

TRIADVOCATES

FEBRUARY 2, 2015

52nd Legislature - 1st Regular Session, 2015

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LAND TITLE ASSOCIATION OF ARIZONA

Posted Calendars and Committee Hearings

- H2173: ESCROW AGENTS; LEGAL TENDER
Hearing: House Federalism & States' Rights (Wednesday 02/04/15 at 9:00 AM, House Rm. 5)
- S1071: TAX LIEN DEEDS; AGGREGATE FEES
Hearing: Senate Rules (Monday 02/02/15 at 1:00 PM, Senate Caucus Rm.)
- SCM1011: MORTGAGE STANDARDS; URGING FEDERAL GOVERNMENT
Hearing: Senate Financial Institutions (Wednesday 02/04/15 at 2:00 PM, Senate Rm. 109)

NEW BILLS TO REVIEW

Bill Summaries

H2548: FOREIGN NONPROFIT CORPES; FOREIGN LLCS

For the purpose of statute requiring foreign corporations and foreign limited liability companies to have authority from the Corporation Commission to conduct affairs or transact business in Arizona, "conducting affairs" and "transacting business" includes the expenditure of monies for the purpose of influencing the outcome of an election in Arizona.

First sponsor: Rep. Wheeler

Others: Rep. Alston, Rep. Andrade, Rep. Benally, Rep. Bolding, Rep. Cardenas, Rep. Clark, Rep. Espinoza, Rep. Fernandez, Rep. Friese, Rep. Gabaldon, Rep. Gonzales, Rep. Hale, Rep. Larkin, Rep. McCune Davis, Rep. Mendez, Rep. Meyer, Rep. Otondo, Sen. Quezada, Rep. Rios, Rep. Saldate, Rep. Sherwood, Rep. Velasquez

H2548 Daily History	Date	Action
FOREIGN NONPROFIT CORPES; FOREIGN LLCS	1/29	referred to House elect, gov-higher ed.

S1339: PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS

It is a defense to any action on denial of access to public records that the request for access is unduly burdensome or harassing. Circumstances under which a request may be unduly burdensome or harassing are specified.

First sponsor: Sen. Shooter

S1339 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

S1342: RESPONSIBILITY OF PAYMENT; UTILITY SERVICES

For residential property of four or fewer units, a garbage collection service provider, private water company or sewer corporation is prohibited from requiring payment of garbage collection service rates and charges by anyone other than the person who the provider or company contracted with to provide the service, who physically resides or resided at the property and who receives or received the service. For residential property of four or fewer units, municipalities are prohibited from requiring payment of unpaid utility user fees by anyone other than the person who the municipality contracted with to provide the service, who physically resides or resided at the property and who receives or received the service.

First sponsor: Sen. Griffin

S1342 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

S1345: GOVERNMENT PURCHASE OF PRIVATE PROPERTY

If a "government entity" (defined) purchases, acquires an option to purchase or files an action to condemn privately owned real property, the government entity is required to make available for sale to private parties real property that the entity owns and that has an appraised value equal to the appraised value of the real property acquired. The ownership of real property by a government entity is an issue of statewide concern and is not subject to further regulation by a county, municipality or other political subdivision.

First sponsor: Sen. Griffin

S1345 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

SCM1011: MORTGAGE STANDARDS; URGING FEDERAL GOVERNMENT

The members of the Legislature urge the U.S. President, the U.S. Congress and the Consumer Financial Protection Bureau to broaden the qualified mortgage underwriting rules to include specified lending practices, to allow lenders to go over the 43 percent debt-to-income ratio ceiling if the borrower meets other criteria that demonstrate an ability to pay, and to create a fee schedule that allows lenders to price loans according to risk. The Secretary of State is directed to transmit copies of this memorial to the President of the U.S., the President of the U.S. Senate, the Speaker of the U.S. House, each member of Congress from Arizona and the Director of the Bureau.

First sponsor: Sen. Farley

Others: Sen. S. Allen, Sen. Barto, Sen. Biggs, Rep. Boyer, Sen. Burges, Sen. D. Farnsworth, Rep. E. Farnsworth, Sen. Griffin, Sen. Kavanagh, Sen. Lesko, Sen. McGuire, Sen. Pierce, Sen. Shooter, Sen. Smith, Rep. Thorpe, Sen. Ward, Sen. Worsley, Sen. Yee

SCM1011 Daily History	Date	Action
MORTGAGE STANDARDS; URGING FEDERAL GOVERNMENT	1/28	referred to Senate fin ins.

SCR1011: PROPERTY TAX; WIDOWER EXEMPTION

The 2016 general election ballot is to carry the question of whether to amend the state Constitution to remove the requirement for a widow or widower and her/his last spouse to have resided in Arizona at the time of the spouse's death in order to qualify for the widow or widower property tax exemption.

First sponsor: Sen. Bradley

SCR1011 Daily History	Date	Action
PROPERTY TAX; WIDOWER EXEMPTION	1/29	referred to Senate fin.

LTAA SPONSORED

Bill Summaries

H2084: CONDOS; PLANNED COMMUNITIES; ASSOC; DISCLOSURE

Condominium and homeowner's associations are required to submit with their annual report to the Corporation Commission a separate statement containing the name of the designated agent or management company for the HOA, the address for the HOA, and the contact information of the HOA or its designated agent or management company. The requirement for an HOA to record similar

information in the office of the county recorder is deleted.

First sponsor: Rep. Petersen

Single List Comments:

1/20/15 - Reviewed by Leg. Committee

H2084 Daily History	Date	Action
CONDOS; PLANNED COMMUNITIES; ASSOC; DISCLOSURE	1/26	from House rules okay.
CONDOS; PLANNED COMMUNITIES; ASSOC; DISCLOSURE	1/22	from House gov-higher ed with amend <u>#4009</u> .
CONDOS; PLANNED COMMUNITIES; ASSOC; DISCLOSURE	1/15	referred to House gov-higher ed.

S1218: TECH CORRECTION; COUNTY TREASURER

Minor change in Title 11 (Counties) related to the county treasurer. Apparent striker bus.

First sponsor: Rep. J. Allen

S1218 Daily History	Date	Action
TECH CORRECTION; COUNTY TREASURER	1/27	referred to Senate rules only.

S1316: SUBPOENA COMPLIANCE; COPYING; CLERICAL COSTS

The "reasonable cost" that a witness who is not a party to an action may charge against the party requesting a subpoena for the production of documentary evidence is increased to 25 cents per page, from 10 cents per page, for standard reproduction of documents and to \$25 per hour per person, from \$10 per hour per person, for clerical costs incurred in locating and making the documents available.

First sponsor: Sen. Driggs

S1316 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

OPPOSE

Bill Summaries

H2173: ESCROW AGENTS; LEGAL TENDER

Legal tender in Arizona consists of legal tender authorized by Congress, specie coin issued by the U.S. government, and any other "specie" (defined as coin or bullion having gold or silver content) that a court of competent jurisdiction rules to be within the scope of state authority to make a legal tender. A person cannot compel another person to tender or accept specie legal tender, except as expressly provided by contract. The exchange of one form of legal tender for another does not give rise to liability for any type of tax. Legal tender is money and is not subject to taxation or regulation as property other than money. The Attorney General is required to enforce this legislation without prejudice to an individual's right of judicial action. Adds a new article to statute to authorizing licensed escrow agents to provide legal tender services, including exchanging money in one legal tender class for money in another legal tender class. In determining the amount of tax for specie legal tender, a taxpayer is required to use the most recent paper dollar London fixing price for the specie legal tender used by the purchaser. The Department of Revenue is required to prescribe by rule a method for determining the amount of tax due if the paper dollar London fixing price is not available for a particular day. Effective from and after 90 days after the 52nd Legislature, 2nd Regular Session adjourns sine die.

First sponsor: Rep. Finchem

Others: Rep. Barton, Rep. Cobb, Rep. Leach, Rep. Livingston, Sen. Smith, Rep. Thorpe

Single List Comments:

1/20/15 - Reviewed by Leg.

H2173 Daily History	Date	Action
ESCROW AGENTS; LEGAL TENDER	1/20	referred to House fed-state.

MONITOR**Bill Summaries****H2131: TAX ADJUDICATIONS; ATTORNEY FEES**

The court is required, instead of permitted, to award fees and other expenses to any party other than the state or a county or municipality that prevails by an adjudication on the merits in an action brought by that party against the state or a county or municipality challenging the assessment or collection of taxes, or the denial of a tax refund. The definition of "fees and other expenses" is expanded to include contingent fees.

First sponsor: Rep. Mitchell

Single List Comments:

1/26/2015 - Reviewed by Leg. Committee

H2131 Daily History	Date	Action
TAX ADJUDICATIONS; ATTORNEY FEES	1/27	referred to House jud.

H2321: PUBLIC LANDS; CONVEYANCE AND TAXATION

By December 31, 2016, the United States is required to extinguish title to all public lands in and transfer title to the state of Arizona. If the state sells public lands to which the state received title under the transfer, the state is required to retain 5 percent of the net proceeds of the sale for deposit in the Permanent State School fund and to pay 95 percent of the net proceeds of the sale to the U.S. Beginning in 2017, all public lands to which the U.S. has not extinguished and transferred title to Arizona are subject to assessment, levy and taxation. The Public Lands Board of Review is required to recommend legislation establishing a commission to administer the disposal of public lands and establishing the process for the state to receive title to public lands from the U.S. The Board is required to reports its findings to the Governor and the Legislature by November 30, 2017.

First sponsor: Rep. Barton
Others: Rep. Thorpe

Single List Comments:

1/26/2015 - Reviewed by Leg. Committee

H2321 Daily History	Date	Action
PUBLIC LANDS; CONVEYANCE AND TAXATION	1/27	referred to House agri-water-land.

H2485: TAX LIEN FORECLOSURES; SUBDIVISIONS; EXEMPTION

Lots, parcels or fractional interests that are the result of a foreclosure of the right to redeem are added to the list of lands that are exempt from statutes regulating the sale of subdivided lands.

First sponsor: Rep. Shope

Single List Comments:

1/26/2015 - Reviewed by Leg. Committee

H2485 Daily History	Date	Action
TAX LIEN FORECLOSURES; SUBDIVISIONS; EXEMPTION	1/29	referred to House agri-water-land.

S1071: TAX LIEN DEEDS; AGGREGATE FEES

The maximum aggregate fee the county treasurer may require to execute and deliver a deed for any judgment foreclosing the right to redeem ten or more individual parcels is \$500. Applies to any judgment entered before the effective date of this legislation for which a treasurer's deed has not been applied or issued.

First sponsor: Sen. Smith

Others: Sen. D. Farnsworth, Sen. Griffin, Sen. McGuire, Rep. Olson, Sen. Pierce, Rep. Pratt, Rep. Shope, Rep. Stevens

Single List Comments:

1/26/2015 - Reviewed by Leg. Committee

S1071 Daily History	Date	Action
TAX LIEN DEEDS; AGGREGATE FEES	1/29	from Senate gov do pass.
TAX LIEN DEEDS; AGGREGATE FEES	1/28	Senate gov do pass; report awaited.
TAX LIEN DEEDS; AGGREGATE FEES	1/20	referred to Senate gov.

S1091: HOAS; REMOVAL; SPECIAL MEETINGS

Members of a homeowner's association who are eligible to vote at the time of a meeting may remove any member of the HOA board, other than a member appointed by the declarant, by a majority vote of those voting on the matter at a meeting if a quorum is present. For the purpose of the number of signatures needed on a petition calling for removal of a board member and of determining if a quorum is present at a meeting, the required percentages are based on the number of persons eligible to vote in the HOA at the time the person signs the petition or attends the meeting.

First sponsor: Sen. Lesko

Single List Comments:

1/26/2015 - Reviewed by Leg. Committee

S1091 Daily History	Date	Action
HOAS; REMOVAL; SPECIAL MEETINGS	1/21	referred to Senate gov.

S1135: TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS

If an elderly assistance fund is established in the county, at any time after property tax becomes delinquent, the county treasurer is required to accept partial payment in an amount equal to at least 25 percent of the total amount remaining due on the oldest year of the delinquency. The treasurer is required to issue a separate certificate of purchase by assignment for each subsequent year's taxes, accrued interest and fees due on the property. Subsequent certificates of purchase by assignment carry the full foreclosure right as the original certificate of purchase and may be redeemed separately in whole or in part by any party with a vested interest in the property. After a real property tax lien is redeemed, the county treasurer is required to pay 20 percent of the amount previously deposited in the elderly assistance fund to the holder of the certificate of purchase if the redemption was made in partial payments. More.

First sponsor: Sen. Smith

Single List Comments:

1/26/2015 - Reviewed by Leg. Committee

S1135 Daily History	Date	Action
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	1/22	referred to Senate fin.

LIKELY NOT MOVING

Bill Summaries

H2202: UNIFORM TRANSFERS TO MINORS; AGE

For the purpose of the uniform transfers to minors act, "adult" is defined as a person who is at least 18 years of age, decreased from 21 years of age, and "minor" is a person who is under 18 years of age.

First sponsor: Rep. Sherwood

Single List Comments:

1/20/15 - Reviewed by Leg. Committee

H2202 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

S1026: HOME SALES; WATER SUPPLY DISCLOSURE

Beginning January 1, 2016, a subdivider selling lots outside an active management area must record with the county recorder a document containing a statement of water adequacy or inadequacy for that subdivision.

First sponsor: Sen. Ableser

Single List Comments:

1/20/15 - Reviewed by Leg. Committee

S1026 Daily History	Date	Action
HOME SALES; WATER SUPPLY DISCLOSURE 1/12 referred to Senate water-energy, gov.		