



ISSUE 9 - MARCH 4, 2011

## Legislative Overview

Today is the 54th day of the first regular session of the 50th Arizona Legislature. Lawmakers are working in overdrive to push bills through the legislative process, while negotiations continue on a state budget and as leadership endeavors to conclude the session within the 100-day limit imposed by House and Senate rule. Despite the recent flurry of legislative activity, only six of the 1,337 bills introduced by members have been signed into law.

## Impact Fees

SB 1525 (city; town; development fees) passed out of the Senate this week by a very narrow margin. Because of the opposition voiced by many cities and towns and the skepticism of several senators regarding the sweeping changes proposed in the bill, it mustered only 16 votes to achieve passage. During debate, several senators commented that they thought the proposal was too extreme and said they wanted it to be amended in the House. The League has learned that there will be a workgroup process set up as early as next week to begin discussions about the many fundamental changes proposed by the bill. The bill, which largely represents the homebuilders' wish list, was drafted without any input from cities and towns. We thank those senators who voted against the bill and encourage you to contact your House members to oppose the bill as passed by the Senate.

## Deannexation and Incorporation

On March 1, the Senate Committee of the Whole passed SB 1333 (cities; towns; deannexation; incorporation). The League strongly opposes a particular provision of the bill that creates a statewide process for the deannexation of small pockets of land within the incorporated boundaries of an existing municipality. The provision could result in a number of problems, including:

- Proliferation of county islands within cities and towns;
- Creation of overlapping governments;
- Disenfranchisement of property owners from the process; and
- Disputes over commercial and industrial property required to support the tax base.

The League has committed to the bill sponsor that it is prepared to work cooperatively on issues related to the "3 and 6 mile" rule. The "3 and 6" mile rule relates to the requirement that cities and towns of a certain size and within a certain distance of a proposed municipality approve the proposed incorporation. The League, however, cannot support the proposed deannexation process and therefore must oppose the bill.

## Third Party Tax Collection

The League this week changed its position on SB 1165 (municipal taxes; auditors and collectors), which prohibits cities from contracting with private, third-party firms to collect sales taxes. The bill is a high priority for the Arizona Tax Research Association (ATRA), which has testified that tax collection should be a function performed exclusively by governmental entities. In order to continue to work productively with ATRA on issues of mutual concern, such as preserving and streamlining the Model City Tax Code (MCTC), the League has decided to ask that cities and towns no longer oppose SB 1165. We are particularly grateful to Rep. Nancy McLain (R-Bullhead City) and Senator Ron Gould (R-Lake Havasu City) for their support of the municipalities in their district that are currently using a third-party firm for tax collection. But, in order for us to continue to use the framework of the MCTC, it was necessary to change our position on SB 1165.

## Apartment Trash Collection

Senator Gail Griffin (R-Hereford) agreed to work with the League to address issues associated with SB 1204 (trash collection; multifamily housing) when that bill moves to the House. The bill, which mandates that private waste haulers be given the opportunity to contract for the removal of trash from apartment complexes, passed Senate Third Read on Thursday by a vote of 26-0.

## Consumer Fireworks

SB 1388 (consumer fireworks; regulation), introduced by Senator Steve Pierce (R-Prescott) and supported by the League, was defeated on Senate Third Read by a vote of 12-17 on February 28. This bill would have authorized municipalities and counties to regulate the use *and sale* of permissible consumer fireworks. Competing legislation, a strike-everything amendment to SB 1379, further limits the extent to which cities and towns may regulate the use of fireworks, mandating that no city may prohibit their use during certain holiday periods. SB 1379 is on the Senate Rules calendar for Monday.

## Fire Sprinklers

On Wednesday the Senate passed HB 2153 (municipalities; counties; fire sprinklers; code) by a margin of 19-11. The Senate substituted the bill, which had previously passed the House, for SB 1374, an identical bill with a Senate origin. The League opposes the legislation, which strips cities and towns of the authority to enact local ordinances mandating the installation of sprinklers in new residences. Cities that adopted fire sprinkler codes before 2010 are exempt from the bill's provisions. The bill now proceeds to the Governor for her consideration.

## Regulatory Reform Update

The Legislature took action this week on two bills imposing regulatory reforms on local governments. SB 1286 (counties; cities; permits; time limit) requires counties and municipalities to approve or deny any permit application within 60 days; failure to do so would result in automatic approval. The bill passed Senate Third Read on Thursday by a vote of 17-8. We remain strongly opposed to the measure, though the bill sponsor did commit to work with the League on amendments to the legislation as it moves to the House.

SB 1598 (cities; counties; regulatory review) would apply the Regulatory Bill of Rights (currently governing state agencies) to local government; it would also make changes to the general plan statutes regarding aggregate resources. The bill passed out of Committee of the Whole on Wednesday. The League is engaged in ongoing discussions with various stakeholders to develop amendatory language to address our concerns.

## Utility Charges

HB 2193 (municipal water charges; responsibility) passed the House on March 1 by a vote of 49-8. Across the Capitol plaza, SB 1157 (wastewater and garbage charges) passed the Senate on February 28 by a vote of 20-9. Both bills restrict the ability of municipalities to seek recovery of delinquent utility charges from property owners vis-à-vis utility customers. The League and its membership have worked cooperatively and successfully to address this issue with other stakeholders, and we do not apprehend a need for legislation at this time.

## Emergency Response Services Fee

On February 28, the House passed HB 2003 (emergency response services fee; prohibition) by a vote of 52-6. The bill prohibits municipalities from seeking recovery of costs associated with emergency response activities. The bill had been previously amended to permit charges for fire or police services provided outside of a city or town located in a county with a population of less than one million persons. The bill is scheduled to be heard by the Senate Committee on Public Safety and Human Services on March 9. Even though no city or town currently charges (or plans to charge) for emergency response services, the League will testify in opposition to the bill as a preemption of local decision-making authority.

## Photo Radar

On Wednesday, SB 1352 (photo radar prohibition), which would impose a statewide prohibition on the use of photo radar for traffic enforcement purposes, failed to pass Senate Third Read by a vote of 15-15. This vote constituted a significant victory for cities and towns that use photo enforcement for speeding or red light violations. SB 1354 (photo enforcement; violator identification; response) provides that persons receiving a photo radar ticket would be required to neither identify the driver in the photo nor respond to the complaint. It passed the Committee of the Whole on Wednesday. Also on Wednesday, the Committee of the Whole passed SCR 1029

(photo radar prohibition), a measure to put the question of a statewide photo radar ban to a vote of the people. The League opposes all three measures to the extent they diminish local control and impact public safety.

## Liquor

SB 1460, the liquor omnibus bill, passed the Senate Committee of the Whole this week. For the benefit of cities, the bill was amended to permit municipalities and counties to protest the transfer of an existing liquor license to a new business owner. We thank the bill sponsor, Senator Michele Reagan (R-Scottsdale), for responding to our concerns and supporting the amendment.

## Firearms

The firearms omnibus bill, SB 1201, passed the Senate by a vote of 21-8 on March 3. Although a number of provisions that we opposed have been removed from the bill (e.g. changes to Shannon's law, penalties assessed against violators of gun rights), it still requires those public entities that prohibit firearms in their buildings to provide metal detectors, lock boxes for storage and armed personnel at their entrances. The bill now proceeds to the House.

## Pension Reform Update

Senator Steve Yarbrough's (R-Chandler) comprehensive pension reform bill, SB 1609 (retirement systems; plans; plan design), moved rapidly through the Senate this week. The bill progressed through Rules on Monday, Caucus on Tuesday and Committee of the Whole on Wednesday. It then passed out of Third Read on Thursday by a vote of 21-5. The League remains concerned about certain financial aspects of the proposal and is participating in ongoing discussions with the sponsor and Senate staff.

## Legislator Profile - Senator Linda Lopez

It is often said that no good deed goes unpunished. If that is so, then Senator Linda Lopez should brace herself for a lifetime of torture.

The story of the senator from District 29 is a chronicle of service above self, involving a legacy of contributions to the unfortunate, the disabled and those who reside at the margins of society. Take, for example, her extended occupation as a foster parent. Over the course of ten years, Senator Lopez parented forty-four children who had been neglected and abused. Several of them suffered severe behavioral, physical and psychological problems.

Or consider her ongoing work for La Frontera Center, the largest community behavioral health agency in Arizona. As someone who has helped numerous poor and homeless drug addicts pull their shattered lives together, Senator Lopez radiates pride when she recounts client success stories - like that of a man who lived on the streets for twenty-four years, but who now, with the help of the center, is working, has enjoyed sobriety for the past four years, and is living in his own apartment.



The senator's interest in community activism was enflamed as a young woman who entered the University of California at Berkeley on a full scholarship during the turbulent 1960s. At the time, Berkeley was the collegiate epicenter of active protest for social change. Attending school on a Spencer Scholarship, Senator Lopez became involved in a number of causes. When then-Governor Ronald Reagan proposed tuition increases at state universities, for example, Senator Lopez and her mother marched from Berkeley to Sacramento in protest. She remembers the excitement she felt when Cesar Chavez, the famed labor leader and civil rights activist, joined the demonstration. She also traveled to San Francisco to participate in one of the largest anti-war marches of the era with singers Joan Baez and Judy Collins.

Senator Lopez's road to elective office coursed through the Sunnyside School District in Tucson. As a foster mother with three children of her own, she became an active volunteer in the local schools. Volunteer activity led to committee chairmanships, which in turn led to district-wide involvement. A regular attendee of school board meetings, it occurred to her that the all-male board, while attentive to fiscal matters and infrastructure, had very little to say about academic achievement, parental involvement or the well-being of children - principles that very much mattered to her. Accordingly, she ran for a seat herself and beat an incumbent in a landslide. The patronizing attitude of her colleagues eventually gave way to respect as she developed a superior understanding and knowledge of educational issues that could not be ignored.

Senator Lopez's service on the Sunnyside School Board lasted for eighteen years. During that time, she also served as president of both

the Arizona School Board Association and the National Hispanic Caucus of School Board Members. Over time, she came to recognize that she could have an even greater impact on education as a policymaker at the state level. Accordingly, she ran for and won a seat in the House of Representatives in 2000. She served four terms in the House and moved to the Senate in 2008. She has never lost an election.

The senator's electoral success is doubtless due, in part, to her unparalleled people skills. Warm, welcoming and compassionate, she has a way of making a stranger feel like a longtime friend. Her legislative assistant, who moved with Senator Lopez from the House, positively gushes about her kind and understanding boss, enthusing that she is inspiring, ever-pleasant and *never* condescending.

Senator Lopez is an inveterate supporter of cities and towns. "They're the entities that make this state work," she observes, adding that it is highly inappropriate for state legislators to dictate the terms of municipal governance from above.

Senator Lopez is also a newlywed. She married Rudy Jones, a retired public servant, right after Thanksgiving on a bitterly cold day in Tucson. A friend of hers blamed Senator Lopez for the frigid weather. "She had been telling all of our friends that it would be a cold day in hell before Linda gets remarried," Senator Lopez recalls with a laugh.

Mr. Jones entered the union with five grandsons. Not to be outdone, Senator Lopez is herself awaiting her fourth and fifth grandsons, the twin boys of her expectant youngest daughter. "Between us, we'll be able to field two basketball teams."

It may be that no good deed goes unpunished. But it may also be true that what goes around comes around. In that event, Senator Lopez will, for years to come, enjoy the support, comfort and love of a grateful community.

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