

# TRIADVOCATES

## FEBRUARY 13, 2015

52nd Legislature - 1st Regular Session, 2015

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### LAND TITLE ASSOCIATION OF ARIZONA

#### Posted Calendars and Committee Hearings

- H2084: CONDOS; PLANNED COMMUNITIES; ASSOC; DISCLOSURE  
*Calendar:* 2/16 House Third Reading
- H2321: PUBLIC LANDS; CONVEYANCE AND TAXATION  
*Hearing:* House Agriculture, Water & Lands (Thursday 02/19/15 at 9:00 AM, House Rm. 3)
- H2485: TAX LIEN FORECLOSURES; SUBDIVISIONS; EXEMPTION  
*Hearing:* House Agriculture, Water & Lands (Thursday 02/19/15 at 9:00 AM, House Rm. 3)
- H2653: TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS  
*Hearing:* House Ways & Means (Monday 02/16/15 at 2:00 PM, House Rm. 3)
- S1091: HOAS; REMOVAL; SPECIAL MEETINGS  
*Hearing:* Senate Rules (Monday 02/16/15 at 1:00 PM, Senate Caucus Rm. 1)
- S1218: TECH CORRECTION; COUNTY TREASURER  
*Hearing:* Senate Rural Affairs & Environment (Tuesday 02/17/15 at 9:00 AM, Senate Rm. 109)
- S1339: PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS  
*Hearing:* Senate Rules (Monday 02/16/15 at 1:00 PM, Senate Caucus Rm. 1)
- S1342: RESPONSIBILITY OF PAYMENT; UTILITY SERVICES  
*Hearing:* Senate Rules (Monday 02/16/15 at 1:00 PM, Senate Caucus Rm. 1)
- S1345: GOVERNMENT PURCHASE OF PRIVATE PROPERTY  
*Hearing:* Senate Government (Wednesday 02/18/15 at 2:00 PM, Senate Rm. 3)
- S1385: HOAS; TRAFFIC ENFORCEMENT; PENALTIES  
*Hearing:* Senate Rules (Monday 02/16/15 at 1:00 PM, Senate Caucus Rm. 1)
- S1447: FOREIGN COUNTRY MONEY JUDGEMENTS; ENFORCEMENT  
*Hearing:* Senate Rules (Monday 02/16/15 at 1:00 PM, Senate Caucus Rm. 1)
- S1451: INVESTMENT OF TRUST MONIES  
*Hearing:* Senate Rules (Monday 02/16/15 at 1:00 PM, Senate Caucus Rm. 1)
- S1452: HOAS; DIRECTOR REMOVAL  
*Hearing:* Senate Rules (Monday 02/16/15 at 1:00 PM, Senate Caucus Rm. 1)
- S1453: HOAS; ENFORCEMENT; ELECTIONS; MEETINGS  
*Hearing:* Senate Rules (Monday 02/16/15 at 1:00 PM, Senate Caucus Rm. 1)
- SCM1011: MORTGAGE STANDARDS; URGING FEDERAL GOVERNMENT  
*Calendar:* 2/16 Senate Third Reading

#### NEW BILLS TO REVIEW

#### Bill Summaries

#### H2653: 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. More.

First sponsor: Rep. Olson

H2653 Daily History	Date	Action
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	2/11	referred to House ways-means.

## 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	2/12	House COW approved with floor amend <a href="#">#4173</a> , a substitute for amend 4009.
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 <a href="#">#4009</a> .
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	2/9	further referred to Senate rural-env.
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
SUBPOENA COMPLIANCE; COPYING; CLERICAL COSTS	2/10	from Senate rules okay.
SUBPOENA COMPLIANCE; COPYING; CLERICAL COSTS	2/9	to Senate consent calendar.
SUBPOENA COMPLIANCE; COPYING; CLERICAL COSTS	2/5	from Senate jud do pass.
SUBPOENA COMPLIANCE; COPYING; CLERICAL COSTS	2/2	referred to Senate jud.

## OPPOSE

### Bill Summaries

## S1448: TRUSTEE'S SALE; FORECLOSURE; NOTICE; RECORDING

The written notice that a trustee is required to give of the time and place of sale of trust property must contain a statement that unless the person obtains an injunction or other court order before 5:00 pm on the last business day before the trustee's sale, the sale will be final. Failure to properly record any purported transfer of an interest in or lien or encumbrance against real property before exercising a power of sale on that property creates a rebuttable presumption that the purported transfer is invalid. Applies to all trustee's sales that occur after the effective date of this legislation.

First sponsor: Sen. D. Farnsworth

### Single List Comments:

2/9/15 - Reviewed by Leg. Committee

S1448 Daily History	Date Action
TRUSTEE'S SALE; FORECLOSURE; NOTICE; RECORDING	2/3 referred to Senate fin ins.

## 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	2/11 from House jud do pass.
TAX ADJUDICATIONS; ATTORNEY FEES	1/27 referred to House jud.

#### 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. Committee

H2173 Daily History	Date	Action
ESCROW AGENTS; LEGAL TENDER	2/12	House COW approved with amend <a href="#">#4051</a> .
ESCROW AGENTS; LEGAL TENDER	2/9	from House rules okay.
ESCROW AGENTS; LEGAL TENDER	2/4	from House fed-state with amend <a href="#">#4051</a> .
ESCROW AGENTS; LEGAL TENDER	1/20	referred to House fed-state.

## 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	2/9	passed Senate <a href="#">25-4</a> ; ready for House.
TAX LIEN DEEDS; AGGREGATE FEES	2/5	Senate COW approved.
TAX LIEN DEEDS; AGGREGATE FEES	2/3	stricken from Senate consent calendar by Quezada, Pancrazi.

TAX LIEN DEEDS; AGGREGATE FEES 2/9 from Senate gov do pass.

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 2/12 from Senate gov do pass.

HOAS; REMOVAL; SPECIAL MEETINGS 2/11 Senate gov do pass; report awaited.

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.

### **S1217: QUIET TITLES; QUIT CLAIM DDED**

The fee for execution and delivery of a quit claim deed is increased to \$10, from \$5. The deadline for another party to request execution of a quit claim deed is moved to 30 days before bringing the action to quiet title to real property, from 20 days before.

First sponsor: Sen. S. Allen

#### **Single List Comments:**

2/9/15 - Reviewed by Leg. Committee

S1217 Daily History

Date Action

QUIET TITLES; QUIT CLAIM DDED 1/27 referred to Senate jud.

**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
PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS	2/12	from Senate gov with amend <a href="#">#4153</a> .
PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS	2/2	referred to Senate gov.

**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
RESPONSIBILITY OF PAYMENT; UTILITY SERVICES	2/12	from Senate gov do pass.
RESPONSIBILITY OF PAYMENT; UTILITY SERVICES	2/2	referred to Senate gov.

**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
GOVERNMENT PURCHASE OF PRIVATE PROPERTY	2/2	referred to Senate gov.

**S1385: HOAS; TRAFFIC ENFORCEMENT; PENALTIES**

If a homeowners' association (HOA) owns or otherwise has legal authority over the roads and parking areas in the community and takes enforcement action regarding the use of those roads or parking areas, the HOA is required to provide written notice to the owner regarding a violation within 24 hours after it occurs. The notice must include specified information. Any monetary fine, penalty or other fee assessed against the owner relating to the violation cannot exceed the fee for the same violation that would have been issued by an enforcement officer in the county or municipality in which the community is located. Applies to any enforcement action taken on behalf of a planned community after the effective date of this legislation.

First sponsor: Sen. Kavanagh  
Others: Sen. McGuire

**Single List Comments:**

2/9/15 - Reviewed by Leg. Committee

S1383 Daily History

Date Action

HOAS; TRAFFIC ENFORCEMENT; PENALTIES 2/12 from Senate gov do pass.

HOAS; TRAFFIC ENFORCEMENT; PENALTIES 2/3 referred to Senate gov.

## S1447: FOREIGN COUNTRY MONEY JUDGEMENTS; ENFORCEMENT

A court is required to recognize a judgment of a court of a foreign country unless specified conditions apply. The court may choose to not recognize a foreign-country judgment in specified circumstances. A party contesting the recognition of a foreign-country judgment has the burden of establishing that a ground for nonrecognition exists. A procedure for recognition of a foreign-country judgment is established. Applies to actions commenced on or after the effective date of this legislation.

First sponsor: Sen. D. Farnsworth

### Single List Comments:

2/9/15 - Reviewed by Leg. Committee

S1447 Daily History

Date Action

FOREIGN COUNTRY MONEY JUDGEMENTS; ENFORCEMENT 2/12 Senate jud do pass; report awaited. From Senate fin ins do pass.

FOREIGN COUNTRY MONEY JUDGEMENTS; ENFORCEMENT 2/11 Senate fin ins do pass; report awaited.

FOREIGN COUNTRY MONEY JUDGEMENTS; ENFORCEMENT 2/3 referred to Senate fin ins, jud.

## S1451: INVESTMENT OF TRUST MONIES

The list of authorized investments for trust and treasury monies is modified to include evidences of indebtedness that carry an investment grade rating by a nationally recognized bond rating agency, instead of specified ratings from certain rating agencies. The mean bid-ask price of U.S. Treasury obligations used to determine the interest rate of State Transportation Board funding obligations is as determined by the pricing system used by the State Treasurer, instead of as published most recently in the Wall Street Journal.

First sponsor: Sen. D. Farnsworth

### Single List Comments:

2/9/15 - Reviewed by Leg. Committee

S1451 Daily History

Date Action

INVESTMENT OF TRUST MONIES 2/12 from Senate fin ins with amend [#4147](#).

INVESTMENT OF TRUST MONIES 2/11 Senate fin ins amended; report awaited.

INVESTMENT OF TRUST MONIES 2/3 referred to Senate fin ins.

## S1452: HOAS; DIRECTOR REMOVAL

On removal of a member of a condo or HOA board of directors, the board is required to hold an election for the replacement of the removed director at a separate meeting of the membership, which must be held no later than 30 days after the day of the meeting at which the director was removed. The director who was removed cannot be appointed or elected to the board for two years after the date of removal.

First sponsor: Sen. D. Farnsworth

### Single List Comments:

2/9/15 - Reviewed by Leg. Committee

S1452 Daily History

Date Action

HOAS; DIRECTOR REMOVAL 2/12 from Senate gov with amend [#4154](#).

HOAS; DIRECTOR REMOVAL 2/3 referred to Senate gov.

## **S1453: HOAS; ENFORCEMENT; ELECTIONS; MEETINGS**

Various changes related to condominium associations and homeowner's associations. Condo associations are no longer prohibited from charging for late payment of assessments unless the assessment is 30 days or more overdue. If absentee ballots are used in an HOA or condo association vote, the completed ballot must include the name, address and signature of the person voting, and ballots must be retained and made available for unit owner inspection for at least one year after the election.

First sponsor: Sen. D. Farnsworth

### **Single List Comments:**

2/9/15 - Reviewed by Leg. Committee

S1453 Daily History	Date	Action
HOAS; ENFORCEMENT; ELECTIONS; MEETINGS	2/12	from Senate gov with amend <a href="#">#4155</a> .
HOAS; ENFORCEMENT; ELECTIONS; MEETINGS	2/3	referred to Senate gov.

## **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.

## **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

**Single List Comments:**

2/2/15 - Reviewed by Leg. Committee

SCM1011 Daily History	Date	Action
MORTGAGE STANDARDS; URGING FEDERAL GOVERNMENT	2/10	from Senate rules okay.
MORTGAGE STANDARDS; URGING FEDERAL GOVERNMENT	2/9	to Senate consent calendar.
MORTGAGE STANDARDS; URGING FEDERAL GOVERNMENT	2/5	from Senate fin ins do pass.
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

**Single List Comments:**

2/2/15 - Reviewed by Leg. Committee

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