



## Issue 17 – May 7, 2021

### Legislative Update

Today is the 117<sup>th</sup> day of the legislative session. At this point, the legislature has not agreed on a budget compromise, but pressure is mounting amongst legislative leadership and the Governor's office to reach an agreement. Some members have expressed interest in going into recess for a few weeks as day-to-day action on the floor is minimal. After the 120-day mark, legislators' per diem is reduced to \$10 per day for legislators who permanently reside within Maricopa County and \$20 per day for legislators living outside of Maricopa.

Of the 1,829 measures introduced this session, 332 bills have been signed into law. 35 Senate bills are ready for Committee of the Whole in the House, and 44 House bills are eligible to move forward in COW in the Senate. Only eight measures await consideration in Third Read.

### State Budget

Discussions on what the FY 22 budget will look like continue among legislative leaders, including a proposal to create a 2.5% flat income tax. Mayors, local leaders and the League have been communicating to lawmakers the effects of a flat tax on city and town budgets. This proposal would constitute the largest cut to cities and towns in the state's history and would have the unintended consequence of stalling growth and economic development during a time of economic uncertainty. Local leaders acknowledge that it is the Legislature's role to set tax policy. However, cities and towns request that any tax proposals take into account the implications on local governments and hold them harmless so as to not negatively impact local revenues.

The efforts of the League and local leaders have made an impact. This is a critical time in the session when lawmakers should be fully informed of the implications of cuts to local revenues and how those cuts will directly affect public safety, economic development, and any future plans for infrastructure. We ask that you continue to engage with your legislators and ask them to hold cities and towns harmless in any statewide tax policy changes.

## Tobacco and Vape Preemption

On Thursday the Senate approved HB2682 tobacco; vapor; alternative nicotine; regulation, legislation sponsored and lobbied by the tobacco industry, including JUUL and R.J. Reynolds who sell and market cigarettes and vape products.

Among other provisions, the bill preempts cities and towns from regulating the sale and marketing of tobacco and vape products, limits local zoning authority that would keep tobacco stores away from schools, and allows outdoor tobacco advertising, in some cases, to be less than a football field length away from schools, free from regulation. The League and organizations representing schools, local governments, and healthcare vehemently opposed the legislation.

In a surprising development, five Democratic senators joined with most of the chamber's Republicans to vote in favor of the bill, where it was approved with 18-10-2. It continues to the House for concurrence and a final vote. Please reach out to your House delegation and ask they reject Big Tobacco's preemption legislation.

## Civil Asset Forfeiture

As noted in last week's bulletin, the Legislature passed HB2810 civil asset forfeiture; conviction; procedures. The measure requires that prosecutors and law enforcement agencies make a conviction prior to seizing property connected to criminal activity. Despite opposition from various law enforcement agencies across the state, the measure was signed into law by Governor Ducey on Wednesday. In his signing letter, the Governor noted confidence and trust in local law enforcement's ability to implement HB2810 and combat organized crime and criminal activity. The measure is effective on the general effective date, 90 days after the legislature adjourns sine die.

## Civilian Review Boards

In the last week, the Legislature acted on two measures related to the makeup of civilian review boards and requirements for members serving on those boards. HB2567 sponsored by Representative John Kavanagh (R-Scottsdale) requires that sworn officers from the same department make up two-thirds of the boards' membership. HB2462 sponsored by Representative Kevin Payne (R-Peoria) requires that members serving on civilian review boards receive 80 hours of state-certified police officer training or complete a police academy.

The League opposed both measures as they made their way through the legislative process as both have the potential to erode the public's confidence and the legitimacy of civilian review boards. With respect to HB2567, civilian review boards are intended to serve as a forum for receiving independent feedback and recommendations from the community. To stack the board in a way that is not reflective of the community would undermine the board's goal. Additionally, the requirements for serving on a board outlined in HB2462 are overly burdensome. A number of municipalities offer citizen police academies that provide

constituents a meaningful understanding of an officer's role in the community – however, under the bill, even this education would not suffice to meet the requirements outlined in HB2567. Both bills passed the Legislature on a party line vote, HB2567 was signed by the Governor on Wednesday and HB2462 was signed today.

## Legislative Bill Monitoring

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

*Legislative Bulletin* is published by the League of Arizona Cities and Towns.  
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