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Response to Council Request: Concerns Regarding Working Conditions in the Police Communications Call Centers

This report provides the City Council with information in response to a request made by Councilwoman Betty Guardado at the March 2, 2021 City Council Policy meeting.

Summary
Councilwoman Guardado expressed concerns regarding allegations published in a recent news article involving Pamela Cooper, a Police Communications employee who has passed away and the working conditions in the Police Communications Call Centers. We express our deepest sympathies to Ms. Cooper's family. Staff responses to the questions and concerns posed by Councilwoman Guardado follow.

Requested changes to include the hiring of more 911 operators and to raise the pay making positions more competitive.
The Human Resources (HR) Department has been working with the Police, Fire and Aviation departments to address and resolve staffing issues in the public safety communications areas. The HR Department is implementing a two-step strategy to address 911 operator/dispatcher pay:

- Step 1 - Effective March 8, 2021, the entry salary steps for positions in the Police/Fire 911 operator/dispatcher job series have increased. The entry pay for the Radio/911 dispatcher positions, which is the largest classification in the series, increased by $3.10 per hour. This puts the City of Phoenix at the top end of the labor market for 911 operator/dispatcher starting pay with the goal of improving recruitment success in filling positions.
- Step 2 - On April 7, 2021, the HR Department will present the results of a compensation study of public safety communications positions to the City Council for recommended approval. The Human Resources Committee recommended approval at its March 8, 2021 meeting. The study recommends increasing the pay grades within the City's compensation structure to better align with the market and improve retention of employees in these positions.

Implement a comprehensive cleaning plan for the 911 operators' work area.
Stringent cleaning protocols have been in place at the two Police call centers since the
pandemic began. At the onset of the pandemic, the Police Department's Safety Unit
provided call center staff with detailed instructions for cleaning and sanitizing their
work areas. Ample cleaning supplies have been provided and protocols were put in
place requiring personnel to wipe down their workstations at the beginning and end of
their shifts. Additional measures were also instituted to support physical distancing by
maximizing space at both call center sites and modifying pre-pandemic practices, such
as having staff move to different work stations to provide relief during their shifts.

In December 2020, following a recommendation from AFSCME, Police staff worked
with the Finance Department to allocate funding and add contracted services to
provide additional cleanings twice a day at both Police call center sites. These services
are in addition to the standard custodial cleanings performed daily, as well as the
continued protocols requiring staff to clean and sanitize their workstations. These
enhanced cleaning services were approved to begin Jan. 25, 2021 and are currently
ongoing. Internal messaging has also been provided to all employees which follows
CDC guidelines related to the pandemic.

Ensure all City employees are given adequate sick and personal time to ensure
workers are not coming to work while they are still sick.
All full-time City employees receive 10 hours of sick leave per month, which can
accrue on an unlimited basis. This means that employees can accrue hundreds or
even thousands of hours of sick leave over time to be used for serious illness or injury,
FMLA-related leave including maternity/paternity leave, etc.

In addition to this leave, the City implemented the Families First Coronavirus
Response Act (FFCRA) leave provisions in 2020, which allowed employees with
qualifying COVID-related circumstances to receive an additional 80 hours of leave in
addition to what they had in their leave banks. In 2021, the City exceeded federal rules
and made an additional 80 hours of leave available to employees for the same
qualifying reasons as the FFCRA leave, which expired Dec. 31, 2020.

The City has also allowed employees to use any leave they have for any reason,
meaning they do not have to use vacation leave for vacation and sick leave for illness;
they can use whatever leave they have to take care of their needs.

During the pandemic, full-time employees have also been able to borrow additional
leave up to 160 hours if they have exhausted all other leave. Finally, there is a leave
donation program where employees can donate leave to fellow employees in need.
Requested an independent investigation into the 911 Call Centers and accountability for the mistakes made by the City.
The HR Department is conducting an investigation into the allegations raised in the New Times article. The investigation is still active, and staff will provide findings and recommendations when it is concluded.

Requested to know why the 911 operators did not receive Plexiglas shields in January.
Initial site visits and Plexiglas assessments were conducted at both Police call centers in late July/early August 2020. During the month of September 2020, Public Works and Police staff worked on the approval of the Plexiglas barriers for the call centers workstations. These included Plexiglas panels mounted to the workstations that raised the height of the workstation walls and Plexiglas partitions, which are free-standing, movable barriers that are placed between the workstations. The partitions had to be purchased from a vendor. Quotes for the partitions were received from the vendor in early October, and had an average lead time of 8-12 weeks due to high demand. These products were not stocked in state and had to be ordered from the supplier.

Installation of the Plexiglas panels mounted to the workstations began in September and was performed by City staff. Assembly and installation of the Plexiglas partitions began in December, with 19 of 35 partitions installed at the Elwood Center and 23 of 29 partitions installed at Police Headquarters. Assembly and installation of the remaining partitions was delayed until early to mid-February due to missing parts and materials that had to be re-ordered from the vendor because they were not included in the original shipment.

Requested to know why the 911 operators were asked to ration their sanitizing wipes.
Early in the pandemic, personnel were asked to be judicious in the use of sanitizing supplies since they were scarce and difficult to obtain, even for public safety. Staff in the Police call centers expressed a preference for the Clorox brand wipes due to fragrance and skin sensitivity issues. The Police Department had a limited supply of the Clorox wipes. These were set aside specifically for use by Police call center staff, while all other Police Department personnel used other branded sanitizing wipes and cleaning supplies, which were also available to call center staff. Due to nationwide supply chain disruptions experienced at the height of the pandemic, Clorox brand wipes were not able to be ordered. Police call center staff were informed of the limited supply of the Clorox brand wipes and were advised that once exhausted, other brands of sanitizing wipes and cleaning supplies would need to be used until such time as the Clorox brand products could be acquired.
Questioned the working conditions specifically leaky ceilings, broken chairs and moldy walls in the 911 operators' building.

Situations involving building maintenance and/or building concerns are directed to Public Works staff and/or the Police Department's Safety Unit as soon as they are brought to supervisory attention. In 2020, funding was approved by the City to fix water leaks occurring in the basement of Police Headquarters, where one of the Police call center sites is located. The water leaks damaged some of the basement ceiling tiles in the call center, which were removed and discarded. Repairs correcting the water leak problem were completed in August 2020. Mold surveys (testing) have been performed at both Police call center sites. Records available since 2017 show that all samples collected from both sites have registered minimal levels, and no action was necessary. When supervisors are advised of damaged or broken chairs, they are moved off the dispatch floor and placed in the hallway for repair or removal. We have worked with the Budget and Research Department to ensure that funding is available to replace any damaged or broken chairs or furniture.

Requested action to remedy many of the mistakes listed above.
At the conclusion of the HR Department's investigation, City Management and Police will take action based on the recommendations of the HR Department.

Responsible Department
This item is submitted by Assistant City Manager Jeff Barton and the Police Department.
Emergency Rental Assistance Program Weekly Update

This report provides information on the current status of the Emergency Rental Assistance Program.

Summary
The attached memo (Attachment A) provides current updates of the Emergency Rental Assistance Program.

Responsible Department
This item is submitted by Deputy City Manager Inger Erickson and the Human Services Department.
To: Ed Zuercher  
City Manager  

Date: March 18, 2021  

Through: Inger Erickson  
Deputy City Manager  

From: Marchelle Franklin  
Human Services Director  

Subject: WEEKLY EMERGENCY RENTAL ASSISTANCE PROGRAM REPORT  

This memo outlines current updates of the Emergency Rental Assistance (ERA) Program.  

ERA Program Updates  
For the week of March 15, the City has scheduled nearly 250 appointments. Additional program data is listed below. Applications processed refer to applications that are completed and awaiting payment of financial services. Households served are the number of households that have received financial services.  

<table>
<thead>
<tr>
<th>ERA Program Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointments Scheduled</td>
</tr>
<tr>
<td>Applications Processed</td>
</tr>
<tr>
<td>Households Served</td>
</tr>
<tr>
<td>Expenditures to Date</td>
</tr>
</tbody>
</table>

The contract between Wildfire and the City has been signed and Wildfire’s portal will be available to the public by no later than March 22.  

The Centers for Disease Control and Prevention eviction moratorium is currently still set to expire on March 31, 2021.  

Communications and Marketing Plan  
Over 30 meetings and presentations reaching diverse audiences discussing the ERA Program have been completed by Human Services staff.  

Attached and linked are the ERA flyers in English and Spanish. Both can be found at www.phoenix.gov/renthelp.
Attachment A

Attachments
ERA Flyer, EN
ERA Flyer, SP
WE CAN HELP
THE CITY OF PHOENIX HAS
$51 MILLION
TO HELP RESIDENTS IMPACTED BY COVID-19
LANDLORDS MAY APPLY ON BEHALF OF RENTERS WITH THEIR PERMISSION

ELIGIBILITY CRITERIA
• Must be a Phoenix resident
• Able to show financial impact due to the COVID-19 pandemic
• Income at or below 80% of Area Median Income or $62,250 for a family of 4
• Unemployed and/or receiving unemployment benefits
• Assistance for rent and utility obligations incurred after March 13, 2020

CAN PAY FOR
• Rent (including late fees)
• Utility bills (electric and gas)
• City Services Bill (water and trash)

PAYMENT AMOUNTS
• Rental Arrears - Up to 12 months of assistance (residents in subsidized housing must have a rental obligation to qualify for rental assistance)
• Forward Rent - Residents may qualify for 3 months forward rent once past due or arrears are paid in full, and if the household is unstable
• Utility Bills (electric and gas) arrears and credits
• City Services Bill (water and trash) arrears and credits

LEARN MORE AT
PHOENIX.GOV/RENTHELP

TO APPLY BY PHONE
(602) 534-AIDE (2433)
NOSOTROS PODEMOS AYUDAR
LA CUIDAD DE PHOENIX TIENE
$51 MILLIONES
PARA AYUDAR A RESIDENTES IMPACTADOS POR COVID-19
LOS PROPIETARIOS PUEDEN APLICAR EN NOMBRE DE LOS ARRENDATARIOS CON SU PERMISO

<table>
<thead>
<tr>
<th>CRITERIO DE ELEGIBILIDAD</th>
<th>SE PUEDE PAGAR</th>
<th>CANTIDADES DE PAGO</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Debe ser residente de Phoenix</td>
<td>• Alquiler (incluyendo cargos de atraso)</td>
<td>• Atrasos en el alquiler- Hasta 12 meses de ayuda (Los residents en viviendas subsidiadas deben tener una obligacion de alquiler para calificar para asistencia de alquiler)</td>
</tr>
<tr>
<td>• Debe demostrar impacto financiero debido a la pandemia</td>
<td>• Facturas de servicios publicos (electricidad y gas)</td>
<td>• Alquiler adelantado- los residents pueden calificar por 3 meses de alquiler adelantado una vez que el alquiler atrasado o cargos de atraso esten pagados, y si el hogar es inestable</td>
</tr>
<tr>
<td>• Ingresos de 80% o menos del Ingreso Medio del Área o $62,250 para una familia de 4</td>
<td>• Factura de servicios de la Cuidad (agua y basura)</td>
<td>• Facturas de servicios publicos (electricidad y gas) atrasos y credito</td>
</tr>
<tr>
<td>• Desempleado y/o recibiendo beneficios de desempleo</td>
<td></td>
<td>• Factura de servicios de la Cuidad (agua y basura) atrasos y creditos</td>
</tr>
<tr>
<td>• Asistencia para obligaciones de alquiler y servicios publicos incurridas después del 13 de Marzo de 2020</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

INFORMESE MAS EN
PHOENIX.GOV/RENTHELP
PARA APLICAR POR TELEFONO
(602) 534-AIDE (2433)
Weekly Community Spread Benchmark Report

This report provides City Council with an update regarding the status of the current community spread benchmark indicators tracked by the City of Phoenix related to COVID-19 as requested at the Dec. 2, 2020 Formal Meeting. This information represents the latest data released by the Arizona Department of Health Services on March 17, 2021.

Summary
On March 3, 2021 the Arizona Department of Health Services (ADHS) revised the Community Transmission indicators and Community Risk Levels based on CDC guidance, establishing a new Current Overall Risk level to their reporting charts. ADHS and Maricopa County are now only reporting on two benchmarks to reflect community spread, past reports included three benchmarks.

The attached memo (Attachment A) provides an indicator dashboard as well as a comparison between the two benchmark statistics tracked by the ADHS, Maricopa County and the City: percent positivity rate of COVID-19 cases each week and new cases per 100,000 individuals. The current overall risk level is at substantial spread. The trend line in both ADHS tracked categories continues trending downward.

At the March 16, 2021 City Council Policy Session, staff presented recommendations to open outdoor recreation facilities as well as resume scheduling field reservations with restrictions. During the meeting, City Council unanimously approved opening outdoor facilities including:

- Athletic field reservations for practices, games and local tournaments with restrictions
- Sports complexes
- Ramadas and picnic tables
- Basketball and volleyball courts
- Outdoor fitness equipment
- Seasonal: pools and splash pads (scheduled to open May 29, 2021)
Responsible Department
This item is submitted by Deputy City Manager Inger Erickson and the Parks and Recreation Department.
To: Ed Zuercher  
City Manager  

Date: March 18, 2021

Through: Inger Erickson  
Deputy City Manager

From: Cynthia Aguilar  
Acting Parks and Recreation Director

Subject: WEEKLY COMMUNITY SPREAD BENCHMARK REPORT

This memo communicates the community spread benchmarks within the City of Phoenix.

City staff has evaluated key metrics comparing the current weekly benchmarks to that of the previous week, as well as the benchmark status as reported on Sept. 6, 2020. The chart below provides metrics as reported by Arizona Department of Health Services and Maricopa County:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Low Transmission</th>
<th>Moderate Transmission</th>
<th>Substantial Transmission</th>
<th>High Transmission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total new cases per 100,000 persons in the past 7 days</td>
<td>0-9</td>
<td>10-49</td>
<td>50-99</td>
<td>≥100</td>
</tr>
<tr>
<td>Percentage of NAATs (PCR) that are positive during the past 7 days</td>
<td>&lt;5.0%</td>
<td>5.0%-7.9%</td>
<td>8.0%-9.9%</td>
<td>≥10.0%</td>
</tr>
</tbody>
</table>

Current Overall Risk Level: Substantial Spread

<table>
<thead>
<tr>
<th>Week of</th>
<th>Positivity Rate</th>
<th>New Cases/ 100,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-Sept</td>
<td>4.81%</td>
<td>29.27</td>
</tr>
<tr>
<td>21-Feb</td>
<td>7.2%</td>
<td>75.91</td>
</tr>
<tr>
<td>28-Feb</td>
<td>6.17%</td>
<td>63.3</td>
</tr>
</tbody>
</table>

The City is currently in the Moderate Transmission category for Positivity Rate. While the City remains in the Substantial Transmission for Number of New Cases per 100,000, the current overall risk level is at substantial spread. The trend line in both Arizona Department of Health Services tracked categories continues trending downward.

At the March 16, 2021 City Council Policy Session staff presented recommendations to open outdoor recreation facilities as well as resume scheduling field reservations with restrictions. During the meeting Council approved opening the outdoor facilities including:
- Athletic field reservations for practices, games and local tournaments with restrictions
- Sports complexes
- Ramadas and picnic tables
- Basketball and volleyball courts
- Outdoor fitness equipment
- Seasonal: pools and splash pads (scheduled to open May 29, 2021)
2021 State Legislative Report

This report provides information regarding the status of current state legislative issues.

Summary
March 17, 2021 is the 67th day of the First Regular Session of the 55th legislature. Attachment A provides current status of legislation as of March 16, 2021. To date, 1,708 bills have been introduced and staff continues to review these measures to identify potential impacts.

Responsible Department
This item is submitted by City Manager Ed Zuercher and the Office of Government Relations.
The Office of Government Relations is guided by the principles endorsed by the Mayor and Council. Our highest priorities are maintaining and preserving shared revenues, opposing unfunded mandates, protecting local authority, and involvement in water resource matters.

This Legislative Report provides information about bills that could impact the City. March 17, 2021 is the 67th day of the First Regular Session of the 55th Legislature. The information provided in this report regarding status of legislation is current as of March 16, 2021. To date, 1,708 bills have been introduced and staff continues to review these measures to identify potential impacts.

Please note the highlighted sections represent bills newly added to this report.

**Bills that staff has identified as negatively impacting the City’s core principles:**

- **HB 2025: Delinquent Property Tax; Interest; Waiver (Rep. Kavanaugh; Fountain Hills)** This bill authorizes the county treasurer to waive the interest that accrues on delinquent property taxes, and any other penalties, for a delinquency that occurs during the one-year period after a mortgage or deed of trust is satisfied or otherwise released on the property. A taxpayer may receive this waiver only once per property.

  Staff is expressing opposition to this bill because it would result in a reduction in revenue and waive the City’s ability to impose penalties.

  **HB 2025 passed the Senate Rules Committee on March 9, 2021.**

- **HB 2108: Telecommunications; Public Highways; Use Fees (Rep. Weninger; Chandler)** The bill requires that for any underground facility that is used for a "small wireless facility," a political subdivision is prohibited from requiring an annual telecommunications fee based on the number of linear feet of trench in the public highways in which the telecommunications corporation has placed facilities.
Staff is expressing opposition as it would reduce city revenue by eliminating the City’s ability to charge these fees.

HB 2108 was retained on House COW calendar on March 3, 2021.

• **HB 2152: Police; Camera Recordings; Required Redactions (Rep. Kavanaugh; Fountain Hills)** This bill requires that before a law enforcement agency releases a copy of a video recording from a law enforcement officer's body-worn camera to the public, the law enforcement agency must redact any portion of the video recording that shows the face or an identifiable body part of any person who appears in the video recording if the person is not the subject of a police investigation or enforcement action and the person was located in a private location or in a public location with an expectation of privacy, the person is a victim of or witness to a crime, or the person was in a state of undress and specified areas of the person's body were not covered. Does not apply to a person who provides the law enforcement agency with a written waiver to release the video recording without any redactions.

Staff is expressing opposition to this bill because it conflicts with existing State standards, is overbroad and could result in litigation.

HB 2152 passed the Senate Judiciary Committee on March 11, 2021.

• **HB 2211: TPT; Prime Contracting; Exemptions; Certificates (Rep. Cobb; Kingman)** The bill makes various changes to statutes relating to transaction privilege taxes (TPT) for prime contracting. The definitions of "modification" and "alteration" for the purpose of computing the tax base for the prime contracting classification of TPT are modified. A certificate that a contractor provides to a person stating that the contractor is liable for any amount of transaction privilege taxes due is valid for a period of up to one year. After the certificate expires, the contractor is allowed to execute and provide to the person a new certificate. The Department of Revenue (DOR) is required to prescribe a form for a certificate to be used by a prime contractor that is subject to TPT for purchasing tangible personal property, the purchase price of which was excluded from the tax base under the retail classification of TPT. The prime contractor is required to obtain the certificate from DOR, and the certificate is valid for up to one year. Applies to contracts entered into beginning January 1, 2022.

Staff is expressing opposition to this bill as it reduces City revenues.

HB 2211 was held in the House Ways and Means Committee on February 17, 2021.

• **HB 2310: Municipalities; Counties; Law Enforcement Budgets (Rep. Roberts; Maricopa)** The bill requires that, on the request of any member of the Legislature, the Attorney General (AG) must investigate any reduction of a "law enforcement agency's" budget by at least ten percent below the previous year's budget. If they determine such a cut was made, the AG will provide 30 days to restore the budget reduction. If the county or municipality fails to restore the budget reduction, the AG is
required to notify the State Treasurer, who must withhold and redistribute state shared monies in an amount equal to the reduction of the law enforcement agency's budget. This bill does not apply if a county or municipality has reduced their overall budget by at least ten percent below the previous year's budget.

Staff is expressing opposition to this bill as it is a preemption of city power and will adversely affect city revenue.

HB 2310 passed the Senate Government Committee on March 9, 2021 and is ready for Senate.

- **HB 2420: Law Enforcement Budget; Reduction; Certification (Rep. Carroll; Sun City West)** The bill requires counties and cities to certify each year that there has been no disproportionate funding reduction to the county’s or municipality’s law enforcement agency. The certification must include a statement that any reduction in funding or proposed funding to the law enforcement agency is a result of reduced revenue collection and the reduction in law enforcement agency funding is proportionate to the reduction in revenue. A county or municipality that has disproportionately reduced its law enforcement agency funding is not eligible to receive state shared monies.

Staff is expressing opposition to this bill as it is a preemption of city power.

HB 2420 failed to pass the House on March 3, 2021.

- **HB 2462: Civilian Review Board Members; Training (Rep. Payne; Peoria)** This bill requires that before a person becomes a member of a "civilian review board" (defined) that reviews the actions of peace officers in Arizona, the person is required to satisfactorily complete a community college police academy and at least 20 hours of virtual law enforcement training.

Staff is expressing opposition because this bill is overbroad in that it applies to citizen boards that do not pertain to policing and it is not clear that the requirements would improve service on a board.

HB 2462 was referred to the Senate Judiciary Committee on March 2, 2021.

- **HB 2570: Licenses; Pandemics; Revocation; Prohibition (Rep. Hoffman; Queen Creek)** The bill requires that state agencies, counties, and municipalities are prohibited from revoking any license that is required to operate a business for not complying with an order issued by the Governor due to a state of emergency proclaimed by the Governor for an epidemic or pandemic disease, unless the agency, county or municipality can demonstrate by clear and convincing evidence that the business was the actual cause of transmission of the disease that is the subject of the order.

Staff is expressing opposition to this bill as it reduces local control.

HB 2570 passed the House on March 15, 2021 and is ready for the Senate.
HB 2691: Striker; ADEQ; Water Quality Programs; WOTUS

(ADEQ; Water Quality Programs; WOTUS (Rep. Griffin; Hereford) The bill proposes a regulatory scheme for surface waters in Arizona, in the wake of the Federal Government rolling back its protections.

Staff is expressing opposition to this bill as it weakens water quality standards, limits regulatory oversight, and excludes important surface waters.

HB 2691 was passed the Senate Natural Resources Energy and Water Committee on March 11, 2021.

HB 2702: Federal Government; Land Acquisition; Consent (Rep. Griffin; Hereford) The bill states that the consent of the state of Arizona to the acquisition, sale, gift or grant or any other transfer of an ownership interest in any privately owned real property within Arizona that is not in possession of any federal agency as of the effective date of this legislation, and that would remove the real property from state, county and municipal property tax rolls is prohibited from being given without the express, affirmative consent of the Legislature and the Governor through the signing of a joint resolution. On the opening of escrow for the sale of private real property to the federal government or a federal agency, the escrow agent or property owner is required to notify the Legislature and request approval of the sale. The state has the right of first refusal to purchase private real property that the federal government is contracting to acquire.

Staff is expressing opposition to this bill because it preempts City authority.

HB 2702 was approved by House COW on February 24, 2021.

HB 2716: Licensing; Building Permits; Temporary Permits (Rep. Griffin; Hereford) The bill states that in determining the order in which the municipality will review an application for a license, the municipality is prohibited from prioritizing applications for a license that is subject to licensing timeframe requirements over applications for a license that is not. If a municipality requires a building permit for the construction of any single-family dwelling, the municipality is required to issue the building permit within seven calendar days after the applicant submits an administratively complete application if the applicant has satisfied specified requirements. If the municipality fails to issue the building permit within seven calendar days, the applicant must be granted a temporary building permit and is authorized to commence with construction.

Staff is expressing opposition to this bill because it will create an administrative burden on the city, and “temporary permits” could create dangerous situations if issues without proper plot plan review.

HB 2716 was approved by House COW on March 3, 2021.
HB 2804: Public Meetings; Executive Sessions (Rep. Pingerelli; Peoria) The bill says that public body is authorized to hold an executive session for legal advice solely for advice in the other areas for which an executive session may be held. Discussion of the objectives on which an officer or employee of a public body will be evaluated must be conducted in a public meeting.

Staff is expressing opposition to this bill as it limits the City's ability to control its public meetings and limit the ability of city attorneys to provide advice to Council.

HB 2804 passed the House on March 4, 2021 and was referred to the Senate Government Committee on March 8, 2021.

HB 2882 (Strike Everything Amendment): Mobile Food Vendors; Mobile Food Units; Operation (Rep. Parker; Mesa) The bill eliminates the distance requirement for mobile food vendors for residential areas, prohibits the City from fingerprinting a mobile food vendor, and disallows licenses and fees for City operation of mobile food vendors.

Staff is expressing opposition to this bill as it preempts city authority.

HB 2882 was retained on House COW calendar on February 24, 2021.

SB 1116: State Permitting Dashboard (Sen. Gowan; Sierra Vista) This bill requires the Governor to appoint a State Permitting Director to establish and maintain an online database called the Permitting Dashboard that displays the progress to completion for state authorizations for participating projects. The Director is required to coordinate with a list of specified state agencies and any other agency that requires authorization for a participating project. A project sponsor of an “eligible project” (defined as an activity in Arizona that requires authorization by an agency, that is subject to applicable state environmental laws, that is likely to require a total construction investment of more than $25 million, and that meet other specified requirements) is authorized to submit to the Director a notice that the project sponsor is initiating a proposed project, and information that must be included in the notice is established. No later than 30 days after receipt of the notice, the Director is required to determine whether the proposed project qualifies as an eligible project and whether to include it as a participating project in the Permitting Dashboard.

Staff is expressing opposition to this bill as these additional regulations preempt some municipal authority and will cause delays to projects that meet the bill’s requirements.

SB 1116 was referred to the House Appropriations Committee on February 24, 2021.

SB 1333: Law Enforcement; Budget Reduction; Prohibition (Sen. Gowan; Sierra Vista) This bill prohibits municipalities from reducing the annual operating budget for a law enforcement agency by any amount below the previous year's budget. If a municipality reduces the annual operating budget for a law enforcement agency, the municipality is required to notify the State Treasurer of the reduction,
and the State Treasurer is required to withhold any state shared monies from the municipality in an amount equal to the amount of the reduction of the annual operating budget for the law enforcement agency. The State Treasurer is required to deposit any amounts withheld in the newly established Law Enforcement Support Fund. If a municipality reduces the annual operating budget for a law enforcement agency by more than 25 percent, the State Treasurer is required to withhold state shared monies in an amount equal to the law enforcement agency's entire budget for the previous year. If a municipality reduces a law enforcement agency's budget by more than 25 percent, the municipality is required to notify the county sheriff, that sheriff is authorized to assume law enforcement functions for that municipality, and the State Treasurer is required to provide all state shared monies withheld from the municipality to the county sheriff's department. The State Treasurer is required to continue to withhold state shared monies until notification from the municipality that the reduction in the law enforcement agency's budget has been restored.

Staff is expressing opposition to this bill as it preempts municipal authority.

**SB 1333 passed the Senate Rules Committee on February 16, 2021.**

- **SB 1406: Aircraft Registration Fees; Taxation; Repeal (Sen. Petersen; Gilbert)**
  This bill repeals aircraft registration fees and license taxes.

Staff is expressing opposition to this bill as it reduces revenue for airport improvements and capital projects.

**SB 1406 passed Senate COW on March 10, 2021.**

- **SB 1409: Zoning Ordinances; Property Rights; Costs (Sen. Petersen; Gilbert)**
  This bill requires that before adopting any zoning ordinance or zoning ordinance text amendment of general applicability, the legislative body of a municipality is required to consider and adopt an individual property rights cost of housing impact statement regarding the impact of the zoning ordinance, which must include a list of specified information. Municipalities are prohibited from adopting or enforcing a land use regulation that unreasonably increases the cost to construct housing for sale or rent.

Staff is expressing opposition to this bill as it preempts municipal authority.

**SB 1409 passed the Senate on March 3, 2021 and was referred to the House Government and Elections Committee on March 9, 2021.**

- **SB 1487: Private Attorney Retention; Municipalities; Counties (Sen. Leach; Tucson)**
  This bill states that counties and municipalities are prohibited from entering into a contingency fee contract with a private attorney unless the county or municipal attorney makes a written determination before entering into the contract that contingency fee representation is both cost effective and in the public interest. The written determination is required to include specific findings for a list of specified factors. Counties and municipalities are prohibited from entering into a contingency fee contract that provides for the county's or municipality's private attorney to receive a contingency fee from the county's or municipality's portion of the recovery in
excess of an aggregate of a list of specified percentages based on the recovery amount. The contingency fee received by the county's or municipality's private attorney cannot exceed $50 million. Establishes additional requirements for county or municipal contracts for contingency fee attorney services. Does not apply to any contingency fee contract in which a county or municipality hires a private attorney to pursue debt collection cases. By February 1 of each year, the county attorney or municipal attorney is required to submit a report on the use of contingency fee contracts with private attorneys to the Governor and the Legislature. Information that must be included in the report is specified.

Staff is expressing opposition to this bill as it preempts municipal authority.

SB 1487 passed the Senate Rules Committee on March 2, 2021.

- **SB 1496: E-Liquids; Tobacco Products; Vapor Products (Sen. Leach; Tucson)**
  This bill expands the powers and duties of the Department of Liquor Licenses and Control (DLLC) to include enforcing statute regulating tobacco sales, investigating the sales of "alternative nicotine products," "e-liquids," "tobacco products" or "vapor products" to persons under the "legal tobacco and vapor use age" (defined as 21 years of age or older), causing to be removed from the marketplace alternative nicotine products, e-liquids, tobacco products or vapor products that may be contaminated, illegal or adulterated, and taking other regulatory actions related to these products. A person is prohibited from selling alternative nicotine products, e-liquids, tobacco products or vapor products in Arizona or from outside Arizona without a license issued by DLLC. Establishes requirements for licensees to obtain identification from a person ordering or purchasing these products in order to determine that the person is not under the legal use age. Sales of these products cannot be made using a drive-through or other feature allowing the purchase without leaving a vehicle. A person under the legal drinking age or legal tobacco and vapor use age who misrepresents the person's age, solicits another person to purchase or furnish, or uses a fraudulent identification to obtain these products is guilty of a petty offense. A person who knowingly sells or furnishes these products or any instrument or paraphernalia used to smoke or ingest these products to a person under 21 years of age is guilty of a petty offense. Establishes civil penalties for violations and conditions under which a license may be suspended or revoked. Establishes appeal rights and procedures. Various regulations of tobacco products are expanded to include e-liquids, vapor products and alternative nicotine products.

Staff is expressing opposition to this bill as it preempts significant City authority for regulation.

SB 1496 was held in the Senate Commerce Committee on February 18, 2021.

- **SB 1687: Governmental Entities; Social Media; Prohibition (Sen. Ugenti-Rita; Scottsdale)**
  This bill says that a "governmental entity" (defined), at any level, is prohibited from using a social media platform for any official or governmental purpose. A governmental entity is prohibited from giving or controlling a social media account to or for an elected official. Does not apply to a personal social media account operated by an elected official.
SB 1687 passed the Senate Transportation and Technology Committee on February 16, 2021.

Bills that staff has identified as beneficial to the City:

- **HB 2027: Leaving Accident Scene; Private Property (Rep. Kavanaugh; Fountain Hills)** The bill designates that the requirements for the driver of a vehicle involved in an accident to stop, remain at the scene of the accident, give specified information to others, and give reasonable assistance to an injured person are applicable to accidents on public or private property. The criminal classification for violating these requirements and for violating the requirement to take reasonable steps to locate and notify the owner of an unattended vehicle or fixtures or other property adjacent to a highway that the driver struck are increased to a class 1 misdemeanor, from a class 3 misdemeanor.
  
  **HB 2027 was referred to the Senate Transportation Technology Committee on February 18, 2021.**

- **HB 2034: Noxious Weeds; Government Projects (Rep. Griffin; Hereford)** This bill authorizes state, state agencies, political subdivisions, and any other governmental entity to remove "noxious weeds," including Russian olive and salt cedar trees, as part of routine maintenance operations and capital projects. The state, state agencies, political subdivisions, and any other governmental entity are prohibited from using noxious weeds, including Russian olive and salt cedar trees, in landscaping.
  
  **HB 2034 was substituted in Senate for identical bill 1223 which was signed by the Governor on February 12, 2021.**

- **HB 2035: Appropriation; AZ Water Protection Fund (Rep. Griffin; Hereford)** This bill appropriates $1 million from the general fund in FY2021-22 to the Arizona Water Protection Fund.
  
  **HB 2035 passed the Senate Appropriations Committee on March 3, 2021.**

- **HB 2040: Dam Safety Study Committee (Rep. Griffin; Hereford)** This bill establishes a 7-member Dam Safety Study Committee to collect information on the status of dams in Arizona with respect to their safety, age and need for maintenance.
  
  **HB 2040 was referred to the Senate Natural Resources Energy and Water Committee on February 18, 2021.**

- **HB 2066: Arrest Procedures; Magistrates (Rep. Roberts; Maricopa)** The bill requires that if the offense a person is arrested for was committed in another county, the arrested person may be taken before either the nearest or most accessible magistrate in the county in which the arrest occurs or the county where the offense was committed.
**HB 2066** passed the Senate Rules Committee on March 9, 2021.

- **HB 2074: Water Banking; Storage Credits; Subcontractors (Rep. Pratt; Casa Grande)** This bill asserts that the Arizona Water Banking Authority is authorized to distribute long-term water storage credits to Central Arizona Water Conservation District's (CAWCD) municipal and industrial subcontractors. Long-term water storage credits that are distributed to a CAWCD municipal and industrial subcontractor cannot be sold, and the subcontractor is responsible for all fees assessed by the Authority or the Department of Water Resources for the distribution of the long-term storage credits and all costs of recovery of the long-term storage credits.

  **HB 2074 was referred to the House Natural Resources, Energy and Water Committee on January 14, 2021.**

- **HB 2075: Sentencing; Judgment of Guilt; Fingerprints (Rep. Pratt; Casa Grande)** This bill articulates that the court must require either that a defendant's fingerprint be permanently affixed to a court document or order, or that the defendant's two fingerprint biometric-based identifier be obtained and recorded, and is no longer required to affix or obtain and record a defendant's fingerprint "at the time of sentencing and in open court."

  **HB 2075 passed the Senate Rules Committee on March 9, 2021.**

- **HB 2078: Groundwater; Waterlogged Area Exempt (Rep. Dunn; Yuma)** This bill extends the exemption from irrigation water duties for persons entitled to use groundwater under an irrigation grandfathered right by ten years, to December 31, 2034. The exemption from any applicable conservation requirements for the distribution of groundwater for the Arlington Canal Company, the Buckeye Water Conservation and Drainage District and the St. John's Irrigation District is extended ten years, to December 31, 2034.

  **HB 2078 was signed by the Governor on February 5, 2021.**

- **HB 2127: Appropriation; State Parks; Heritage Fund (Rep. Osborne; Goodyear)** This bill appropriates $10 million from the general fund in FY2021-22 to the Arizona State Parks Heritage Fund.

  **HB 2127 was referred to the Senate Appropriations Committee on February 18, 2021.**

- **HB 2205: Appropriation; WQARF (Rep. Cano; Tucson)** This bill appropriates $15 million from the general fund in FY2021-22 to the Water Quality Assurance Revolving Fund.

  **HB 2205 was referred to the House Natural Resources, Energy and Water Committee on January 20, 2021.**
• **HB 2285: Online Home Sharing; Repeal (Rep. Lieberman; Phoenix)** This bill repeals statutes prohibiting municipalities and counties from prohibiting vacation rentals or short-term rentals and limiting the restrictions that municipalities and counties may place on those rentals to a list of specified purposes. Repeals the online lodging marketplace transaction privilege tax classification, and the requirement for online lodging marketplaces to register with the Department of Revenue for payment of transaction privilege taxes on online lodging transactions. Repeals the requirement for online lodging operators to have a current transaction privilege tax license and related civil penalties for noncompliance. Repeals the Joint Legislative Study Committee on Transient Lodging.

  HB 2285 was referred to the House Commerce Committee on January 26, 2021.

• **HB 2407: Tax Credit; Affordable Housing (Rep. Cobb; Kingman)** This bill establishes a credit against individual and corporate income taxes and insurance premium taxes for projects that qualify for the federal low-income housing tax credit and that are placed in service from and after June 30, 2022. The credit is equal to the amount of the federal low-income housing credit for the qualified project.

  HB 2407 passed the Senate Appropriations Committee on March 3, 2021.

• **HB 2489: Appropriation; Affordable Housing (Rep. Chavez; Phoenix)** This bill appropriates $25 million from the general fund in FY2021-22 to the Housing Trust Fund.

  HB 2489 passed the House Rules Committee on February 23, 2021.

• **HB 2562: Tax Credit; Affordable Housing (Rep. A. Hernandez; Tucson)** This bill appropriates $2.5 million from the general fund in FY2021-22 to the Department of Economic Security to distribute to area agencies on aging for home and community-based services. The Legislature intends that this appropriation be considered ongoing funding in future years.

  HB 2562 was approved by the House Committee of the Whole on February 18, 2021.

• **HB 2565: Area Agencies on Aging; Appropriation (Rep. Cobb; Kingman)** This bill establishes a credit against individual and corporate income taxes and insurance premium taxes for projects that qualify for the federal low-income housing tax credit and that are placed in service from and after June 30, 2022. The credit is equal to the amount of the federal low-income housing credit for the qualified project.

  HB 2565 was referred to the Senate on March 2, 2021.

• **HB 2623: Fireworks; Use; Overnight Hours Prohibition (Rep. Shah; Phoenix)** The bill states that counties and municipalities are authorized to prohibit the use of permissible consumer fireworks between the hours of 10PM and 8AM.
HB 2623 passed the Senate Commerce Committee and was further referred to the Senate Appropriations Committee on March 11, 2021.

- **HB 2671: Underground Storage Tanks; Revisions (Rep. John; Yuma)** The city proposed an amendment to this bill, which was adopted. The bill makes numerous changes to the underground storage tank (UST) program, and with the City's amendment included provides possible additional funding to WQARF.

  HB 2671 passed the Senate Appropriations Committee on March 10, 2021.

- **HB 2835: Theme Park Districts; Extension (Rep. Cobb; Kingman)** The bill states that the authority of the board of directors of a theme park district to issue bonds expires if the board fails to issue any bonds on or before December 31, 2031, extended 11 years from December 31, 2020. The chapter of statute establishing and regulating theme park districts is repealed on January 1, 2032, instead of January 1, 2021, if the board fails to issue bonds by that date.

  HB 2835 was referred to the Senate Finance Committee on March 2, 2021.

- **SB 1056: Energy; Water; Savings Account (Sen. Gray; Sun City)** This bill extends the maximum length of a contract between a county or municipality and an energy or water services company to pay for the incremental cost of energy or water savings measures in facilities owned by the county or municipality to 25 years, from 15 years. Other costs and revenue are included in the estimated impact to be achieved by a county or municipality through energy or water savings measures or services. Reports on school district contracts for guaranteed energy cost savings must be filed with the Department of Administration, instead of the Governor's Office of Energy Policy.

  SB 1056 was signed by the Governor February 26, 2021.

- **SB 1327: Tax Credit; Affordable Housing (Sen. Gowan; Sierra Vista)** This bill establishes a credit against individual and corporate income taxes and insurance premium taxes for projects that qualify for the federal low-income housing tax credit and that are placed in service from and after June 30, 2022. The credit is equal to the amount of the federal low-income housing credit for the qualified project. To claim the credit, a taxpayer is required to apply to the Arizona Department of Housing and receive an eligibility statement. If the amount of the credit exceeds taxes due, the taxpayer may carry the unused amount forward for up to five consecutive taxable years. The Department of Revenue is required to allocate a total of $8 million of affordable housing tax credits in any calendar year. Establishes a 9-member Affordable Housing Tax Credit Review Committee to review the tax credits on the fifth year after the effective date of the credit and every five years thereafter and submit a report to the Governor and the Legislature.

  SB 1327 was referred to the House Ways and Means Committee on March 1, 2021.
• **SB 1451: Workers’ Compensation; Rates; Firefighters; Cancer (Sen. Boyer; Phoenix)** This bill adds Fire investigators to the presumption that specified types of cancer and related diseases that result in disability or death are an occupational disease and are deemed to arise out of employment if specified conditions are met. All insurance carriers, self-insuring employers and workers’ compensation pools that secure workers’ compensation for firefighters and fire investigators are required to compile and report to the Industrial Commission claim and claim reserve information for all cancer-related claims filed by or on behalf of firefighters and fire investigators. The Commission is required to compile and make available to insurance carriers, rating organizations, employers, public safety workers and workers’ compensation pools the claim-related information collected to assist with the setting of workers’ compensation insurance rates. In addition to the six uniform percentage deviations already authorized by statute, insurers covering firefighters and fire investigators are permitted to file one uniform percentage deviation that increases the statewide rates under the rating organization’s rate filing for the class codes associated with firefighters and fire investigators to address the anticipated increase in losses and expenses for claims that are compensable due to the workers’ compensation presumption. The deviation filing must be accompanied by analysis from an actuary that substantively illustrates the basis for the rate increase. Contains a legislative intent section.

**SB 1451 was referred to the House Military and Public Safety Committee on March 2, 2021.**

• **SB 1514: Appropriation; Emergency Shelter Beds; Seniors (Sen. Boyer; Phoenix)** This bill appropriates $5 million from the general fund in FY2021-22 to the Department of Economic Security (DES) for emergency shelter beds in western Maricopa County to shelter and serve homeless seniors who are at least 55 years of age. DES is required to distribute the monies to a single Arizona nonprofit provider that meets a list of specified requirements.

**SB 1514 was referred to the House Health and Human Services Committee and the House Appropriations Committee on March 2, 2021.**

• **SB 1720: Peer-to-Peer Car Sharing (Sen. Fann; Prescott)** This bill establishes a new chapter in Title 28 (Transportation) regulating "peer-to-peer car sharing," defined as the authorized use of a shared vehicle by an individual other than the shared vehicle owner through a "peer-to-peer car sharing program." A peer-to-peer car sharing program is required to assume the liability of a shared vehicle owner for bodily injury or property damage that occurs to a third party during the car sharing period in an amount that is stated in the car sharing program agreement and that is at least the minimum amount of motor vehicle liability coverage required by statute. Some exceptions. A peer-to-peer car sharing program is required to ensure that during each car sharing period the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that recognizes that the vehicle insured under the policy is made available and used through a peer-to-peer car sharing program, and that does not exclude the use of a shared vehicle by a shared vehicle driver. A peer-to-peer car sharing program is required to register with the Department of Revenue (DOR) for a license for the payment of transaction privilege taxes levied by the state and one or more counties, municipalities, or
special taxing districts for the taxes due from a shared vehicle owner for any vehicle sharing transaction facilitated by the peer-to-peer car sharing program.

**SB 1720 passed the Senate on March 1, 2021 and was referred to the House Commerce Committee on March 3, 2021.**

- **SB 1721: TPT; Prime Contracting Classification (Sen. Fann; Prescott)** This bill states that the gross proceeds of sales or gross income derived from a construction contract with an owner of real property or the improvements to real property that does not exceed $100,000 per unit for a "residential project" (defined) or $1 million for a nonresidential project is not subject to tax under the prime contracting classification of transaction privilege taxes, and is required to be exempt from municipal transaction privilege and use taxes. Only the contract price is used to determine whether a contract exceeds the threshold amount described in this paragraph with no subtractions for amounts paid to subcontractors or any deductions or exemptions allowed. Project elements cannot be artificially separated from a contract to cause a project to qualify for this exemption. The Department of Revenue has the burden of proving that project elements have been artificially separated from a contract.

  **SB 1721 passed the Senate Rules Committee on March 2, 2021.**

- **SB 1752: Community Facilities Districts (Sen. Leach; Tucson)** This bill makes various changes to statutes relating to community facilities districts, including setting a cap for the ad valorem tax. It says that if a district sells general obligation bonds above par, the amount of "net premium" (defined) associated with a general obligation bond issue may be used only to pay costs incurred in issuing the bonds or as a deposit in a debt service fund and used only to pay interest on the issue of general obligation bonds. If used for any other purpose, and if the district has general obligation bond voter authorization and available capacity under its debt limitations, both the available aggregate indebtedness capacity of the district and the principal amount authorized at the general obligation bond election for the district must be reduced by the amount of net premium used for that purpose.

  **SB 1752 passed the Senate on March 9, 2021 and is ready for the House.**

**Bills staff are monitoring:**

- **HB 2049: Eminent Domain; Existing Contracts (Rep. Weninger; Chandler)** This bill requires that if a municipality exercises the right of eminent domain to acquire a public utility business or enterprise, the municipality is required to assume all existing assets and contractual liabilities associated with providing current and future utility service in the certificate of convenience and necessity that is being condemned unless all parties to the contractual obligations agree otherwise.

  **HB 2049 passed the Senate Government Committee on March 9, 2021.**

- **HB 2065: Medical Freedom; Parental Rights (Rep. Fillmore; Apache Junction)** This bill articulates that students are no longer prohibited from attending school
without submitting documentary proof of required immunizations to the school administrator. Schools are prohibited from requiring a student to receive the recommended immunizations and from refusing to admit or otherwise penalizing a student because that student has not received the recommended immunizations. If a parent chooses to have the student immunized, the parent is required to submit documentary proof to the school administrator to verify that the pupil has received the recommended immunizations if an outbreak occurs. A student who lacks documentary proof of immunization may be excluded from school only if the student lacks an immunization for which there is an active case of a disease that the immunization is intended to prevent in that student's school and if the Department of Health Services or a local health department has declared an outbreak of that disease for an area that includes the student's school.

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<th>HB 2065 was referred to the House Health and Human Services and House Education Committees on January 14, 2021.</th>
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- **HB 2118: Furnishing Tobacco; Minors; Enterprise Partners (Rep. Bolick; Phoenix)** This bill makes it unlawful for a person to knowingly sell, give or furnish a tobacco product, vapor product or any instrument or paraphernalia solely designed for smoking or ingesting tobacco or shisha to a person who is under the minimum age of sale for tobacco products as set by the Federal Food, Drug, and Cosmetic Act, instead of to minors. Establishes penalties the court must impose on an enterprise that violates this prohibition based on the number of violations. Penalties include mandatory attendance at a court-approved tobacco retailer educational course and graduated fines ranging from $500 to $5,000. For a second or subsequent violation, the court is required to prohibit the enterprise from selling, giving or furnishing tobacco products or vapor products for a specified time period. A violation of this restriction is a petty offense, subject to an additional fine and an extension of the prohibition.

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<th>HB 2118 was referred to the Senate Commerce Committee on February 23, 2021.</th>
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- **HB 2161: Tourism Marketing Authorities (Rep. Kaiser; Phoenix)** This bill establishes a new chapter in Title 9 (Cities and Towns) and a new chapter in Title 11 (Counties) allowing the governing body of one or more municipalities and/or of a county with a population of less than 2 million persons (all but Maricopa County) to adopt a resolution, on presentation of a petition signed by the owners of at least 67 percent of the transient lodging rooms in the geographic area, forming a tourism marketing authority to promote and enhance tourism in that geographic area. Establishes powers and duties of a tourism marketing authority, including authorization to levy an assessment of up to $5 per room on transient lodging rooms sold per night. A tourism marketing authority is governed by a board of directors, and budgeting, recordkeeping and reporting requirements for the board are specified. Establishes a process for termination of a tourism marketing authority. Emergency clause.

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<th>HB 2161 passed the House on March 3, 2021 and was referred to the Senate Commerce Committee on March 10, 2021.</th>
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• **HB 2293: Vehicle Impoundment; Exceptions; Storage Charges (Rep. Payne; Peoria)** This bill dictates that the list of reasons for which a peace officer is required to cause the removal and either immobilization or impoundment of a vehicle is expanded to include if the peace officer determines that the person's driving privilege is suspended for any reason except for failure to pay a civil penalty or failure to appear as directed for a scheduled court appearance. A peace officer who needs to be present at an emergency is not required to remove, immobilize or impound a vehicle. The minimum amount of time a vehicle must be immobilized or impounded is decreased to 20 days, from 30 days.

  **HB 2293 passed the Senate Transportation and Technology Committee on March 9, 2021.**

• **HB 2294: Yielding to Emergency Vehicles; Penalties (Rep. Payne; Peoria)** This bill requires that a person who violates the requirement to move over or slow down when approaching a stationary vehicle displaying flashing lights or warning lights is subject to a civil penalty of $275 for a first violation, $500 for a second violation, and $1,000 for a third or subsequent violation.

  **HB 2294 was referred to the Senate Transportation Technology Committee on February 18, 2021.**

• **HB 2295: Law Enforcement Officers; Database; Rules (Rep. Payne; Peoria)** This bill dictates that "prosecuting agency" is prohibited from placing a law enforcement officer's name in a "rule 15.1 database," or Brady List, unless the officer is given at least 10 days prior written notice by mail or email to the officer's current or last known employment address. Information that must be included in the written notice is listed, including information on the right to request reconsideration of the allegations and placement in the database. If an officer submits a request for reconsideration, and the reconsideration is approved on its merits, the officer's name must be removed from the database. A prosecuting agency that maintains a rule 15.1 database is required to adopt a policy that includes specified provisions, including the criteria used to place a law enforcement officer's name in the database and the notice requirements of this legislation. A law enforcement agency is prohibited from using the placement of an officer's name in a rule 15.1 database as the sole reason for taking a list of employment actions against the officer.

  **HB 2295 passed the House on March 4, 2021 and was referred to the Senate Judiciary Committee on March 8, 2021.**

• **HB 2372: Agricultural Operations; Nuisance; Liability (Rep. Dunn; Yuma)** This bill repeals and replaces all statutes governing nuisance liability for agricultural operations. It articulates that a nuisance action cannot be filed against an agricultural operation conducted on farmland unless a list of specified conditions apply. Establishes a rebuttable presumption that an agricultural operation conducted on farmland is not a public or private nuisance, which may be overcome by a preponderance of the evidence that the operation is violating applicable federal, state or local laws and regulations. The circumstances under which agricultural
operations conducted on farmland may be regulated or considered to be a nuisance are a matter of statewide concern and this legislation supersedes any municipal ordinance.

HB 2372 was retained on House COW calendar on February 23, 2021.

- **HB 2423: Immunizations; Exemption; Requirements (Rep. Carroll; Sun City West)** This bill mandates that a person who is required to receive an immunization for any purpose, including as a condition of employment, school attendance or obtaining any license, certification or degree, is allowed to claim an exemption from the immunization requirement if there is not a vaccine that has been approved by the U.S. Food and Drug Administration available to fulfill the requirement that also meets all of a list of specified criteria, including that the risk of permanent disability or death from the vaccine has been proven to be less than that caused by the infection it is intended to prevent. A person may claim the exemption on the person's own behalf or on behalf of the person's child or dependent.

HB 2423 was referred to the House Health and Human Services Committee on January 26, 2021.

- **HB 2481: Short-Term Rentals; Enforcement; Penalties (Rep. Kavanaugh; Fountain Hills)** This bill modifies the list of regulations that counties and municipalities are authorized to impose on vacation rentals or short-terms rentals to include requiring the owner of a vacation rental or short-term rental to license or register with the county or municipality, and restricting the occupancy of a vacation rental or short-term rental to the lesser of the occupancy limit of the county or municipality or 2 adults per bedroom plus 2 additional adults. Vacation rentals and short-term rentals cannot advertise to exceed the occupancy limit of the dwelling or for any nonresidential use. Counties and municipalities are authorized to impose a civil penalty for each day a property is in violation of this advertisement prohibition. An online lodging operator that falsifies information to an online lodging marketplace is guilty of a petty offense. A county or municipality cannot prohibit the operation of a vacation rental or short-term rental based solely on its status as a vacation rental or short-term rental if the owner of the vacation rental or short-term rental, as of May 1, 2021, has a valid transaction privilege tax license, and as of June 2, 2021, has provided the owner's or the owner's designee's contact information to the county or municipality in which the vacation rental or short-term rental is located, if required by ordinance.

HB 2481 passed the House Government and Elections Committee on February 11, 2021.

- **HB 2482: Regulation; Short-Term Rentals (Rep. Kavanaugh; Fountain Hills)** This bill modifies the list of regulations that counties and municipalities are authorized to impose on vacation rentals or short-term rentals to include: requiring contact information for the owner of the rental to be posted on the front door or in another location on the property that is visible and accessible to the public; restricting the maximum number of adult occupants allowed on the property at one time to the lesser of the occupancy limit established by the county or municipality or
no more than 2 adults per bedroom, up to 4 bedrooms, plus 2 additional adults per
1,000 square feet of livable space in excess of 3,000 square feet of livable space;
requiring the installation of safety and monitoring equipment that monitors and
detects noise and notifies the owner if noise is unreasonable or in violation of a
noise ordinance; prohibiting smoking outside within 100 feet of a residential
structure; restricting occupants from checking in without the presence of the owner
or the owner's designee; and prohibiting occupants from parking on public or private
streets if on-property parking is available. Vacation rentals and short-term rentals
cannot advertise to exceed the occupancy limit of the dwelling or for any
nonresidential use, and are required to display the transaction privilege tax license in
any online advertisement for rental of the unit. Establishes penalties for violations.

HB 2482 was referred to the House Government and Elections Committee

• **HB 2515: Electronic Smoking Devices; Tobacco Sales (Rep. Butler; Phoenix)**
  This bill makes it unlawful for a person to sell, give or furnish a tobacco product to a
  person who is under the minimum age of sale for tobacco products as set by the
  Federal Food, Drug, and Cosmetic Act, instead of for a person to sell or furnish
tobacco products to minors. For the purposes this prohibition and statutes regulating
  tobacco sales, the definition of "tobacco products" is expanded to include any
  product containing, made of or derived from tobacco or nicotine and that is intended
  for human consumption, and to include an "electronic smoking device" (defined) and
  any substance that may be aerosolized or vaporized by the device, whether or not it
  contains nicotine, and any component, part, or accessory that is used in the
  consumption of these products. Before distributing any tobacco product, a retail
tobacco vendor or the vendor's representative or employee is required to verify that
  the purchaser is at least the minimum age of sale for tobacco products as set by the
  Federal Food, Drug, and Cosmetic Act. Establishes civil penalties for violations. The
  Department of Health Services (DHS) is required to conduct at least two
  unannounced compliance checks on a retail tobacco vendor annually. Beginning
  January 1, 2023, a retail tobacco vendor is prohibited from distributing tobacco
  products in Arizona without a valid tobacco retail sales license from DHS. DHS is
  required to establish fees for licenses.

HB 2515 was referred to the House Health and Human Services Committee on

• **HB 2524: Counties; Cities; Towns; COVID Expenditures (Rep. Kavanaugh; Sun
  City West)** This bill requires that by September 1, 2021, each county and
  municipality is required to submit a report to the Governor and the Legislature of all
  expenditures made in FY2019-20 and FY2020-21 from each "COVID-related federal
  or state fund source" (defined). Specific information that must be included in the
  report is listed.

HB 2524 was held in the House Government and Elections Committee on
February 3, 2021.
• **HB 2602: Tobacco; Retail; Licensing (Rep. Blackman; Snowflake)** This bill prohibits a retail tobacco vendor from distributing "tobacco products" (defined to include "electronic smoking devices") in Arizona without a valid tobacco retail sales license issued by the Department of Liquor Licenses and Control (DLLC). DLLC is required to establish fees for a tobacco retail sales license and is prohibited from issuing a license until the vendor has obtained the required local license. It is unlawful for a retail tobacco vendor or a retail tobacco vendor's representative, agent or employee to sell, furnish, give or provide a tobacco product to a person who is under the minimum age of sale for tobacco products as set by the Federal Food, Drug, and Cosmetic Act, and requirements for verifying photo identification are specified. Establishes penalties for violations, including attendance at an education class and graduated fines ranging from $500 to $3,000. For a second or subsequent violation, the court is required to prohibit the vendor from distributing tobacco products for a specified time period. DLLC is required to adopt rules to carry out retail tobacco vendor regulations and is authorized to delegate the enforcement and compliance inspections to any county that accepts the delegation. Establishes the Tobacco Retail Sales Licensing Fund, consisting of licensing fees collected, to be administered by DLLC.

HB 2602 was referred to the House Health and Human Services Committee on February 3, 2021.

• **HB 2772/SB 1797: Fantasy Sports Betting; Event Wagering (Rep. Weninger; Chandler; Sen. Shope; Coolidge)** This bill makes numerous changes to statutes relating to gaming, including establishing a new chapter in Title 5 regulating “fantasy sports contests,” conditionally enacted on each Indian Tribe with a gaming facility in Pima County and in the Phoenix metropolitan area entering into a 2021 Gaming Compact Amendment and publishing in the federal register notice of the U.S. Secretary of the Interior's approval or approval by operation of law. An individual who is licensed by the Arizona Department of Gaming (ADG) is authorized to offer one or more fantasy sports contests if specified conditions apply, including that the individual collects no more than $10,000 in total entry fees for all fantasy sports contests offered in a calendar year, at least 95 percent of which are awarded to the fantasy sports contest players.

HB 2772 passed the House on March 4, 2021. SB 1797 was held in the Senate Appropriations Committee on February 23, 2021.

• **HB 2773: Spirituous Liquor; Delivery; Off-Sale Permits (Rep. Weninger; Chandler)** This bill states that bar liquor licensees are authorized to take orders for beer, wine or mixed cocktails by telephone, mail, catalog, or internet for delivery off the licensed premises. Restaurant liquor licensees that hold specified permits are authorized to take orders for beer or mixed cocktails by telephone, mail, catalog, or internet for delivery off the licensed premises. The liquor licensee is allowed to maintain a delivery service and to contract with one or more third-party licensed facilitators for delivery of spirituous liquor if the spirituous liquor is loaded for delivery at the premises of the restaurant or bar licensee in Arizona and delivered in Arizona. All containers of spirituous liquor that are delivered must be conspicuously labeled with the words "Contains alcohol, signature of person who is twenty-one years of age or older is required for delivery." Delivery must be made by an employee of the
licensee or an employee of an authorized third-party facilitator who is at least 21 years of age and delivery must be made to a customer who is at least 21 years of age and who displays identification at the time of delivery. Establishes licensing requirements for third-party facilitators.

**HB 2773** passed the House on March 3, 2021 and was referred to the Senate Commerce Committee on March 4, 2021.

- **SB 1043: Public Safety; Cancer Insurance; Eligibility (Sen. Livingston; Peoria)**
  This bill requires that The Board of Trustees of the Public Safety Personnel Retirement System is required to annually review the premiums required under the Public Safety Cancer Insurance Policy Program to ensure the financial security of the Program. Persons eligible for coverage under the Program remain eligible upon retirement for the statutorily specified time periods, regardless of whether the person has a cancer diagnosis.

  **SB 1043** passed the Senate Rules Committee on January 26, 2021.

- **SB 1062: Engineering Definitions (Sen. Mesnard; Chandler)**
  This bill dictates that for the purpose of Board of Technical Registration statutes, the definition of "engineering practice" is modified, including specifying that the service or work must be to the extent that the engineering education, training and experience requirements for professional registration are necessary to protect the public health, safety or welfare. Also modifies the definition of "engineer" and defines "professional engineer."

  **SB 1062** passed the House on March 15, 2021 and is ready for the Governor.

- **SB 1076: Low-Income Multifamily Housing; Valuation (Sen. Livingston; Peoria)**
  This bill requires that the owner of "low-income multifamily residential rental property" (defined) is authorized to elect a statutory income method for valuing the property. The calculation for this valuation method is established. Requirements for a property owner to elect this valuation method are specified, including documentation requirements. Low-income multifamily residential rental properties that are valued using this method are classified as class four property for property tax purposes.

  **SB 1076** passed the House Ways and Means Committee on March 3, 2021.

- **SB 1103: Strike Everything Amendment (Sen. Mesnard; Chandler)**
  This bill makes significant changes to the regulatory scheme for tobacco and vaping products throughout the state, including implementing licensure for sales through the Department of Liquor Licensing and Control, changing the statutory age for tobacco purchase to 21, setting penalties for violations, and establishing a tobacco retail sales licensing fund.

  **SB 1103** passed the Senate Appropriations and Rules Committees on February 24, 2021.
• **SB 1257: State Liquor Board; Membership (Sen. Mesnard; Chandler)** This bill requires one of the five members of the State Liquor Board with no financial interest in business licensed to deal with spirituous liquors to be a current or former elected municipal official. Session law allows current Board members to continue to serve until the expiration of their normal terms.

**SB 1257 was referred to the House Commerce Committee on March 1, 2021.**

• **SB 1334: Fireworks; Aerial Displays (Sen. Gowan; Sierra Vista)** This bill expands the definition of "permissible consumer fireworks" in a county with a population of more than 500,000 persons is expanded to include "multiple-tube aerial devices" (defined as specified mine and shell devices and multiple tube fireworks devices and pyrotechnic articles that are defined in an American Pyrotechnics Association rule, with some exclusions).

**SB 1334 passed the Senate Commerce Committee on February 10, 2021.**

• **SB 1377: Civil Liability; Public Health Pandemic (Sen. Leach; Tucson)** This bill states that if the Governor declares a state of emergency for a public health pandemic, a person or provider that acts in good faith to protect a person or the public from injury from the pandemic is not liable for damages in any civil action for any injury, death or loss to person or property that is based on a claim that the person or provider failed to protect the person or the public from the effects of the pandemic, unless it is proven by clear and convincing evidence that the person or provider failed to act or acted with willful misconduct or gross negligence. A person or provider is presumed to have acted in good faith if the person or provider adopted and implemented reasonable policies related to the pandemic. If the Governor declares a state of emergency for a public health pandemic, a health professional or health care institution that acts in good faith is not liable for damages in any civil action for an injury or death that is alleged to be caused by the health professional's or health care institution's action or omission while providing health care services in support of Arizona's response to the state of emergency declared by the Governor, unless it is proven by clear and convincing evidence that the professional or institution failed to act or acted with willful misconduct or gross negligence. Applies to all claims filed before or after the effective date of this legislation for an act or omission that occurred on or after March 11, 2020 relating to a pandemic that is the subject of the state of emergency declared by the Governor. Does not apply to workers' compensation claims.

**SB 1377 was referred to the House Judiciary Committee on March 2, 2021.**

• **SB 1379: Vacation Rentals; Short-Term Rentals; Enforcement (Sen. Mesnard; Chandler)** This bill modifies the list of regulations that counties and municipalities are authorized to impose on vacation rentals or short-term rentals to include restricting the occupancy of a vacation rental or short-term rental to 2 adults per bedroom, up to 4 bedrooms, plus 2 additional adults per 1,000 square feet of livable space in excess of 3,000 square feet of livable space, and requiring the owner of a vacation rental or short-term rental to maintain liability insurance appropriate to
cover the rental in the aggregate of at least $500,000 or to advertise and offer each
vacation rental or short-term rental through a hosting platform that provides equal or
greater coverage. Counties and municipalities are authorized to impose civil
penalties for each day a property is in violation of specified provisions. Modifies civil
penalties for online lodging operators that fail to comply with applicable transaction
privilege tax requirements.

**SB 1379 passed the Senate on March 1, 2021 and was referred to the House
Commerce Committee on March 9, 2021.**

- **SB 1514: Appropriation; Emergency Shelter Beds; Seniors (Sen. Livingston;
  Peoria)** This bill appropriates $5 million from the general fund in FY2021-22 to the
  Department of Economic Security (DES) for emergency shelter beds in western
  Maricopa County to shelter and serve homeless seniors who are at least 55 years of
  age. DES is required to distribute the monies to a single Arizona nonprofit provider
  that meets a list of specified requirements.

  **SB 1514 was referred to the House Health and Human Services Committee
  on March 2, 2021.**

- **SB 1533: Obstruction Highways; Racing; Assessment; Impoundment (Sen.
  Boyer; Glendale)** This bill levies a penalty assessment of $1,000 on every fine,
  penalty and forfeiture imposed and collected by the courts for a violation of racing on
  highways. The assessments are deposited in the newly established Drag Racing
  Prevention Enforcement Fund, to be used to prevent racing on streets and highways
  in Arizona. Increases the criminal classification of obstructing a highway to a class 2
  (mid-level) misdemeanor, from a class 3 (lowest) misdemeanor, except that a
  second or subsequent violation within 24 months is a class 1 (highest)
  misdemeanor. A person who knowingly aids and abets another person in the
  commission of a violation of reckless driving or racing on highways is guilty of a
  class 2 (mid-level) misdemeanor, except that a second or subsequent violation
  within 24 months is a class 1 (highest) misdemeanor. Also, a peace officer is
  required to cause the removal and either immobilization or impoundment of a vehicle
  if the peace officer determines that a person is driving a vehicle in violation of
  reckless driving or racing on highways.

  **SB 1533 was referred to the House Transportation Committee on March 3,
  2021.**