local public health and safety requirements that are currently imposed on the sales and marketing of cigarettes and vape products.

The tobacco industry's legislation continues to remove:

- Ordinances prohibiting tobacco sales within 1,320 ft from schools, daycare facilities, and parks
- Prohibitions on marketing of cigarettes and tobacco on or near public property, such as schools and parks
- Zoning ordinances preventing smoke and vape shops from clustering in shopping centers to prevent lowering the quality of shopping areas and negative impacts to surrounding residential neighborhoods
- Local bans on tobacco sales from unattended vending machines
- Licensing requirements and enforcement of smoke and vape shops to hold these businesses accountable for illegally selling tobacco to minors

All these requirements would be voided and not replaced with any state-level regulation. Again, we have never heard of any city or town abusing their local authority to impose reasonable regulations on the industry and have certainly never heard from the public that they want to make it easier for the tobacco industry to sell cigarettes and vaping products. Please reach out to your delegation and ask they vote **NO** on Big Tobacco's unnecessary preemption of local public health and safety regulations.

Short-Term/Vacation Rentals

On Monday, HB2672 vacation rentals; short-term rentals; regulation, sponsored by Rep. John Kavanagh (R-Fountain Hills), passed the Senate after being amended last week with some minor provisions. It now awaits one final vote in the House, to accept the changes made in the Senate, and would then go to the governor for final approval.

The neighborhood nuisance problems caused by short-term rentals have been covered regularly in the media (see this [ABC15 article](#)). These reports confirm what the League and our members predicted would occur when the original "Airbnb" bill (SB 1350) passed in 2016. The problems range from relatively minor increases in traffic in some communities all the way to contributing to a housing shortage and negative impacts to the local economy in other communities. This year Fountain Hills proposed a resolution to address the nuisance problems caused by "party houses," and the League has been

advocating for legislation that provides cities and towns a mechanism for identifying short-term rentals and penalizing owners that allow their properties to be a problem for neighborhoods.

While this year's bill does not address all the problems caused by short-term rentals, it is an important first step. As you engage with legislators, please continue to reaffirm your support for HB2672. The passage of HB 2672 does not end the conversation around how this industry should be treated at the state and local level but should provide relief to our residents who have had to live with these nuisance problems every day.

State Liquor Board

On Tuesday, HB2473 state liquor board; membership, sponsored by Representative Anthony Kern (R–Glendale), received final approval from the Senate and was transmitted to the governor on Wednesday. It will require one of the governor's appointees to the State Liquor Board to be selected from a list of three candidates who are current or former municipal elected officials, provided by the League. The bill came from another League resolution, this one proposed by Glendale, in response to several cities raising serious concerns about liquor licenses being granted to individuals who are not qualified or present a public safety concern and for locations that do not serve the public interest. While not giving cities and towns any new authority to approve or deny liquor licenses, the bill will give municipalities a stronger voice in these discussions at the State Liquor Board. Legislators agreed with the need for more local input on these decisions and the bill received unanimous support in both chambers. Now it is up to the governor to act to both approve the measure and appoint a local official to the board.

Legislative Bill Monitoring

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