

# TRIADVOCATES LLC

54th Legislature - 1st Regular Session, 2019

Sunday, Mar 3 2019 8:37 PM

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## LAND TITLE ASSOCIATION OF ARIZONA

### Posted Calendars and Committee Hearings

- H2095: AGRICULTURAL PROPERTY CLASSIFICATION; WATER REDUCTION  
*Hearing:* Senate Finance (Wednesday 03/06/19 at 2:00 PM, Senate Rm. 1)
- H2098: DELINQUENT PROPERTY TAXES; PAYMENT PLANS  
*Calendar:* 3/4 House COW
- H2177: REGULATORY SANDBOX PROGRAM; AMENDMENTS  
*Hearing:* Senate Commerce (Thursday 03/07/19 at 10:00 AM, Senate Rm. 1)
- H2230: WRIT OF GARNISHMENT; CERTIFIED MAIL  
*Hearing:* Senate Judiciary (Thursday 03/07/19 at 9:30 AM, Senate Rm. 109)
- H2231: NONHEALTH PROFESSIONS; OCCUPATIONS; REGULATIONS  
*Calendar:* 3/4 House Third Reading
- H2360: TPT; ESTIMATED PAYMENTS; LIABILITY THRESHOLD  
*Hearing:* Senate Finance (Wednesday 03/06/19 at 2:00 PM, Senate Rm. 1)
- H2445: TPT; RESIDENTIAL RENTALS; NOTICE  
*Hearing:* Senate Finance (Wednesday 03/06/19 at 2:00 PM, Senate Rm. 1)
- H2453: LAND USE PLANS; CONTENTS; AGGREGATES  
*Calendar:* 3/4 House Third Reading
- H2662: ZONING HEARING; ANNEXATION; PETITION; TESTIMONY  
*Hearing:* House Rules (Monday 03/04/19 at 9:00 AM, House Rm. 4)
- H2673: PROPERTY; PRODUCTS; SERVICES; SANDBOX  
*Calendar:* 3/4 House Third Reading
- H2686: BUSINESS LICENSING REQUIREMENTS; WEB PORTAL  
*Calendar:* 3/4 House COW
- H2687: CONDOMINIUMS; TERMINATIONS; APPRAISALS  
*Hearing:* House Rules (Monday 03/04/19 at 9:00 AM, House Rm. 4)
- S1008: INSURANCE; PROHIBITED INDUCEMENTS; EXCEPTIONS  
*Hearing:* House Commerce (Tuesday 03/05/19 at 2:00 PM, House Rm. 3)
- S1030: REMOTE ONLINE NOTARIZATION; REGISTRATION  
*Hearing:* House Government (Thursday 03/07/19 at 9:00 AM, House Rm. 1)
- S1113: INSURANCE; INFORMATION PRACTICES  
*Hearing:* House Commerce (Tuesday 03/05/19 at 2:00 PM, House Rm. 3)
- S1218: BENEFICIARY DEEDS; SEPARATE PROPERTY; NONLAPSE  
*Hearing:* House Commerce (Tuesday 03/05/19 at 2:00 PM, House Rm. 3)
- S1309: RENEWAL OF JUDGMENTS; APPLICABILITY  
*Hearing:* House Judiciary (Wednesday 03/06/19 at 9:00 AM, House Rm. 4)
- S1531: HOAS; ASSESSMENTS; COSTS  
*Calendar:* 3/4 Senate COW

### LTAA/INDUSTRY BILLS

#### Bill Summaries

#### **S1030: REMOTE ONLINE NOTARIZATION; REGISTRATION**

By July 1, 2020, the Secretary of State (SOS) is required to adopt rules to facilitate "remote online notarizations" (defined), which must include sufficient forms of notarial certificates and standards for communication technology, credential analysis, identity proofing and retention of an audio and visual recording. Establishes requirements for electronic records of remote online notarizations, the use of electronic signatures and electronic seals, and remote

online notarization procedures. Establishes information a notary public is required to record in an electronic journal for a remote online notarial act. Effective July 1, 2020. AS PASSED SENATE.

First sponsor: Sen. Leach (R - Dist 11)  
Others: Rep. Dunn (R - Dist 13)

S1030 Daily History	Date Action
REMOTE ONLINE NOTARIZATION; REGISTRATION	2/26 referred to House gov.
REMOTE ONLINE NOTARIZATION; REGISTRATION	2/18 passed Senate <u>29-0</u> ; ready for House.
REMOTE ONLINE NOTARIZATION; REGISTRATION	2/14 Senate COW approved with amend <u>#4051</u> .
REMOTE ONLINE NOTARIZATION; REGISTRATION	2/12 from Senate rules okay.
REMOTE ONLINE NOTARIZATION; REGISTRATION	2/5 from Senate gov with amend <u>#4051</u> .
REMOTE ONLINE NOTARIZATION; REGISTRATION	2/4 Senate gov amended; report awaited.
REMOTE ONLINE NOTARIZATION; REGISTRATION	1/14 referred to Senate gov.

### **S1218: BENEFICIARY DEEDS; SEPARATE PROPERTY; NONLAPSE**

Unless the beneficiary deed provides otherwise, the interest in real property conveyed by a beneficiary deed is the separate property of the named grantee beneficiary and is not community property. Unless the beneficiary deed provides otherwise, if there are no grantee beneficiaries named in the beneficiary deed who survive the owner, the beneficiary deed is void.

First sponsor: Sen. Leach (R - Dist 11)

S1218 Daily History	Date Action
BENEFICIARY DEEDS; SEPARATE PROPERTY; NONLAPSE	2/26 referred to House com.
BENEFICIARY DEEDS; SEPARATE PROPERTY; NONLAPSE	2/14 passed Senate <u>30-0</u> ; ready for House.
BENEFICIARY DEEDS; SEPARATE PROPERTY; NONLAPSE	2/11 to Senate consent calendar. 2/12 from Senate rules okay.
BENEFICIARY DEEDS; SEPARATE PROPERTY; NONLAPSE	2/11 from Senate com do pass.
BENEFICIARY DEEDS; SEPARATE PROPERTY; NONLAPSE	2/7 Senate com do pass; report awaited.
BENEFICIARY DEEDS; SEPARATE PROPERTY; NONLAPSE	1/29 referred to Senate com.

### **S1309: RENEWAL OF JUDGMENTS; APPLICABILITY**

Statute allowing renewal of a judgment at any time within 10 years after the date of the judgment applies to all judgments entered on or after August 3, 2013 and to all judgments entered on or before August 2, 2013 that were renewed on or before August 2, 2018. An action may not be brought to renew a judgment entered on or before August 2, 2013 that was not renewed on or before August 2, 2018.

First sponsor: Sen. E. Farnsworth (R - Dist 12)

S1309 Daily History	Date Action
RENEWAL OF JUDGMENTS; APPLICABILITY	2/26 referred to House jud.
RENEWAL OF JUDGMENTS; APPLICABILITY	2/21 passed Senate <u>30-0</u> ; ready for House.
RENEWAL OF JUDGMENTS; APPLICABILITY	2/19 from Senate rules okay.
RENEWAL OF JUDGMENTS; APPLICABILITY	2/18 to Senate consent calendar.
RENEWAL OF JUDGMENTS; APPLICABILITY	2/14 from Senate jud do pass.
RENEWAL OF JUDGMENTS; APPLICABILITY	1/31 referred to Senate jud.

## **SUPPORT**

### **Bill Summaries**

### **S1216: UNIFORM RECEIVERSHIP ACT; COMMERCIAL PROPERTY**

Establishes a new chapter in Title 33 (Property) regulating commercial real estate receivership. Applies to a receivership for an interest in real property and any personal property related to or used in operating the real property, and does not apply to a receivership for an interest in real property improved by one to four dwelling units unless a list of specified conditions are met. Grants the court that appoints a receiver exclusive jurisdiction to direct the receiver and determine any controversy related to the receivership or receivership property. Establishes conditions under which the court may appoint a receiver, prohibits the court from appointing persons with interest in the property or specified

relationships with a party as a receiver, and requires a receiver to post a bond with the court. Specifies powers and duties of a receiver and of an owner. More. Does not apply to a receivership for which the receiver was appointed before the effective date of this legislation.

First sponsor: Sen. Livingston (R - Dist 22)

S1216 Daily History	Date Action
UNIFORM RECEIVERSHIP ACT; COMMERCIAL PROPERTY	2/28 passed Senate <u>30-0</u> ; ready for House.
UNIFORM RECEIVERSHIP ACT; COMMERCIAL PROPERTY	2/26 from Senate rules okay.
UNIFORM RECEIVERSHIP ACT; COMMERCIAL PROPERTY	2/25 to Senate consent calendar.
UNIFORM RECEIVERSHIP ACT; COMMERCIAL PROPERTY	2/21 from Senate com do pass.
UNIFORM RECEIVERSHIP ACT; COMMERCIAL PROPERTY	1/28 referred to Senate com.

## OPPOSE

### Bill Summaries

#### S1471: HOMELESS YOUTH; FAMILIES; FUNDING SOURCES

In the case of any conveyance of an Arizona real property interest, the title insurance company, financial institution or attorney that provides closing and settlement services is required to withhold an amount equal to two percent of the sales price of the Arizona real property interest conveyed or the net proceeds resulting from the conveyance, whichever is less, if the transferor is either an individual with a last known address outside Arizona at the time of the transfer of the title, or the escrow agent of such an individual. Some exceptions, including if the sales price of the Arizona real property interest conveyed is \$100,000 or less or for a foreclosure. The monies withheld must be remitted to the Department of Revenue. The Dept is required to distribute the first \$2 million collected to the Arizona Health Care Cost Containment System Administration to provide housing in a contained community setting that provides secure 24-hour onsite supervision for persons who have serious mental illness and who have demonstrated the inability to successfully live in an independent setting. After that distribution, the Dept is required to distribute any remaining monies to the Housing Trust Fund. Up to \$10 million of the monies deposited in the Housing Trust Fund from this source must be used exclusively for capital projects, rental assistance and services for homeless youth and families. Effective January 1, 2020.

First sponsor: Sen. S. Allen (R - Dist 6)

Others: Sen. Alston (D - Dist 24), Rep. Barto (R - Dist 15), Sen. Bradley (D - Dist 10), Sen. Brophy McGee (R - Dist 28)

S1471 Daily History	Date Action
HOMELESS YOUTH; FAMILIES; FUNDING SOURCES	2/27 from Senate appro with amend <u>#4468</u> . From Senate rules okay.
HOMELESS YOUTH; FAMILIES; FUNDING SOURCES	2/26 Senate appro amended; report awaited.
HOMELESS YOUTH; FAMILIES; FUNDING SOURCES	2/5 referred to Senate appro.

## BILLS TO AMEND

### Bill Summaries

#### H2230: WRIT OF GARNISHMENT; CERTIFIED MAIL

Service of a writ of garnishment may be made by certified mail, return receipt requested. Service of a writ of garnishment on any banking corporation or association, savings bank, savings and loan association, or credit union may also be made by certified mail, return receipt requested, at the garnishee's regular place of business, or to the garnishee's statutory agent or at a location that is designated by the garnishee. If served by certified mail, the effective date of service is the date of receipt by the garnishee or the garnishee's statutory agent. AS PASSED HOUSE.

First sponsor: Rep. J. Allen (R - Dist 15)

H2230 Daily History	Date Action
WRIT OF GARNISHMENT; CERTIFIED MAIL	2/27 referred to Senate jud.
WRIT OF GARNISHMENT; CERTIFIED MAIL	2/25 passed House <u>60-0</u> ; ready for Senate.

WRIT OF GARNISHMENT; CERTIFIED MAIL 2/25 House COW approved with floor amend [#4384](#), a substitute for amend 4070.

WRIT OF GARNISHMENT; CERTIFIED MAIL 2/12 stricken from House COW consent calendar by J. Allen.

WRIT OF GARNISHMENT; CERTIFIED MAIL 2/11 from House rules okay. To House COW consent calendar.

WRIT OF GARNISHMENT; CERTIFIED MAIL 2/6 from House jud with amend [#4070](#).

WRIT OF GARNISHMENT; CERTIFIED MAIL 1/30 referred to House jud.

## UNDER REVIEW; POSSIBLE ENGAGEMENT

### Bill Summaries

#### H2673: PROPERTY; PRODUCTS; SERVICES; SANDBOX

Establishes a new chapter in Title 18 (Information Technology) requiring the State Real Estate Commissioner to establish a Property Technology Sandbox Program in consultation with applicable state agencies to enable a person to obtain limited access to the market in Arizona to test "innovative property products or services" (defined) without obtaining authorization that otherwise might be required. Establishes application requirements and an application process for participation in the Program. If the Commissioner approves an application for entry into the property technology sandbox, the applicant is deemed a sandbox participant and has 24 months after the date of approval to test the innovation described in the sandbox participant's application. Before providing an innovative property product or service to consumers, a sandbox participant is required to disclose to consumers a list of information. Establishes exit requirements and record keeping and reporting requirements. The Program terminates on July 1, 2029.

First sponsor: Rep. Weninger (R - Dist 17)

H2673 Daily History	Date	Action
PROPERTY; PRODUCTS; SERVICES; SANDBOX	2/28	House COW approved with floor amend <a href="#">#4519</a> .
PROPERTY; PRODUCTS; SERVICES; SANDBOX	2/21	stricken from House consent calendar by Weninger and Salman.
PROPERTY; PRODUCTS; SERVICES; SANDBOX	2/21	from House rules okay.
PROPERTY; PRODUCTS; SERVICES; SANDBOX	2/20	to House consent calendar.
PROPERTY; PRODUCTS; SERVICES; SANDBOX	2/20	from House com do pass.
PROPERTY; PRODUCTS; SERVICES; SANDBOX	2/19	House com do pass; report awaited.
PROPERTY; PRODUCTS; SERVICES; SANDBOX	2/13	referred to House com.

## MONITOR

### Bill Summaries

#### H2054: ELECTRONIC WILLS; REQUIREMENTS

Various changes relating to execution of wills. A qualified custodian maintains an electronic will as a bailee, and the electronic will is the property of the testator and not the qualified custodian. Electronic wills are required to be "under the exclusive control" of a qualified custodian instead of "in the custody" of a qualified custodian. For any will executed on or after October 1, 2019, unless the will is made self-proved, a person is prohibited from acting as a witness to the will if that person is a "devisee" (defined) under that will or is related by blood, marriage or adoption to a devisee under that will. Retroactive to July 1, 2019. AS PASSED HOUSE.

First sponsor: Rep. J. Allen (R - Dist 15)

H2054 Daily History	Date	Action
ELECTRONIC WILLS; REQUIREMENTS	2/25	referred to Senate jud.
ELECTRONIC WILLS; REQUIREMENTS	2/14	passed House <a href="#">60-0</a> ; ready for Senate.
ELECTRONIC WILLS; REQUIREMENTS	2/14	House COW approved with amend <a href="#">#4026</a> .
ELECTRONIC WILLS; REQUIREMENTS	2/4	from House rules okay. To House COW consent calendar.
ELECTRONIC WILLS; REQUIREMENTS	1/30	from House jud with amend <a href="#">#4026</a> .
ELECTRONIC WILLS; REQUIREMENTS	1/30	House jud amended; report awaited.
ELECTRONIC WILLS; REQUIREMENTS	1/24	referred to House jud.

#### H2084: MUNICIPAL ZONING; REZONING PROTESTS

Clarifies that the group of persons authorized to file a protest in writing against a municipal rezoning, which triggers a requirement for the rezoning to obtain a 3/4 vote of the municipal governing body for passage, is the owners of 20 percent or more of the property by area and number of lots, tracts and condominium units either within the area of the proposed change or the area within 150 feet of the proposed change, including all rights of way.

First sponsor: Rep. Kavanagh (R - Dist 23)

H2084 Daily History	Date Action
MUNICIPAL ZONING; REZONING PROTESTS	2/26 House COW approved. FAILED to pass House <u>18-41</u> .
MUNICIPAL ZONING; REZONING PROTESTS	2/26 from House rules okay.
MUNICIPAL ZONING; REZONING PROTESTS	2/14 from House gov do pass.
MUNICIPAL ZONING; REZONING PROTESTS	2/4 referred to House gov.

## H2095: AGRICULTURAL PROPERTY CLASSIFICATION; WATER REDUCTION

For the purpose of the property tax classification as property used for agricultural purposes, property that has been in active production may be inactive or partially inactive due to a partial reduction in the available water supply or irrigation district water allotments for agriculture use in the farm unit.

First sponsor: Rep. Cook (R - Dist 8)

Others: Rep. Campbell (R - Dist 1), Rep. Dunn (R - Dist 13), Rep. Espinoza (D - Dist 19), Rep. Finchem (R - Dist 11), Sen. Gowan (R - Dist 14), Sen. Leach (R - Dist 11), Rep. Payne (R - Dist 21), Rep. Roberts (R - Dist 11), Rep. Thorpe (R - Dist 6)

H2095 Daily History	Date Action
AGRICULTURAL PROPERTY CLASSIFICATION; WATER REDUCTION	2/25 referred to Senate fin.
AGRICULTURAL PROPERTY CLASSIFICATION; WATER REDUCTION	2/14 passed House <u>60-0</u> ; ready for Senate.
AGRICULTURAL PROPERTY CLASSIFICATION; WATER REDUCTION	2/11 from House rules okay. To House consent calendar.
AGRICULTURAL PROPERTY CLASSIFICATION; WATER REDUCTION	1/31 from House land-agri do pass.
AGRICULTURAL PROPERTY CLASSIFICATION; WATER REDUCTION	1/30 from House ways-means do pass.
AGRICULTURAL PROPERTY CLASSIFICATION; WATER REDUCTION	1/23 referred to House ways-means, land-agri.

## H2098: DELINQUENT PROPERTY TAXES; PAYMENT PLANS

A county treasurer is authorized to enter into a payment plan agreement with a taxpayer for a period of up to 36 months for paying delinquent taxes of more than \$1,000. The county treasurer is permitted to charge a fee of up to \$150 for the administrative costs of processing a payment plan agreement.

First sponsor: Rep. Cook (R - Dist 8)

Others: Rep. Campbell (R - Dist 1), Rep. Dunn (R - Dist 13), Rep. Espinoza (D - Dist 19), Rep. Finchem (R - Dist 11), Sen. Gowan (R - Dist 14), Sen. Leach (R - Dist 11), Rep. Payne (R - Dist 21), Rep. Roberts (R - Dist 11), Rep. Thorpe (R - Dist 6)

H2098 Daily History	Date Action
DELINQUENT PROPERTY TAXES; PAYMENT PLANS	2/26 from House rules okay.
DELINQUENT PROPERTY TAXES; PAYMENT PLANS	2/25 from House gov do pass.
DELINQUENT PROPERTY TAXES; PAYMENT PLANS	2/21 House gov do pass; report awaited.
DELINQUENT PROPERTY TAXES; PAYMENT PLANS	2/13 from House ways-means with amend <u>#4160</u> .
DELINQUENT PROPERTY TAXES; PAYMENT PLANS	2/13 House ways-means amended; report awaited.
DELINQUENT PROPERTY TAXES; PAYMENT PLANS	1/24 referred to House ways-means, gov.

## H2131: STATE AGENCIES; CITIZEN PORTAL; ACCESS

Each "state agency" (defined) that collects personal information from any person is required to establish a citizen portal, which must be a secure online website that allows a person to access the person's personal information that the state agency collects and to correct any error in the person's personal information.

First sponsor: Rep. Thorpe (R - Dist 6)

H2131 Daily History	Date Action
STATE AGENCIES; CITIZEN PORTAL; ACCESS	2/28 referred to Senate gov.
STATE AGENCIES; CITIZEN PORTAL; ACCESS	2/26 House COW approved. Passed House <u>33-26</u> ; ready for Senate.
STATE AGENCIES; CITIZEN PORTAL; ACCESS	2/21 stricken from House consent calendar by Bolding.

STATE AGENCIES; CITIZEN PORTAL; ACCESS 2/21 from House rules okay.  
STATE AGENCIES; CITIZEN PORTAL; ACCESS 2/20 to House consent calendar.  
STATE AGENCIES; CITIZEN PORTAL; ACCESS 2/6 from House tech do pass.  
STATE AGENCIES; CITIZEN PORTAL; ACCESS 1/28 referred to House tech.

## H2146: CONTRACTS; LICENSURE REQUIREMENTS; WAIVER; APPLICABILITY

In a contract between two or more private parties, the parties are authorized to agree to waive any state, county or municipal laws relating to licensure, certification, registration or other authorization to act for the purposes of the contract if a list of specified conditions applies. Some exceptions, including for health professions, any regulated practice of law, licensed engineers or architects, and real estate professionals. AS PASSED HOUSE.

First sponsor: Rep. Rivero (R - Dist 21)

H2146 Daily History	Date Action
CONTRACTS; LICENSURE REQUIREMENTS; WAIVER; APPLICABILITY	2/26 passed House <a href="#">32-28</a> ; ready for Senate.
CONTRACTS; LICENSURE REQUIREMENTS; WAIVER; APPLICABILITY	2/26 House COW approved with amend <a href="#">#4242</a> ; amend <a href="#">#4146</a> was withdrawn.
CONTRACTS; LICENSURE REQUIREMENTS; WAIVER; APPLICABILITY	2/21 from House rules okay.
CONTRACTS; LICENSURE REQUIREMENTS; WAIVER; APPLICABILITY	2/18 from House reg affairs with amend <a href="#">#4242</a> .
CONTRACTS; LICENSURE REQUIREMENTS; WAIVER; APPLICABILITY	2/18 House reg affairs amended; report awaited.
CONTRACTS; LICENSURE REQUIREMENTS; WAIVER; APPLICABILITY	2/13 from House com with amend <a href="#">#4146</a> .
CONTRACTS; LICENSURE REQUIREMENTS; WAIVER; APPLICABILITY	2/12 House com amended; report awaited.
CONTRACTS; LICENSURE REQUIREMENTS; WAIVER; APPLICABILITY	2/5 House com held.
CONTRACTS; LICENSURE REQUIREMENTS; WAIVER; APPLICABILITY	1/28 referred to House com, reg affairs.

## H2151: SATISFACTION OF JUDGMENT; JUSTICE COURTS

For civil proceedings and small claims actions, the prevailing party is required to file a satisfaction of judgment in the superior court or justice court within 40 days after a judgment has been paid in full. If the prevailing party fails to do so or cannot be located, the opposing party is authorized to file a motion to compel satisfaction of the judgment. A judge or justice of the peace may hold a hearing on the motion to compel satisfaction of the judgment and may compel the moving party to post a bond with the court in the amount of the judgment. AS PASSED HOUSE.

First sponsor: Rep. J. Allen (R - Dist 15)

H2151 Daily History	Date Action
SATISFACTION OF JUDGMENT; JUSTICE COURTS	2/25 referred to Senate jud.
SATISFACTION OF JUDGMENT; JUSTICE COURTS	2/11 House COW approved with amend <a href="#">#4028</a> . Passed House <a href="#">60-0</a> ; ready for Senate.
SATISFACTION OF JUDGMENT; JUSTICE COURTS	2/4 from House rules okay.
SATISFACTION OF JUDGMENT; JUSTICE COURTS	1/30 from House jud with amend <a href="#">#4028</a> .
SATISFACTION OF JUDGMENT; JUSTICE COURTS	1/30 House jud amended; report awaited.
SATISFACTION OF JUDGMENT; JUSTICE COURTS	1/28 referred to House jud.

## H2177: REGULATORY SANDBOX PROGRAM; AMENDMENTS

Various changes to the Regulatory Sandbox Program. Transactions involving an innovation provided by a sandbox participant testing financial products or services as a money transmitter are exempt from the Program requirement to be an Arizona resident, but physical presence of the consumer in Arizona at the time of the transaction may be required. Specifies that the Attorney General alone enforces state regulatory laws applicable to sandbox participants. Sandbox participants are permitted to request an increase in the consumer cap from the Attorney General. The Attorney General may deny requests for discretionary allowances and a denial is not an appealable agency action. Also eliminates some reporting requirements for sandbox participants. AS PASSED HOUSE.

First sponsor: Rep. Weninger (R - Dist 17)

H2177 Daily History	Date Action
REGULATORY SANDBOX PROGRAM; AMENDMENTS	2/27 referred to Senate com.

REGULATORY SANDBOX PROGRAM; AMENDMENTS 2/25 House COW approved with amend [#4059](#). Passed House [32-28](#); ready for Senate.

REGULATORY SANDBOX PROGRAM; AMENDMENTS 2/11 from House rules okay.

REGULATORY SANDBOX PROGRAM; AMENDMENTS 2/5 from House com with amend [#4059](#).

REGULATORY SANDBOX PROGRAM; AMENDMENTS 1/22 referred to House com.

## **H2231: NONHEALTH PROFESSIONS; OCCUPATIONS; REGULATIONS**

Establishes a rebuttable presumption that the public is sufficiently protected from unregulated practice by market competition and private remedies, including third-party or consumer-created ratings and reviews and private certification. The state may regulate a profession or occupation only if there is credible empirical evidence of present, significant and substantiated harm that the unregulated practice threatens the public health, safety or welfare. For a state agency that administers an occupational regulation, the sunset review report from a committee of reference (COR) is required to include a recommendation that the Legislature repeal the occupational license, convert the license to a less restrictive regulation, or instruct the state agency to seek legislation or adopt rules to reflect the COR's recommendation to impose less restrictive regulations or redefine the scope of practice.

First sponsor: Rep. Kern (R - Dist 20)

H2231 Daily History	Date Action
NONHEALTH PROFESSIONS; OCCUPATIONS; REGULATIONS	2/28 House COW approved with floor amend <a href="#">#4534</a> .
NONHEALTH PROFESSIONS; OCCUPATIONS; REGULATIONS	2/27 retained on House COW calendar.
NONHEALTH PROFESSIONS; OCCUPATIONS; REGULATIONS	2/12 stricken from House consent calendar by Kern.
NONHEALTH PROFESSIONS; OCCUPATIONS; REGULATIONS	2/11 from House rules okay. To House consent calendar.
NONHEALTH PROFESSIONS; OCCUPATIONS; REGULATIONS	2/5 from House com do pass.
NONHEALTH PROFESSIONS; OCCUPATIONS; REGULATIONS	2/5 House com do pass; report awaited.
NONHEALTH PROFESSIONS; OCCUPATIONS; REGULATIONS	2/5 from House reg affairs do pass.
NONHEALTH PROFESSIONS; OCCUPATIONS; REGULATIONS	2/4 House reg affairs do pass; report awaited.
NONHEALTH PROFESSIONS; OCCUPATIONS; REGULATIONS	1/28 referred to House reg affairs, com.

## **H2360: TPT; ESTIMATED PAYMENTS; LIABILITY THRESHOLD**

The threshold after which a business entity is required to file an estimated transaction privilege tax payment in June is increased to an annual total tax liability of \$1.6 million or more in 2020, \$2.3 million or more in 2021, \$3.1 million or more in 2022, \$4.1 million or more in 2023, \$5.6 million or more in 2024, and \$7.5 million or more in 2025 and each year after, from \$1 million or more. AS PASSED HOUSE.

First sponsor: Rep. Toma (R - Dist 22)

H2360 Daily History	Date Action
TPT; ESTIMATED PAYMENTS; LIABILITY THRESHOLD	2/27 referred to Senate fin.
TPT; ESTIMATED PAYMENTS; LIABILITY THRESHOLD	2/25 House COW approved with amend <a href="#">#4161</a> . Passed House <a href="#">60-0</a> ; ready for Senate.
TPT; ESTIMATED PAYMENTS; LIABILITY THRESHOLD	2/18 to House COW consent calendar. From House rules okay.
TPT; ESTIMATED PAYMENTS; LIABILITY THRESHOLD	2/13 from House ways-means with amend <a href="#">#4161</a> .
TPT; ESTIMATED PAYMENTS; LIABILITY THRESHOLD	2/13 House ways-means amended; report awaited.
TPT; ESTIMATED PAYMENTS; LIABILITY THRESHOLD	1/30 referred to House ways-means.

## **H2443: PROPERTY DISCLOSURE AFFIDAVIT; ADJUDICATION CLAIM**

Modifies the affidavit of disclosure that a seller of five or fewer parcels of land in an unincorporated area of a county is required to furnish to a buyer by requiring the seller to check whether the property or the water used on the property "is" or "is not" the subject of a statement of claim for the use of water in a general adjudication of water rights, or if it is "unknown." AS PASSED HOUSE.

First sponsor: Rep. Griffin (R - Dist 14)

H2443 Daily History	Date Action
PROPERTY DISCLOSURE AFFIDAVIT; ADJUDICATION CLAIM	2/28 referred to Senate com.
PROPERTY DISCLOSURE AFFIDAVIT; ADJUDICATION CLAIM	2/26 House COW approved with floor amend <a href="#">#4430</a> . Passed House <a href="#">31-29</a> ; ready for Senate.

PROPERTY DISCLOSURE AFFIDAVIT; ADJUDICATION CLAIM 2/21 stricken from House consent calendar by Griffin.  
 PROPERTY DISCLOSURE AFFIDAVIT; ADJUDICATION CLAIM 2/21 from House rules okay.  
 PROPERTY DISCLOSURE AFFIDAVIT; ADJUDICATION CLAIM 2/20 to House consent calendar.  
 PROPERTY DISCLOSURE AFFIDAVIT; ADJUDICATION CLAIM 2/14 from House land-agri do pass.  
 PROPERTY DISCLOSURE AFFIDAVIT; ADJUDICATION CLAIM 2/4 referred to House land-agri.

## H2445: TPT; RESIDENTIAL RENTALS; NOTICE

A municipality that levies a transaction privilege or other similar tax or fee, however denominated, applied to the business of renting or leasing real property for residential purposes is required to notify by first class mail all owners of residential rental properties that are currently registered with the county assessor of the county in which the property is located of any imposition or increase to the rate of tax at least 60 days before the effective date of the new or increased rate.

First sponsor: Rep. Griffin (R - Dist 14)

H2445 Daily History	Date Action
TPT; RESIDENTIAL RENTALS; NOTICE	2/25 referred to Senate fin.
TPT; RESIDENTIAL RENTALS; NOTICE	2/14 passed House <u>60-0</u> ; ready for Senate.
TPT; RESIDENTIAL RENTALS; NOTICE	2/11 from House rules okay. To House consent calendar.
TPT; RESIDENTIAL RENTALS; NOTICE	2/6 from House ways-means do pass.
TPT; RESIDENTIAL RENTALS; NOTICE	1/29 referred to House ways-means.

## H2453: LAND USE PLANS; CONTENTS; AGGREGATES

The duties of the Arizona Geological Survey are expanded to include keeping an annually updated database relating to existing mines in Arizona that would allow counties and municipalities to identify areas with mineral and aggregate mines for planning purposes. County and municipal general land use plans must include information on how to locate existing mines from the Arizona Geological Survey, consideration of existing mining operations and suitable geologic resources.

First sponsor: Rep. Griffin (R - Dist 14)

H2453 Daily History	Date Action
LAND USE PLANS; CONTENTS; AGGREGATES	2/28 House voted to reconsider failure to pass bill; date of second vote to be within the next 14 days.
LAND USE PLANS; CONTENTS; AGGREGATES	2/27 FAILED to pass House <u>29-30</u> .
LAND USE PLANS; CONTENTS; AGGREGATES	2/21 from House rules okay.
LAND USE PLANS; CONTENTS; AGGREGATES	2/20 to House consent calendar.
LAND USE PLANS; CONTENTS; AGGREGATES	2/20 from House nat res-energy-water do pass.
LAND USE PLANS; CONTENTS; AGGREGATES	2/19 House nat res-energy-water do pass; report awaited.
LAND USE PLANS; CONTENTS; AGGREGATES	2/11 referred to House nat res-energy-water.

## H2569: OCCUPATIONAL LICENSING; RECIPROCITY

A regulating entity is required to issue an occupational license or certificate to a person who establishes residence in Arizona if the person is currently licensed or certified in good standing in at least one other state in the discipline applied for and at the same practice level as determined by the regulating entity and if the person meets a list of other specified requirements. Some exceptions. A license or certificate issued under this circumstance is valid only in Arizona and does not make the person eligible to be part of an interstate compact. A regulating entity is authorized to determine eligibility for an applicant to be licensed or certified under these circumstances if the applicant is not part of an interstate compact. AS PASSED HOUSE.

First sponsor: Rep. Petersen (R - Dist 12)

Others: Rep. J. Allen (R - Dist 15), Sen. S. Allen (R - Dist 6), Rep. Barto (R - Dist 15), Rep. Biasiucci (R - Dist 5), Rep. Bolick (R - Dist 20), Sen. Carter (R - Dist 15), Rep. Cobb (R - Dist 5), Rep. Cook (R - Dist 8), Rep. Dunn (R - Dist 13), Sen. D. Farnsworth (R - Dist 16), Rep. Fillmore (R - Dist 16), Rep. Finchem (R - Dist 11), Rep. Grantham (R - Dist 12), Sen. Gray (R - Dist 21), Rep. Kavanagh (R - Dist 23), Rep. Kern (R - Dist 20), Sen. Leach (R - Dist 11), Sen. Livingston (R - Dist 22), Sen. Mesnard (R - Dist 17), Rep. Osborne (R - Dist 13), Rep. Rivero (R - Dist 21), Rep. Roberts (R - Dist 11), Rep. Shope (R - Dist 8), Rep. Thorpe (R - Dist 6), Rep. Toma (R - Dist 22), Rep. Townsend (R - Dist 16), Rep. Weninger (R - Dist 17)



H2569 Daily History	Date	Action
OCCUPATIONAL LICENSING; RECIPROCITY	2/27	referred to Senate com.
OCCUPATIONAL LICENSING; RECIPROCITY	2/25	passed House <u>36-24</u> ; ready for Senate.
OCCUPATIONAL LICENSING; RECIPROCITY	2/25	House COW approved with floor amend #4378.
OCCUPATIONAL LICENSING; RECIPROCITY	2/19	stricken from House consent calendar by Shah.
OCCUPATIONAL LICENSING; RECIPROCITY	2/18	to House consent calendar. From House rules okay.
OCCUPATIONAL LICENSING; RECIPROCITY	2/12	from House reg affairs do pass.
OCCUPATIONAL LICENSING; RECIPROCITY	2/11	House reg affairs do pass; report awaited.
OCCUPATIONAL LICENSING; RECIPROCITY	2/4	referred to House reg affairs.

## H2639: TIMESHARES; DISCLOSURES

Various changes relating to timeshare purchase agreements. A purchaser of a timeshare contract or agreement is permitted to rescind the agreement without cause by sending or delivering a written notice of rescission by midnight of the 14th calendar day, increased from the 7th calendar day, following the day the agreement was executed. After the end of the rescission period and before midnight on the 15th calendar day after the "first use of the timeshare interest" concludes, the purchaser is permitted to cancel the purchase agreement without cause and relinquish to the seller all timeshare interests and liabilities incurred under the purchase agreement by sending or delivering a written notice of cancellation and relinquishment to the seller. The seller is authorized to charge a cancellation and relinquishment fee of up to 10 percent of the purchase price. The cancellation and relinquishment rights and any cancellation and relinquishment fee are required to be conspicuously disclosed in the purchase agreement. At least 10 years after a purchaser purchases a timeshare, a purchaser who has paid the entire purchase price of the purchaser's timeshare and who does not have past-due assessments, unpaid fines, unpaid penalties or liens or other encumbrances on the property may terminate the purchase agreement without cause and surrender all rights or property interests under the purchase agreement to the seller without a fee or penalty. More.

First sponsor: Rep. Bolick (R - Dist 20)

Others: Rep. Biasiucci (R - Dist 5), Rep. Blackman (R - Dist 6), Rep. Carroll (R - Dist 22), Rep. Dunn (R - Dist 13), Rep. Fillmore (R - Dist 16), Rep. Finchem (R - Dist 11), Rep. Grantham (R - Dist 12), Rep. Kavanagh (R - Dist 23), Rep. Payne (R - Dist 21), Rep. Roberts (R - Dist 11), Rep. Toma (R - Dist 22), Rep. Weninger (R - Dist 17)

H2639 Daily History	Date	Action
TIMESHARES; DISCLOSURES	2/28	retained on House COW calendar.
TIMESHARES; DISCLOSURES	2/22	stricken from House consent calendar by Epstein.
TIMESHARES; DISCLOSURES	2/21	from House rules okay.
TIMESHARES; DISCLOSURES	2/20	to House consent calendar.
TIMESHARES; DISCLOSURES	2/18	from House reg affairs do pass.
TIMESHARES; DISCLOSURES	2/12	referred to House reg affairs.

## H2662: ZONING HEARING; ANNEXATION; PETITION; TESTIMONY

At a public hearing on a zoning ordinance, a municipal governing body is authorized to consider the testimony of any party aggrieved when making its decision. In order to move to question the validity of annexation for failure to comply with statutory requirements, an interested party is required to be within the territory to be annexed.

First sponsor: Rep. Weninger (R - Dist 17)

H2662 Daily History	Date	Action
ZONING HEARING; ANNEXATION; PETITION; TESTIMONY	2/25	from House gov do pass.
ZONING HEARING; ANNEXATION; PETITION; TESTIMONY	2/21	House gov do pass; report awaited.
ZONING HEARING; ANNEXATION; PETITION; TESTIMONY	2/12	referred to House gov.

## H2686: BUSINESS LICENSING REQUIREMENTS; WEB PORTAL

The Department of Administration is required to establish an internet web portal that serves as a streamlined application process for starting a business in Arizona, including business licensing requirements, trademark and service mark registration requirements, trade name registration requirements, transaction

privilege tax and municipal privilege tax license requirements, and other applicable business licensing requirements. The Dept is required to contract with a third-party entity to establish and administer the internet web portal, and must select the entity through the procurement process. Appropriates an unspecified amount (blank in original) from the general fund in FY2019-20 to the Dept for the portal.

First sponsor: Rep. Weninger (R - Dist 17)

H2686 Daily History	Date Action
BUSINESS LICENSING REQUIREMENTS; WEB PORTAL	2/27 retained on House COW calendar.
BUSINESS LICENSING REQUIREMENTS; WEB PORTAL	2/26 from House rules okay.
BUSINESS LICENSING REQUIREMENTS; WEB PORTAL	2/21 from House appro with amend #4322.
BUSINESS LICENSING REQUIREMENTS; WEB PORTAL	2/20 House appro amended; report awaited.
BUSINESS LICENSING REQUIREMENTS; WEB PORTAL	2/13 referred to House appro.

**H2687: CONDOMINIUMS; TERMINATIONS; APPRAISALS**

For the purpose of termination of condominium procedures, the independent appraiser selected by the condominium association is required to be a state-certified general real estate appraiser. Also makes identical changes to Laws 2018, Chapter 235 and repeals that legislation.

First sponsor: Rep. Weninger (R - Dist 17)

H2687 Daily History	Date Action
CONDOMINIUMS; TERMINATIONS; APPRAISALS	2/20 from House com with amend #4283.
CONDOMINIUMS; TERMINATIONS; APPRAISALS	2/19 House com amended; report awaited.
CONDOMINIUMS; TERMINATIONS; APPRAISALS	2/13 referred to House com.

**H2688: MOBILE HOMES; TAXES; ABANDONMENT; SALES**

Various changes relating to mobile homes. If a mobile home is abandoned by the tenant, the landlord is required to retitle the mobile home in the landlord's name within ten days. The landlord is prohibited from agreeing to a sale, mortgage or rental agreement for the mobile home or agreeing to move or remove the mobile home until after providing the county assessor's office with the revised ownership information. If delinquent taxes on a mobile home were levied and became delinquent when the mobile home was the property of a previous owner, the county treasurer is permitted, instead of required, to extend the due date for up to one year with no interest and penalty and to exempt the current owner from accrued interest or penalties on the delinquent tax amount. Delinquent taxes that are extended become due and payable immediately if the mobile home is transferred or to be removed from its location or if the owner applies for monies from the Mobile Home Relocation Fund. The list of requirements for a tenant to be eligible for payment from the Mobile Home Relocation Fund is expanded to include that all of the property taxes on the mobile home are paid in full. For the purpose of personal property taxes, the definition of "mobile home" is expanded to include a manufactured home.

First sponsor: Rep. Thorpe (R - Dist 6)

H2688 Daily History	Date Action
MOBILE HOMES; TAXES; ABANDONMENT; SALES	2/20 from House tech do pass.
MOBILE HOMES; TAXES; ABANDONMENT; SALES	2/20 House tech do pass; report awaited.
MOBILE HOMES; TAXES; ABANDONMENT; SALES	2/13 referred to House tech.

**S1008: INSURANCE; PROHIBITED INDUCEMENTS; EXCEPTIONS**

Statute prohibiting insurers from offering items as an inducement to insurance does not prohibit an insurer from offering or providing products or services that are ancillary or related to any insurance policy of life or disability and that are intended to minimize or prevent claims-related losses or expenses, deter injury or death or to improve the health of the insured. An insurer, its employees, insurance producers and representatives are permitted to offer or provide products or services that are ancillary or related to any policy of insurance,

other than life or disability insurance, that are intended to minimize or prevent claims-related losses or expenses or harm to the public. AS PASSED SENATE.

First sponsor: Sen. Livingston (R - Dist 22)

S1008 Daily History	Date Action
INSURANCE; PROHIBITED INDUCEMENTS; EXCEPTIONS	2/26 referred to House com.
INSURANCE; PROHIBITED INDUCEMENTS; EXCEPTIONS	2/11 passed Senate <u>30-0</u> ; ready for House.
INSURANCE; PROHIBITED INDUCEMENTS; EXCEPTIONS	2/7 Senate COW approved with amend <u>#4002</u> and floor amend <u>#4089</u> .
INSURANCE; PROHIBITED INDUCEMENTS; EXCEPTIONS	2/4 retained on Senate COW calendar.
INSURANCE; PROHIBITED INDUCEMENTS; EXCEPTIONS	1/29 from Senate rules okay.
INSURANCE; PROHIBITED INDUCEMENTS; EXCEPTIONS	1/17 from Senate fin with amend <u>#4002</u> .
INSURANCE; PROHIBITED INDUCEMENTS; EXCEPTIONS	1/16 Senate fin do pass; report awaited.
INSURANCE; PROHIBITED INDUCEMENTS; EXCEPTIONS	1/14 referred to Senate fin.

### **S1113: INSURANCE; INFORMATION PRACTICES**

An insurance institution or insurance producer is not required to provide a personal information notice with a notice of annual policy renewal or a notice of a policy reinstatement or change in insurance benefits if the institution or producer provides personal information in accordance with statutory requirements and has not changed the policies and practices related to disclosing personal information since the customer was last notified.

First sponsor: Sen. Livingston (R - Dist 22)

S1113 Daily History	Date Action
INSURANCE; INFORMATION PRACTICES	2/26 referred to House com.
INSURANCE; INFORMATION PRACTICES	2/7 passed Senate <u>30-0</u> ; ready for House.
INSURANCE; INFORMATION PRACTICES	2/4 to Senate consent calendar. From Senate rules okay.
INSURANCE; INFORMATION PRACTICES	1/31 from Senate fin do pass.
INSURANCE; INFORMATION PRACTICES	1/30 Senate fin do pass; report awaited.
INSURANCE; INFORMATION PRACTICES	1/22 referred to Senate fin.

### **S1248: PROPERTY TAXES; VALUATION; PROPERTY MODIFICATIONS**

The list of circumstances in which the limited property value is required to be established at a level or percentage of full cash value that is comparable to that of other properties of the same or a similar use or classification is modified. For property that has been modified by construction, destruction or demolition, the requirement applies only if the total added value of the modification, net of any destruction or demolition, is equal to or greater than 20 percent of the full cash value in the current tax year, except that a modification for the purpose of tenant improvements, deferred maintenance, repair or replacement of an improvement or compliance with current building codes since the preceding valuation year is excluded for the calculation. For property that has been split or consolidated from January 1 through September 30 of the valuation year, the requirement does not apply if the total overall full cash value change is equal to or less than 20 percent of the split or consolidated parcels. Property that has been subdivided is removed from the list of properties to which the requirement may apply. The statute of limitations for the requirement to apply is three years after a modification, omission or change.

First sponsor: Sen. Leach (R - Dist 11)

S1248 Daily History	Date Action
PROPERTY TAXES; VALUATION; PROPERTY MODIFICATIONS	2/28 Senate COW approved with floor amend <u>#4529</u> , a substitute for amend 4330.
PROPERTY TAXES; VALUATION; PROPERTY MODIFICATIONS	2/27 from Senate rules okay. Retained on Senate COW calendar.
PROPERTY TAXES; VALUATION; PROPERTY MODIFICATIONS	2/21 from Senate fin with amend <u>#4330</u> .
PROPERTY TAXES; VALUATION; PROPERTY MODIFICATIONS	2/20 Senate fin amended; report awaited.
PROPERTY TAXES; VALUATION; PROPERTY MODIFICATIONS	1/30 referred to Senate fin.

### **S1271: PURCHASER DWELLING ACTIONS; NOTICE; COMPLAINTS**

Various changes relating to dwelling actions filed by a purchaser. A seller who

receives a written notice of the basis of a dwelling action is required to forward a copy of the notice by certified mail, return receipt requested, to the last known address of each construction professional who the seller reasonably believes is responsible for an alleged defect that is specified in the notice. The seller's construction professional is added to the process for the right to repair and replace a construction defect. Retroactive to July 1, 2019, for each construction defect found to exist, the trier of fact in any dwelling action is required to first determine and identify each party or third-party defendant whose conduct caused, in whole or in part, the construction defect. If the trier of fact determines that a third-party defendant caused a construction defect, the trier of fact is required to determine the relative degree of fault of any party or of any nonparties, and is required to allocate the pro rata share of liability based on relative degree of fault. The determination of whether a construction defect exists and which party or third-party defendant has caused the defect must be bifurcated from and take place in a separate phase of the trial or alternative dispute resolution process from the determination of the relative degree of fault of any party or of any nonparties, unless the court for good cause finds that bifurcation is not appropriate. Also, a "construction contract" or "architect-engineer professional service contract" (both defined) involving a dwelling that purports to insure, to indemnify or to hold harmless the promisee from or against liability for loss or damage is against the public policy of this state and is void to the extent that it purports to do so. Some exceptions.

First sponsor: Sen. Fann (R - Dist 1)

S1271 Daily History	Date Action
PURCHASER DWELLING ACTIONS; NOTICE; COMPLAINTS	2/26 from Senate rules okay.
PURCHASER DWELLING ACTIONS; NOTICE; COMPLAINTS	2/25 from Senate jud with amend <a href="#">#4352</a> .
PURCHASER DWELLING ACTIONS; NOTICE; COMPLAINTS	2/21 Senate jud amended; report awaited.
PURCHASER DWELLING ACTIONS; NOTICE; COMPLAINTS	1/30 referred to Senate jud.

### **S1304: MECHANICS' LIENS; NOTICE**

The preliminary notice that a person who labors or furnishes professional services in the construction, alteration or repair of any building is required to give before the recording of a mechanics' lien must be given 30 days before recording, increased from 20 days before.

First sponsor: Sen. Livingston (R - Dist 22)

S1304 Daily History	Date Action
MECHANICS' LIENS; NOTICE	2/26 from Senate rules okay.
MECHANICS' LIENS; NOTICE	2/25 from Senate com with amend <a href="#">#4361</a> .
MECHANICS' LIENS; NOTICE	2/21 Senate com amended; report awaited.
MECHANICS' LIENS; NOTICE	1/30 referred to Senate com.

### **S1397: REGISTRAR OF CONTRACTORS OMNIBUS**

Various changes to statutes relating to the Registrar of Contractors (ROC) and the regulation of licensed contractors. The list of persons not required to be licensed as a contractor is modified. A joint venture or other combination of persons or organizations is not required to obtain a separate contractor's license in its own name if at least one member holds a contractor's license in good standing with the ROC and other specified conditions are met. While engaged as the qualifying party for a licensee, the qualifying party is responsible for any violation of ROC statutes by the licensee. If a person who qualified for a license ceases to be connected with the licensee, both the licensee and the qualifying party are required to notify the ROC in writing within 15 days after the disassociation. The licensee must requalify through another person within 60 days after the date of a disassociation or the license is automatically suspended by operation of law until the licensee qualifies through another person. A person applying for a contractor license or for renewal of a contractor license to engage in residential contracting is required to pay an assessment of up to \$600 during the biennial license period for deposit in the Residential Contractors' Recovery Fund (RCR Fund). Statute governing eligibility for awards from the RCR Fund are repealed and replaced. An award from the RCR Fund is limited to residential real properties. The RCR Fund is prohibited from exceeding the actual damages

suffered by the claimant as a direct result of a contractor's violation, and the maximum individual award from the RCR Fund is \$30,000. An action for a judgment that may subsequently result in an order for collection from the RCR Fund cannot be commenced later than two years after the date of the commission of the act by the contractor that is the cause of the injury or from the date of occupancy. If a contractor license has been revoked or suspended as a result of an order to remedy a violation of statute, the ROC is permitted to order payment from the RCR Fund to remedy the violation. The ROC is authorized to issue cease and desist orders or a citation for contracting practicing or transacting that constitutes a violation of statute or rule. Establishes civil penalties for violations. More. AS PASSED SENATE.

First sponsor: Sen. Mesnard (R - Dist 17)

S1397 Daily History	Date Action
REGISTRAR OF CONTRACTORS OMNIBUS	2/25 passed Senate <a href="#">29-0</a> ; ready for House.
REGISTRAR OF CONTRACTORS OMNIBUS	2/21 Senate COW approved with amend <a href="#">#4197</a> and floor amend <a href="#">#4339</a> .
REGISTRAR OF CONTRACTORS OMNIBUS	2/19 from Senate rules okay.
REGISTRAR OF CONTRACTORS OMNIBUS	2/14 from Senate com with amend <a href="#">#4197</a> .
REGISTRAR OF CONTRACTORS OMNIBUS	2/4 referred to Senate com.

### **S1469: AGENCY CONSOLIDATION; DEPT OF INSURANCE**

Effective January 1, 2020, the Department of Insurance (DOI) succeeds to the authority, powers, duties and responsibilities of the Department of Financial Institutions (DFI) and the Automobile Theft Authority. All administrative matters, licenses, registrations, permits, equipment, records, furnishings and other property, and all appropriated monies that remain unexpended and unencumbered on January 1, 2020 of DFI and the Authority are transferred to DOI. Establishes a Financial Institutions Division within DOI and transfers DFI powers and duties to the Division, with the Superintendent of Financial Institutions as the Superintendent of the Division. Session law provides for the retention of rules adopted by DFI.

First sponsor: Sen. Livingston (R - Dist 22)  
 Others: Sen. Fann (R - Dist 1), Sen. Mesnard (R - Dist 17)

S1469 Daily History	Date Action
AGENCY CONSOLIDATION; DEPT OF INSURANCE	2/28 Senate COW approved with amend <a href="#">#4332</a> , floor amend <a href="#">#4525</a> and the rules tech amendment.
AGENCY CONSOLIDATION; DEPT OF INSURANCE	2/26 from Senate rules with a technical amendment.
AGENCY CONSOLIDATION; DEPT OF INSURANCE	2/21 from Senate fin with amend <a href="#">#4332</a> .
AGENCY CONSOLIDATION; DEPT OF INSURANCE	2/20 Senate fin amended; report awaited.
AGENCY CONSOLIDATION; DEPT OF INSURANCE	2/13 FAILED Senate fin 3-7.
AGENCY CONSOLIDATION; DEPT OF INSURANCE	2/5 referred to Senate fin.

### **S1531: HOAS; ASSESSMENTS; COSTS**

Various changes relating to condo associations and planned community associations (HOAs). Unless the unit owner or member directs otherwise, all payments received on an account are required to be apply to any unpaid amounts in the order the debt was accrued for amounts specifically authorized in the declaration to be charged to the unit owner or member, and any charges or fees not specifically authorized in the declaration are void. Before a judgment of foreclosure may be issued for any amount claimed to be owed to an HOA, the attorney for any foreclosing party in the foreclosure action is required to provide the unit owner or member with a written payment plan that contains specified terms. For any debt owed by a unit owner or member that consists of only attorney fees owed to a third party, the third party is required to provide the unit owner or member with a payment plan that provides for payment in equal monthly installments over up to three years. Unless the HOA agrees otherwise in writing, a managing agent for the HOA is permitted to collect amounts owed directly from a unit owner or member by cash, check, credit or debit card or other electronic means and to charge a convenience fee.

First sponsor: Sen. D. Farnsworth (R - Dist 16)

S1531 Daily History	Date Action
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HOAS; ASSESSMENTS; COSTS 2/26 from Senate rules okay.  
HOAS; ASSESSMENTS; COSTS 2/19 from Senate gov with amend #4251.  
HOAS; ASSESSMENTS; COSTS 2/18 Senate gov amended; report awaited.  
HOAS; ASSESSMENTS; COSTS 2/13 referred to Senate gov.

### **S1534: FIXED-INDEX ANNUITIES; DISCLOSURE; INDEXING**

The insurer and insurance producer selling a fixed-index annuity are required to retain copies of the disclosure document, illustrations and the buyer's guide and all other forms of advertising for the duration of the fixed-index annuity or ten years, whichever is shorter. If an index used in determining a fixed-index annuity account value has not existed for at least ten calendar years, the index is prohibited from being used to illustrate the fixed-index annuity account value.

First sponsor: Sen. Brophy McGee (R - Dist 28)  
Others: Rep. Bolding (D - Dist 27), Sen. Boyer (R - Dist 20), Sen. Bradley (D - Dist 10), Rep. Cano (D - Dist 3), Rep. Chavez (D - Dist 29), Sen. Gowan (R - Dist 14), Sen. Gray (R - Dist 21), Rep. A. Hernandez (D - Dist 3), Rep. Jermaine (D - Dist 18), Sen. Leach (R - Dist 11), Rep. Meza (D - Dist 30), Sen. Navarrete (D - Dist 30), Sen. Otondo (D - Dist 4), Sen. Quezada (D - Dist 29), Rep. Terán (D - Dist 30), Rep. Thorpe (R - Dist 6)

S1534 Daily History	Date Action
FIXED-INDEX ANNUITIES; DISCLOSURE; INDEXING	2/26 from Senate rules okay.
FIXED-INDEX ANNUITIES; DISCLOSURE; INDEXING	2/25 to Senate consent calendar.
FIXED-INDEX ANNUITIES; DISCLOSURE; INDEXING	2/21 from Senate fin do pass.
FIXED-INDEX ANNUITIES; DISCLOSURE; INDEXING	2/20 Senate fin do pass; report awaited.
FIXED-INDEX ANNUITIES; DISCLOSURE; INDEXING	2/6 referred to Senate fin.

### **EFFECTIVELY DEAD**

#### **Bill Summaries**

### **H2072: CIVIL FORFEITURE; CRIMINAL CONVICTION**

Various changes relating to forfeiture. At a judicial forfeiture proceeding, it is presumed that a claimant's interest in property is exempt from forfeiture and the burden of establishing that the claimant's property should be forfeited is on the state, instead of on the claimant. Statute governing uncontested civil forfeitures is repealed. If property is seized through forfeiture, the defendant or any other person who has an ownership interest in the property may request a pretrial hearing to determine the validity of the seizure, the validity of the claimant's alleged interest in the seized property and whether the court should grant a writ of replevin or another remedy. The court is required to grant the claimant's motion for replevin if the court finds that any of a list of specified circumstances applies. Following a person's conviction for a criminal offense that provides for forfeiture, the court is permitted to order the person to forfeit property that was acquired through the commission of the offense, property that is directly traceable to property acquired through the commission of the offense, and any instrumentality the person used in the commission of the offense. If a conviction is not possible due to the person's death, incompetence or not being within the jurisdiction of the court, the property or interest in the property may be forfeited without a conviction. For the purpose of the criminal code, "racketeering" is modified to mean only criminal acts that result in a conviction and that meet other aspects of the definition, instead of any act that is chargeable or indictable. More.

First sponsor: Rep. Fillmore (R - Dist 16)

H2072 Daily History	Date Action
CIVIL FORFEITURE; CRIMINAL CONVICTION	1/30 referred to House jud.

### **H2141: PURCHASER DWELLING ACTIONS; PROCEDURES; COSTS**

Various changes relating to dwelling actions filed by a purchaser. The permitted responses by the seller when a purchaser gives written notice of the basis of a dwelling action are modified. The purchaser is required to respond within 30 days after receiving the seller's response. Negotiations or offers involving monetary compensation are inadmissible in any dwelling action. The procedure

for supplementing the list of alleged construction defects is modified. In a contested dwelling action filed either after the seller did not provide a written response or after the seller responded, the court is authorized to award the successful party reasonable attorney fees, expert witness fees and taxable costs. In a contested dwelling action that is filed by a purchaser after a seller completed repairs, the court is required to award the successful purchaser reasonable attorney fees, expert witness fees and taxable costs. The seller is prohibited from being reimbursed for the cost of an investigation or repair that the seller performed during a dwelling action procedure. More.

First sponsor: Rep. Shope (R - Dist 8)

H2141 Daily History	Date	Action
PURCHASER DWELLING ACTIONS; PROCEDURES; COSTS 1/28 referred to House com.		

### **H2195: TECH CORRECTION; SELLER; DISCLOSURE**

Minor change in Title 33 (Property) related to seller's duty to disclose. Apparent striker bus.

First sponsor: Rep. Cobb (R - Dist 5)

H2195 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

### **H2235: TECH CORRECTION; NONPROBATE TRANSFERS**

Minor change in Title 14 (Trusts & Estates) related to nonprobate transfers of securities. Apparent striker bus.

First sponsor: Rep. Kern (R - Dist 20)

H2235 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

### **H2244: ROADWAY DISPOSITION; ABANDONED ROADWAYS**

A governing body is permitted to authorize the Department of Transportation to sell and convey the land within a roadway by another appropriate instrument, in addition to by quitclaim deed.

First sponsor: Rep. Rivero (R - Dist 21)

H2244 Daily History	Date	Action
ROADWAY DISPOSITION; ABANDONED ROADWAYS 2/20 House trans held.		
ROADWAY DISPOSITION; ABANDONED ROADWAYS 1/28 referred to House trans.		

### **H2259: WEBSITES; PERSONAL INFORMATION; ACCESS**

Any commercial or business website that collects personal information from any person and that has more than 500 users or personal accounts is required to establish a personal information portal, which must be a secure online website that allows a person to access the person's collected personal information and to correct any error in the person's personal information.

First sponsor: Rep. Thorpe (R - Dist 6)

H2259 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

### **H2305: TECH CORRECTION; FIDUCIARY FUNDS; DEPOSITS**

Minor change in Title 6 (Banks & Financial Institutions) related to fiduciary funds. Apparent striker bus.

First sponsor: Rep. Udall (R - Dist 25)

H2305 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

## **H2306: TECH CORRECTION; MORTGAGE GUARANTY INSURANCE**

Minor change in Title 20 (Insurance) related to mortgage guaranty insurance.  
Apparent striker bus.

First sponsor: Rep. Udall (R - Dist 25)

H2306 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

## **H2313: TPT; USE TAX; SERVICE; EXCLUSIONS**

For the purposes of the prohibition on new or increased taxes on services in the state Constitution, service does not include any business activity subject to tax under statutes governing transaction privilege taxes and local excise taxes before December 31, 2017.

First sponsor: Rep. Chavez (D - Dist 29)

Others: Rep. Andrade (D - Dist 29), Rep. Bolding (D - Dist 27), Rep. Espinoza (D - Dist 19), Rep. Gabaldon (D - Dist 2), Sen. Gonzales (D - Dist 3), Rep. Meza (D - Dist 30), Rep. Rodriguez (D - Dist 27), Rep. Sierra (D - Dist 19), Rep. Teller (D - Dist 7)

H2313 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

## **H2369: TECH CORRECTION; PREPAID LEGAL INSURANCE**

Minor change in Title 20 (Insurance) related to prepaid legal insurance.  
Apparent striker bus.

First sponsor: Rep. Toma (R - Dist 22)

H2369 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

## **H2450: REAL ESTATE TRUST ACCOUNTS**

If the legal name of a party involved in a real estate transaction includes the word "trust," statutes prohibiting a corporate name from including the word "trust" do not apply.

First sponsor: Rep. Griffin (R - Dist 14)

H2450 Daily History	Date	Action
No actions posted for this bill within the requested time frame.		

## **H2500: BUDGET STABILIZATION FUND; INVESTMENT; SPECIE**

The State Treasurer is required to hold at least 10 percent of the monies in the Budget Stabilization Fund in "specie" (defined) and/or refined gold or silver bullion that is graded at least .999 pure. The specie and bullion is required to be held in a level III rated secure depository facility designed for precious metals storage and constructed with a minimum underwriters laboratory rated class two vault door, and is required to be fully insured and physically segregated from other assets held in the secure depository facility. Effective July 1, 2020.

First sponsor: Rep. Finchem (R - Dist 11)

H2500 Daily History	Date	Action
BUDGET STABILIZATION FUND; INVESTMENT; SPECIE 2/4 referred to House gov, appro.		

## **H2614: ELDERLY HOMEOWNERS; CLASS SIX PROPERTY**

The list of property classified as class six for property tax purposes is expanded to include real property and improvements to the property that are used as the owner's primary residence, that are owned by an individual who qualifies for property valuation protection under the state Constitution (for which a person must be age 65 or older), and that are valued at full cash value. Other requirements to qualify for this classification are specified. Does not apply to



real property and improvements with a full cash value of \$600,000 or more unless the property qualified for valuation protection under the state Constitution as of December 31, 2019.

First sponsor: Rep. Thorpe (R - Dist 6)

H2614 Daily History	Date Action
ELDERLY HOMEOWNERS; CLASS SIX PROPERTY 2/12 referred to House ways-means.	

### **H2637: CONDOMINIUM, HOMEOWNERS' ASSOCIATIONS; LIEN PRIORITY**

A recorded first mortgage, a seller's interest in a first contract for sale recorded prior to the lien and a recorded first deed of trust on a unit in a condominium association or planned community association (HOA) no longer have priority over a lien for HOA assessments, charges for late payment of assessments, reasonable collection fees and reasonable attorney fees and costs incurred with respect to those assessments.

First sponsor: Rep. Payne (R - Dist 21)

H2637 Daily History	Date Action
CONDOMINIUM, HOMEOWNERS' ASSOCIATIONS; LIEN PRIORITY 2/12 referred to House com.	

### **H2643: TPT; USE TAX; EXEMPTION; AIRCRAFT PARTS**

The list of deductions from the tax base of the retail classification of transaction privilege taxes is expanded to include parts used or consumed directly in repairing, remodeling or maintaining aircraft, aircraft engines or aircraft component parts. In order to qualify for the existing deduction for machinery, tools, equipment and related supplies used or consumed directly in repairing, remodeling or maintaining aircraft, aircraft engines or aircraft component parts, the use or consumption is no longer required to be by or on behalf of a certificated or licensed carrier of persons or property.

First sponsor: Rep. Thorpe (R - Dist 6)

H2643 Daily History	Date Action
TPT; USE TAX; EXEMPTION; AIRCRAFT PARTS 2/12 referred to House ways-means.	

### **H2675: UNAMBIGUOUS CONTRACT PROVISION; VALIDITY**

An unambiguous provision in a contract is valid and enforceable if the contract was freely negotiated between parties who are each represented by an attorney during the formation or negotiation of the contract unless another statute applies and otherwise renders the provision invalid or unenforceable.

First sponsor: Rep. Roberts (R - Dist 11)

H2675 Daily History	Date Action
UNAMBIGUOUS CONTRACT PROVISION; VALIDITY 2/12 referred to House jud.	

### **H2719: NONCOMMERCIAL RECREATIONAL TRAILERS; REGISTRATION FEES**

For the purpose of vehicle title and registration fees, a noncommercial trailer includes a "recreational trailer" (defined as a noncommercial trailer that is 10,000 pounds or less gross vehicle weight, that is used for recreation and that is designed to carry off-road recreational motor vehicles), and the definition of "travel trailer" is modified to include a trailer with a maximum length of 30 feet, decreased from 40 feet.

First sponsor: Rep. Thorpe (R - Dist 6)

H2719 Daily History	Date Action
NONCOMMERCIAL RECREATIONAL TRAILERS; REGISTRATION FEES 2/13 referred to House trans.	

### **H2732: PROPERTY; RECORDED DOCUMENTS; NOTICE**

Beginning with documents recorded from and after December 31, 2019, the county recorder must require each person who records a document to present

that person's identification that includes a photograph before recording the document and must maintain a record of the identification. The recorder is required to notify by mail the owner of any parcel of real property that is affected by any instrument recorded, and is required to collect a fee of \$5 per instrument for providing notice to the owner of record.

First sponsor: Rep. Campbell (R - Dist 1)

H2732 Daily History	Date Action
PROPERTY; RECORDED DOCUMENTS; NOTICE 2/13 referred to House com, gov.	

### **S1150: TECH CORRECTION; PUBLICATION OF NOTICE**

Minor change in Title 39 (Public Records) related to publication of notice. Apparent striker bus.

First sponsor: Sen. Ugenti-Rita (R - Dist 23)

S1150 Daily History	Date Action
TECH CORRECTION; PUBLICATION OF NOTICE 1/23 referred to Senate rules only.	

### **S1229: TECHNICAL CORRECTION; PROCESS SERVICE**

Minor change in Title 11 (Counties) related to duty to show process. Apparent striker bus.

First sponsor: Sen. Mesnard (R - Dist 17)

S1229 Daily History	Date Action
TECHNICAL CORRECTION; PROCESS SERVICE 1/29 referred to Senate rules only.	

### **S1374: SPOUSES; MARRIED COUPLES; TERMINOLOGY**

All statutory references to husband and wife are deleted and replaced with "married couple" or "spouses." Contains a legislative intent section.

First sponsor: Sen. Navarrete (D - Dist 30)  
Others: Sen. Alston (D - Dist 24), Rep. Andrade (D - Dist 29), Sen. Bowie (D - Dist 18), Sen. Bradley (D - Dist 10), Sen. Contreras (D - Dist 19), Sen. Dalessandro (D - Dist 2), Sen. Gonzales (D - Dist 3), Sen. Mendez (D - Dist 26), Sen. Otondo (D - Dist 4), Sen. Rios (D - Dist 27), Sen. Steele (D - Dist 9)

S1374 Daily History	Date Action
SPOUSES; MARRIED COUPLES; TERMINOLOGY 2/4 referred to Senate gov.	

### **S1375: MARRIAGE LICENSE; NAME CHANGE**

A person who desires to change the person's name on a marriage license is permitted to file an application to amend the marriage license with the clerk of the superior court in the county where the marriage license was issued, if the person's name has been legally changed. The clerk of the court is required to amend the marriage license upon receipt of a certified copy of the court order granting the name change, a court order to change the name on the marriage license, or proof of a name change from an unexpired government-issued identity document.

First sponsor: Sen. Navarrete (D - Dist 30)  
Others: Sen. Alston (D - Dist 24), Rep. Andrade (D - Dist 29), Sen. Bowie (D - Dist 18), Sen. Bradley (D - Dist 10), Sen. Contreras (D - Dist 19), Sen. Dalessandro (D - Dist 2), Sen. Gonzales (D - Dist 3), Rep. Jermaine (D - Dist 18), Sen. Rios (D - Dist 27), Sen. Steele (D - Dist 9)

S1375 Daily History	Date Action
MARRIAGE LICENSE; NAME CHANGE 2/4 referred to Senate jud.	

### **S1480: CONDOMINIUMS, HOMEOWNERS' ASSOCIATIONS; DECLARATION AMENDMENTS**

Various changes relating to condominium associations and planned community homeowners' associations. If there has been a material change to the plan under which a subdivision is offered for sale or lease and an amendment to the public report is required, after units or parcels have been sold or leased to anyone other than the subdivider or its subsidiaries, the subdivider is required

to obtain written consent to the proposed amendment to the public report from all current owners or lessees before submitting the amendment to the State Real Estate Commissioner for review and approval if a list of specified conditions exist. An amendment to a declaration is permitted to apply to fewer than all of the units or less than all of the property that is bound by the declaration, and such an amendment is deemed to conform to the general design and plan of the community, if specified conditions apply. Increases the statute of limitations for an action to challenge the validity of an amendment adopted by the association to four years after the amendment is recorded, from one year, with some exceptions. While under the period of declarant control, the voting powers that are specified in the declaration are maintained and an amendment cannot be proposed without the written consent of the declarant. Establishes a list of actions that an amendment to a declaration cannot take without unanimous consent of the community members.

First sponsor: Sen. Otondo (D - Dist 4)

Others: Sen. Dalessandro (D - Dist 2), Sen. Mendez (D - Dist 26)

S1480 Daily History

Date Action

CONDOMINIUMS, HOMEOWNERS' ASSOCIATIONS; DECLARATION AMENDMENTS 2/5 referred to Senate gov.

### **S1497: HOUSING TRUST FUND; UNCLAIMED PROPERTY**

The amount of proceeds from the sale of abandoned property that are deposited in the Housing Trust Fund each fiscal year is changed to 55 percent of the proceeds, instead of \$2.5 million.

First sponsor: Sen. Carter (R - Dist 15)

Others: Rep. J. Allen (R - Dist 15), Sen. Alston (D - Dist 24), Rep. Barto (R - Dist 15), Sen. Bowie (D - Dist 18), Sen. Bradley (D - Dist 10), Sen. Brophy McGee (R - Dist 28), Sen. Contreras (D - Dist 19), Sen. Dalessandro (D - Dist 2), Rep. Espinoza (D - Dist 19), Sen. Gonzales (D - Dist 3), Sen. Mendez (D - Dist 26), Sen. Navarrete (D - Dist 30), Sen. Otondo (D - Dist 4), Sen. Peshlakai (D - Dist 7), Sen. Quezada (D - Dist 29), Sen. Rios (D - Dist 27), Rep. Sierra (D - Dist 19), Sen. Steele (D - Dist 9)

S1497 Daily History

Date Action

HOUSING TRUST FUND; UNCLAIMED PROPERTY 2/5 referred to Senate appro.

### **S1544: WATER CONSERVATION; LANDSCAPING; RENT; NOTICE**

Any covenant, restriction or condition contained in any deed, contract, security agreement or other instrument affecting the transfer or sale of real property that effectively prohibits the installation or use of a water saving device or indoor or outdoor water conservation practice is void and unenforceable. HOAs cannot prohibit a water saving device or indoor or outdoor water conservation practice. Also, before a tenant's lease terminates, a landlord is required to give written notice to the tenant of an increase in rent. At least 30 days notice is required for a rent increase of 10 percent or less, and at least 60 days notice is required for a rent increase of more than 10 percent.

First sponsor: Sen. Mendez (D - Dist 26)

Others: Sen. Dalessandro (D - Dist 2), Sen. Quezada (D - Dist 29), Rep. Salman (D - Dist 26)

S1544 Daily History

Date Action

WATER CONSERVATION; LANDSCAPING; RENT; NOTICE 2/6 referred to Senate com.