

LAND TITLE ASSOCIATION OF ARIZONA

JANUARY 30, 2017

53rd Legislature - 1st Regular Session, 2017

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Posted Calendars and Committee Hearings

H2014: LEGAL TENDER EXCHANGE; TAX EFFECT

Hearing: House Ways & Means (Wednesday 02/01/17 at 10:00 AM, House Rm. 1)

H2067: REAL ESTATE LICENSING; EXCEPTION; ASSISTANTS

Hearing: House Rules (Monday 01/30/17 at 1:00 PM, House Rm. 4)

H2069: INSURANCE TAXES; INSTALLMENTS; ELECTRONIC FILING

Hearing: House Rules (Monday 01/30/17 at 1:00 PM, House Rm. 4)

H2072: MANUFACTURED HOMES; REAL ESTATE TRANSACTIONS

Hearing: House Commerce (Tuesday 01/31/17 at 2:00 PM, House Rm. 1)

H2158: TAX LIEN FORECLOSURES; SUBDIVISIONS; EXEMPTION

Hearing: House Rules (Monday 01/30/17 at 1:00 PM, House Rm. 4)

H2220: ELECTRONIC FILES; ACCESS; OFFICIAL RECORD

Hearing: House Rules (Monday 01/30/17 at 1:00 PM, House Rm. 4)

S1081: MUTUAL HOLDING COMPANY REORGANIZATION

Hearing: Senate Finance (Wednesday 02/01/17 at 9:00 AM, Senate Rm. 1)

S1175: REAL ESTATE TRANSFER FEES; DEFINITION

Hearing: Senate Commerce & Public Safety (Monday 01/30/17 at 2:00 PM, Senate Rm. 1)

S1183: DEPARTMENT OF ENVIRONMENTAL QUALITY; OMNIBUS

Hearing: Senate Natural Resources, Energy & Water (Monday 01/30/17 at 2:00 PM, Senate Rm. 109)

S1240: HOAS; STREETS; AUTHORITY

Hearing: Senate Government (Wednesday 02/01/17 at 2:00 PM, Senate Rm. 109)

S1270: AUTHORIZED THIRD PARTIES; ELECTRONIC TITLE

Hearing: Senate Transportation & Technology (Tuesday 01/31/17 at 2:00 PM, Senate Rm. 1)

S1288: HOAS; BOARD CONFLICTS

Hearing: Senate Government (Wednesday 02/01/17 at 2:00 PM, Senate Rm. 109)

S1289: HOAS; HEARINGS; ATTORNEY FEES

Hearing: Senate Government (Wednesday 02/01/17 at 2:00 PM, Senate Rm. 109)

LTAA-SPONSORED BILLS

Bill Summaries

H2146: HOAS; DISCLOSURE DOCUMENTS; AGENT

Homeowner's associations and condo associations are required to deliver copies of the bylaws, rules, declaration and other specified documents to a purchaser and the purchaser's authorized agent, if any. Previously the association was required to deliver the documents to the purchaser or the agent.

First sponsor: Rep. Weninger

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2146 Daily History

Date Action

HOAS; DISCLOSURE DOCUMENTS; AGENT 1/12 referred to House com.

NEW BILLS TO REVIEW

Bill Summaries

H2332: PROPERTY TAX VALUATION APPEALS

Establishes requirements for a court appeal that asserts that the taxing authority's valuation is excessive for a property whose full cash value exceeds \$4 million, including requiring the appellant to serve a preliminary expert opinion affidavit that includes specified information on the value of the property.

First sponsor: Rep. Campbell
Others: Sen. Fann, Rep. Stringer

H2332 Daily History	Date Action
PROPERTY TAX VALUATION APPEALS 1/23 referred to House ways-means.	

H2355: MUTUAL HOLDING COMPANY REORGANIZATION

Adds an article of statute to Title 20 (Insurance) regulating mutual holding company reorganization. Requires the Director of the Department of Insurance to approve reorganization plans. Establishes requirements for the contents of reorganization plans and a process for plan review and approval, including a hearing.

First sponsor: Rep. Livingston

H2355 Daily History	Date Action
MUTUAL HOLDING COMPANY REORGANIZATION 1/26 referred to House bank-ins.	

S1175: REAL ESTATE TRANSFER FEES; DEFINITION

For the purpose of statute prohibiting certain real estate transfer fees, the definition of "association" is expanded to include a nonprofit organization qualified under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code. Contains a legislative intent section. Retroactive to July 29, 2010.

First sponsor: Sen. Lesko

S1175 Daily History	Date Action
REAL ESTATE TRANSFER FEES; DEFINITION 1/23 referred to Senate com-pub safety.	

S1183: DEPARTMENT OF ENVIRONMENTAL QUALITY; OMNIBUS

Various rules the Department of Environmental Quality is required to adopt are eliminated, and several rules are permitted, instead of required, to be adopted.

First sponsor: Sen. Griffin

S1183 Daily History	Date Action
DEPARTMENT OF ENVIRONMENTAL QUALITY; OMNIBUS 1/24 referred to Senate nat res-energy.	

S1192: TECH CORRECTION; PROPERTY TAX

Minor change in Title 42 (Taxation) related to property tax exemptions. Apparent striker bus.

First sponsor: Sen. Petersen

S1192 Daily History	Date Action
TECH CORRECTION; PROPERTY TAX 1/24 referred to Senate rules only.	

S1197: REAL ESTATE APPRAISAL

Eliminates the State Board of Appraisal and the Executive Director of the Board and transfers their duties to the Superintendent of Financial Institutions. Repeals the Board of Appraisal Fund and transfers any unexpended and unencumbered monies in the Fund to the general fund on the effective date of this legislation. The Superintendent is authorized to charge a one-year national registry fee for appraisal management companies, to be deposited in the newly established Appraisal Subcommittee Fund and administered by the Department of Financial Institutions. Modifies definitions.

First sponsor: Sen. Brophy McGee

S1197 Daily History	Date Action
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REAL ESTATE APPRAISAL 1/24 referred to Senate com-pub safety.

S1240: HOAS; STREETS; AUTHORITY

Statute declaring that a homeowners' association has no authority over and cannot regulate any roadway for which the ownership has been dedicated to or is otherwise held by a governmental entity applies to all planned communities without regard to whether the declaration is recorded before or after the effective date of this legislation. Previously, these provisions applied only to planned communities for which the declaration was recorded after December 31, 2014.

First sponsor: Sen. Kavanagh

S1240 Daily History

Date Action

HOAS; STREETS; AUTHORITY 1/24 referred to Senate gov.

S1245: STATE LANDS; PERPETUAL RIGHTS-OF-WAY

The State Land Department is required to grant a perpetual right-of-way, after conducting an appraisal, at public auction to the highest and best bidder if the grant is for the purpose of providing legal access to private property to which access across state land is the historic access or is necessary because state or federal land surrounds the private property.

First sponsor: Sen. Griffin

S1245 Daily History

Date Action

STATE LANDS; PERPETUAL RIGHTS-OF-WAY 1/25 referred to Senate nat res-energy.

S1270: AUTHORIZED THIRD PARTIES; ELECTRONIC TITLE

If the Department of Transportation establishes a system to require recording of certificate of title information through electronic media, the Dept must implement the system no sooner than January 1, 2018 and no later than January 1, 2023. The Dept is required to notify authorized third party electronic service providers and partners of the system's establishment and implementation. The Dept is prohibited from authorizing a government entity to be a third party electronic service provider or partner.

First sponsor: Sen. Worsley

Others: Sen. Borrelli, Sen. Bowie, Sen. Brophy McGee, Sen. Burges, Sen. Fann, Sen. Kavanagh

S1270 Daily History

Date Action

AUTHORIZED THIRD PARTIES; ELECTRONIC TITLE 1/25 referred to Senate trans-tech.

S1288: HOAS; BOARD CONFLICTS

Expands the list of reasons a condo or HOA board member is required to declare a conflict of interest to include any contract, decision or other action for compensation taken by the board that would benefit any employer or employee of that member. For all circumstances where a condo or HOA board member declares a conflict of interest, the board member is prohibited from playing a part directly or indirectly in the board's deliberations or vote on that issue, instead of being permitted to vote after the declaration.

First sponsor: Sen. D. Farnsworth

Others: Sen. S. Allen, Sen. Bradley, Rep. Engel, Sen. Mendez, Sen. Meza, Sen. Miranda

S1288 Daily History

Date Action

HOAS; BOARD CONFLICTS 1/26 referred to Senate gov.

S1289: HOAS; HEARINGS; ATTORNEY FEES

An administrative law judge is prohibited from awarding attorney fees to the association in a dispute between an owner and a condo association or homeowners' association.

First sponsor: Sen. D. Farnsworth

Others: Sen. S. Allen, Sen. Burges, Rep. Clodfelter, Sen. Meza, Sen. Miranda, Sen. Smith

S1289 Daily History Date Action
HOAS; HEARINGS; ATTORNEY FEES 1/26 referred to Senate gov.

S1298: ELECTRONIC DOCUMENTS; SIGNATURES; WILLS; TRUSTS

For the purpose of statutes governing wills and trusts, "executed" or "signed" includes the use of an "electronic signature" (defined elsewhere in statute). Establishes requirements for electronic wills and electronic trust instruments, including authentication method requirements. A video recording or other electronic record is admissible as evidence of the proper execution of a will or trust, subject to court rule. The signature or acknowledgement on a will may be witnessed in person or by means of a two-way audio and video conference.

First sponsor: Sen. Worsley
Others: Sen. Borrelli, Sen. Brophy McGee, Sen. Burges, Sen. Fann, Rep. Shope

S1298 Daily History Date Action
ELECTRONIC DOCUMENTS; SIGNATURES; WILLS; TRUSTS 1/26 referred to Senate jud.

S1308: FLOOD CONTROL DISTRICTS; EASEMENTS, LEASES

Statute allowing a municipality to sell and convey all or any part of its real or personal property does not apply to the grant of an easement on or a lease of county flood control district property. A county flood control district is permitted to authorize the grant of an easement on or a lease of the district real property without public auction if a list of specified conditions is met.

First sponsor: Sen. Griffin
Others: Rep. Bowers

S1308 Daily History Date Action
FLOOD CONTROL DISTRICTS; EASEMENTS, LEASES 1/26 referred to Senate nat res-energy.

SUPPORT

Bill Summaries

H2095: STATE LANDS; PERPETUAL RIGHTS-OF-WAY

The State Land Department is required to grant a perpetual right-of-way, after conducting an appraisal, at public auction to the highest and best bidder if the grant is for the purpose of providing legal access to private property to which access across state land is the historic access or is necessary because state or federal land surrounds the private property.

First sponsor: Rep. Bowers

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2095 Daily History Date Action
STATE LANDS; PERPETUAL RIGHTS-OF-WAY 1/17 referred to House land-agri-rural.

MONITOR

Bill Summaries

H2013: NEWSPAPERS; PUBLIC NOTICES; PUBLICATION

For the purpose of publication of public notices, a "newspaper" is no longer required to be admitted under federal law as second-class matter in the United States mails for at least one year.

First sponsor: Rep. Finchem

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2013 Daily History Date Action

NEWSPAPERS; PUBLIC NOTICES; PUBLICATION 1/18 House local-intl held.

NEWSPAPERS; PUBLIC NOTICES; PUBLICATION 1/10 referred to House local-intl.

H2014: LEGAL TENDER EXCHANGE; TAX EFFECT

The lists of subtractions from Arizona gross income for individual and corporate income tax purposes are expanded to include the amount of any net capital gain included in Arizona adjusted gross income for the tax year that is derived from the exchange of one kind of legal tender for another kind of legal tender. The list of additions to Arizona gross income for individual and corporate income tax purposes is expanded to include the amount of any net capital loss included in Arizona adjusted gross income for the tax year that is derived from the exchange of one kind of legal tender for another kind of legal tender. For these purposes, "legal tender" is defined as a medium of exchange, including "specie" (defined as coins having precious metal content), that is authorized by the U.S. Constitution or Congress for the payment of debts, public charges, taxes and dues. Effective for tax years beginning with 2018.

First sponsor: Rep. Finchem

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2014 Daily History

Date Action

LEGAL TENDER EXCHANGE; TAX EFFECT 1/9 referred to House ways-means.

H2015: GOLD BONDS; STUDY COMMITTEE

Establishes the 11-member Joint Study Committee on Gold Bonds to study the use of gold bonds as hard asset-backed instruments to reduce state debt and protect public pension obligations of the state. The Committee is required to submit a report of its recommendations to the Legislature by December 31, 2017 and self-repeals October 1, 2018.

First sponsor: Rep. Finchem

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2015 Daily History

Date Action

GOLD BONDS; STUDY COMMITTEE 1/17 referred to House rules only.

H2067: REAL ESTATE LICENSING; EXCEPTION; ASSISTANTS

Real estate licensing regulations do not apply to an individual who is hired by a real estate licensee as an assistant, transaction coordinator or other administrator if the individual is not engaging in any activity for which a license is required.

First sponsor: Rep. Shope

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2067 Daily History

Date Action

REAL ESTATE LICENSING; EXCEPTION; ASSISTANTS 1/25 from House com with amend [#4015](#).

REAL ESTATE LICENSING; EXCEPTION; ASSISTANTS 1/17 House com held.

REAL ESTATE LICENSING; EXCEPTION; ASSISTANTS 1/10 referred to House com.

H2069: INSURANCE TAXES; INSTALLMENTS; ELECTRONIC FILING

An insurer is required to file monthly insurance premium tax reports and payments from March through August if that insurer paid or is required to pay a tax of \$50,000 or more during the preceding calendar year, increased from \$2,000 or more. Beginning January 1, 2018, the Department of Insurance is

permitted to require insurance premium tax reports and payments to be submitted electronically. Effective January 1, 2018.

First sponsor: Rep. Livingston

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2069 Daily History	Date Action
INSURANCE TAXES; INSTALLMENTS; ELECTRONIC FILING 1/23 from House bank-ins do pass.	
INSURANCE TAXES; INSTALLMENTS; ELECTRONIC FILING 1/11 referred to House bank-ins.	

H2072: MANUFACTURED HOMES; REAL ESTATE TRANSACTIONS

The list of transactions where licensed real estate brokers and licensed real estate salesmen are exempt from the requirements of specified housing regulations is expanded to include transactions with respect to manufactured homes and mobile homes that are located in mobile home parks.

First sponsor: Rep. Weninger

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2072 Daily History	Date Action
MANUFACTURED HOMES; REAL ESTATE TRANSACTIONS 1/11 referred to House com.	

H2158: 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. Does not apply to a tax lien purchaser if the deed described in the judgment is not recorded in the office of the county recorder and does not exempt a tax lien purchase who actually subdivides or intends to subdivide land or create a subdivision.

First sponsor: Rep. Shope

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2158 Daily History	Date Action
TAX LIEN FORECLOSURES; SUBDIVISIONS; EXEMPTION 1/25 from House com do pass.	
TAX LIEN FORECLOSURES; SUBDIVISIONS; EXEMPTION 1/17 referred to House com.	

H2165: AUTHORIZED THIRD PARTIES; ELECTRONIC TITLE

If the Department of Transportation establishes a system to require recording of certificate of title information through electronic media, the Dept must implement the system no sooner than January 1, 2018 and no later than January 1, 2023. The Dept is required to notify authorized third party electronic service providers and partners of the system's establishment and implementation. The Dept is prohibited from authorizing a government entity to be a third party electronic service provider or partner.

First sponsor: Rep. Campbell
Others: Sen. Fann, Sen. Otondo, Rep. Stringer

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2165 Daily History	Date Action
AUTHORIZED THIRD PARTIES; ELECTRONIC TITLE 1/17 referred to House trans-inf.	

H2220: ELECTRONIC FILES; ACCESS; OFFICIAL RECORD

The Supreme Court and any justice or judge in Arizona is prohibited from designating a paper transcript of a hearing or other proceeding as the only official record if the hearing or other proceeding is electronically recorded and the recording is audible. If the presiding judge of the superior court provides electronic file access or filing privileges to attorneys, the privileges must also be provided to clients and pro se litigants.

First sponsor: Rep. Bowers

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2220 Daily History	Date Action
ELECTRONIC FILES; ACCESS; OFFICIAL RECORD	1/26 from House jud-pub safety with amend #4027.
ELECTRONIC FILES; ACCESS; OFFICIAL RECORD	1/25 House jud-pub safety amended; report awaited.
ELECTRONIC FILES; ACCESS; OFFICIAL RECORD	1/17 referred to House jud-pub safety.

H2233: REGISTRATION EXEMPTIONS; SECURITIES

The list of exempt transactions for the purposes of securities registration is modified to declare that a sale is not considered to be made in the course of repeated or successive transactions if at least six months, reduced from nine months, have passed after the date of the last sale of the security by the issuer to an Arizona resident. The list of qualifications that must be met for an offer or sale of a security by the issuer to be exempt from specified securities regulations is expanded to include that the issuer is an Arizona resident.

First sponsor: Rep. Weninger

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2233 Daily History	Date Action
REGISTRATION EXEMPTIONS; SECURITIES	1/12 referred to House bank-ins.

H2321: HOAS; CUMULATIVE VOTING; PROHIBITION

Condominium associations and HOAs are prohibited from using cumulative voting.

First sponsor: Rep. Clark
Others: Rep. Finchem

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

H2321 Daily History	Date Action
HOAS; CUMULATIVE VOTING; PROHIBITION	1/23 referred to House local-intl.

S1013: TECH CORRECTION; DEFRAUDING SECURED CREDITORS

Minor change in Title 13 (Criminal Code) related to defrauding secured creditors. Apparent striker bus.

First sponsor: Sen. Burges

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

S1013 Daily History	Date Action
TECH CORRECTION; DEFRAUDING SECURED CREDITORS	1/9 referred to Senate rules only.

S1019: PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS

It is a defense to any action under public records law that the request for access to public records is unduly burdensome or harassing.

First sponsor: Sen. Kavanagh

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

S1019 Daily History	Date Action
PUBLIC RECORDS; UNDULY BURDENSOME REQUESTS	1/9 referred to Senate gov.

S1058: REPEAL; REGIONAL ATTRACTION DISTRICTS

Repeals Chapter 38 of Title 48 (Special Taxing Districts), which establishes and governs regional attraction districts.

First sponsor: Sen. Griffin

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

S1058 Daily History	Date Action
REPEAL; REGIONAL ATTRACTION DISTRICTS	1/26 passed Senate <u>30-0</u> ; ready for House.
REPEAL; REGIONAL ATTRACTION DISTRICTS	1/24 from Senate rules okay.
REPEAL; REGIONAL ATTRACTION DISTRICTS	1/23 to Senate consent calendar.
REPEAL; REGIONAL ATTRACTION DISTRICTS	1/19 from Senate gov do pass.
REPEAL; REGIONAL ATTRACTION DISTRICTS	1/11 referred to Senate gov.

S1060: HOAS; DISPUTE PROCESS

Jurisdiction over administrative hearings for disputes between condo or homeowners' associations and unit owners or members is moved to the State Real Estate Department, from the Department of Fire, Building and Life Safety.

First sponsor: Sen. Griffin

Others: Sen. D. Farnsworth, Sen. Kavanagh

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

S1060 Daily History	Date Action
HOAS; DISPUTE PROCESS	1/26 passed Senate <u>30-0</u> ; ready for House.
HOAS; DISPUTE PROCESS	1/24 from Senate rules okay.
HOAS; DISPUTE PROCESS	1/23 to Senate consent calendar.
HOAS; DISPUTE PROCESS	1/19 from Senate gov do pass.
HOAS; DISPUTE PROCESS	1/11 referred to Senate gov.

S1081: MUTUAL HOLDING COMPANY REORGANIZATION

Adds an article of statute to Title 20 (Insurance) regulating mutual holding company reorganization. Requires the Director of the Department of Insurance to approve reorganization plans. Establishes requirements for the contents of reorganization plans and a process for plan review and approval, including a hearing.

First sponsor: Sen. Fann

Others: Rep. Livingston

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

S1081 Daily History	Date Action
MUTUAL HOLDING COMPANY REORGANIZATION	1/17 referred to Senate fin.

S1113: HOAS; ARTIFICIAL GRASS BAN PROHIBITED

In any planned community that allows grass on a member's property, a homeowner's association cannot prohibit the installation or use of artificial grass on any member's property.

First sponsor: Sen. Kavanagh

Single List Comments:

1/24/17 - Reviewed by Legislative Committee

S1113 Daily History	Date	Action
HOAS; ARTIFICIAL GRASS BAN PROHIBITED	1/26	from Senate gov do pass.
HOAS; ARTIFICIAL GRASS BAN PROHIBITED	1/25	Senate gov do pass; report awaited.
HOAS; ARTIFICIAL GRASS BAN PROHIBITED	1/18	referred to Senate gov.

(No Category Assigned)

Bill Summaries

S1402: HOAS; IMPROVEMENT DISTRICTS; ZONING

Counties and municipalities are no longer prohibited from requiring as part of a subdivision approval or regulation or a zoning ordinance that a subdivider or developer establish a homeowner's association, and are instead required to provide for the establishment of single-family residential property developments that do not include property held in common ownership and that are required to be included in an improvement district for the limited purpose of owning, operating and maintaining any detention and retention basins, landscaping, open spaces, parks, entryways, street rights-of-way, recreational facilities and other improvements for the benefit of the private property owners within the development and the improvement district. Does not prohibit a subdivider or developer from obtaining approval for a residential property development that does not include property held in common ownership without an improvement district.

First sponsor: Sen. D. Farnsworth

Others: Sen. Meza, Sen. Miranda

S1402 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		