

## Legislative Link Update Week of February 4 - February 8, 2013

Thank you for continuing to participate in the legislative link program. This program is intended to connect you to the legislature and keep you informed of the bills that may impact your neighborhoods. Through this program you will receive weekly emails summarizing the legislature's activities along with a list of bills we have identified as potentially impacting your neighborhoods. As always, if you have questions on a particular piece of legislation or simply want a refresher on the legislative process, the Glendale Intergovernmental Programs team is available to assist. If you have neighbors or friends that would like to join our mailing list please feel free to forward their contact information to our office.

Yesterday marked the 26<sup>th</sup> day of the legislative session. To date, 1,111 bills, resolutions, and memorials have been introduced by the members of the House and the Senate. Monday, February 11<sup>th</sup> marks the deadline to introduce new bills, although the subject of bills can still be altered through strike everything amendments.

On Wednesday, the Senate Public Safety Committee will hear SB 1278 which removes an HOAs' authority to regulate roadways within any communities in which the declaration is recorded after December 31, 2014. We know similar bills have generated significant interest from neighborhood groups and residents in past sessions.

The Governor's Office is expected to hold a press conference next week announcing the introduction of a bill containing the recommendations of her Transaction Privilege Tax (TPT) Simplification Task Force. Any changes to the state's sales tax system could have profound implications for cities and towns statewide and Glendale staff will be actively monitoring the legislation to assess its potential impact on the city.

As we review the massive number of bills introduced we will compile a list of bills that we think may impact our neighborhoods and send that out to you. The attached list includes a summary of introduced bills that may be of interest to you. Bills that received action during the week are **highlighted** in the attachment. The following bills are currently scheduled for a committee hearing during the upcoming week:

### **Posted Calendars and Committee Hearings**

H2165: PUBLIC LIBRARIES; CIRCULATION RECORDS; PRIVACY

*Hearing:* House Technology & Infrastructure (Thursday 02/14/13 at 9:00 AM, House Rm. 5)

H2258: MOBILE HOME PARKS; LANDSCAPE MAINTENANCE

*Hearing:* House Rules (Monday 02/11/13 at 1:00 PM, House Rm. 4)

H2526: STREET LIGHTING IMPROVEMENT DISTRICTS

Hearing: House Government (Tuesday 02/12/13 at 2:00 PM, House Rm. 4)

S1278: HOMEOWNERS' ASSOCIATIONS; PUBLIC ROADWAYS

Hearing: Senate Public Safety (Wednesday 02/13/13 at 2:00 PM, Senate Rm. 109)

Thank you again for your participation.

Remember, you can watch committee hearings via the internet by going to the [legislature's website](#) and clicking on the live proceedings hyperlink located in the column on the left side of the page.

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Arizona State Legislature Website: [www.azleg.gov](http://www.azleg.gov)

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To determine who your state legislators are, [click here](#)

You can also visit the Intergovernmental Programs Department's webpage for additional information by [clicking here](#)

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The information being mailed to you is a result of your subscription to the City of Glendale Legislative Link Program. We hope to grow this email distribution list to ensure that our neighbors and friends can be aware of the important issues being discussed at the legislature. To add an additional user or to unsubscribe, please email [dburt@glendaleaz.com](mailto:dburt@glendaleaz.com)

### February 8, 2013 Bill List

Below is a list of bills that may be of interest to you. This list is provided as a courtesy to Glendale residents and is intended to be for information only. The City of Glendale may not have official positions on the bills listed. Bill summaries are provided by Arizona Capitol Reports. For a more detailed review of specific bills please visit [www.azleg.gov](http://www.azleg.gov). Bills that had action taken on them this week are **highlighted** below.

Bill Summaries

**H2004: ONLINE IMPERSONATION; OFFENSE**

Establishes the crime of online impersonation, defined as using the name of another person without their consent, and with the intent to harm or defraud any person, to create a web page or send messages through a website or other electronic communication.

ARS Titles Affected: 13

First sponsor: Rep. Ugenti

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

H2004 Daily History	Date Action
ONLINE IMPERSONATION; OFFENSE 1/14	referred to House jud.

**H2073: ANIMAL ABUSE; PROHIBITED ANIMAL OWNERSHIP**

A person who is convicted of certain animal cruelty related crimes is prohibited from adopting, owning or otherwise having care of any animal in the person's household. Violations are a class 1 misdemeanor. Within 90 days after conviction, the person must transfer all animals to another person who is not in the same household. After two years, the person may apply to the sentencing court to have their right to possess an animal restored.

ARS Titles Affected: 13

First sponsor: Rep. Kavanagh

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

**H2073 Daily History**

**Date Action**

ANIMAL ABUSE; PROHIBITED ANIMAL OWNERSHIP 1/23 referred to House jud.

**H2084: CIVIL ACTIONS; LIMITATIONS; SEXUAL OFFENSES**

An action for recovery of damages based on injury suffered as a result of the direct conduct of another which would constitute a sexual offense, sexual exploitation of children, or incest may be commenced at any time.

ARS Titles Affected: 12

First sponsor: Rep. Campbell

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

**H2084 Daily History**

**Date Action**

CIVIL ACTIONS; LIMITATIONS; SEXUAL OFFENSES 1/22 referred to House jud.

**H2092: HOAS; RESALE DISCLOSURE FEES**

Beginning with the fee in effect on January 1, 2013, homeowner's associations and condo associations cannot increase the fee charged for resale disclosure documents and statements by more than three percent per year.

ARS Titles Affected: 33

First sponsor: Rep. Brophy McGee

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

**H2092 Daily History**

**Date Action**

HOAS; RESALE DISCLOSURE FEES 1/17 referred to House gov.

**H2124: FIRE DIST REORGANIZATION ELECTIONS**

Various changes to statues governing elections to reorganize a fire district, including requiring any person seeking election to the governing body that would be formed or expanded upon reorganization to comply with the nomination requirements for a candidate prescribed in state statute, including filing a nomination paper and nomination petitions.

ARS Titles Affected: 48

First sponsor: Rep. Ugenti

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

**H2124 Daily History**

**Date Action**

**FIRE DIST REORGANIZATION ELECTIONS 2/4 to House consent calendar. From House rules okay.**

FIRE DIST REORGANIZATION ELECTIONS 1/30 from House gov do pass.

FIRE DIST REORGANIZATION ELECTIONS 1/22 referred to House gov.

**H2135: PLANNED COMMUNITIES; DECLARANT; BDS; VOTING**

After the period of declarant control, the declarant cannot hold more than one seat on the board of directors of a homeowner's association or condo association. Homeowner's associations and condo associations are required, instead of permitted, to provide for voting by use of electronic mail and facsimile delivery.

ARS Titles Affected: 33

First sponsor: Rep. Lovas

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

**H2135 Daily History**

**Date Action**

PLANNED COMMUNITIES; DECLARANT; BDS; VOTING 1/22 referred to House gov.

**H2145: HOAS; AGENCY AUTHORITY**

For HOA and condo associations that contract with a management company, the management company and its officers and employees may lawfully act on behalf of the association and its board of directors on all matters within the scope of the agency agreement executed between the company and the board.

ARS Titles Affected: 33

First sponsor: Rep. Brophy McGee

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

<b>H2145 Daily History</b>	<b>Date Action</b>
HOAS; AGENCY AUTHORITY 1/22 referred to House gov.	

## **H2146: VOTER REGISTRATION; SAME DAY**

A person who is otherwise qualified to vote may register on Election Day at the polling place for the precinct in which that person maintains residence. Election day registration does not qualify a person to vote in a partisan primary election until at least 29 days after the date of registration.

ARS Titles Affected: 16

First sponsor: Rep. Quezada

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

<b>H2146 Daily History</b>	<b>Date Action</b>
VOTER REGISTRATION; SAME DAY 1/22 referred to House jud.	

## **H2154: CONDOS; PLANNED COMMUNITIES; ADMIN HEARINGS**

If the petitioner prevails in an administrative hearing for a dispute between an owner and a homeowner's or condo association or a mobile home parks landlord and tenant, the administrative law judge is required to order the respondent to pay any attorney fees reasonably incurred by the petitioner. Also, if a petition for a hearing in a dispute between an owner and a homeowner's or condo association is dismissed at the owner's request before a hearing is held, the filing fee must be refunded to the owner.

ARS Titles Affected: 41

First sponsor: Rep. Kavanagh

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

<b>H2154 Daily History</b>	<b>Date Action</b>
CONDOS; PLANNED COMMUNITIES; ADMIN HEARINGS 1/22 referred to House gov.	

## **H2155: HOAS; RESERVE FUND DISCLOSURE**

Homeowner's associations are required to include in annual corporate filing an addendum entitled "disclosure regarding reserve fund study" in substantially a specified form. The Corporation Commission is required to make the addendums filed available to the public on its website.

ARS Titles Affected: 33

First sponsor: Rep. Kavanagh

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

<b>H2155 Daily History</b>	<b>Date Action</b>
HOAS; RESERVE FUND DISCLOSURE 1/22 referred to House gov.	

## **H2165: PUBLIC LIBRARIES; CIRCULATION RECORDS; PRIVACY**

Deletes all exemptions from the prohibition on disclosure of public library records or other information that identifies a library user as requesting or obtaining specific materials or services.

ARS Titles Affected: 41

First sponsor: Rep. Dial

Others: Sen. McComish, Rep. Robson

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

<b>H2165 Daily History</b>	<b>Date Action</b>
PUBLIC LIBRARIES; CIRCULATION RECORDS; PRIVACY 1/22 referred to House tech-inf.	

## **H2187: CONSUMER FIREWORKS; REGULATIONS**

Municipalities are authorized to regulate the sale and use of permissible consumer fireworks within municipal limits and counties are authorized to regulate the sale and use of permissible consumer fireworks in unincorporated areas.

ARS Titles Affected: 36

First sponsor: Rep. Fann

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

<b>H2187 Daily History</b>	<b>Date Action</b>
CONSUMER FIREWORKS; REGULATIONS 1/23 referred to House pub-mil-reg.	

### **H2193: FORECLOSED PROPERTIES; HOAS; MAINTENANCE**

Homeowners' associations are allowed to remove trash or repair hazardous structures on foreclosed properties. The association is allowed to place a lien on the property for the costs, and the property owner is liable.

ARS Titles Affected: 33

First sponsor: Rep. Miranda

Others: Rep. Cardenas, Rep. Contreras, Rep. Dalessandro, Rep. Escamilla, Rep. Gabaldon, Rep. Gonzales, Rep. Hernandez, Rep. Mendez, Rep. Otondo, Rep. Steele

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

<b>H2193 Daily History</b>	<b>Date Action</b>
FORECLOSED PROPERTIES; HOAS; MAINTENANCE 1/22 referred to House gov, fin-inst.	

### **H2258: MOBILE HOME PARKS; LANDSCAPE MAINTENANCE**

Unless specifically provided in a written lease agreement executed before January 1, 2013, a mobile home park landlord is responsible for maintenance of all landscaping that was in place on the mobile home space before the tenant took possession. For lease agreements executed beginning January 1, 2013, lease agreements must specifically disclose any requirements that the tenant maintain existing landscaping.

ARS Titles Affected: 33

First sponsor: Rep. Forese

Others: Rep. Dial, Rep. Shope

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

<b>H2258 Daily History</b>	<b>Date Action</b>
MOBILE HOME PARKS; LANDSCAPE MAINTENANCE 2/6	withdrawn from House com.
MOBILE HOME PARKS; LANDSCAPE MAINTENANCE 2/6	House com held.
MOBILE HOME PARKS; LANDSCAPE MAINTENANCE 1/30 from House gov with amend #4015.	
MOBILE HOME PARKS; LANDSCAPE MAINTENANCE 1/22 referred to House gov, com.	

### **H2261: SCRAP METAL; THEFT**

Establishes the crime of metal theft for knowingly controlling or obtaining ferrous metal or nonferrous metal that is the property of another. Proof of possession of scrap metal that was recently stolen or proof of the sale of stolen scrap metal at a price substantially below fair market value may give rise to an inference the person was aware of the risk it had been stolen. Metal theft is a class 2 (second highest) felony. A person convicted of certain types of metal theft involving metal with a value of \$100,000 or more are not eligible for suspension of sentence, probation, pardon or release. A means of transportation used in the commission of metal theft is subject to mandatory vehicle immobilization or impoundment.

ARS Titles Affected: 13 28

First sponsor: Rep. Forese

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

<b>H2261 Daily History</b>	<b>Date Action</b>
SCRAP METAL; THEFT 1/23 referred to House jud.	

### **H2274: HOAS; REGISTRY**

Beginning January 1, 2015, HOAs are required to register with the Secretary of State instead of record information with the county recorder. Beginning March 1, 2015, the Secretary of State is required to post this information online in a form that makes it available to the public. The Secretary of State is required to provide for the establishment of a registry for HOAs by soliciting proposals from nonprofit corporations to provide the registry service. The contract provider may charge a fee for the registry service.

ARS Titles Affected: 33 41

First sponsor: Rep. Forese

Others: Rep. Brophy McGee, Rep. Dial, Rep. Thorpe

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

H2274 Daily History	Date Action
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HOAS; REGISTRY 1/22 referred to House gov.

### H2281: FORECLOSURE; TENANT NOTIFICATION

If a property owner receives a notice of foreclosure on the property after a tenant has entered into a rental agreement, the owner is required to provide the tenant with a written notice with specified information.

ARS Titles Affected: 33

First sponsor: Rep. Smith

Others: Rep. Shope, Rep. Stevens

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

H2281 Daily History	Date Action
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FORECLOSURE; TENANT NOTIFICATION 2/7 from House ref-hu ser do pass.

FORECLOSURE; TENANT NOTIFICATION 1/22 referred to House ref-hu ser.

### H2337: HOAS; CONDOS; RENTAL PROPERTIES

Homeowners and condo association members are permitted to use the member's property as a rental property unless prohibited in the declaration, and to designate a third party to act as agent with respect to HOA matters on the property. The HOA is prohibited from requiring a copy of rental applications or contracts or requiring a tenant to limit or waive rights of due process as a condition of occupancy. The HOA is permitted to charge an administrative fee of up to \$25 for each new tenancy.

ARS Titles Affected: 33

First sponsor: Rep. Petersen

Others: Rep. Boyer, Rep. Farnsworth, Rep. Livingston, Rep. Stevens

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

H2337 Daily History	Date Action
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HOAS; CONDOS; RENTAL PROPERTIES 1/22 referred to House gov.

### H2363: HOAS; HOME GARDENING

HOAs cannot prohibit a member from using any portion of the member's property as a vegetable garden or for the cultivation of other edible plants.

ARS Titles Affected: 33

First sponsor: Rep. Mendez

Others: Rep. Alston

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

H2363 Daily History	Date Action
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HOAS; HOME GARDENING 1/22 referred to House gov.

### H2460: HOAS; MASTER ASSN DUES

Members of an age-restricted planned community may be required to make payments to a master association under specified circumstances.

ARS Titles Affected: 33

First sponsor: Rep. Gowan

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

H2460 Daily History	Date Action
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HOAS; MASTER ASSN DUES 1/23 referred to House gov.

### H2526: STREET LIGHTING IMPROVEMENT DISTRICTS

The purposes for which an improvement district may be formed are expanded to include maintaining, repairing and replacing

a district's street lighting facilities. Applies to any municipal street lighting improvement districts formed by a municipality before or after the effective date of this legislation.

ARS Titles Affected: 48

First sponsor: Rep. Ugenti

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

H2526 Daily History	Date Action
STREET LIGHTING IMPROVEMENT DISTRICTS	2/4 referred to House gov.

### HCR2003: MEDICAL MARIJUANA; REPEAL

The 2014 general election ballot is to carry the question of whether to repeal the Arizona Medical Marijuana Act passed by the voters in 2010.

ARS Titles Affected: 97

First sponsor: Rep. Kavanagh

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

HCR2003 Daily History	Date	Action
No actions posted for this bill.		

### S1055: PROCESS SERVERS; PRIVILEGES

While serving process, a certified process server is authorized and privileged to enter and remain lawfully on real property or unannounced in a planned community or condo association that is guarded or gated.

ARS Titles Affected: 11

First sponsor: Sen. Murphy

Others: Sen. Pancrazi

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

S1055 Daily History	Date Action
PROCESS SERVERS; PRIVILEGES	1/17 Senate jud held.
PROCESS SERVERS; PRIVILEGES	1/16 referred to Senate jud.

### S1098: MARIJUANA; CULTIVATION; COUNTY ZONING

The restriction on county zoning regulations for general agricultural purposes does not include the cultivation of cannabis.

ARS Titles Affected: 11

First sponsor: Sen. S. Pierce

Others: Rep. Borrelli, Rep. Fann, Rep. Goodale, Sen. Yee

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

S1098 Daily History	Date Action
MARIJUANA; CULTIVATION; COUNTY ZONING	2/6 passed Senate 28-0; ready for House.
MARIJUANA; CULTIVATION; COUNTY ZONING	2/4 to Senate consent calendar. From Senate rules okay.
MARIJUANA; CULTIVATION; COUNTY ZONING	1/30 from Senate nat res-rural do pass.
MARIJUANA; CULTIVATION; COUNTY ZONING	1/22 referred to Senate nat res-rural.

### S1103: CHARTER SCHOOLS; ZONING PROCEDURES

A charter school is permitted to authorize a third party to apply to a municipality or county for any zoning application or action. Also, voluntary compliance of a school district in the zoning regulations of a municipality or county does not result in the application of those zoning regulations to a charter school.

ARS Titles Affected: 15

First sponsor: Sen. Yee

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

S1103 Daily History	Date Action
CHARTER SCHOOLS; ZONING PROCEDURES	2/7 Senate COW approved with amend #4022.
CHARTER SCHOOLS; ZONING PROCEDURES	2/5 from Senate rules okay.
CHARTER SCHOOLS; ZONING PROCEDURES	2/4 from Senate educ with amend #4022.
CHARTER SCHOOLS; ZONING PROCEDURES	1/31 Senate educ amended; report awaited.
CHARTER SCHOOLS; ZONING PROCEDURES	1/22 referred to Senate educ.

**S1278: HOMEOWNERS' ASSOCIATIONS; PUBLIC ROADWAYS**

After the period of declarant control, an HOA has no authority over and is prohibited from regulating any roadway owned or held by a governmental entity. Applies only to planned communities for which the declaration is recorded after December 31, 2014.

ARS Titles Affected: 33

First sponsor: Sen. Barto

*NOTE: Measure was originally sponsored by the member(s) shown here. If it has been changed by amendment the sponsor(s) may or may not still support the measure.*

**S1278 Daily History**

**Date Action**

HOMEOWNERS' ASSOCIATIONS; PUBLIC ROADWAYS 1/30 referred to Senate pub safety.