



# LEGISLATIVE BULLETIN

**Issue 13 – April 5, 2019**

## Legislative Update

Today is the 82<sup>nd</sup> day of session and this week the Appropriations Committees in both chambers held one of their final meetings to act on assigned bills. These committees will reconvene when the FY20 budget package is introduced. However, budget negotiations have not progressed and there are still ongoing discussions on key items, such as tax conformity, where the governor and legislative leadership have not reached an agreement.

April 23 is the 100<sup>th</sup> day of session, but with no agreement on the budget it is likely the session will extend far beyond this date. Some are speculating the session may extend to late May or early June while a budget deal is negotiated. Both chambers still have several measures left to act on and will likely move these at a moderate pace while budget discussions are still occurring. Both chambers combined have about 349 bills remaining in the process. House Rules has 107 measures to dispose of while Senate Rules has 61. The last day for conference committees to meet is April 19, and to date one bill has been referred to conference. Of the bills that are ready for a floor debate or vote, the Senate has 104 bills while the House has 76.

The House on Wednesday welcomed its newest representative, former Senate President Steve Pierce, who was appointed by the Yavapai County Board of Supervisors to replace outgoing Representative David Stringer who resigned amid an ongoing ethics investigation. Pierce was sworn into office by Vice Chief Justice Robert Brutinel to fill the vacancy left by Stringer, restoring the one vote needed by the Republicans to pass legislation in the House. Floor action had been suspended until the vacancy was filled and resumed immediately after the appointment.

## Highway Safety Fee

The House Appropriations Committee approved SB1001 highway safety fee; repeal; VLT, sponsored by Michelle Ugenti-Rita (R-Scottsdale). The League testified in opposition, noting that repealing the fee will remove a dedicated funding source for the state's highway patrol and likely lead to continued Highway User Revenue Fund sweeps in future budgets that will reduce funding for street and road maintenance for cities, towns and counties.

The bill passed 6-5, with Representatives Andrade, Chávez, Espinoza, Fernandez, and Udall voting no. Please reach out to and thank these legislators for their no vote.

## Over-the-Top Communication

The House Appropriations Committee approved a strike everything amendment to SB1019 S/E: TPT; over the top, with the amendment sponsored by Regina Cobb (R-Kingman). The League testified in support, indicating that *People Choice TV Corporation Inc v. City of Tucson (2002)* prohibited cities and towns from taxing live broadcast television, that we had not been taxing these transactions since that time, and we were supportive of clarifying the issue in statute.

Over the past three sessions this issue has been unnecessarily bundled in to the Digital Goods conversation and the industry consequently has been unable to have their desired clarity reflected in state statute.

The bill passed unanimously 11-0 and in the coming weeks will move to Rules, Committee of the Whole, and 3<sup>rd</sup> read for a full vote of the House.

## 2020 Census Outreach

A strike everything amendment to SB1424 S/E: 2020 census; appropriation; outreach was approved by the House Appropriations Committee on Thursday. The amendment was sponsored by Regina Cobb (R-Kingman) and appropriates \$5 million to the Department of Administration to contract with a vendor who will conduct a communication and outreach effort on the 2020 Census. This census will be imperative to potentially securing Arizona a 10<sup>th</sup> congressional seat as well as additional federal funds.

The bill passed 10-1 with John Fillmore (R-Apache Junction) as the lone dissenting vote.

# Landlord-Tenant Issues

HB 2115 landlord tenant; state preemption, sponsored by Rep. Gail Griffin (R-Hereford), passed out of Senate COW this week and now awaits a final vote that could come at any time next week. The bill is a broad preemption of city and town authority to enact or enforce any regulations related to landlord-tenant issues.

The state Landlord-Tenant Act, which would become the only source of rights for tenants in most communities throughout the state, provide basic protections from eviction that is only enforceable through the courts. There is no state agency to assist tenants with problems with their landlords.

As such, when tenants have serious, continuous, and wide-ranging problems with landlords, the level of government that has been responsive has been at the local level. Local landlord-tenant codes have been developed in consultation with residents, landlords, and city staff and the resulting regulations have been widely accepted as reasonable, protective to both tenants and landlords, and not an impediment to housing development.

During the COW debate, it was suggested by Senator David Farnsworth (R-Mesa) that if tenants have problems they need addressed, it would be better for them to lobby at the state Capitol for the changes than ask their local elected council for help. However, a simple review of landlord-tenant legislation over the years demonstrates a clear imbalance of power when it comes to lobbying the state legislature on landlord-tenant issues. The proponents of the bill, who represent landlords, regularly lobby for laws that benefit landlords over tenants (see [HB 2358](#), which is likely to pass this year and that allow landlords to evict tenants even if they received partial payment for rent through the tenant's housing assistance). You can see from media reports that tenants are often at the mercy of unconscientious landlords and feel trapped and helpless (see this article by the [Arizona Republic](#)).

The League has continuously argued that cities and towns have responsibly addressed landlord-tenant issues for decades and helped create and sustain a healthy rental market. The state Landlord-Tenant Act provides general guidance regarding what landlords should provide to tenants, but local codes provide more specific details of what should be provided. For example, the state Act requires landlords to provide reasonable heating and cooling but does not specify what is reasonable. City codes add

those definitions which provide clarity and create a level playing field for landlords and tenants.

HB2115 is a sudden, drastic, and broad preemption that does not solve any existing problem. It will instead leave cities and towns unable to respond to bad landlords or litigious tenants in the future. Instead of solving a problem it will create new ones and establish a permanent barrier for tenants seeking relief. Please continue to voice your concerns with legislators about this bill. Your efforts are noticed and do make a difference.

## Legislative Bill Monitoring

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