

# TRIADVOCATES

## MARCH 2, 2015

52nd Legislature - 1st Regular Session, 2015

Sunday, Mar 1 2015 8:55 PM

Bill summaries and histories copyright 2015 Arizona Capitol Reports, L.L.C.

### LAND TITLE ASSOCIATION OF ARIZONA

#### Posted Calendars and Committee Hearings

- H2311: JUDGEMENT LIENS; RECORDATION; REAL PROPERTY  
*Hearing:* Senate Judiciary (Thursday 03/05/15 at 9:30 AM, Senate Rm. 109)
- H2321: PUBLIC LANDS; CONVEYANCE AND TAXATION  
*Hearing:* House Rules (Monday 03/02/15 at 1:00 PM, House Rm. 4)
- H2653: TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS  
*Calendar:* 3/2 House COW
- S1071: TAX LIEN DEEDS; AGGREGATE FEES  
*Hearing:* House Government & Higher Education (Thursday 03/05/15 at 9:00 AM, House Rm. 1)
- S1451: INVESTMENT OF TRUST MONIES  
*Hearing:* House Government & Higher Education (Thursday 03/05/15 at 9:00 AM, House Rm. 1)

#### 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. HOAs are required to file an amended statement reflecting any changes in designated agent or management company within 30 days of the change. The requirement for an HOA to record similar information in the office of the county recorder is deleted. AS PASSED HOUSE.

First sponsor: Rep. Petersen

#### Single List Comments:

#### 1/20/15 - Reviewed by Legislative Committee

**Amendment #4173 (LTAA AMENDMENT):** 1) Adds the association's website, if any, to the separate statement that must be filed with the ACC. 2) Specifies that written responses to notices of violations be sent to the address listed on the notice, instead of the address filed with the county recorder (current law) or the address filed with the ACC (HB 2084 as introduced).

H2084 Daily History	Date	Action
CONDOS; PLANNED COMMUNITIES; ASSOC; DISCLOSURE	2/24	from Senate com-work dev do pass.
CONDOS; PLANNED COMMUNITIES; ASSOC; DISCLOSURE	2/17	referred to Senate com-work dev.
CONDOS; PLANNED COMMUNITIES; ASSOC; DISCLOSURE	2/16	passed House <u>57-0</u> ; ready for Senate.
CONDOS; PLANNED COMMUNITIES; ASSOC; DISCLOSURE	2/12	House COW approved with floor amend <u>#4173</u> , 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 <u>#4009</u> .
CONDOS; PLANNED COMMUNITIES; ASSOC; DISCLOSURE	1/15	referred to House gov-higher ed.

## **S1218: COUNTY RECORDER; RECORDING FEES (~~TECH CORRECTION; COUNTY TREASURER~~)**

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

First sponsor: Sen. S. Allen

### **Single List Comments:**

### **2/23/15 - Reviewed by Legislative Committee**

### **Amendment #4248: S/E (county recorder; recording fees)**

S1218 Daily History	Date	Action
<b>COUNTY RECORDER; RECORDING FEES</b>	2/25	Senate COW approved with amend <u>#4248</u> . NOTE SHORT TITLE CHANGE.
TECH CORRECTION; COUNTY TREASURER	2/24	from Senate rules okay.
TECH CORRECTION; COUNTY TREASURER	2/18	from Senate rural-env with amend <u>#4248</u> .
TECH CORRECTION; COUNTY TREASURER	2/17	Senate rural-env amended; report awaited.
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

### **Single List Comments:**

### **2/2/15 - Reviewed by Legislative Committee**

S1316 Daily History	Date	Action
SUBPOENA COMPLIANCE; COPYING; CLERICAL COSTS	2/19	passed Senate <u>28-1</u> ; ready for House.
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.

## **SUPPORT**

### **Bill Summaries**

## **H2335: INSURANCE COMPLIANCE AUDIT PRIVILEGE**

Insurance compliance audit privilege is extended to any insurance compliance audit document, instead of only self-evaluative audit documents. Insurance companies are no longer required to notify the Department of Insurance prior to the initiation of an insurance compliance audit and at the conclusion of the audit. AS PASSED HOUSE.

First sponsor: Rep. Fann

**Single List Comments:**

**2/23/15 - Reviewed by Legislative Committee**

**Amendment #4055:** 1) Removes a duplicative reference. 2) Increases the time an insurer has to file a petition for a hearing to 60 days.

**Amendment #4207:** Removes language which states an insurer must comply with the statutory requirements in order for an insurance compliance audit to be considered a privilege document.

H2335 Daily History	Date	Action
INSURANCE COMPLIANCE AUDIT PRIVILEGE	2/26	from Senate fin ins do pass.
INSURANCE COMPLIANCE AUDIT PRIVILEGE	2/18	referred to Senate fin ins.
INSURANCE COMPLIANCE AUDIT PRIVILEGE	2/17	passed House <a href="#">58-0</a> ; ready for Senate.
INSURANCE COMPLIANCE AUDIT PRIVILEGE	2/16	House COW approved with amend <a href="#">#4055</a> and floor amend <a href="#">#4207</a> .
INSURANCE COMPLIANCE AUDIT PRIVILEGE	2/12	retained on House COW calendar.
INSURANCE COMPLIANCE AUDIT PRIVILEGE	2/9	from House rules okay.
INSURANCE COMPLIANCE AUDIT PRIVILEGE	2/4	from House ins with amend <a href="#">#4055</a> .
INSURANCE COMPLIANCE AUDIT PRIVILEGE	1/27	referred to House 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:**

**1/26/15 - Reviewed by Legislative Committee**

H2131 Daily History	Date	Action
TAX ADJUDICATIONS; ATTORNEY FEES	2/26	House COW approved.
TAX ADJUDICATIONS; ATTORNEY FEES	2/23	retained on House COW calendar.
TAX ADJUDICATIONS; ATTORNEY FEES	2/16	from House rules okay.
TAX ADJUDICATIONS; ATTORNEY FEES	2/11	from House jud do pass.
TAX ADJUDICATIONS; ATTORNEY FEES	1/27	referred to House jud.

**H2173: LEGAL TENDER; SPECIE (~~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 and to intervene in any legal action to preserve and protect the state's monetary authority. Effective from and after 90 days after the

22nd Legislature, 2nd Regular Session adjourns sine die. AS PASSED HOUSE.

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 Legislative Committee

**Amendment #4051:** Removes provision relating to lender tender services, authorized services by escrow agents, accounting, vaulting and insurance, and payment in specie legal tender.

H2173 Daily History	Date	Action
<b>LEGAL TENDER; SPECIE</b>	2/26	from Senate fin ins do pass.
ESCROW AGENTS; LEGAL TENDER	2/19	referred to Senate fin ins.
ESCROW AGENTS; LEGAL TENDER	2/18	passed House <a href="#">34-23</a> ; ready for Senate.
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.

### H2311: JUDGEMENT LIENS; RECORDATION; REAL PROPERTY

A certified copy of the judgment of any court in the state may be filed and recorded in the office of the county recorder in each county where the judgment creditor desires the judgment to become a lien on the real property of the judgment debtor. On recording, the judgment becomes a lien on the real property of the judgment debtor. AS PASSED HOUSE.

First sponsor: Rep. E. Farnsworth

#### Single List Comments:

#### 2/23/15 - Reviewed by Legislative Committee

**Amendment #4293:** Makes a technical change.

H2311 Daily History	Date	Action
JUDGEMENT LIENS; RECORDATION; REAL PROPERTY	2/23	referred to Senate jud.
JUDGEMENT LIENS; RECORDATION; REAL PROPERTY	2/19	passed House <a href="#">57-0</a> ; ready for Senate.
JUDGEMENT LIENS; RECORDATION; REAL PROPERTY	2/18	House COW approved with floor amend <a href="#">#4293</a> , a substitute for amend 4134.
JUDGEMENT LIENS; RECORDATION; REAL PROPERTY	2/16	from House rules okay.
JUDGEMENT LIENS; RECORDATION; REAL PROPERTY	2/11	from House jud with amend <a href="#">#4134</a>
JUDGEMENT LIENS; RECORDATION; REAL PROPERTY	2/11	House jud amended; report awaited.
JUDGEMENT LIENS; RECORDATION; REAL PROPERTY	2/3	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

Utters: Rep. Morpe

**Single List Comments:**

**1/26/15 - Reviewed by Legislative Committee**

**Amendment #4377:** 1) Changes the year, from 2016 to 2019, the federal government is required to extinguish title to and transfer all public lands. 2) Changes the year, from 2017 to 2020, when lands not transferred to the state will be subject to assessment, levy and taxation. 3) Changes the year, from 2017 to 2020, the Public Lands Review Board is required to submit a report to the Governor and the Legislature.

H2321 Daily History	Date	Action
PUBLIC LANDS; CONVEYANCE AND TAXATION	2/19	from House agri-water-land with amend <a href="#">#4377</a>
PUBLIC LANDS; CONVEYANCE AND TAXATION	2/19	House agri-water-land amended; report awaited.
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:**

**1/26/15 - Reviewed by Legislative Committee**

**Amendment #4568:** 1) Specifies that the disclosure report exemption does not apply to a tax lien investor who plans to sell the subdivided lands to a person who is not required to complete the disclosure report. 2) Stipulates that the exemption only applies to a tax lien investor who acts in a manner that is similar to a state regulated financial institution.

H2485 Daily History	Date	Action
TAX LIEN FORECLOSURES; SUBDIVISIONS; EXEMPTION	2/26	House COW approved with floor amend <a href="#">#4568</a> .
TAX LIEN FORECLOSURES; SUBDIVISIONS; EXEMPTION	2/24	retained on House COW calendar.
TAX LIEN FORECLOSURES; SUBDIVISIONS; EXEMPTION	2/24	from House rules okay.
TAX LIEN FORECLOSURES; SUBDIVISIONS; EXEMPTION	2/19	from House agri-water-land do pass.
TAX LIEN FORECLOSURES; SUBDIVISIONS; EXEMPTION	1/29	referred to House agri-water-land.

**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

**Single List Comments:**

**2/23/15 - Reviewed by Legislative Committee**

**Amendment #4265:** 1) Reinstates the provision requiring delinquent payments be at least 10% of amount due. 2) States that for counties with an established EAF, the minimum requirement for delinquent payments is 25% of the principal amount on the oldest remaining year of the delinquency, plus interest and fees. 3) Specifies that receipts issued by the county treasure for payments on delinquent taxes must

snow the principal, interest and fee amounts allocated to the CP and to the EAF. 4) Specifies that 80% of the money received from the difference between the delinquent tax interest rate and the CP interest rate must go to the county EAF, and the remaining 20% goes to the CP holder. 5) Requires the county treasurer to issue partial redemption statements for persons who have satisfactorily made partial payments. Partial redemption statements must identify the person making the partial redemption, describe the parcels in redemption, state the partial redemption date, amount paid, amount allocated to the CP, amount allocated to accrued interest and amount allocated to EAF. 5) Makes technical and conforming changes.

H2653 Daily History	Date	Action
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	2/26	retained on House COW calendar.
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	2/25	retained on House COW calendar.
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	2/24	from House rules okay.
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	2/17	from House ways-means with amend <a href="#">#4265</a> .
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	2/16	House ways-means amended; report awaited.
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	2/11	referred to House ways-means.

### 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:

#### 1/26/15 - Reviewed by Legislative Committee

S1071 Daily History	Date	Action
TAX LIEN DEEDS; AGGREGATE FEES	2/24	referred to House gov-higher ed.
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	2/3	from Senate rules okay. To Senate consent calendar.
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:

#### 1/26/15 - Reviewed by Legislative Committee

S1091 Daily History	Date	Action
HOAS; REMOVAL; SPECIAL MEETINGS	2/26	referred to House gov-higher ed.
HOAS; REMOVAL; SPECIAL MEETINGS	2/19	passed Senate <u>29-0</u> ; ready for House.
HOAS; REMOVAL; SPECIAL MEETINGS	2/17	from Senate rules okay.
HOAS; REMOVAL; SPECIAL MEETINGS	2/16	to Senate consent calendar.
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:**

#### **1/26/15 - Reviewed by Legislative Committee**

**Amendment #4313:** 1) Changes the minimum payment on delinquent taxes for CPs in calendar year 2016 to be 25 percent of the principal plus any accrued interest and fees due. 2) Modifies requirements for CP receipts to reflect principal, interest and fee amounts allocated to a CP, along with the allocation to the Fund and the CP holder. 3) Outlines the process for the partial redemption of a lien, and stipulates that a full redemption must occur before the delivery of a treasurer's deed to a purchaser. 4) Removes the mechanism that deposits monies into the Fund. 5) Prescribes fees for subsequent-year CPs and full and partial lien redemptions. 6) Restores the current statutory language for minimum required partial payments for taxes that are not yet delinquent.

**Amendment #4535:** Makes a technical change.

S1135 Daily History	Date	Action
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	2/26	Senate COW approved with amend <u>#4313</u> , floor amend <u>#4535</u> and the rules tech amendment.
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	2/24	from Senate rules with a technical amendment.
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	2/19	from Senate fin with amend <u>#4313</u> .
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	2/18	Senate fin amended; report awaited.
TAX LIENS; DELINQUENCY; PARTIAL PAYMENTS	1/22	referred to Senate fin.

### **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. AS PASSED SENATE.

First sponsor: Sen. Shooter

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

## 2/2/15 - Reviewed by Legislative Committee

**Amendment #4153:** Removes provided criteria that may establish that a public records request is unduly burdensome or harassing.

**Amendment #4361:** Adds that a person must identify requested public records with reasonable particularity in order to appeal a denial of access to public records in superior court.

S1339 Daily History	Date	Action
PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS	2/23	passed Senate <u>18-11</u> ; ready for House.
PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS	2/19	Senate COW approved with amend <u>#4153</u> and floor amend <u>#4361</u> .
PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS	2/17	from Senate rules okay.
PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS	2/12	from Senate gov with amend <u>#4153</u> .
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

### Single List Comments:

## 2/2/15 - Reviewed by Legislative Committee

S1342 Daily History	Date	Action
RESPONSIBILITY OF PAYMENT; UTILITY SERVICES	2/19	passed Senate <u>22-7</u> ; ready for House.
RESPONSIBILITY OF PAYMENT; UTILITY SERVICES	2/17	from Senate rules okay.
RESPONSIBILITY OF PAYMENT; UTILITY SERVICES	2/16	to Senate consent calendar.
RESPONSIBILITY OF PAYMENT; UTILITY SERVICES	2/12	from Senate gov do pass.
RESPONSIBILITY OF PAYMENT; UTILITY SERVICES	2/2	referred to Senate gov.

## S1345: PRIVATE LAND ACQUISITION; STUDY COMMITTEE (~~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

### Single List Comments:

## 2/2/15 - Reviewed by Legislative Committee

**Amendment #4349:** S/E (private land acquisition; study committee)



S1345 Daily History	Date	Action
<b>PRIVATE LAND ACQUISITION; STUDY COMMITTEE</b>	2/25	Senate COW approved with amend <a href="#">#4349</a> . NOTE SHORT TITLE CHANGE.
GOVERNMENT PURCHASE OF PRIVATE PROPERTY	2/24	from Senate rules okay.
GOVERNMENT PURCHASE OF PRIVATE PROPERTY	2/23	from Senate gov with amend <a href="#">#4349</a> .
GOVERNMENT PURCHASE OF PRIVATE PROPERTY	2/18	Senate gov amended; report awaited.
GOVERNMENT PURCHASE OF PRIVATE PROPERTY	2/2	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 Legislative Committee**

S1447 Daily History	Date	Action
FOREIGN COUNTRY MONEY JUDGEMENTS; ENFORCEMENT	2/19	passed Senate <a href="#">29-0</a> ; ready for House.
FOREIGN COUNTRY MONEY JUDGEMENTS; ENFORCEMENT	2/17	from Senate rules okay.
FOREIGN COUNTRY MONEY JUDGEMENTS; ENFORCEMENT	2/16	from Senate jud do pass. To Senate consent calendar.
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.

## **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 Legislative Committee**

**Amendment #4353 (LTAA AMENDMENT):** 1) Removes Sections 1, 3 and 4 (these sections were problematic for LTAA). 2) Provides that the Notice of Trustee Sale must include a statement disclosing the right to seek a court order stopping the trustee sale.

S1448 Daily History	Date	Action
TRUSTEE'S SALE; FORECLOSURE; NOTICE; RECORDING	2/25	Senate COW approved with amend <a href="#">#4353</a> .
TRUSTEE'S SALE; FORECLOSURE; NOTICE; RECORDING	2/24	from Senate rules okay.

TRUSTEE'S SALE; FORECLOSURE; NOTICE; RECORDING 2/25 from Senate fin ins with amend [#4333](#).  
TRUSTEE'S SALE; FORECLOSURE; NOTICE; RECORDING 2/18 Senate fin ins amended; report awaited.  
TRUSTEE'S SALE; FORECLOSURE; NOTICE; RECORDING 2/3 referred to Senate fin ins.

## 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. The minimum assets a bank must have to be eligible to be the servicing bank for the state is reduced to \$100 million, from \$200 million. AS PASSED SENATE.

First sponsor: Sen. D. Farnsworth

### Single List Comments:

### 2/9/15 - Reviewed by Legislative Committee

**Amendment #4147:** 1) Changes the state servicing bank asset requirement. 2) Removes the current state servicing bank contract bid timeframe. 3) Modifies current law pertaining to the use of state treasury investment earnings to pay for certain investment services.

S1451 Daily History	Date	Action
INVESTMENT OF TRUST MONIES	2/25	referred to House gov-higher ed.
INVESTMENT OF TRUST MONIES	2/23	passed Senate <a href="#">29-0</a> ; ready for House.
INVESTMENT OF TRUST MONIES	2/19	Senate COW approved with amend <a href="#">#4147</a> .
INVESTMENT OF TRUST MONIES	2/17	from Senate rules okay.
INVESTMENT OF TRUST MONIES	2/12	from Senate fin ins with amend <a href="#">#4147</a> .
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 unless the HOA documents specifically provide for a greater period of time. AS PASSED SENATE.

First sponsor: Sen. D. Farnsworth

### Single List Comments:

### 2/9/15 - Reviewed by Legislative Committee

**Amendment #4154:** Prohibits a removed director from being appointed or elected to the Board for two years, unless the condominium or community documents provide for a greater period of time.

S1452 Daily History	Date	Action
HOAS; DIRECTOR REMOVAL	2/25	referred to House gov-higher ed.
HOAS; DIRECTOR REMOVAL	2/19	passed Senate <a href="#">29-0</a> ; ready for House.
HOAS; DIRECTOR REMOVAL	2/18	Senate COW approved with amend <a href="#">#4154</a> .
HOAS; DIRECTOR REMOVAL	2/17	from Senate rules okay.
HOAS; DIRECTOR REMOVAL	2/12	from Senate gov with amend <a href="#">#4154</a> .
HOAS; DIRECTOR REMOVAL	2/3	referred to Senate gov.

## S1453: HOAS; ENFORCEMENT; ELECTIONS; MEETINGS

Various changes related to homeowner's associations and condominium associations (HOAs). HOAs are required to provide notice that an assessment is overdue before imposing charges for late payment of assessments. If absentee ballots are used in an HOA vote, the completed ballot must include the name, address and signature of the person voting, and ballots must be retained and made available for inspection for at least one year after the election. Information provided to a member by an HOA must include notice of the member's option to petition for an administrative hearing in the Department of Fire, Building and Life Safety. AS PASSED SENATE.

First sponsor: Sen. D. Farnsworth

### Single List Comments:

### 2/9/15 - Reviewed by Legislative Committee

**Amendment #4155:** 1) Specifies that a UOA may impose charges for late assessments only after providing notice that the assessment is overdue. 2) Requires that the ballot, envelope and related materials be retained for one year and include the name, address and signature of the voter. 3) Makes technical changes.

S1453 Daily History	Date	Action
HOAS; ENFORCEMENT; ELECTIONS; MEETINGS	2/25	referred to House gov-higher ed.
HOAS; ENFORCEMENT; ELECTIONS; MEETINGS	2/19	passed Senate <u>29-0</u> ; ready for House.
HOAS; ENFORCEMENT; ELECTIONS; MEETINGS	2/18	Senate COW approved with amend <u>#4155</u> .
HOAS; ENFORCEMENT; ELECTIONS; MEETINGS	2/17	from Senate rules okay.
HOAS; ENFORCEMENT; ELECTIONS; MEETINGS	2/12	from Senate gov with amend <u>#4155</u> .
HOAS; ENFORCEMENT; ELECTIONS; MEETINGS	2/3	referred to Senate 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 Legislative Committee

SCM1011 Daily History	Date	Action
MORTGAGE STANDARDS; URGING FEDERAL GOVERNMENT	2/16	passed Senate <u>29-0</u> ; ready for House.
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.

## EFFECTIVELY DEAD

## 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 Legislative 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 Legislative Committee

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

S1385 Daily History	Date	Action
HOAS; TRAFFIC ENFORCEMENT; PENALTIES	2/23	FAILED to pass Senate <u>10-19</u> .

HOAS; TRAFFIC ENFORCEMENT; PENALTIES 2/15 Senate gov approved.

HOAS; TRAFFIC ENFORCEMENT; PENALTIES 2/17 from Senate rules okay.

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

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

## 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 Legislative Committee

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