

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

COMMITTEE ON COMMERCE

Report of Regular Meeting
Tuesday, February 13, 2024

House Hearing Room 3 -- 2:00 P.M. OR UPON RECESS OR ADJOURNMENT OF FLOOR

Convened 2:34 P.M.
Recessed 7:45 P.M.
Reconvened 7:57 P.M.
Adjourned 8:05 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

2/14/24

Members Present

Representative Aguilar
Representative Austin
Representative Carter
Representative Gress
Representative Heap
Representative Hendrix
Representative Liguori
Representative Ortiz
Representative Carbone, Vice-Chairman
Representative Wilmeth, Chairman

Members Absent

Agenda

Original Agenda – Attachment 1

Request to Speak

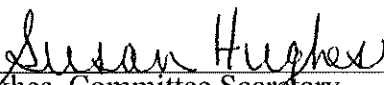
Report – Attachment 2

Committee Attendance

Report – Attachment 3

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments</u>
HB2770	Failed	5-5-0-0	4, 5
HB2599	DPA	10-0-0-0	6, 7, 8, 9
HB2209	DPA	10-0-0-0	10, 11, 12, 13
HB2592	DP	6-4-0-0	14, 15
HB2282	DP	6-4-0-0	16, 17
HB2884	DPA	6-4-0-0	18, 19, 20
HB2885	DP	10-0-0-0	21, 22
HB2780	Failed	5-5-0-0	23, 24, 25, 26
HB2648	DPA/SE	9-0-1-0	27, 28, 29, 30, 31
HB2861	DP	10-0-0-0	32, 33
HB2734	Failed	4-5-1-0	34, 35
HB2252	DP	10-0-0-0	36, 37
HB2734	DPA/SE on reconsideration	9-1-0-0	38, 39, 40, 41
HB2770	DP on reconsideration	6-4-0-0	42
HB2409	HELD		


Susan Hughes, Committee Secretary
February 14, 2024

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

REVISED #4- 2/13/24

REVISED #4- 2/13/24

REVISED #4- 2/13/24

ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature - Second Regular Session

REGULAR MEETING AGENDACOMMITTEE ON COMMERCE

DATE Tuesday, February 13, 2024

ROOM HHR 3

TIME 2:00 P.M. or upon recess or adjournment of Floor

CONVENED: 2:34pm

RECESSED: 7:45pm

RECOMMENDED: 7:57pm

ADJOURNED: 8:05pm

Members of the public may access a livestream of the meeting here:

<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2024021060>

Members:

Representative Aguilar
Representative Austin
Representative Carter
Representative GressRepresentative Heap
Representative Hendrix
~~Representative Hernandez M~~
Representative LiguoriRepresentative Ortiz
Representative Carbone, Vice-Chairman
Representative Wilmeth, Chairman

Bills

Short Title

Strike Everything Title

3 HB2209DPAindustrial commission of Arizona; continuation
(Livingston)10.0.0.0

COM, RULES

12 HB2252DPprofessional employer organization; repeal
(Wilmeth)10.0.0.0

COM, RULES

5 HB2282DPunemployment; requirements; disqualifications;
shared work6.4.0.0(Biasiucci)
COM, RULESHB2409HELDdeeds; personal appearance requirement
(Gillette: Aguilar, Biasiucci, et al)
COM, RULESHB2510HELD~~landlord tenant; legal aid notice~~
~~(Martinez: Biasiucci, Gress, et al)~~
COM, RULES4 HB2592DPunemployment insurance; benefit amounts;
definition6.4.0.0(Carbone: Biasiucci, Bliss, et al)
COM, RULES

Bills	Short Title	Strike Everything Title
2 <u>HB2599</u>	<u>DPA</u> health care appeals (Livingston) <u>10.0.0.0</u> COM, RULES	
9 <u>HB2648</u>	<u>DPA/SF</u> motor vehicle manufacturers; TPT; exemption (Martinez: Shope) <u>9.0.1.0</u> WM w/d, COM, RULES	S/E: condominiums; planned communities; lien; assessment
11 <u>HB2734</u>	<u>FAILED</u> affordable housing; parking requirements; prohibition (Ortiz: Biasiucci, Peña) <u>4.5.1.0</u> COM, RULES	13 <u>HB2734</u> S/E: public hearings; voting ON Recon DPAISE 9-1-0-0
1 <u>HB2770</u>	<u>FAILED</u> marijuana; interstate agreements; delivery (Wilmeth: Gowan) <u>5.5.0.0</u> COM, RULES	14 <u>HB2770</u> ON Reconsideration DP 6-4-0-0
8 <u>HB2780</u>	<u>FAILED</u> technical correction; military; special plates (Wilmeth) <u>5.5.0.0</u> COM, RULES	S/E: Arizona space commission; appropriation
10 <u>HB2861</u>	<u>DP</u> condominiums; terminations (Schwiebert: Wilmeth) <u>10.0.0.0</u> COM, RULES	
6 <u>HB2884</u>	<u>DPA</u> zero-emission vehicle program; rebate (Wilmeth: Biasiucci, Hernandez A) <u>6.4.0.0</u> COM, RULES	
7 <u>HB2885</u>	<u>DP</u> apprenticeship; supervised probation (Hernandez A: Biasiucci, Blattman, et al) <u>10.0.0.0</u> COM, RULES	
* <u>HCR2061</u>	United States; Taiwan; supporting trade (Blattman)	

* If printed, first read and assigned

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

VC
RA
02/07/2024
02/09/2024
02/12/2024
02/13/2024

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

Information Registered on the Request to Speak System

House Commerce (2/13/2024)

HB2209, industrial commission of Arizona; continuation

Support:

L Carpenter, representing self; Marc Osborn, 7710 Insurance Company; Barry M. Aarons, AZ ASSN OF LAWYERS FOR INJURED WORKERS; Chad Heinrich, NATIONAL FEDERATION OF INDEPENDENT BUSINESS; Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Mark Kendall, COPPERPOINT INSURANCE COMPANY; Patricia Mentz, representing self; Courtney Coolidge, AZ CHAMBER OF COMMERCE; Emily Rice, AZ SELF-INSURERS ASSOC; Terri Edwards, INDEPENDENT INSURANCE AGENTS & BROKERS OF AZ; Angelica Terrazas, INJURED WORKERS PHARMACY; Brian Tassinari, INJURED WORKERS PHARMACY

All Comments:

L Carpenter, Self: Oppose the Amendment by Representative Gress; Marc Osborn, 7710 Insurance Company: Support the agency continuation

HB2252, professional employer organization; repeal

Oppose:

Patricia Mentz, representing self

HB2282, unemployment; requirements; disqualifications; shared work

Support:

Brian Sikma, representing self; Janna Day, CALPORTLAND CO; Chad Heinrich, NATIONAL FEDERATION OF INDEPENDENT BUSINESS

Neutral:

Melanie Richards, AZ DEPT OF ECONOMIC SECURITY

Oppose:

Kerry Jackson, representing self; Ben Scheel, Opportunity Arizona; Ruthee Goldkorn, representing self; Pat VanMaanen, representing self; Kenneth Bierman, representing self; Dianne Post, Self, STATE CONFERENCE NAACP; Kathleen Pettycrew, representing self; James Scheid, representing self; Daniella Smith, Arizona Coalition For Working Families; Becky Sayler, representing self; Sharon Lee, representing self; Patricia Mentz, representing self; Joan Murphy, representing self; Martha O'Connor, representing self; Kathleen Dubbs, representing self; Francisco "Hugo" Polanco, LIVING UNITED FOR CHANGE IN ARIZONA; Nancy Lecrone Nonini, representing self; Greg Parsons, representing self; Dean Clatone, representing self

All Comments:

Chad Heinrich, NATIONAL FEDERATION OF INDEPENDENT BUSINESS: .; Kerry Jackson, Self: In the construction industries workers are constantly working themselves out of a job. I personally have applied for unemployment benefits many times but have never used all that was available. It helped me and others to remain in our trade.; Pat VanMaanen, Self: This adds more red tape for folks who are trying to find work. Let's not make it harder for them while unemployed and worried about finances.; Greg Parsons, Self: No one has time to check every claimant in 7 data bases every week. The funding gets cut for government services, and yet they are asked to do more and more and humanly cannot. Further, any of those data bases could be wrong and trigger a stop.

HB2409, deeds; personal appearance requirement

Support:

Debi Gotlieb, representing self; Jeanne Kentch Mohave County Assessor, representing self; Connie Martin, representing self; Teri Grunewald, representing self; Kristin Baumgartner, representing self; Peter Asencio, representing self

Oppose:

Matt Contorelli, Arizona Association Of Realtors; Tyler Newlon, representing self; Tom Farley, Arizona Mortgage Lenders Association; James Fulgenzi, representing self; Dale Hardy, representing self; Stan Barnes, Rocket Central; Lauren King, LAND TITLE ASSOCIATION OF ARIZONA (LTAA); Patricia Mentz, representing self; Citlali Chimal, AZ ASSOCIATION OF COUNTIES; Jose Torres, TECHNOLOGY NETWORK AKA TECHNET; Kelsey Lundy, PROOF.COM

All Comments:

Jeanne Kentch Mohave County Assessor, Self: As the Assessor, it is clear that HB2409 will help curtail deed fraud. There is not just one solution to deed fraud. This will help validate signers. 95% of the deed fraud comes from over the counter quit claim deeds. Please help your Assessors.; Kristin Baumgartner, Self: I'm PC captain. Protects citizens from deed theft, which is a problem. Yavapai Cty launched Eagle Fraud Alert to notified citizens if something is filed with their name on it but this bill takes that further. UPS & others have notary services.; Peter Asencio, Self: I am a PC.; Tyler Newlon, Self: On behalf of the Land Title Association of Arizona / Pioneer Title Agency

HB2592, unemployment insurance; benefit amounts; definition

Support:

Brian Sikma, representing self; Lady Surprise, representing self; Theresa Breithaupt, representing self

Neutral:

Melanie Richards, AZ DEPT OF ECONOMIC SECURITY

Oppose:

Mary Ann Graffagnino, representing self; Kerry Jackson, representing self; Ben Scheel, Opportunity Arizona; kathleen mayer, representing self; Dave Long, representing self; Janie Hydrick, representing self; Steve Ramos, representing self; Judith Simons, representing self; Mary Pradelt, representing self; Janet Larkin, representing self; Sandra Kravetz, representing self; Steven Linder, representing self; Rebecca Smith Gross, representing self; Judith

Robbins, representing self; Marilyn Duerbeck, representing self; Maria Salvucci, representing self; Kevin Brown, representing self; Beverly Janowitz-Price, representing self; Jeanne Casteen, representing self; Beatriz Urrea, representing self; Karen Syversen, representing self; Sandra Weir, representing self; Dianne Post, representing self; Elizabeth Putnam-Hidalgo, representing self; Cynthia Couture, representing self; Carol Maas, representing self; Sherrilynn James, representing self; Donita Ramos, representing self; Daniella Smith, Arizona Coalition For Working Families; Bryna Koch, representing self; Catherine Sigmon, representing self; Katherine Doman Sheydayi, representing self; Elizabeth Schauer, representing self; Elizabeth Goff, representing self; Becky Saylor, representing self; Susan Morris, representing self; Brent Gibbs, representing self; Alexei Sheydayi, representing self; Rebecca Olsen McHood, representing self; Julie Golding, representing self; Christine Keitges, representing self; Jackie Rich, representing self; Lawrence Peters, representing self; Alexandra Dubois, representing self; Linda Edwards, representing self; Kathy Fraser, representing self; Kimberlee McClure, representing self; Jeri Dow, representing self; Murdock Holloway, representing self; Jennifer Jones, representing self; Janet Senf, representing self; Janet Johnson, representing self; Kathy Pyner, representing self; Patricia Mentz, representing self; Marilyn Coyle, representing self; Donna Walkuski, representing self; Joan Murphy, representing self; Penny Boone, representing self; Margaret Winchell, representing self; Ralph Meredith, representing self; Gayle Meredith, representing self; Anne Leota Hart, representing self; Mary Santy, representing self; Valerie Policastro Edie, representing self; Margaret Adams, representing self; Marilyn Childs, representing self; Mariette Francis, representing self; Kathleen Dubbs, representing self; Paula Feely, representing self; Mary-Jeanne Fincher, representing self; Matthew Nelson, representing self; William S. James, representing self; Stephen Coyle, representing self; Jo Ann Caruthers, representing self; Paisley Rossetti, representing self; Michael Pyska, representing self; Steve Gorman-Hackstadt, representing self; Dorothy Reed-Inman, representing self; Jason Backman, representing self; Rebecca Haynes, representing self; Mary Nelson, representing self; Francisco "Hugo" Polanco, LIVING UNITED FOR CHANGE IN ARIZONA; Anne Thompson, representing self; Saher Afzal, representing self; Kirstin Woodburne, representing self; Crystal Bazarnic, representing self; Gary Rulapaugh, representing self; Kathryn Anderson, representing self; Charlotte Lis, representing self; Leadawn Anderton, representing self; Larry Scoufos, representing self; William Yohey, representing self; Robert Fisher, representing self; Mary Gaudio, representing self; Dee Maitland, representing self; Barbara Larson, representing self; Alice Patricia Price, representing self; Regina Pennington, representing self; Aaron Torrance, representing self; Nicole Fordey, representing self; Katharine Donahue, representing self; Joseph Alexander, representing self; Jacqueline deSa, representing self; Nelson Morgan, representing self; Robert Larson, representing self; Srinivas Manne, representing self; Tre Byrd, representing self; Eric Kadel, representing self; Gary Beverly, representing self; Melissa Galarza, representing self; Sarah Bihms LD29, representing self; Frederick James, representing self; Jennifer Dawson, representing self; Linda Gross, representing self; Kathleen Butler, representing self; Eric Harris, representing self; Christine Whitley, representing self; Cynthia Wagner, representing self; Linda Block, representing self; Pamela Chittenden, representing self; Teresa Kelleher, representing self; Sharon Arnst, representing self; Christopher Cerrato, representing self; Claire Bickel, representing self; Jerrold Borchardt, representing self; Libby Stortz, representing self; Nancy Hancock, representing self; Margaret Lacey, representing self; Nancy Pemberton, representing self; Barbara Jones, representing self; Marilyn Murov, representing self; Susan Heck, representing self; Cynthia Paster, representing self; Karolyn Switzer, representing self; Kathleen Sauer, representing self; William Bowlus-Root, representing self; Kathleen Schanus-Gohl, representing self; Marcia Tingley, representing self; Lori Taniguchi, representing self; Jill Anderson, representing self; Sarah Lee-Davisson, representing self; Denise Hudson, representing self; Margaret Tinsley, representing self; Loretta O'Connor, representing self; Rebecca Shook, representing self; Sundrop Carter, representing self; George Ehrlich, representing self; Kathleen Woessner, representing self; Janie Smieszek, representing self; Kathy Boltz, representing self; Sharon Ehrlich, representing self; Aaron Essif, representing self; Stevan Mrdalj, representing self; Nevena Mrdalj, representing self; Leslie Hanson, representing self; Nancee K Wood, representing self; Elissa Karn, representing self; Andrea Golfen, representing self; Carol Garnett,

representing self; RITA DEPUYDT, representing self; Evan Deauble, representing self; Connie Cockrell, representing self; Carol Waymire, representing self; Julian Donahue, representing self; Diane McQueen, representing self; Valarie Bryant, representing self; Jeanne Hardie, representing self; JOHN FIENE, representing self; Devon Sloan, representing self; Lisa Koenig, representing self; Rivko Knox, representing self; Alison Danis, representing self; Gary Townsend, representing self; Nora Welsh, representing self; Marcia Stewart, representing self; Nadya Laliberte, representing self; Peggy Church, representing self; David Myers, representing self; Monica Bills, representing self; Kathryn Dorn, representing self; Joan Rost, representing self; Michael Levine, representing self; Alicia Vaughan, representing self; Sandra Adler, representing self; Dean Clatone, representing self

All Comments:

Mary Ann Graffagnino, Self: This would unfairly/disproportionately harm rural areas and BIPOC people who usually have higher rates of unemployment compared to state averages. A person may have to accept a job that does not match his/her skills and pays less than prior job.; Kerry Jackson, Self: NO...benefits should not be attached to the unemployment rate... employees cannot choose when they are laid off in good standing because of the completion of a construction project...NO; Kathleen Mayer, Self: this was a dumb bill last year & it still is. it is bad for workers and the overall economy, esp. in rural areas.; Judith Robbins, Self: This bill would disproportionately hurt rural areas & people of color who typically have higher rates of unemployment compared to the state average. Vote no on this bill.; Elizabeth Putnam-Hidalgo, Self: NO! Disproportionately hurts already vulnerable people.; Jackie Rich, Self: This would disproportionately harm rural areas and people of color.; Lawrence Peters, Self: Disproportionately harms rural residents and people of color, who typically have higher rates of unemployment & access to jobs when compared to the state average. Where's the bill to encourage more businesses to offer jobs in rural areas?; Linda Edwards, Self: Sounds punitive.; Jennifer Jones, Self: This bill would disproportionately affect people in rural areas and people of color, who have higher than average unemployment rates.. No economists were consulted on this bill.; Penny Boone, Self: NO. This bill is without equity for rural areas.; Matthew Nelson, Self: Very bad bill for rural areas in Arizona; Rebecca Haynes, Self: This would disproportionately harm rural areas and people of color, who typically have higher rates of unemployment compared to the state average. Bad for workers and the economy.; Mary Nelson, Self: Data?; Kirstin Woodburne, Self: Reducing weeks of assistance will force some people to accept jobs that do not match their skill sets and pay less than their prior earnings, which is bad for both workers and the economy.; Mary Gaudio, Self: Would disproportionately affect rural areas and people of color. Vote NO!; Nelson Morgan, Self: Overall unemployment rate is not a sufficient representation of the distribution of unemployment across different segments and demographics.; Srinivas Manne, Self: Tying unemployment assistance to STATE unemployment rate makes no sense when LOCAL unemployment rates can be wildly different. People's ties to family and land often prevents them from moving to cities with better employment.; Sarah Bihms LD29, Self: Reject HB2592 for its potential to harm those in rural areas and communities of color by tying unemployment relief to a fluctuating state unemployment rate.; Cynthia Wagner, Self: This would disproportionately harm rural areas and people of color, who typically have higher rates of unemployment compared to the state average; Sharon Arnst, Self: Nonsense; punishes those who need to work for their families; Susan Heck, Self: Still no; Carolyn Switzer, Self: For any one worker, the state unemployment rate does not necessarily reflect his or her options. This is especially true for rural areas and people of color.; Marcia Tingley, Self: Disproportionately harms rural areas and people of color. Bad for workers and the economy.; Margaret Tinsley, Self: There is no economic basis for this bill, and it just makes life harder for the unemployed. Please vote no.; Janie Smieszek, Self: This would affect rural areas and people of color the most.; Carol Garnett, Self: This would hurt those who live in rural areas where the job market is not good and jobs are scarce. Should not be a state standard.; Connie Cockrell, Self: Totally unfair bill.; JOHN FIENE, Self: Incredibly bad for rural areas or predominantly minority areas where fewer opportunities exist. Shortening unemployment relief only intensifies misery. LD1 voter; Rivko Knox, Self: Will harm people in rural areas, where the unemployment rates tend to be

higher than in the state as a whole; same holds for some specific groups in the population. Poor public policy.; Gary Townsend, Self: This would disproportionately harm rural areas and people of color, who typically have higher rates of unemployment compared to the state average.; marcia stewart, Self: no., allow economists to revisit this, not politicians; Michael Levine, Self: This bill is bad for both workers and the economy.

HB2599, health care appeals

Support:

Fausto Burrueal, AZ DEPT. OF INSURANCE AND FINANCIAL INSTITUTIONS; Kathryn Busby, Arizona Nurses Association; Elizabeth Goodman, BLUE CROSS AND BLUE SHIELD OF ARIZONA; Marc Osborn, AMERICA'S HEALTH INSURANCE PLANS (AHIP), Blue Cross Blue Shield Of Arizona; Chad Heinrich, Arizonans For Affordable Health Coverage; Chuck Bassett, Blue Cross Blue Shield Of AZ

Neutral:

Regina Cobb, representing self

Oppose:

Patricia Mentz, representing self

All Comments:

Kathryn Busby, Arizona Nurses Association: We support but request an amendment to add APRNs to definition of providers allowed for independent external reviews. This would expand availability of reviewers and allow providers with same licensure to review services provided by same.; Marc Osborn, AMERICA'S HEALTH INSURANCE PLANS (AHIP), Blue Cross Blue Shield Of Arizona: Support meeting the federal requirement; Chad Heinrich, Arizonans For Affordable Health Coverage:.; Regina Cobb, Self: Az. dental Association, there are many good changes but there is still work that needs to be done

HB2648, motor vehicle manufacturers; TPT; exemption

Support:

Dennis J Legere, ARIZONA HOMEOWNERS COALITION; Roseanne and Steve Elson, representing self; Kathryn Kendall, representing self; Pierre Desombre, representing self; Tamara Jackson, representing self; jill carlon, representing self; Lynne Weaver, representing self; Tony Velez, representing self; Sean Baguley, representing self; Ron Meyerink, representing self; Darryl Jacobson-Barnes, representing self; Kurt Gronlund, representing self; Samuel Paparazzo, representing self; Eva Kuo, representing self; Catherine McGurk, representing self; Douglas Kupel, representing self; Wayne Dwight, representing self; Lynda Christner, representing self; Linda Ross, representing self; Margaret Mandell, representing self; Louise Candelaria, representing self; Michael Peters, representing self; Debra Lynn Corey, representing self; Karen Cwiak, representing self; Lisa Marx, representing self; Allen Skillicorn - Personal Position, representing self; Raymond Wasson, representing self; Kathleen Harden-Wasson, representing self; Thomas Van Dan Elzen, representing self; Kathleen Garing, representing self; Sid Leach, representing self; Mark LaPalm, representing self; John Krahn, representing self; Kevin Cotugno, representing self; Gloria Leach, representing self; Candace Boening, representing self; DEAN YELENIK, representing self; brenda simon, representing self; CYNTHIA BLACK, representing self; Douglas Simon, representing self; Barbara Kunkel, representing self; Teresa Pinter, representing self; Greg Williams, representing self; Lora Rudolph, representing

self; Theresa Kim West, representing self; Rod Lippert, representing self; Stephen Gordon, representing self; Joy LaCombe, representing self; Pamela Maddern, representing self; Barbara Lorraine, representing self; Sharon Johnson, representing self; Denise Priddy, representing self; Corinne Braun, representing self; Margaret Lewis, representing self; Teresa Hosterman, representing self; Clinton Friday, representing self; Doris Montrose, representing self; Michele Morrison, representing self; Patrick O'Dea, representing self; Carole Gates, representing self; Richard Hosterman, representing self; Gloria Hill Hupe, representing self; Kathy Dehler, representing self; Michael Baldridge, representing self; Kaitlin Flores, representing self; George Burns, representing self; Kathy Riazzi, representing self; Kenneth Michael Halal, representing self; Candra Adams, representing self

Oppose:

Jason Barraza, Associate Director, ARIZONA ASSOCIATION OF COMMUNITY MANAGERS (AACM); Brian Lincks, representing self; Mary Ann Graffagnino, representing self; Joan Murphy, representing self; Chad Gallacher, representing self; Jeff Sandquist, ARIZONA ASSOCIATION OF COMMUNITY MANAGERS (AACM), ROBSON COMMUNITIES; kathleen mayer, representing self; Dave Long, representing self; Janie Hydrick, representing self; Steve Ramos, representing self; Judith Simons, representing self; Mary Pradelt, representing self; Sandra Kravetz, representing self; Steven Linder, representing self; Rebecca Smith Gross, representing self; Judith Robbins, representing self; marilyn duerbeck, representing self; Maria Salvucci, representing self; Kevin Brown, representing self; Beverly Janowitz-Price, representing self; Jeanne Casteen, representing self; Beatriz Urrea, representing self; Karen Syversen, representing self; Sandra Weir, representing self; Dianne Post, representing self; William Gregory Eisert, representing self; Elizabeth Putnam-Hidalgo, representing self; Cynthia Couture, representing self; Carol Maas, representing self; Sherrilynn James, representing self; Donita Ramos, representing self; Regina Pennington, representing self; Kimberlee McClure, representing self; Aaron Torrance, representing self; Nicole Fordey, representing self; Katharine Donahue, representing self; Joseph Alexander, representing self; Kathy Fraser, representing self; Jacqueline deSa, representing self; Linda Edwards, representing self; Nelson Morgan, representing self; Barbara Larson, representing self; Robert Larson, representing self; Srinivas Manne, representing self; Brent Gibbs, representing self; Elizabeth Schauer, representing self; Valerie Policastro Edie, representing self; Donna Walkuski, representing self; Tre Byrd, representing self; Jo Ann Caruthers, representing self; Penny Boone, representing self; Janet Johnson, representing self; Eric Kadel, representing self; Gary Beverly, representing self; Melissa Galarza, representing self; Sarah Bihms LD29, representing self; Frederick James, representing self; Jennifer Dawson, representing self; Steve Gorman-Hackstadt, representing self; Linda Gross, representing self; Elizabeth Goff, representing self; Robert Fisher, representing self; Kathleen Dubbs, representing self; Kathleen Butler, representing self; Mary Nelson, representing self; Eric Harris, representing self; Carly Mahlmeister, representing self; Cynthia Wagner, representing self; Mary Santy, representing self; Linda Block, representing self; Teresa Kelleher, representing self; Pamela Chittenden, representing self; Sheryl Douglas, representing self; Sharon Arnst, representing self; Christopher Cerrato, representing self; Claire Bickel, representing self; Margaret Adams, representing self; Rebecca Haynes, representing self; Jerrold Borchardt, representing self; William S. James, representing self; Libby Stortz, representing self; Nancy Hancock, representing self; Catherine Sigmon, representing self; Margaret Lacey, representing self; Nancy Pemberton, representing self; Barbara Jones, representing self; leadawn anderton, representing self; Murdock Holloway, representing self; Marilyn Murov, representing self; Marilyn Coyle, representing self; Susan Heck, representing self; Cynthia Paster, representing self; Stephen Coyle, representing self; Karolyn Switzer, representing self; Paula Feely, representing self; Kathleen Sauer, representing self; William Bowlus-Root, representing self; Kathleen Schanus-Gohl, representing self; Marcia Tingley, representing self; Kathy Pyner, representing self; Kevin O'Reilly, representing self; Lori Taniguchi, representing self; Alexandra Dubois, representing self; Marie Thearle, representing self; Susan Morris, representing self; Jill Anderson, representing self; Mary-Jeanne Fincher, representing self; Denise Hudson, representing self; Margaret Tinsley, representing self; Loretta O'Connor, representing self; Jennifer Jones, representing self; Anne Leota Hart,

representing self; Rebecca Shook, representing self; Sundrop Carter, representing self; George Ehrlich, representing self; Patricia Mentz, representing self; Kathleen Woessner, representing self; Janie Smieszek, representing self; Kathy Boltz, representing self; Sharon Ehrlich, representing self; Bryna Koch, representing self; Dee Maitland, representing self; Becky Sayler, representing self; Aaron Essif, representing self; Stevan Mrdalj, representing self; Nevena Mrdalj, representing self; Leslie Hanson, representing self; Julie Golding, representing self; Jackie Rich, representing self; Sharon Regen, representing self; Christine Keitges, representing self; Jeri Dow, representing self; Nancee K Wood, representing self; Gayle Meredith, representing self; Ralph Meredith, representing self; Elissa Karn, representing self; Kirstin Woodburne, representing self; Carol Garnett, representing self; RITA DEPUYDT, representing self; Evan Deaubl, representing self; Andrea Golfen, representing self; Connie Cockrell, representing self; Mary Gaudio, representing self; Carol Waymire, representing self; Julian Donahue, representing self; Diane McQueen, representing self; Kathryn Anderson, representing self; Marilyn Childs, representing self; Rebecca Olsen McHood, representing self; Valarie Bryant, representing self; Jeanne Hardie, representing self; Mariette Francis, representing self; JOHN FIENE, representing self; Devon Sloan, representing self; Lisa Koenig, representing self; William Yohey, representing self; Lady Surprise, representing self; Janet Senf, representing self; Dorothy Reed-Inman, representing self; Katherine Doman Sheydayi, representing self; Alexei Sheydayl, representing self; Rivko Knox, representing self; Kate Bauer, representing self; Kylie Wheaton, representing self; Alison Danis, representing self; Gary Townsend, representing self; Nora Welsh, representing self; Michael Pyska, representing self; marcia stewart, representing self; Nadya Laliberte, representing self; Anne Thompson, representing self; Peggy Church, representing self; David Myers, representing self; Monica Bills, representing self; Joan Rost, representing self; Kathryn Dorn, representing self; Michael Levine, representing self; Saher Afzal, representing self; Alice Patricia Price, representing self; Alicia Vaughan, representing self; Lawrence Peters, representing self; Charlotte Lis, representing self; Jenna Perkins, representing self; Margaret Winchell, representing self; Sandra Adler, representing self; Crystal Bazarnic, representing self; Matthew Nelson, representing self; Larry Scoufos, representing self; Dan Gleason, representing self

All Comments:

Dennis J Legere, ARIZONA HOMEOWNERS COALITION: The striker is a vital piece of legislation to end the predatory collection practices used by some HOA attorneys to capitalize on a perceived loophole in the current law to charge collection fees in excess of 10 times the delinquent assessment.; Roseanne and Steve Elson, Self: not in person; Kathryn Kendall, Self: not in person; Pierre Desombre, Self: Not in person.; Tamara Jackson, Self: Will not speak in person to the committee; Lynne Weaver, Self: Precinct Captain, State Committeeman. Please support this bill in support of Homeowners living in HOAs.; Ron Meyerink, Self: Submitted to emphasize my support.; Darryl Jacobson-Barnes, Self: Am in support of the strike all amendment that was agreed upon with Rep Carter. Please vote in favor of this amendment; Eva Kuo, Self: I am not able to speak on this issue. However, this striker is designed to clarify existing HOA law and may prevent certain predatory collection practices employed by collection attorneys which may prevent homeowners from paying off their debt.; Douglas Kupel, Self: Support the strike everything amendment of Rep. Carter. Not able to speak in person.; Debra Lynn Corey, Self: I am in favor of this bill as a strike-all bill to affect ARS 33-1256 regarding AZ HOAs; Allen Skillicorn - Personal Position , Self: Great idea to help AZ businesses.; Kevin Cotugno, Self: The strike everything should be adopted to protect homeowners.; Greg Williams, Self: I will not be able to speak in person.; Margaret Lewis, Self: I will not speak in person to the Committee, but I support HB2648; Doris Montrose, Self: I will not speak in person to the committee.; Candra Adams, Self: I will not speak in person.; Mary Ann Graffagnino, Self: AZ needs all the tax funds possible from out-of-state residents. Why should they get a "free" pass.; Joan Murphy, Self: another give-away of your constituents hard earned money? NO THANKS; kathleen mayer, Self: special legislation intended to benefit one car manufacturer - it will cost the state \$ which we cannot afford with an almost 2 billion dollar deficit; Judith Robbins, Self: Out of state residents need to purchase vehicles and pay their fair share of taxes. Our state needs that

funding. This has already been vetoed. Focus on legislation that can fix real problems not create more! Vote NO; William Gregory Eisert, Self: Restrictions are already self-imposed by all HOA owners via their contracted CC&Rs. This bill institutes intrusive governmental oppressive power into the equation. Such conditions imposed by this legislation are poor government. Please vote no.; Elizabeth Putnam-Hidalgo, Self: NO! Not the way to make up the huge deficit Az is facing; Katharine Donahue, Self: You buy here, you pay here.; Linda Edwards, Self: Why rob the general fund? Does sponsor's child/relative live out-of-state and would benefit?; Nelson Morgan, Self: Yet another tax cut, this one for nonresidents? Not a great idea, especially with the budget deficit.; Srinivas Manne, Self: Why would we want to give away vehicle tax revenue to people from out of state? This bill makes zero sense.; Penny Boone, Self: NO. This bill is a tax cut. NO tax cuts!; Gary Beverly, Self: fiscal damage to state budget while benefiting one company; Sarah Bihms LD29, Self: Oppose HB2648, which prioritizes tax-free vehicle purchases for nonresidents over the financial health of Arizona's already deficit-burdened general fund.; Kathleen Dubbs, Self: Adding more to the deficit!; Carly Mahlmeister, Self: No one wants to visit Casa Grande to purchase a Lucid car tax free. No more tax cuts!; Cynthia Wagner, Self: Arizona's general fund faces a \$1.7 billion deficit; Pamela Chittenden, Self: Seriously- another conflict of interest that this state can't afford.; Sharon Arnst, Self: Nonsense; more red tape and a conflict of interest.; Rebecca Haynes, Self: Why should out-of-state people be given a tax break at our expense, especially when we have a \$1.7 billion deficit?; Susan Heck, Self: AZ needs the tax money to counter the ESA voucher issues.; Karolyn Switzer, Self: The sponsor's district might gain (from Lucid Motors sales), but the state general fund certainly would not. We need a healthy financial base.; Margaret Tinsley, Self: This is a tax break Arizona cannot afford to benefit people who probably don't need it. It will not help Arizona at all. Please vote no.; Janie Smieszek, Self: Ridiculous at the time AZ has a huge deficit; Jackie Rich, Self: Why give out of state residents a tax break? Give tax breaks to residents!; Carol Garnett, Self: Why treat out-of-state residents better than your own voters? Loss of revenue with a 1.7 billion dollar deficit makes no sense.; Connie Cockrell, Self: AZ has a \$1B+ deficit and you want to implement a sales tax exemption? No!; Mary Gaudio, Self: Bad policy when our state general fund is facing a \$1.7B deficit.; Marilyn Childs, Self: Why should non-residents get a tax break? If they buy something here they should pay taxes on it just like residents. We have a huge budget deficit looming and need to collect whatever money is possible, not diminish money.; Rebecca Olsen McHood, Self: Do business in AZ, pay AZ taxes. that's the rules. Stop trying to give AZ \$ away to people who don't even live here.; JOHN FIENE, Self: This tax evasion scheme ignores AZ's need to recover from a \$1.7 billion deficit. LD1 voter; Rivko Knox, Self: Oh no!! Not another 'special tax exemption'!!! Even worse when AZ's has a deficit!!; Gary Townsend, Self: The cost is speculative, between \$5 and \$15 million per year. Meanwhile, Arizona's general fund faces a \$1.7 billion deficit.; marcia stewart, Self: No more tax relief. Have you noticed our deficit from out of control ESA handouts and tax breaks. Appears to be written to support a local area NOT all the folks in AZ; Kathryn Dorn, Self: This is a weird and transparently self-serving bill. Why on Earth would we, as a state, effectively subsidize the car purchases of other states' residents?; Michael Levine, Self: The state already has a 1.7 billion dollar deficit, we don't need to add to it.; Lawrence Peters, Self: Written to benefit Lucid Motors. Would add to AZ's R legislature caused \$1.7Billion deficit. A shirking of lawmaker fiscal due diligence. R lawmakers should fix (and not add) their budget deficient & address AZ's water crisis.; Matthew Nelson, Self: Very expensive for Arizona with a 1.7 billion dollar deficit

HB2734, affordable housing; parking requirements; prohibition

Support:

Courtney Gilstrap LeVinus, Arizona Multihousing Association; Kerry Jackson, representing self; Salie Travis, representing self; Christian Solorio, representing self; Dianne McCallister, Dominion; kathleen mayer, representing self; Dave Long, representing self; Janie Hydrick, representing self; Pat VanMaanen, representing self; Steve Ramos, representing self; Mary Pradelt, representing self; Janet Larkin, representing self; Rebecca Smith Gross,

representing self; Judith Robbins, representing self; Marilyn Duerbeck, representing self; Maria Salvucci, representing self; Kevin Brown, representing self; Beverly Janowitz-Price, representing self; Eve Shapiro, representing self; Jeanne Casteen, representing self; Beatriz Urrea, representing self; Sallie Kladnik, representing self; Sandra Weir, representing self; Dianne Post, Self, STATE CONFERENCE NAACP; Elizabeth Putnam-Hidalgo, representing self; Cynthia Couture, representing self; Carol Maas, representing self; Sherrilynn James, representing self; Kathleen Pettycrew, representing self; Donita Ramos, representing self; Bryna Koch, representing self; Catherine Sigmon, representing self; Katherine Doman Sheydayi, representing self; Elizabeth Schauer, representing self; Elizabeth Goff, representing self; Christine Whitley, representing self; Becky Saylor, representing self; Susan Morris, representing self; Brent Gibbs, representing self; Alexei Sheydayl, representing self; Rebecca Olsen McHood, representing self; Julie Golding, representing self; Christine Keitges, representing self; Alexandra Dubois, representing self; Linda Edwards, representing self; Kathy Fraser, representing self; Jeri Dow, representing self; Murdock Holloway, representing self; Jennifer Jones, representing self; Janet Johnson, representing self; Kathy Pyner, representing self; Carly Mahlmeister, representing self; Marilyn Coyle, representing self; Donna Walkuski, representing self; Penny Boone, representing self; Margaret Winchell, representing self; Ralph Meredith, representing self; Gayle Meredith, representing self; Anne Leota Hart, representing self; Valerie Policastro Edie, representing self; Margaret Adams, representing self; Marilyn Childs, representing self; Mariette Francis, representing self; Kathleen Dubbs, representing self; Paula Feely, representing self; Paula Kaper, representing self; Kathleen Martin, representing self; Mary-Jeanne Fincher, representing self; William S. James, representing self; Stephen Coyle, representing self; Jo Ann Caruthers, representing self; Paisley Rossetti, representing self; Michael Pyska, representing self; Dorothy Reed-Inman, representing self; Rebecca Haynes, representing self; Mary Nelson, representing self; Linda Ekstrum, representing self; Anne Thompson, representing self; Saher Afzal, representing self; Kirstin Woodburne, representing self; Bonnie Oakes, representing self; Crystal Bazarnic, representing self; Gary Rulapaugh, representing self; Kathryn Anderson, representing self; Charlotte Lis, representing self; leadawn anderton, representing self; Larry Scoufos, representing self; William Yohey, representing self; Robert Fisher, representing self; Mary Gaudio, representing self; Dee Maitland, representing self; Barbara Larson, representing self; Carol Garnett, representing self; Jennifer Dawson, representing self; Kathy Boltz, representing self; Margaret Lacey, representing self; Linda Block, representing self; Roxanne Ereth, representing self; Annarose Lilly, representing self; Diane McQueen, representing self; Ethan Knowlden, representing self; Dean Clatone, representing self; Regina Pennington, representing self; Aaron Torrance, representing self; Nicole Fordey, representing self; Jacqueline deSa, representing self; Robert Larson, representing self; Leslie Stallcop, representing self; Joseph Alexander, representing self; Melanie Magisos, representing self; Nelson Morgan, representing self; Eric Kadel, representing self; Srinivas Manne, representing self; Jeanne Hardie, representing self; Spencer Kamps, HOME BUILDERS ASSOCIATION OF CENTRAL AZ; Melissa Galarza, representing self; Gary Beverly, representing self; Sarah Bihms LD29, representing self; Frederick James, representing self; David Myers, representing self; Linda Gross, representing self; Connie Cockrell, representing self; Teresa Kelleher, representing self; Eric Harris, representing self; Cynthia Wagner, representing self; Jerrold Borchardt, representing self; Kathleen Butler, representing self; Claire Bickel, representing self; Nancy Pemberton, representing self; Pamela Chittenden, representing self; Nancy Hancock, representing self; Christopher Cerrato, representing self; Sharon Arnst, representing self; Nancee K Wood, representing self; Libby Stortz, representing self; Susan Heck, representing self; Cynthia Paster, representing self; Marcia Tingley, representing self; Barbara Jones, representing self; Marilyn Murov, representing self; Karolyn Switzer, representing self; Kathleen Sauer, representing self; William Bowlus-Root, representing self; Kathleen Schanus-Gohl, representing self; Jill Anderson, representing self; Denise Hudson, representing self; Margaret Tinsley, representing self; Loretta O'Connor, representing self; Sundrop Carter, representing self; Sheila Green, representing self; Kathleen Woessner, representing self; Donna Corbin, representing self; Janie Smieszek, representing self; Aaron Essif, representing self; Nevena Mrdalj, representing self; Stevan Mrdalj, representing self; Leslie Hanson, representing self; Evan Deaubl, representing self; Sharon

Regen, representing self; Andrea Golfen, representing self; Mark Fitzgerald, AZ MULTIHousing ASSOCIATION; Joyce Howard, representing self; RITA DEPUYDT, representing self; Carol Waymire, representing self; marcia stewart, representing self; Julie Bufkin, representing self; Freddy Soto, ARIZONA HOUSING COALITION; Valarie Bryant, representing self; JOHN FIENE, representing self; Devon Sloan, representing self; Patricia Moran, representing self; Rivko Knox, representing self; Douglas Cain, representing self; Gary Townsend, representing self; Nora Welsh, representing self; Nadya Laliberte, representing self; Peggy Church, representing self; Monica Bills, representing self; Kathryn Dorn, representing self; Joan Rost, representing self; Michael Levine, representing self; Sandra Adler, representing self; Lois Hansen, representing self

Neutral:

Lawrence Peters, representing self

Oppose:

Katharine Donahue, representing self; Steve Gorman-Hackstadt, representing self; Mary Santy, representing self; Julian Donahue, representing self; George Ehrlich, representing self; Sharon Ehrlich, representing self; Theresa Breithaupt, representing self; Jackie Rich, representing self; Susan Edwards, representing self; Gary Saxhaug, representing self; Barb Hinderland, representing self; Linda Busam, representing self; Charlie Silver, representing self; Neal Haddad, representing self; Amanda Monize, representing self; Joe Fiumara, representing self; Susan Garvey, representing self; Kathy Ailor, representing self; Dale Wiebusch, "SCOTTSDALE, CITY OF "; Mayor Nancy Smith, representing self; Mayor Robyn Prud'homme-Bauer, representing self; Mayor Craig McFarland, representing self; Leslee Steinmann, representing self; Paul Davenport, representing self; Wayne Sapp, representing self; Bonnie Davidson, representing self; Tom Doescher, representing self; Donna Booth, representing self; Gretchen Petersen, representing self; Ilse Contreras, PHOENIX, CITY OF; Janet Senf, representing self; Kay Bateman, representing self; Michael Mote, representing self; Mayor Ginny Dickey, representing self; Tom Savage, LEAGUE OF ARIZONA CITIES & TOWNS; Rob Bohr, GILBERT, TOWN OF; Robert Wisler CITY OF APACHE JUNCTION, representing self; Liz Barker Alvarez, AVONDALE, CITY OF

All Comments:

Kerry Jackson, Self: This is a common sense bill. Apartments all over have a large portion of their parking lots empty.; Elizabeth Putnam-Hidalgo, Self: YES, as a part of the solution to overuse of fossil fuels.; Kathy Pyner, Self: This should be local zoning.; Penny Boone, Self: YES This supports affordable housing and public transport.; Kathleen Dubbs, Self: Anything that reduces asphalt (and, thus, the heat islands) has my support; Rebecca Haynes, Self: It will improve rent affordability and livability by reducing costs associated with building parking spaces, steer people toward public transit, and reduce the asphalt that adds to the urban heat island effect.; Mary Nelson, Self: So logical; William Yohey, Self: Great idea. We need to have more use and expansion of ways to use public transportation; Mary Gaudio, Self: Should help bring more affordability to rental units and encourage more public transit use.; Carol Garnett, Self: Maybe this would encourage the use of public transit or options other than automobiles.; Ethan Knowlden, Self: Reducing parking requirements will increase the development of affordable housing for our seniors and special needs neighbors. Placing near services and public transportation just makes sense. This is a small step in solving our housing shortage.; Katharine Donahue, Self: It will just force people to park on the streets.; Srinivas Manne, Self: This is an excellent bill that will support high-density housing and walkability in appropriate neighborhoods such as downtown and senior housing.; Sarah Bihms LD29, Self: Support the reduction of mandatory parking spaces at certain residential developments, enhancing affordability and encouraging public transit use.; David Myers, Self: As long as usage is monitored and more spaces for needy individuals can be added if needed.; Teresa Kelleher, Self: Support lower costs for homes.; Susan Heck, Self: reducing parking spaces also reduces asphalt.; Julian Donahue, Self: I am opposed to any measure that serves to

encourage population growth.; Karolyn Switzer, Self: This makes sense in those places where a car is not essential.; Margaret Tinsley, Self: What a good idea! No reason to mandate parking spaces that will only sit empty. Please vote yes on this.; Janie Smieszek, Self: Many good reasons to support this bill; Jackie Rich, Self: Don't usurp local governments authority. They make locally intelligent decisions.; Susan Edwards, Self: The Legislature usurped residents' property rights by encouraging the over 70,000 AZ housing units already swallowed up by short-term rentals - and destroying neighborhoods. Now you propose sweeping zoning changes to take our voices, too?; Gary Saxhaug, Self: Helps allow for the implementation of 15-minute cities.; Barb Hinderland, Self: I strongly oppose any 15 minute cities! Keep out of AZ!; Linda Busam, Self: HB2734 is the first step to implementing 15 minute cities. Vote NO!; Charlie Silver, Self: People who live in subsidized housing also have vehicles--many need them to get to their multiple jobs and take care of their families.; Neal Haddad, Self: Eliminating residents' Constitutional right to redress govt for grievances, removing a public hearing, removing right to petition for 2/3 vote. How--sponsor & supporters--is this democracy w/o citizen input on neighborhoods? Pls. OPPOSE 2734.; Joe Fiumara, Self: Vote no on 15 min cities; Mayor Nancy Smith, Self: This bill sets an arbitrary number of public hearings allowed for developments. Please stop trying to lay down bills that remove local control. Public involvement is critical for a community.; Mayor Robyn Prud'homme-Bauer, Self: limits public involvement.; Mayor Craig McFarland, Self: Against the S/E portion of this bill. Limiting the number of public meeting is bad legislation.; Paul Davenport, Self: The proposed S/E amendment to scale back public hearings would make it harder for residents to provide input. That's not a good thing for effective decision-making and representative government.; Bonnie Davidson, Self: This issue should be left up to each individual city according to their needs. This should not be Arizona law!; Ilse Contreras, PHOENIX, CITY OF: Respectfully opposed to the strike everything amendment being offered which limits citizen input on planning and development.; Freddy Soto, ARIZONA HOUSING COALITION: We are in support of the Strike Everything amendment.; JOHN FIENE, Self: Reducing apartment parking requirements would enhance affordability and produce less urban heat. LD1 voter; Rivko Knox, Self: A great way to help reduce the cost of housing, especially when it is so high now & so many people can't afford what is being built!!; Gary Townsend, Self: It will improve rent affordability and livability by reducing costs associated with building parking spaces, steer people toward public transit, and reduce the asphalt that adds to the urban heat island effect.; Kay Bateman, Self: This bill helps to implement 15 minute cities; Michael Mote, Self: I believe the current rules are appropriate for changing zoning. The proposed bill would allow for zoning changes to occur too easily and I fear it could lead to poorly executed zoning changes that would not be good for neighbors, businesses, etc.; Mayor Ginny Dickey, Self: I agree with the League of AZ Cities and Towns on this proposal.; Michael Levine, Self: This bill makes sense.; Lois Hansen, Self: this would decrease rent prices and encourage people to use public transportation which is good for the environment

HB2770, marijuana; interstate agreements; delivery

Support:

Nick Simonetta, KOR CANNABIS; Elizabeth Goodman, KOR CANNABIS; Julie Gunnigle, representing self; Jessica Rainbow, KOR CANNABIS; Tim Gordon, representing self

Oppose:

Brett Mecum, JARS; Pele Fischer, Arizona Dispensaries Association; Robert Dalager, CURALEAF; Jeff Caldwell, representing self

All Comments:

Jeff Caldwell, Self: This bill, if passed, would encourage the DEA to arrest anyone associated with a "legal" cannabis business doing business over state lines & encourages breaking the law. If the DEA arrests people bc of this law, the state will not step up to defend.

HB2780, technical correction; military; special plates

Support:

Brett Mecum, representing self; Dianne McCallister, Arizona Technology Council

Oppose:

Patricia Mentz, representing self

HB2861, condominiums; terminations

Support:

Mary Ann Graffagnino, representing self; Kerry Jackson, representing self; Dennis J Legere, ARIZONA HOMEOWNERS COALITION; Eric Buckeye, representing self; Willard Wilton, representing self; Joe Carter, representing self; kathleen mayer, representing self; Pat VanMaanen, representing self; Janet Larkin, representing self; Rebecca Smith Gross, representing self; Judith Robbins, representing self; marilyn duerbeck, representing self; Fred Fischer, representing self; Jeanne Casteen, representing self; Beatriz Urrea, representing self; Karen Syversen, representing self; Sallie Kladnik, representing self; Sandra Weir, representing self; Donita Ramos, representing self; Bryna Koch, representing self; Catherine Sigmon, representing self; Katherine Doman Sheydayi, representing self; Susan Morris, representing self; Kurt Gronlund, representing self; Alexei Sheydayl, representing self; Rebecca Olsen McHood, representing self; Julie Golding, representing self; Alexandra Dubois, representing self; Murdock Holloway, representing self; Carly Mahlmeister, representing self; Patricia Mentz, representing self; Margaret Winchell, representing self; Ralph Meredith, representing self; Gayle Meredith, representing self; Margaret Adams , representing self; Marilyn Childs, representing self; Paula Feely, representing self; Mary-Jeanne Fincher, representing self; Michael Pyska, representing self; Kate Bauer, representing self; Dorothy Reed-Inman, representing self; Rebecca Haynes, representing self; Anne Thompson, representing self; Saher Afzal, representing self; Bonnie Oakes, representing self; Crystal Bazarnic, representing self; Gary Rulapaugh, representing self; Elizabeth Douglas, representing self; Kathryn Anderson, representing self; John Propster, representing self; Charlotte Lis, representing self; leadawn anderton, representing self; Larry Scoufos, representing self; Dee Maitland, representing self; Laurie Munn, representing self; Loretta O'Connor, representing self; Cynthia Wagner, representing self; Nancy Hancock, representing self; Carol Waymire, representing self; Joyce DeBolt, representing self; jeff green, representing self; Jill Anderson, representing self; Eric Harris, representing self; Jerrold Borchardt, representing self; marcia stewart, representing self; Pierre Desombre, representing self; Marcia Tingley, representing self; RITA DEPUYDT, representing self; Christopher Cerrato, representing self; Sharon Ehrlich, representing self; Kathleen Sauer, representing self; Sharon Regen, representing self; Aaron Essif, representing self; Evan Deaubl, representing self; George Ehrlich, representing self; Sheila Green, representing self; Barbara Jones, representing self; Cynthia Paster, representing self; Carol Campbell, representing self; JOHN FIENE, representing self; Libby Stortz, representing self; Mark LaPalm, representing self; Douglas Cain, representing self; John Krahn, representing self; Janie Smieszek, representing self; Devon Sloan, representing self; Andrea Golfen, representing self; Melinda Bell, representing self; Dean Clatone, representing self; Lois Hansen, representing self;

Kathryn Dorn, representing self; Barbara Kunkel, representing self; Lisa Koenig, representing self; Joyce Howard, representing self; Susan Heck, representing self; Teresa Pinter, representing self; Rod Lippert, representing self; Stephen Gordon, representing self; Joy LaCombe, representing self; John Laplane, representing self; Betty Wilder, representing self; Nancy Pemberton, representing self; Julie Bufkin, representing self; Alison Danis, representing self; Jacob Holley, representing self

Neutral:

Ruthee Goldkorn, representing self

Oppose:

Chad Gallacher, representing self; Robert Fisher, representing self; Wendy Stofa, representing self; Gary Townsend, representing self; Alexis Glascock, COMMUNITY ASSOCIATIONS INSTITUTE; Charlie Markle, ROCKWELL PROPERTY CO

All Comments:

Mary Ann Graffagnino, Self: Owners need this bill to insure for them a fair deal.; Kerry Jackson, Self: This is a common sense bill that will prevent condo owners from being thrown out into the cold and ending up homeless.; Dennis J Legere, ARIZONA HOMEOWNERS COALITION: This bill is an insurance policy in case the Arizona Supreme Court does not rule the entire statute unconstitutional. It continues the practice of the last three amendments to this statute to increase the compensation for homeowners displaced against; Joe Carter, Self: Condominium owners need this protection to prevent unscrupulous developers from taking over their property, evicting residents and making their homes into rental properties. Such actions may increase homelessness among retirees with limited income; Pat VanMaanen, Self: Helps condo owners from a forced sale at a reduced price to corporations who convert the units to rentals.; Mary-Jeanne Fincher, Self: Condo conversions can be very unfair and disruptive for current residents. This bill will help ease some of the pain.; Rebecca Haynes, Self: This would help to make sure owners get a fair deal if they're forced to sell to investors.; Bonnie Oakes, Self: So nice to see a bill with bi-partisan Prime and Co- sponsorship. We need more of that. Thoughtfulness is what Rep Schwiebert put into this protection bill, and retired seniors appreciate that.; Elizabeth Douglas, Self: Anyone forced out of where they have been living should receive compensation adequate to find and move to similar, or better, not worse, housing.; JOHN FIENE, Self: A fair deal on relocation costs is a good deal. LD1 voter; Lois Hansen, Self: owners need a fair shake when dealing with investor purchases of real estate.; Betty Wilder, Self: I am for this bill to ensure that I as an owner am reimbursed at market value for my condo when I am FORCED to sell it to the new developer after living in it for nearly 18 years.; Robert Fisher, Self: Still a bad bill; Gary Townsend, Self: Making sure owners get a fair deal if they're forced to sell to investors.; Ruthee Goldkorn, Self: Neutral; Alexis Glascock, COMMUNITY ASSOCIATIONS INSTITUTE: Against

HB2884, zero-emission vehicle program; rebate

Support:

Cesar Chavez, SYSCO CORPORATION; Dianne McCallister, Arizona Technology Council; Barbara Barenburg, representing self; Luis Acosta, SYSCO CORPORATION

Oppose:

Greg Blackie, AZ FREE ENTERPRISE CLUB; Patrick OMalley, representing self; Joanne Johnson, representing self; Shirley Dye, representing self; Cathy Schwanke, representing self; Gary Johnson, representing self; Christine Maceri

Genge, representing self; Dennis Genge, representing self; Mark Logan, representing self; mary maybeno, representing self; Gayle Peters, representing self; Theresa Logan, representing self; Charles McCain, representing self; Patricia Mentz, representing self; Michael Meacham, representing self; Deanna Schreckler, representing self; Stephen Harris, representing self; Arthur York, representing self; Corinne Haynes, representing self; Buffalo Rick Galeener, representing self; Michael Schultz, representing self; Susan Bolt, representing self; Linda Busam, representing self; Jan Krygier, representing self; Pam Anderson, representing self; Christine Accurso, representing self; Charles Mackey, representing self; Connie Martin, representing self; Bill Brown, representing self; Nikki Colletti, representing self; Dianna Gates, representing self; Bridget Nelke, representing self; Carole Challoner, representing self; Gary Saxhaug, representing self; Jennifer Oriza, representing self; Melanie Hutchings, representing self; James McFadzean, representing self; Kaite Lambert, representing self; LouAnn Sedgwick, representing self; Jean Ferguson, representing self; Darla Kissling, representing self; Joseph Myers, representing self; Sue Unverricht, representing self; Chelsey Yeats, representing self; Richard Kissling, representing self; Teri Grunewald, representing self; Phyllis Lester, representing self; Mary Ann Johnston, representing self; Vickie Parks, representing self; Catherine Tunget, representing self; Kathleen Leaman, representing self; Dawn Hampton, representing self; Frank Gilbert, representing self; Kristin Baumgartner, representing self; Charlyce Knight, representing self; Helen Hebert, representing self; Karen Chaney, representing self; Earl Taylor, representing self; Starr Costa, representing self; Steve Hetsler, representing self; Marie Shepherd, representing self; Peter Asencio, representing self; Maria Lopez, representing self; Marc Monterey, representing self; Carol Stines, representing self; Kellee Casto, representing self; Doris Hinton, representing self; Gloria Brintnall, representing self; Andrew Costanzo, representing self; Jerry Knorr, representing self; karen enns, representing self; Bob Alonzo, representing self; Connie Wright, representing self; Jennifer Marriott, representing self; LW Forster, representing self; Judy Smith, representing self; Judy Alonzo, representing self; Cindy Cragin, representing self; Charles Moffett, representing self; Scott Chance, representing self; Stuart Scurti, representing self; Barb Hinderland, representing self; Mary Jamsa, representing self; Travis Chow, representing self; Roy Scott Lassell, representing self; Doris Mills, representing self; Michael Mote, representing self; Sandee McKinlay, representing self; Irene Lavor, representing self; Chris Russo, representing self; Nancy Barrett, representing self; patricia I newell, representing self; Patricia Keitel, representing self; Kathryn Clark, representing self; George Duffield, representing self; conrad tolon, representing self; Marcia Sahag, representing self; Jane Evans, representing self; Ronald Pardini, representing self; Donald Bond, representing self; Lynda Patrick-Hayes, representing self; Linda Burrier, representing self; Cheryl Pardini, representing self; Pamela Calik, representing self; Tia Ogburn, representing self; Barbara Wellington, representing self; Ryan Larson, representing self; Susan Garvey, representing self; Gary Zimmerman, representing self; Dayle Hartgerink, representing self; Donald Koeppen, representing self; Kathy Ailor, representing self; Kay Bateman, representing self; Elizabeth Gatley, representing self; Roy Casto, representing self; James Judd, representing self; Ariane Buser, representing self; George Momper, representing self

All Comments:

Barbara Barenburg, Self: No more subsidies for EVs.; Joanne Johnson, Self: Taxpayers should not subsidize anything especially zero emission vehicles!; Shirley Dye, Self: My tax \$ should not be used to subsidize anything, especially pie in the sky impossible ideas like Zero Emissions! This is crazy and should never have been scheduled to a committee. Worthless time waster; Gary Johnson, Self: If zero emission vehicles are so wonderful, they should be in demand. Why is a subsidy needed!; Christine Maceri Genge, Self: This climate agenda is insanity. There is no such thing as zero emissions. Climate agenda is just standard fear tactics of the left. None of their Armageddon prophesies have ever been accurate. If they were elites wouldn't build on oceanfront.; mary maybeno, Self: no fed \$ for rebates on zero-emission vehicles; Gayle Peters, Self: no to more rebates; Stephen Harris, Self: We need to stop picking winners and losers. The market should decide!; Corinne Haynes, Self: This is insane. The market should decide this, NOT the government.; Michael Schultz, Self: We should not be picking winners and losers.

Especially since the "Winners" will be going bankrupt, because the demand is too low.; Jan Krygier, Self: A big NO!!; Charles Mackey, Self: No subsidies for EV's. The EV's do not pay a gas tax. Subsidies for zero emission vehicles is more Green New Deal garbage. This is more government intrusion into the market place.; Bill Brown, Self: It is lunacy that we're still providing cronyist handouts to companies nudging consumers towards particular choices. If ZEV are so great, let them compete on the free market.; Bridget Nelke, Self: NO NO NO emissions can happen during the electric plant not just a tail pipe PLEASE STOP THIS BILL; Gary Saxhaug, Self: Bad Bill. The market should decide this, not the government.; James McFadzean, Self: This is absurd and congressman better go back to science class. There is no such thing that is zero emissions.; LouAnn Sedgwick, Self: I'm a PC and state committeeman. We should not be subsidizing this Net Zero crap.; Joseph Myers, Self: There is no research science to infer to the best explanation that subsidizing EVs or similar vehicles will reduce carbon footprint to meet government standards. In effect, this is robbing from Citizen A to subsidize Citizen B and an EV; Sue Unverricht, Self: NO more subsidies for EVs, please!; Vickie Parks, Self: Zero emission - totally absurd;; Kristin Baumgartner, Self: I'm PC captain. Electric cars are not affordable for most citizens. They create huge issues for disposing of the batteries. Car fires occur more often. This is a BAD idea.; Charlyce Knight, Self: Market should determine NOT government; Helen Hebert, Self: insane! government needs to work on important security and safety of the American people for a change; Karen Chaney, Self: I am a PC in LD 17 and I urge you to vote no; Starr Costa, Self: NO WAY! This is insane. There is no such thing as zero emissions. Emissions happen either at the tailpipe or at the electric plant. The provisions of this bill put a thumb on the balance of determining the worth of electric vs. non-electric vehicles.; Peter Asencio, Self: I am a PC. Father, Husband. STOP EV subsidies.; Maria Lopez, Self: As a Precinct and State Committeeman, I do not support this bill.; Marc Monterey, Self: No more "green new deal" boondoggles on vehicles that require child labor, massive amounts of diesel powered mining equipment and massive environmental degradation to produce a not-so-"low emission vehicle" when considering the whole picture.; Andrew Costanzo, Self: Let the market, not government, decide which vehicle is to be purchased. No subsidies for ANYTHING!; Karen Enns, Self: Here we go again. The government handing out money to fix a problem that does not exist. Proponents of banning carbon dioxide, which all plants must have, will not even debate scientists who disagree, but just prefer to call them deniers.; Stuart Scurti, Self: Please vote no on this Bill. The need for zero emissions is a lie and a massive waste of money ultimately resulting in higher costs for AZ citizens and less freedom of travel.; Mary Jamsa, Self: I am against forced EV usage.; Travis Chow, Self: oppose; Roy Scott Lassell, Self: I oppose this bill. We need to focus on true priorities.; Michael Mote, Self: ADOT should not be permitted to continue without reforms to prohibit VMT reductions, road diets, carbon reduction plans, and DEI training. Government has no place dictating such things.; Irene Lavor, Self: PC in precinct 179, LD 17; Chris Russo, Self: Chris, PC co-captain, PV. This is a loser. EVs don't work and I don't want to pay for some idiot who wants to waste their money buying one.; Nancy Barrett, Self: Stop all this Green legislation!; Kathryn Clark, Self: If zero emission cars are such a popular, great thing then why would a rebate be needed? This is a bad idea and not what we should be spending any money on. Please vote against this bill. Thank you.; George Duffield, Self: This Bill is unrealistic. People need to have the capability to move freely in vehicle of their choice.; Conrad Tolson, Self: The government should not be choosing winners and losers in the market. If/when EV's become economically viable without subsidies, then they will prevail. The government should not interfere in the process; Donald Bond, Self: Unfair rebates and subsidies- costs are just too high!; Lynda Patrick-Hayes, Self: stop all zero-emissions bills...; Ryan Larson, Self: why does the gov't need to prop up a business with law. Seems like special treatment; Gary Zimmerman, Self: The market should determine the success or failure of electric vehicles. Looking at whole-life emissions and toxicity, they are actually worse for the environment than internal combustion cars, and their construction harms communities of color.; Dayle Hartgerink, Self: I oppose rebates for zero emission vehicles!; Kay Bateman, Self: There is no Zero Emissions. The government should not decide this.; George Momper, Self: Federal government already showers subsidies on EV buyers- huge rebates, taxpayer bought charging stations, special lanes and discounts on highways, etc. ENOUGH!

HB2885, apprenticeship; supervised probation

Support:

Kerry Jackson, representing self; Mark Cardenas, BOILERMAKERS LOCAL 627; Daniella Smith, Arizona Coalition For Working Families; Michael Infanzon, representing self; Shaun Rieve, JUSTICE ACTION NETWORK; Patricia Mentz, representing self; Christian Bearden, Ironworkers Local 75; Sam Curry, ARIZONA VETERANS

All Comments:

Kerry Jackson, Self: People who have been incarcerated are deserving of a second chance, a chance for a career opportunity that may lift them up; out of the cycle of events that had dominated their former life. The Carpenter's Union is a good & safe place for them.

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Commerce Bill Number 2648
Date 2-13-24 ☒ Support ☐ Oppose ☐ Neutral
Name Judy Werner Need to Speak? ☒ Yes ☐ No
Representing _____ Are you a registered lobbyist? _____
Complete Address _____
E-mail Address jjwerner@gmail.com Phone Number 618-304-5253
Comments: _____

FIVE-MINUTE SPEAKING LIMIT



COMPLETE FORM FOR PUBLIC RECORD

**STATE OF ARIZONA
HOUSE OF REPRESENTATIVES**

REQUEST TO SPEAK

Committee on Commerce Authority Date: 2/13/24 Bill Number: HB2780
Name: Lisa Godrick ☒ Support ☐ Oppose ☐ Neutral | Need to Speak: ☐ Yes ☐ No
Representing: _____ Registered Lobbyist ☐ Yes ☒ No
Address: 7738 E. Obispo Ave City/State: Mesa Zip Code: 85212
Email Address: lgodrick@gmail.com Phone Number: 480-363-4738
Comments: _____

SPEAKING TIME DETERMINED BY THE CHAIRMAN

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on Commerce Bill Number 2885

Date 2/13/24 ☒ Support ☐ Oppose ☐ Neutral

Name THEON LOUVER Need to Speak? ☒ Yes ☐ No

Representing LUNA Are you a registered lobbyist? NO

Complete Address 1401 E Washington St

E-mail Address tlcouver@local1184.com Phone Number 951-377-9617

Comments: _____

FIVE-MINUTE SPEAKING LIMIT

COMMITTEE ATTENDANCE RECORD

CHAIRMAN: Justin Wilmeth VICE-CHAIRMAN: Michael Carbone

✓ Present --- Absent exc Excused



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2770: marijuana; interstate agreements; delivery

Sponsor: Representative Wilmeth, LD 2

Committee on Commerce

Overview

Enables interstate transferring of marijuana products.

History

In 2020, Arizona voters approved the Smart and Safe Arizona Act which legalized the sale and use of recreational marijuana to Arizonans who are at least 21 years of age, to be regulated and overseen by DHS. Statute prescribes requirements and regulations relating to the sale, packaging, labeling, tracking and advertising of recreational marijuana and marijuana products, including requirements that: 1) recreational marijuana products be labeled with a quick response code that provides testing information about the product; and 2) no marijuana product packaging resemble a human, animal, insect, fruit, toy, cartoon or a food or drink brand that is marketed to children. Monies collected from the sale of recreational marijuana must be deposited in the Medical Marijuana Fund and then allocated to outlined entities (Title 36, Chapter 28.2, A.R.S.).

Provisions

Cross-Jurisdictional Coordination Agreements

1. Allows the Governor to enter into an agreement with another state for the purposes of:
 - a) cross-jurisdictional coordination and enforcement of marijuana-related businesses authorized to conduct business in either Arizona or the other state; and
 - b) cross-jurisdictional delivery of marijuana and marijuana products between Arizona and the other state. (Sec. 3)
2. Outlines the requirements for Cross-Jurisdictional Coordination Agreements (Agreements). (Sec. 3)
3. Specifies, in accordance with an Agreement, a marijuana establishment or dual licensee may:
 - a) deliver marijuana and marijuana products to a person located in and authorized to receive marijuana and marijuana products from the other state; and
 - b) receive marijuana and marijuana products from a person located in and authorized to export marijuana and marijuana products by the other state. (Sec. 3)
4. Defines pertinent terms. (Sec. 3)

Conditional Enactment of Agreements

5. Provides for the conditional enactment of Agreement provisions contingent on by October 1, 2028, the occurrence of either:

☒ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note
---	--	---	--------------------------------------

- a) federal law is amended to allow for the interstate transfer of marijuana and marijuana products between authorized marijuana-related businesses; or
 - b) the United States Department of Justice issues an opinion or memorandum allowing or tolerating the interstate transfer of marijuana and marijuana products between authorized marijuana-related businesses. (Sec. 4)
6. Instructs the director of the DHS to notify the director of the Arizona Legislative Council in writing by November 1, 2028, either:
- a) the date on which the requirements for the conditional enactment of Agreement provisions were met; or
 - b) that neither condition was met. (Sec. 4)

Miscellaneous

7. Requires that DHS's rules regulating the delivery of marijuana in a vehicle from a designated location allow the designated location to be the marijuana establishment's retail location or where the marijuana or marijuana products are processed, manufactured or cultivated. (Sec. 2)
8. Modifies the definition of *marijuana establishment*. (Sec. 1)
9. Makes technical changes. (Sec. 1, 2)
10. Contains a Proposition 105 clause. (Sec. 5)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

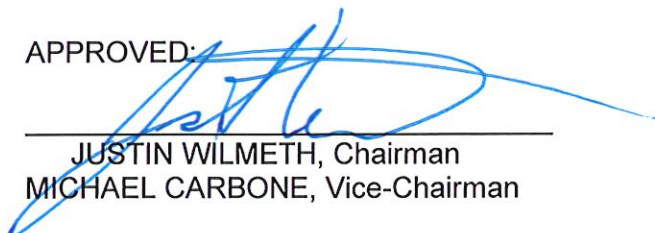
ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2770

DATE February 13, 2024 MOTION: Failed

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter			✓		
Gress			✓		
Heap			✓		
Hendrix			✓		
Liguori		✓			
Ortiz			✓		
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		5	5	0	0

APPROVED:



JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 5



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2599: health care appeals

Sponsor: Representative Livingston, LD 28
Committee on Commerce

Overview

Revises statute relating to health care appeals.

History

Title 20, Chapter 15, A.R.S. prescribes and governs the health care appeal process for members whose covered service or claim for a service has been denied by a health care insurer. Each utilization review agent and each health care insurer whose utilization review system includes the power to affect the direct or indirect denial of requested medical or health care services or claims for medical or health care services shall adopt written utilization review standards and criteria and processes for the review, reconsideration and appeal of denials.

Provisions

1. Clarifies a member who *receives an adverse determination*, rather than is denied a covered service or whose claim for a service is denied, may pursue the applicable review process. (Sec. 4)
2. Modifies the levels of review a health care insurer must provide relating to health care appeals. (Sec. 4)
3. Removes language relating to providing an additional level of review. (Sec. 4)
4. Allows a health care insurer, for group plans, to offer a voluntary internal appeal as an additional internal level of review. (Sec. 4)
5. Outlines requirements for a health care insurer who offers a voluntary internal appeal for group plans relating to denial of a claim for service. (Sec. 4)
6. Provides requirements for a health care insurer, for individual plans and group plans in which a voluntary internal appeal is not offered relating to denial of a claim for service. (Sec. 4)
7. Instructs a health care insurer to provide a required written determination and include the basis, criteria used, clinical reasons and rationale for the determination. (Sec. 4)
8. Specifies a member has exhausted the insurer's internal levels of review provided the insurer fails to comply with statutory requirements relating to health care appeals process, with exception. (Sec. 4)
9. Permits a health care insurer to waive the internal appeal process. (Sec. 4)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note
--	--	---	--------------------------------------

10. Clarifies the information that must be included in a health care insurers information packet that is provided to a member. (Sec. 4)
11. Adds that if a member's complaint is experimental or investigational under the coverage document, an internal appeal process must be performed. (Sec. 4)
12. Instructs the health care insurer, prior to making a final adverse determination that relies on new or additional evidence, to provide the new or additional information to the member free of charge sufficiently in advance of the final adverse determination to allow the member a reasonable opportunity to respond. (Sec. 4)
13. Specifies that any member who receives an adverse determination, except for a denial of a claim for service or a rescission of coverage, may pursue an expedited medical review of that denial if the member's treating provider certifies in writing that the time period for the initial appeal process and the voluntary internal appeal process are likely to cause a significant negative change in the member's medical condition. (Sec. 5)
14. Adds that if a member's complaint is experimental or investigational under the coverage document and not whether the service is covered:
 - a) the agent, prior to making a determination, must consult with a licensed physician or other licensed health care professional; and
 - b) any provider, physician or other specified health care professional must review the expedited appeal and render a determination based on the utilization review plan. (Sec. 5)
15. Specifies a member has up to two years to request an initial appeal, rather than an informal reconsideration, after a service has been denied. (Sec. 6)
16. Removes language relating to a health care insurer providing its members an informal reconsideration. (Sec. 6)
17. Instructs a utilization review agent to select a provider to review the appeal and render a determination based on the utilization review plan if a member's appeal is an issue of medical necessity or appropriateness. (Sec. 6)
18. Requires a utilization review agent to send their determination within the statutory time frames relating to claim denial, rather than 30 days after receipt of the request for reconsideration. (Sec. 6)
19. Clarifies the information that must be included in the utilization review agent's written statement of the agent's decision regarding denial of a covered service. (Sec. 6)
20. Specifies a member may appeal an adverse determination to the voluntary appeal level if a health care insurer offers a voluntary appeal level as part of its internal review levels. (Sec. 7)
21. Removes language relating to a member filing a written appeal regarding a denial of a claim within two years after receipt of the notice of the denial. (Sec. 7)
22. Stipulates a provider, physician or other specified health professional must review an appeal if the appeal is an issue of appropriateness, including health care setting, level of care or effectiveness of a covered benefit or is experimental or investigation. (Sec. 7)
23. Instructs a utilization review agent to send the member their determination and the basis, reasons and rationale for the determination within the statutory time frames

relating to claim denial, instead of up to the 30-day and 60-day time frame as outlined. (Sec. 7)

24. Clarifies a member may initiate an external independent review if the utilization review agent denies a request for a covered service or claim at all applicable internal levels of review or if the member has exhausted the health care insurer's internal levels of review. (Sec. 8)
25. Requires the written acknowledgment relating to an external independent review to include notice to the member that the member has five business days after receiving the notice to submit additional written evidence to DHS for consideration by the assigned independent review organization. (Sec. 8)
26. Instructs DHS, within one business day after receiving additional written evidence submitted by the member, to provide a copy of the evidence to the health care insurer and the independent review organization.
27. Requires the independent review organization to consider the evidence in making its determination and allows the organization to consider evidence submitted after five business days. (Sec. 8)
28. Instructs the independent review organization, within 21 days after receiving a case for review from DHS, to evaluate and analyze the case. (Sec. 8)
29. Requires the independent review organization, for claims or requests for services denied as experimental or investigational, to render a determination that is consistent with the review plan and send a copy of the determination to DHS in accordance with specified requirements. (Sec. 8)
30. Instructs DHS to send a notice of the determination to specified individuals within five business days after receiving a notice of determination from the independent review organization. (Sec. 8)
31. Asserts the determination is a final administrative decision and is subject to judicial review. (Sec. 8)
32. Requires the health care insurer to provide any service or pay any claim determined to be covered and medically necessary by the independent review organization for a case under review without delay regardless of whether judicial review is sought. (Sec. 8)
33. Outlines the circumstances for which a member may initiate an expedited external independent review and extends the time frame for submitting a written request for an independent review from five business days to four months. (Sec. 8)
34. Adds that, for a matter involving an experimental or investigational determination, a member may make an oral request provided the member's treating physician certifies in writing that the recommended service or treatment would be less effective if not promptly initiated. (Sec. 8)
35. Requires the independent review organization, for cases involving an issue of appropriateness, including health care setting, level of care or effectiveness of a covered benefit or is experimental or investigational, to evaluate and analyze the case. (Sec. 8)
36. Directs a health care insurer and an independent review organization to maintain all records relating to internal and external appeals and exception requests for at least three years after the completion of the appeals process or exception request process. (Sec. 9)

- 37. Changes references of informal reconsideration to initial appeal. (Sec. 4, 6, 7)
- 38. Includes a definition for *final adverse determination*, *internal level of review*, and *rescission*. (Sec. 1)
- 39. Changes the defined term of *adverse decision* to *adverse determination* and revises the definition. (Sec. 1)
- 40. Replaces the term *adverse decision* with *adverse determination* as appropriate. (Sec. 3)
- 41. Contains a delayed effective date of January 1, 2025. (Sec. 10)
- 42. Makes technical changes. (Sec. 1-8)

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2599

(Reference to printed bill)

- 1 Page 1, line 8, after the second "service" strike remainder of line
- 2 Line 9, strike "PART,"; after "SERVICE" insert ", IN WHOLE OR IN PART,"
- 3 Line 10, strike "or" insert "or"
- 4 Line 14, strike "OF COVERAGE"
- 5 Line 33, after "provided" strike remainder of line
- 6 Line 34, strike "WHICH NO MINIMUM DOLLAR AMOUNT MAY BE IMPOSED"
- 7 Page 2, line 5, strike "OF COVERAGE"
- 8 Line 15, after "FINAL" insert "INTERNAL"
- 9 Line 16, after "UPHELD" insert ", IN WHOLE OR IN PART,"; strike "BY THE HEALTH
- 10 CARE INSURER"; after the second "THE" insert "HEALTH CARE INSURER'S"
- 11 Line 17, strike "APPEALS PROCESS" insert "INTERNAL LEVELS OF REVIEW"; after
- 12 "OR" insert "AN ADVERSE DETERMINATION WITH RESPECT TO WHICH THE INTERNAL
- 13 LEVELS OF REVIEW"; strike "THAT HAS" insert "HAVE"
- 14 Between lines 17 and 18, insert:
- 15 "7. "GRANDFATHERED INDIVIDUAL PLAN" MEANS COVERAGE PROVIDED BY AN
- 16 INDIVIDUAL HEALTH CARE INSURER WHICH WAS PURCHASED BEFORE MARCH 23, 2010
- 17 AND WHICH HAS NOT LOST SUCH STATUS DUE TO CHANGES IN BENEFITS."
- 18 Renumber to conform
- 19 Between lines 23 and 24, insert:
- 20 "9. "HEALTH CARE SETTING" MEANS AN INSTITUTION PROVIDING HEALTH CARE
- 21 SERVICES, INCLUDING BUT NOT LIMITED TO, HOSPITALS AND OTHER LICENSED
- 22 INPATIENT CENTERS, AMBULATORY SURGICAL OR TREATMENT CENTERS, SKILLED

1 NURSING CENTERS, RESIDENTIAL TREATMENT CENTERS, DIAGNOSTIC, LABORATORY AND
2 IMAGING CENTERS AND REHABILITATION AND OTHER THERAPEUTIC HEALTH SETTINGS."
3 Renumber to conform
4 Page 2, line 26, strike "ten business days" insert "THE PRESCRIBED TIME FRAMES
5 PURSUANT TO 20-3404"
6 Line 28, strike "LEVEL" insert "LEVELS"
7 Line 31, after "INITIAL" insert "INTERNAL"
8 Page 3, strike lines 22 through 43
9 Renumber to conform
10 Page 4, line 7, strike "ADVERSE"
11 Page 6, line 5, after "A." insert "NO MINIMUM DOLLAR AMOUNT MAY BE IMPOSED ON ANY
12 CLAIM THAT IS THE SUBJECT OF AN ADVERSE DETERMINATION FOR A MEMBER TO, AND"
13 Line 6, after "may" insert a comma
14 Line 20, after the comma insert "AND FOR GRANDFATHERED INDIVIDUAL PLANS,"
15 Line 26, strike "FOR AN"
16 Line 27, strike "ADVERSE DETERMINATION, PROVIDE" insert "THAT HAS ALREADY BEEN
17 PROVIDED, SEND"; strike "WITH"
18 Line 30, strike ", PROVIDE" insert "THAT HAS ALREADY BEEN PROVIDED, SEND";
19 strike "WITH"
20 Line 34, strike "INSURERS" insert "INSURER'S"
21 Line 35, after "SERVICE" strike remainder of line
22 Line 36, strike "ADVERSE DETERMINATION, PROVIDE" insert "THAT HAS ALREADY BEEN
23 PROVIDED, SEND"; strike "WITH"
24 Line 37, after "AFTER" insert "THE HEALTH CARE INSURER RECEIVES"
25 Line 40, strike ", PROVIDE" insert "THAT HAS ALREADY BEEN PROVIDED, SEND";
26 strike "WITH"
27 Page 7, line 33, after "each" insert "APPLICABLE"
28 Page 8, line 44, strike "is" insert "INVOLVES"
29 Line 45, after "OR" insert "APPROPRIATENESS, INCLUDING HEALTH CARE SETTING,
30 LEVEL OF CARE OR EFFECTIVENESS OF A COVERED BENEFIT, OR"
31 Page 9, line 2, strike "INTERNAL" insert "INITIAL"

1 Page 9, line 4, strike "is" insert "INVOLVES"; after "necessity" insert "OR
2 APPROPRIATENESS, INCLUDING HEALTH CARE SETTING, LEVEL OF CARE OR
3 EFFECTIVENESS OF A COVERED BENEFIT,"
4 Line 11, after "FINAL" insert "INTERNAL"
5 Line 16, after "RESPOND" insert "WITHIN THE APPLICABLE TIME FRAMES FOR THE
6 HEALTH CARE INSURER TO PROVIDE THE MEMBER WITH A WRITTEN DETERMINATION
7 PRESCRIBED IN SUBSECTIONS C AND D OF THIS SECTION"
8 Line 43, strike "one business day" insert "SEVENTY-TWO HOURS"
9 Page 10, line 2, strike "is" insert "INVOLVES"
10 Line 3, after "necessity" insert "OR APPROPRIATENESS, INCLUDING HEALTH CARE
11 SETTING, LEVEL OF CARE OR EFFECTIVENESS OF A COVERED BENEFIT,"
12 Line 7, after "14," insert "16,"; after "19" insert ", 19.1"
13 Line 29, strike "is" insert "INVOLVES" ; after "necessity" insert "OR
14 APPROPRIATENESS, INCLUDING HEALTH CARE SETTING, LEVEL OF CARE OR
15 EFFECTIVENESS OF A COVERED BENEFIT,"
16 Line 31, after "covered," strike remainder of line
17 Strike lines 32 through 43
18 Line 44, strike "to the requirements of this subsection,"
19 Line 45, strike "the" insert "A"; after "provider" strike ", PHYSICIAN OR
20 OTHER HEALTH CARE PROFESSIONAL"
21 Page 11, line 1, after "DETERMINATION" insert "BASED ON THE UTILIZATION REVIEW
22 PLAN ADOPTED BY THE UTILIZATION REVIEW AGENT"
23 Line 2, strike the first comma insert "OR"; strike ", physician or other
24 health care"
25 Line 3, strike "professional"
26 Line 7, after the period insert: "FOR THE PURPOSES OF THIS SUBSECTION,
27 "PROVIDER" MEANS EITHER OF THE FOLLOWING:
28 1. A PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL WHO IS LICENSED
29 PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14, 16, 17, 19, 19.1 OR 29, WHO
30 IS QUALIFIED IN A SIMILAR SCOPE OF PRACTICE AS A PHYSICIAN OR OTHER HEALTH
31 CARE PROFESSIONAL LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14,

1 16, 17, 19, 19.1 OR 29 AND WHO IS EMPLOYED OR UNDER CONTRACT WITH THE
2 UTILIZATION REVIEW AGENT.

3 2. AN OUT-OF-STATE PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL WHO
4 IS LICENSED IN ANOTHER STATE AND WHO IS NOT LICENSED IN THIS STATE, WHO IS
5 EMPLOYED OR UNDER CONTRACT WITH THE UTILIZATION REVIEW AGENT AND WHO EITHER
6 IS QUALIFIED IN A SIMILAR SCOPE OF PRACTICE AS A PHYSICIAN OR OTHER HEALTH
7 CARE PROFESSIONAL LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14,
8 16, 17, 19, 19.1 OR 29 OR WHO TYPICALLY MANAGES THE MEDICAL CONDITION UNDER
9 APPEAL."

10 Page 11, line 15 and 16, strike "is denied a service OR WHOSE CLAIM FOR A SERVICE
11 THAT HAS ALREADY BEEN PROVIDED IS DENIED" insert "RECEIVES AN ADVERSE
12 DETERMINATION"

13 Strike lines 28 through 31

14 Reletter to conform

15 Line 35, strike "IS" insert "INVOLVES"

16 Line 44, after "PHYSICIAN" insert "OR OTHER HEALTH CARE PROFESSIONAL LICENSED
17 PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14, 16, 17, 19, 19.1 OR 29"

18 Line 45, after "EMPLOYED" insert "OR"

19 Page 12, line 3, after "WHO" insert "EITHER IS QUALIFIED IN A SIMILAR SCOPE OF
20 PRACTICE AS A PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL LICENSED PURSUANT
21 TO TITLE 32, CHAPTER 7, 8, 11, 13, 14, 16, 17, 19, 19.1 OR 29 OR WHO"

22 Line 22, strike "E- F" insert "E"

23 Line 31, after "PLAN" insert "OR GRANDFATHERED INDIVIDUAL PLAN"

24 Line 34, strike "MEMBER" insert "HEALTH CARE INSURER"

25 Line 42, after the comma insert "OR A GRANDFATHERED INDIVIDUAL PLAN,"

26 Line 43, after "VOLUNTARY" insert "INTERNAL"

27 Page 13, line 2, after "VOLUNTARY" insert "INTERNAL"

28 Strike line 9 through 11

29 Reletter to conform

30 Line 16, strike "is" insert "INVOLVES"

31 Line 20, after "covered," strike remainder of line

1 Page 13, Strike lines 21 through 32

2 Line 33, strike "this subsection,"; strike the second "the" insert "A"; strike
3 the second comma

4 Line 34, strike "physician or other health care professional who shall" insert
5 "TO"

6 Line 35, strike "the" insert "A"; after "DETERMINATION" insert "BASED ON THE
7 UTILIZATION REVIEW PLAN ADOPTED BY THE UTILIZATION REVIEW AGENT. FOR THE
8 PURPOSES OF THIS SUBSECTION, "PROVIDER" MEANS EITHER OF THE FOLLOWING:

9 1. A PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL WHO IS LICENSED
10 PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14, 16, 17, 19, 19.1 OR 29, WHO
11 IS QUALIFIED IN A SIMILAR SCOPE OF PRACTICE AS A PHYSICIAN OR OTHER HEALTH
12 CARE PROFESSIONAL LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14,
13 16, 17, 19, 19.1 OR 29 AND WHO IS EMPLOYED UNDER CONTRACT WITH THE
14 UTILIZATION REVIEW AGENT.

15 2. AN OUT-OF-STATE PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL WHO IS
16 LICENSED IN ANOTHER STATE AND WHO IS NOT LICENSED IN THIS STATE, WHO IS
17 EMPLOYED OR UNDER CONTRACT WITH THE UTILIZATION REVIEW AGENT AND WHO EITHER
18 IS QUALIFIED IN A SIMILAR SCOPE OF PRACTICE AS A PHYSICIAN OR OTHER HEALTH
19 CARE PROFESSIONAL LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14,
20 16, 17, 19, 19.1 OR 29 OR WHO TYPICALLY MANAGES THE MEDICAL CONDITION
21 UNDER APPEAL"

22 Page 14, line 9, strike "E" insert "D"

23 Page 15, line 12, strike "decision" insert "DETERMINATION"

24 Line 18, strike "~~G~~- J" insert "L"

25 Line 22, after "necessity" insert "OR APPROPRIATENESS, INCLUDING HEALTH CARE
26 SETTING, LEVEL OF CARE OR EFFECTIVENESS OF A COVERED BENEFIT, OR IS
27 EXPERIMENTAL OR INVESTIGATIONAL"

28 Line 34, after "necessity" insert "OR APPROPRIATENESS, INCLUDING HEALTH CARE
29 SETTING, LEVEL OF CARE OR EFFECTIVENESS OF A COVERED BENEFIT, OR IS
30 EXPERIMENTAL OR INVESTIGATIONAL"

1 Page 15, line 40, after "necessary" insert "OR APPROPRIATE, INCLUDING HEALTH CARE
2 SETTING, LEVEL OF CARE OR EFFECTIVENESS OF A COVERED BENEFIT, OR IS
3 EXPERIMENTAL OR INVESTIGATIONAL"

4 Page 16, line 7, after "G." strike remainder of line
5 Strike lines 8 through 11

6 Line 12, strike "A DETERMINATION THAT IS" insert "THE INDEPENDENT REVIEW
7 ORGANIZATION'S DETERMINATION PURSUANT TO SUBSECTION F OF THIS SECTION SHALL
8 BE"

9 Line 13, strike "SEND A COPY OF THE DETERMINATION TO THE DIRECTOR"

10 Between lines 21 and 22, insert:
11 "(e) FOR CLAIMS OR REQUESTS FOR SERVICES DENIED FOR REASONS OTHER
12 THAN AS EXPERIMENTAL OR INVESTIGATIONAL, THE INDEPENDENT REVIEW
13 ORGANIZATION SHALL ALSO CONSIDER:
14 "(i) THE MOST APPROPRIATE PRACTICE GUIDELINES, WHICH SHALL INCLUDE
15 APPLICABLE EVIDENCE-BASED STANDARDS AND MAY INCLUDE ANY OTHER PRACTICE
16 GUIDELINES DEVELOPED BY THE FEDERAL GOVERNMENT, NATIONAL OR PROFESSIONAL
17 MEDICAL SOCIETIES, BOARDS AND ASSOCIATIONS.
18 (ii) ANY APPLICABLE CLINICAL REVIEW CRITERIA DEVELOPED AND USED BY
19 THE HEALTH CARRIER OR ITS DESIGNEE UTILIZATION REVIEW ORGANIZATION.
20 (iii) THE OPINION OF THE INDEPENDENT REVIEW ORGANIZATION'S CLINICAL
21 REVIEWER OR REVIEWERS AFTER CONSIDERING SUBDIVISIONS (a) THROUGH (d) AND
22 SUBDIVISION (e), ITEMS (i) AND (ii) OF THIS PARAGRAPH TO THE EXTENT THE
23 INFORMATION OR DOCUMENTS ARE AVAILABLE AND THE CLINICAL REVIEWER OR
24 REVIEWERS CONSIDER APPROPRIATE."

25 Reletter to conform

26 Page 16, line 22, after "(e)" insert "FOR CLAIMS OR REQUESTS FOR SERVICES DENIED
27 AS EXPERIMENTAL OR INVESTIGATIONAL, THE INDEPENDENT REVIEW ORGANIZATION
28 SHALL ALSO CONSIDER"

29 Page 17, line 2, strike "(d)" insert "(e), ITEMS (i) AND (ii)"

30 Page 18, line 5, strike "PROVIDERS" insert "PROVIDER"; after the second "OR"
31 insert "IF"

- 1 Page 18, line 17, strike "A MATTER" insert "AN ADVERSE DETERMINATION"
- 2 Line 18, strike DETERMINATION" insert "SERVICE"
- 3 Line 20, strike "THAT"
- 4 Line 36, strike "RATIONAL" insert "RATIONALE"
- 5 Page 19, line 18, strike "decision" insert "DETERMINATION"
- 6 Amend title to conform

JUSTIN WILMETH

2599WILMETH.docx
02/12/2024
10:39 AM
H: PB/l's

Adopted ☒ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

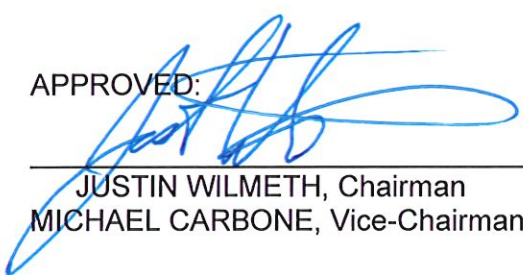
ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2599

DATE February 13, 2024 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress		✓			
Heap		✓			
Hendrix		✓			
Liguori		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		10	0	0	0

APPROVED:



JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 8



DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

Fact Sheet on HB 2599 – DIFI's Health Care Appeals Legislation

Goal: Conform Arizona's health care appeals laws to federal requirements, protecting Arizona consumers.

Background

Arizonans who are insured under individual and group health plans have the right to appeal denied access to care or denied claims under Arizona's health care appeal laws, which were enacted in [Laws 1997, Chapter 100](#). While the laws have been amended since, they still do not fully conform to the federal regulations promulgated by the U.S. Department of Health and Human Services (HHS) under the Patient Protection and Affordable Care Act ([42 U.S.C. § 300g-19](#) and [45 CFR § 147.136](#)).

The federal regulations established a transition period, ending January 1, 2018, during which states with health care appeals laws similar to the federal requirements, such as Arizona, were allowed to continue enforcing their laws ([HHS Technical Release 2011-02](#)). Now Arizona risks federal preemption of its health care appeals process. If Arizona is preempted, Arizonans insured under individual and group health plans would have less time to submit an appeal (180 days, rather than two years), their providers could be unable to file an appeal on their behalf without additional documentation that Arizona law does not require (providers may be required to prove that they are authorized to appeal on their patients' behalf), and fewer consumers may qualify for expedited external review. Arizona would also be unable to ensure fair determinations under external, independent review or help Arizonans and their providers during the appeal process. Conforming Arizona law to federal standards will protect the state's ability to exercise jurisdiction over health care appeals and maintain consumer protections under Arizona law.

HB 2599 (health care appeals)

HB 2599 addresses the federal standards for individual and group health plans' internal appeals processes and state external review to establish a uniform appeal process for all types of health and dental plans covering Arizona consumers. HB 2599 would adequately conform the Arizona health care appeals process to federal requirements.

Note: HB 2599 neither conflicts with, nor contemplates the issue of provider grievances addressed in HB 2035. While providers often initiate health care appeals on their patients' behalf, they are separate from provider grievances with a distinct resolution process.

Please contact Fausto Burrue! at fausto.burrue!@difi.az.gov or (602) 531-3069 with any questions you may have.



Consumer Services Life & Health Section
ARIZONA DEPARTMENT OF INSURANCE
& FINANCIAL INSTITUTIONS
100 North 15th Avenue, Suite 261
Phoenix, Arizona 85007-2624

Phone: (602) 364-2499
Email: insurance.consumers@difi.az.gov

CONSUMER GUIDE TO THE HEALTH CARE APPEALS PROCESS IN ARIZONA

This document is intended to provide a brief description of the Health Care Appeals process.

A more detailed explanation is provided in the Health Care Appeals Information Packet available from your health insurance company. If you file a complaint with the Arizona Department of Insurance & Financial Institutions (Department) related to a denial of claims or a request for service that is subject to the appeals process, the Department must require you to first pursue the appeals process with your insurance company. The Department cannot address your complaint during the appeals process, unless your complaint is about an issue other than the denial of your claim or request for service.

What is the Health Care Appeals process?

Arizona law requires health insurance, dental and vision plans to provide their members with a way to appeal denied claims or services. A "denied claim" is when you have already received care, and the insurance company has denied payment for that care. A "denied service" is when the plan does not authorize a medical or health-related service that is covered by the plan, or the plan does not pre-authorize any treatment or procedure that you or your doctor believe is medically necessary and covered by your policy. When your health insurance company denies a claim or service, it must advise you of your right to appeal the denial.

The appeals process generally consists of the following levels of review:

For urgently needed services not yet provided:

- Expedited Medical Review
- Expedited Appeal
- Expedited External Independent Review

For standard services or denied claims:

- Informal Reconsideration
- Formal Appeal
- External, Independent Review

Urgently needed services not yet provided

Expedited Medical Review

An Expedited Medical Review is the first step for urgently needed services that you are waiting to receive, but your insurance company has said to you or your treating provider or doctor that it will not pay for the services. The Expedited Medical Review starts when your treating provider or doctor sends a certified notice to your insurance company that delaying the requested medical or health-related service could cause a significant negative change in your medical condition. The insurance company has one business day after receiving your doctor's certified notice and the appeal to notify you and your doctor in writing. If your insurance company still believes that it should not cover the requested service after the Expedited Medical Review is completed, it must inform you by phone and in writing of your right to then request an Expedited Appeal, the next step in the appeal process.

Expedited Appeal

If the insurance company denies the requested medical or health-related service following the Expedited Medical Review, and you still wish to appeal the insurance company's decision, your treating provider or doctor must immediately submit a written appeal to the insurance company and provide any additional reasons and/or documents supporting the request for the medical or health-related service. The insurance company has three business days to make a decision after receiving the additional information from your treating provider or doctor. If the insurance company still believes that it should not cover the requested medical or health-related service, the insurance company must inform you and your treating provider or doctor by phone and in writing of the denial and of your right to immediately proceed to an Expedited External Independent Review, the next step in the appeal process. The next step requires action within five business days.

Expedited External Independent Review

You must act within five business days after you are notified that your Expedited Appeal for medical or health-related services was denied to request an Expedited External Independent Review. Your insurance company must act promptly. Within one business day of receiving your notice asking for an Expedited External Independent Review, the insurance company will send all documentation used to make its earlier decisions to the Department.

If the request for Expedited External Independent Review is for a medical necessity, the Department forwards the submitted materials to an independent review organization selected by the Department. The review organization is under contract with the State of Arizona to provide services to the Department, and is not related to your insurance company. The review organization assigns your matter to a reviewer. The reviewer must be a doctor who typically manages the medical condition for which the treatment is being denied, and may not have any conflict of interest that will prevent him or her from making a fair and impartial decision. The review organization has 72 hours to notify the Department of its decision. The Department then has one business day from when it receives the reviewer's decision to notify you, your treating provider or doctor and your insurance company of the decision.

If the request for Expedited External Independent Review is for a question of insurance coverage for a medical or health-related treatment, the Department has two business days to review the information provided by the insurance company and determine if the denied service is covered under the insurance policy. The Department will notify you, your treating provider or doctor and your insurance company of its decision.

Standard services or denied claims

Informal Reconsideration

Informal Reconsideration is the first step in the appeals process for denied claims and services when you do not qualify for Expedited Medical Review. Some insurance companies may require that you go straight to a Formal Appeal and you should review your insurance policy to determine if your company allows only a formal appeal. You may request an Informal Reconsideration by calling in or sending your request in writing to your insurance company. You have up to two years after your insurance company denies your claim or request for a covered service to request an Informal Reconsideration. The insurance company has 30 days to make a decision and notify you and your doctor or treating provider or doctor of that decision. If the insurance company still denies your request for service or denies your claim after the Informal Reconsideration is completed, you may then request a Formal Appeal.

Formal Appeal

If your insurance company denies your request for a covered service after an Informal Reconsideration, or requires you to use the Formal Appeal process you may request a Formal Appeal.

If your insurance company requires you to use the Informal Reconsideration process before using the Formal Appeal process, you have 60 days following the completion of the Informal Reconsideration process of a denied service to request a Formal Appeal. If your insurance company requires appeals of denied claims to begin at the Formal Appeal level, you have up to two years after the last denial occurred to request a formal appeal of your denied claim.

For denied services, when your insurance company has received your notice of Formal Appeal, it has 30 days to make its decision and to notify you. For denied claims, the insurance company has 60 days to make its decision and to notify you of the decision. If the insurance company still denies your request for service or a claim for a service, you can then request an External, Independent Review.

External, Independent Review

The last step after a Formal Appeal for denied services or denied claims by your insurance company is the External Independent Review. You have four months after your insurance company notifies you that your Formal Appeal was denied to request an External, Independent Review. When you submit your request for the External, Independent Review, your insurance company has five business days to respond and send all documentation used to make its earlier decision to the Department.

For medical necessity cases, when the Department receives the documentation from the insurance company, it has five business days to forward the materials to an independent review organization selected by the Department. The review organization is under contract with the State of Arizona to provide services to the Department, and is not related to your insurance company. The review organization assigns your matter to a reviewer. The reviewer must be a doctor who typically manages the medical condition for which the treatment is being denied, and may not have any conflict of interest that will prevent him or her from making a fair and impartial decision. The reviewer has 21 days to notify the Department of its decision. The Department then has five business days from when it receives the reviewer's decision to notify you, your treating provider or doctor and your insurance company of the decision.

For cases involving an insurance company's denial of coverage for a medical service or claim, the Department has 15 business days to review the information provided and determine if the denied service or claim is covered under the policy. The Department will notify you, your doctor treating provider or doctor and your insurance company of its decision. If the Department is unable to determine if the claim is covered under the policy, it may then send the case to an independent review organization and this organization assigns a physician to review the record and determine if the service or claim is covered under the insurance policy. The reviewer must be a doctor who typically manages the medical condition for which the treatment is being denied, and may not have any conflict of interest that will prevent him or her from making a fair and impartial decision. The medical reviewer has 21 days to send a decision to the Department and you would be notified of the decision within five business days.

The reviewer's decision is legally binding upon the insurance company and you, even if you or the insurance company disagrees with the decision. Either you or the insurance company may petition this decision to a state court following the completion of the external, independent review that was decided by a medical reviewer.

When the Department determines whether a claim is covered under a health insurance policy, this decision may be reviewed by the Arizona Office of Administrative Appeals. If you or the insurance company disagree with the Department's decision regarding coverage issues, either party may request a hearing. Hearings must be requested within 30 days of receiving the decision from the Department.

When you receive the Department's decision, it includes instructions for requesting a hearing. Please keep in mind, however, that the independent review organization, the Department of Insurance and the Office of Administrative Hearings cannot require an insurance company to pay a claim or provide a service that is excluded from coverage by your policy.

What kinds of matters will not qualify for the Health Care Appeals process?

Individuals with health care coverage through a Medicare HMO, Medicare supplement plan, long-term care plan, a multi-employer plan under ERISA, a federal employee plan, or any self-funded or self-insured plan are not eligible to participate in the appeals process described above. Workers' compensation claims and disputes are also not eligible for this appeals process. These other plans

normally have an appeals process of some kind that you may use, but the appeals process in those other plans are spelled out in the plan documents.

Individuals with complaints concerning how you were treated by a health care provider, health care benefit reductions due to usual and customary charge limitations, deductibles, and coordination of benefits issues are not eligible for the health care appeals process described above.

Helpful hints

Include Documents: If you decide to file a health care appeal with your insurance company, make sure to include as much supporting documentation as possible that shows why you believe the denied service or claim should be covered. When filing an Expedited Medical Review, the doctor's written certification that delaying treatment will negatively impact your medical condition must be included.

Understand What Can Be Appealed: Remember that you cannot request an External, Independent Review before you have completed any applicable Formal Appeal, Informal Reconsideration or Expedited Medical Review. Please also keep in mind that this is only a brief description of the way the appeals process will generally work at most insurance companies.

Every Health Care Company Has Its Own Process: There can be some variation from company to company. Please refer to the Health Care Appeals Information Packet available from your insurance company for more specific details regarding how your insurance company handles appeals. If you are not able to locate this information, please contact your insurance company or the Department of Insurance & Financial Institutions at www.difi.az.gov.

Persons with disabilities may request materials be presented in an alternative format by contacting the ADA Coordinator at (602) 364-3100. Requests should be made as early as possible to allow time to procure the materials in an alternative format.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2209: industrial commission of Arizona; continuation
Sponsor: Representative Livingston, LD 28
Committee on Commerce

Overview

Continues the Industrial Commission of Arizona (ICA) for eight years.

History

Industrial Commission of Arizona

Established in 1925, the ICA is a regulatory agency responsible for labor-related issues regarding occupational safety and health, youth employment laws, resolution of wage related disputes, minimum wage, vocational rehabilitation, and workers' compensation coverage. The ICA is composed of five members who are appointed by the Governor and confirmed by the Senate. The Director who oversees the daily operations and works with various agency divisions is also appointed by the Governor and confirmed by the Senate. The ICA is a self-supporting agency whose operations and other statutorily mandated functions are funded through an annual assessment on workers' compensation premiums (Title 23, A.R.S.).

Sunset Review Process

The sunset review process provides a system for the Legislature to evaluate the need to continue the existence of state agencies which are reviewed by a legislative committee of reference (COR). The COR is required to hold a public hearing, receive testimony from agency officials and the public and consider the agency's responses to the statutorily-outlined sunset factors in determining whether to recommend continuing, consolidating or terminating the agency (A.R.S 41-2954).

The House Commerce COR held a public meeting on January 16, 2024, and recommended that the Legislature continue the ICA for three years. The ICA terminates on July 1, 2024, unless continued by the Legislature (A.R.S. § 41-3024.20).

Provisions

1. Continues, retroactive to July 1, 2024, the ICA for eight years until July 1, 2032. (Sec. 1, 2, 4)
2. Repeals the ICA on January 1, 2033. (Sec. 2)
3. Includes a purpose statement. (Sec. 3)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note
--	--	---	--------------------------------------

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2209
(Reference to printed bill)

- 1 Page 1, line 5, strike "41-3032.20" insert "41-3027.09"
2 Line 6, strike "41-3032.20" insert "41-3027.09"
3 Line 7, strike "2032" insert "2027"
4 Line 8, strike "2032" insert "2027"
5 Line 10, strike "2033" insert "2028"
6 Between lines 14 and 15, insert:
7 "Sec. 4. Legislative Intent
8 It is the intent of the Legislature to request the Joint Legislative
9 Audit Committee to assign the sunset review of the Industrial Commission of
10 Arizona to the Office of the Auditor General to conduct a performance
11 audit."
12 Renumber to conform
13 Amend title to conform

JUSTIN WILMETH

2209WILMETH.docx
02/01/2024
12:16 PM
H: PB/lS

Adopted ☒ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

Attachment 11

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2209
(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 23-108.03, Arizona Revised Statutes, is amended
3 to read:

4 23-108.03. Performance of certain powers and duties:
5 definition

6 A. The industrial commission shall be responsible for determining
7 the policy of the commission.

8 B. Any powers and duties prescribed by law to the commission in this
9 chapter and chapters 2 and 6 of this title, whether ministerial or
10 discretionary, may by resolution be delegated by the commission to the
11 director or any of its department heads or assistants, provided, that the
12 commission shall not delegate its power or duty to:

- 13 1. Make rules and regulations.
14 2. Commute awards to a lump sum.
15 3. License self-insurers.

16 C. The commission shall be responsible for the official acts of its
17 employees acting in the name of the commission and by its delegated
18 authority.

19 D. STATE LABOR DEPARTMENT DETERMINATIONS, PENALTIES AND FINES FOR
20 LABOR VIOLATIONS SHALL BE CONSIDERED, AUTHORIZED AND DETERMINED BY A
21 SUPERMAJORITY VOTE OF THE COMMISSIONERS. THE COMMISSIONERS SHALL CONSIDER
22 WHETHER A VIOLATION CONTINUES BEYOND ONGOING ACTION OR ONCE THE EMPLOYER'S
23 COURSE OF CONDUCT HAS CEASED.

1 E. FOR THE PURPOSES OF THIS SECTION, "SUPERMAJORITY" MEANS AN
2 AFFIRMATIVE VOTE OF TWO-THIRDS OF COMMISSIONERS PRESENT AND VOTING.

3 Sec. 2. Title 23, chapter 1, article 1, Arizona Revised Statutes, is
4 amended by adding section 23-111, to read:

5 23-111. Industrial commission; inspectors; state plan; joint
6 legislative budget committee review

7 A. THE INDUSTRIAL COMMISSION OF ARIZONA MAY NOT ALLOW ANY INDIVIDUAL
8 TO ACCOMPANY AN INSPECTOR WHEN CONDUCTING INSPECTIONS FOR THE INDUSTRIAL
9 COMMISSION OF ARIZONA UNLESS THAT INDIVIDUAL IS AN EMPLOYEE OF THE WORKSITE
10 OR ENTITY BEING INSPECTED.

11 B. THE JOINT LEGISLATIVE BUDGET COMMITTEE SHALL REVIEW ANY STATE
12 PLAN PROPOSED BY THE INDUSTRIAL COMMISSION OF ARIZONA BEFORE THE STATE PLAN
13 IS SUBMITTED TO THE UNITED STATES OCCUPATIONAL SAFETY AND HEALTH
14 ADMINISTRATION."

15 Renumber to conform

16 Amend title to conform

MATT GRESS

2209GRESS.docx
02/12/2024
10:34 AM
H: LG/ra

Adopted _____ # of Verbals _____
Failed _____ Withdrawn ☒
Not Offered _____ Analysts Initials _____

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

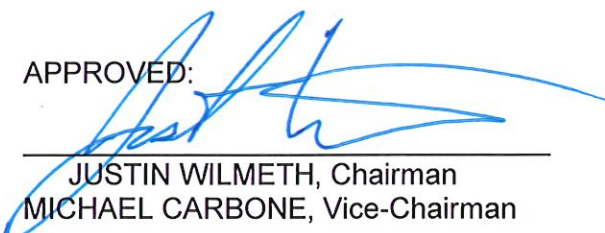
ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2209

DATE February 13, 2024 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress		✓			
Heap		✓			
Hendrix		✓			
Liguori		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		10	0	0	0

APPROVED:



JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 13



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2592: unemployment insurance; benefit amounts; definition

Sponsor: Representative Carbone, LD 25

Committee on Commerce

Overview

Changes the duration of unemployment insurance (UI) benefits for which an individual may receive during a benefit year.

History

Individuals awarded unemployment insurance benefits are entitled to receive a weekly benefit in an amount equal to 4% of the total wages for insured work paid in the highest quarter of their base period. The base period is the first four of the last five completed calendar quarters immediately preceding the first day of their benefit year. The weekly benefit amount is statutorily capped at \$320 (A.R.S. § 23-779).

The duration of benefits is based on the unemployment rate in the prior calendar quarter, which is the average of the seasonally adjusted unemployment rates for the three months of the most recently published calendar year quarter as published by the Office of Economic Opportunity. If the prior calendar quarter unemployment rate is less than 5% the duration of benefits is 24 weeks. If the prior calendar quarter unemployment rate is 5% or more the duration of benefits is 26 weeks (A.R.S. § 23-780).

According to the Office of Economic Opportunity, Arizona's unemployment rate (December 2023 – Seasonally Adjusted) is 4.3%.

Provisions

1. Modifies the duration schedule for which an eligible individual receives UI benefits based on incremental changes in the unemployment rate (UR) in the prior calendar quarter:
 - a) 12 weeks, if the UR is 5% or less;
 - b) 14 weeks, if the UR is more than 5% but not more than 5.5%;
 - c) 16 weeks, if the UR is more than 5.5% but not more than 6%;
 - d) 18 weeks, if the UR is more than 6% but not more than 6.5%;
 - e) 20 weeks, if the UR is more than 6.5% but not more than 7%;
 - f) 22 weeks, if the UR is more than 7% but not more than 7.5%;
 - g) 24 weeks, if the UR is more than 7.5% but not more than 8%;
 - h) 26 weeks, if the UR is more than 8%. (Sec 1)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note
--	--	---	--------------------------------------

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON _____ Commerce _____ BILL NO. HB 2592

DATE February 13, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar			✓		
Austin			✓		
Carter		✓			
Gress		✓			
Heap		✓			
Hendrix		✓			
Liguori			✓		
Ortiz			✓		
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		6	4	0	0

APPROVED: _____

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

Susan Hughes
COMMITTEE SECRETARY

ATTACHMENT 15



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2282: unemployment; requirements; disqualifications; shared work

Sponsor: Representative Biasiucci, LD 30

Committee on Commerce

Overview

Modifies the criteria that an unemployed person must meet to be eligible for Unemployment Insurance (UI) benefits. Requires the Department of Economic Security (DES) to cross-check the validity of UI claims against outlined data sets.

History

The Department of Economic Security (DES) administers the unemployment insurance benefit program, which provides temporary financial relief to eligible unemployed individuals who separate from their previous employers at no fault of their own. To be eligible for UI benefits, an individual must be able to work, available for work and actively seeking work. Further, the individual must engage in a systematic and sustained effort to search for work on at least four different days each week and make at least four work search contacts each week.

DES examines any claim for benefits and determines whether the claim is valid. DES must promptly notify the claimant of the determination. The claimant has 15 days from the date the notification was mailed to appeal the determination.

Individuals who fail to apply for available and suitable work, actively engage in seeking work, accept suitable work when offered or return to customary self-employment as directed by DES are disqualified from UI benefits (Title 23, Chapter 4, A.R.S.).

Provisions

UI Benefit Eligibility

1. Modifies eligibility requirements by adding that an individual must actively seek and apply for suitable work and:
 - a) conduct at least five specified work search actions each week to qualify as actively seeking and applying for suitable work; and
 - b) provide a weekly report that details the individual's work search actions for every week a benefit is sought. (Sec. 4)
2. Removes the requirement that an individual engage in a systematic and sustained effort to obtain work during at least four days of the week and make at least one job contract per day on four different days of the week to be eligible for UI benefits. (Sec. 4)

UI Claim Validity

3. Prohibits DES from paying benefits until the initial claim, or ongoing claim on a weekly basis, is cross-checked for validity against prescribed data sets. (Sec. 5)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note
--	--	---	--------------------------------------

4. Stipulates a claim will not be paid and the claimant is disqualified from receiving benefits and referred for prosecution if a cross-check results in information indicating that a claim is ineligible or fraudulent. (Sec. 5)
5. Directs DES, prior to paying benefits, to examine any initial claim and confirm the claim's validity if the initial claim:
 - a) was submitted electronically through an internet address located outside of Arizona or the U.S.;
 - b) references an address for which another current claim was submitted; or
 - c) is associated with a direct deposit for a bank account already used for another current claim. (Sec. 5)
6. Allows DES to refer the matter for prosecution if a fraudulent claim was filed. (Sec. 5)

Disqualification from UI Benefits

7. Restates that an individual is disqualified for UI benefits if the individual has failed without cause to:
 - a) actively seek and apply for suitable work;
 - b) accept an offer of suitable work; or
 - c) accept reemployment at the same employer for suitable work, if offered. (Sec. 6)
8. Directs an employer to report to DES when an individual who was a previous employee:
 - a) refuses to return to work or accept an offer of suitable work; or
 - b) fails to appear for a scheduled interview or respond to an offer of employment. (Sec. 6)
9. Permits employers to submit the required report to DES either digitally or through email. (Sec. 6)
10. Requires DES to conduct an independent review of each submitted report to determine whether an individual should be disqualified from receiving benefits. (Sec. 6)
11. Makes technical changes. (Sec. 1-6)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

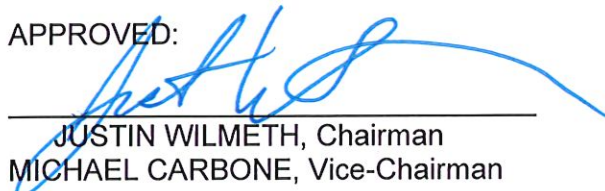
ROLL CALL VOTE

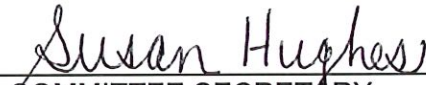
COMMITTEE ON Commerce BILL NO. HB 2282

DATE February 13, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar			✓		
Austin			✓		
Carter		✓			
Gress		✓			
Heap		✓			
Hendrix		✓			
Liguori			✓		
Ortiz			✓		
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		6	4	0	0

APPROVED:


JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 17



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB2884: zero-emission vehicle program; rebate

Sponsor: Representative Wilmeth, LD 2

Committee on Commerce

Overview

Establishes the Zero-emission Vehicle Program (Program) that provides rebates to persons who purchase a zero-emission vehicle.

History

In 1990, the Legislature established the waste tire program to address problems relating to the proper handling and disposal of waste tires. Additionally, created the Waste Tire Fund which consists of monies collected from statutory fees applied to the sale of new tires. The Arizona Department of Revenue (ADOR) administers the fund and certifies disbursement amounts of fund monies as follows:

- 1) an amount not to exceed 3.5% to the Arizona Department of Environmental Quality (ADEQ) for deposit in the Solid Waste Fee Fund for monitoring and enforcing requirements on waste tire disposal;
- 2) an amount not to exceed 5% or \$250,000, whichever is less, to be used by ADEQ for tire fire cleanup expenses; and
- 3) the remaining amount of monies to be distributed amongst counties in proportion to the number of motor vehicles registered in the county.

Monies distributed to counties must be used for waste tire programs (A.R.S. § 44-1305).

Provisions

Zero-emission Vehicle Program

1. Establishes the (Program) within ADEQ to provide rebates to persons who purchase zero-emission vehicles. (Sec. 2)
2. Requires the Director of ADEQ to adopt rules for the Program to:
 - a) specify zero-emission vehicle designs that qualify for the Program;
 - b) establish procedures to prioritize monies;
 - c) limit the number of rebates available to each class of zero-emission vehicles;
 - d) allow a person who purchases a zero-emission vehicle to apply for a rebate for a portion of the purchase price of the vehicle or assign a rebate to a vehicle dealer;
 - e) prescribe a rebate application procedure;
 - f) set an annual rebate cap that may vary for each class of zero-emission vehicles;
 - g) award rebates only from monies available in the Zero-emission Vehicle Fund;
 - h) provide a procedure for the reimbursement of monies from zero-emission vehicle owners who receive a rebate but do not comply with prescribed requirements; and
 - i) decide on any valid application within 60 days after receipt. (Sec. 2)
3. Allows the Director of ADEQ to waive a reimbursement requirement on a finding of unforeseeable or unavoidable circumstances. (Sec. 2)

4. Allows ADEQ to:
 - a) adopt rules to provide additional rebates for fleet owners that purchase zero-emission vehicles that operate in an area subject to the emissions inspection program; and
 - b) hire an outside contractor to help implement or administer the zero-emission vehicle program. (Sec. 2)
5. Outlines the criteria for a person to apply for a rebate within six months after purchasing a zero-emission vehicle. (Sec. 2)
6. Requires a rebate recipient to notify ADEQ of a transfer of title of a zero-emission vehicle or an emissions system modification. (Sec. 2)
7. Defines *zero-emission vehicle* as a vehicle that has a gross weight of 1,400 pounds or more and a drivetrain that produces zero exhaust emission, criteria pollutant or greenhouse gas. (Sec. 2)

Zero-emission Vehicle Fund

8. Creates the Zero-emission Vehicle Fund (Fund) consisting of legislative appropriations, federal monies and private gifts, grants, contributions and devises and monies transferred from the Waste Tire Fund. (Sec. 2)
9. Tasks ADEQ with administering the Fund. (Sec. 2)
10. States that Fund monies are subject to legislative appropriation. (Sec. 2)
11. Allows ADEQ to use Fund monies to administer and award rebates pursuant to the Program. (Sec. 2)

Waste Tire Fund and Program

12. Requires ADOR to certify a disbursement amount of up to 9% of monies in the Waste Tire Fund to be transferred to the Zero-emission Vehicle Fund. (Sec. 1)
13. Removes the specification that a county's population be determined by the most recent U.S. decennial census with regards to who may join with other counties to establish a waste tire program. (Sec. 1)

Miscellaneous

14. Makes technical changes. (Sec. 1)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note
--	--	---	--------------------------------------

PROPOSED VERBAL AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2884
(Reference to printed bill)

- 1 Page 3, line 14, strike "ONE THOUSAND FOUR HUNDRED" insert "EIGHT THOUSAND FIVE
- 2 HUNDRED"
- 3 Amend title to conform

JUSTIN WILMETH

2884WILMETH.docx
02/13/2024
10:55 AM
H: PB/ra

Adopted ☒ # of Verbals 1
Failed ☐ Withdrawn ☐
Not Offered ☐ Analysts Initials ☐

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

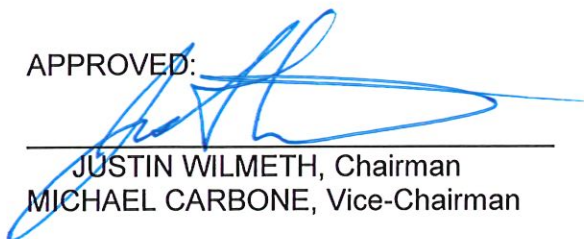
ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2884

DATE February 13, 2024 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter			✓		
Gress			✓		
Heap			✓		
Hendrix			✓		
Liguori		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		6	4	0	0

APPROVED:



JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 20



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2885: apprenticeship; supervised probation

Sponsor: Representative Hernandez A, LD 20

Committee on Commerce

Overview

Grants additional work hours and travel allowances to certain persons on probation who are participating in an apprenticeship program.

History

The court may place a person who is eligible for probation on intensive probation supervision or supervised or unsupervised probation on such terms and conditions as the law requires and the court deems appropriate. If the court imposes a term of probation, the court may require the defendant to report to a probation officer (A.R.S. § 13-901).

Provisions

1. Allows a probationer who is on supervised probation and who is participating in a state or federally recognized apprenticeship program to:
 - a) work at any hours of the day as long as the probationer remains in good standing with the apprenticeship program; and
 - b) travel outside the jurisdiction in which the probationer resides to work in the apprenticeship program if the probationer returns to the jurisdiction in which the probationer resides by 11:59 p.m. each day. (Sec. 1)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note
--	--	---	--------------------------------------

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

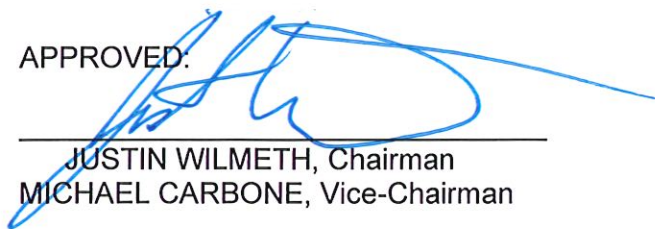
ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2885

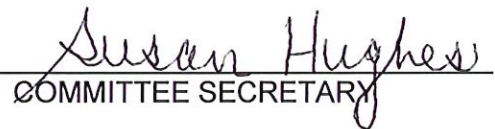
DATE February 13, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress		✓			
Heap		✓			
Hendrix		✓			
Liguori		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		10	0	0	0

APPROVED:



JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 22



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2780: technical correction; military; special plates

S/E: Arizona space commission; appropriation

Sponsor: Representative Wilmeth, LD 2

Committee on Commerce

Summary of the Strike-Everything Amendment to HB 2780

Overview

Creates the Arizona Space Commission (Commission)

Provisions

Arizona Space Commission

1. Establishes the Commission which is governed by a 9-member, Governor appointed, Board of Directors (Board). (Sec. 1)
2. Requires priority of Board appointments be given to individuals with experience in:
 - a) commercial and military aerospace;
 - b) civil aviation;
 - c) space economic development;
 - d) space-related academic research;
 - e) nonprofit space economy support;
 - f) real estate; and
 - g) finance. (Sec. 1)
3. Provides requirements for Board member's terms in office and Board vacancies. (Sec. 1)
4. Instructs the Board to appoint a Director (Director) of the Commission who receives compensation as determined by statute and serves at the pleasure of the Board. (Sec. 1)
5. Permits the Director to hire staff as necessary to implement the duties of the Commission. (Sec. 1)
6. Prescribes the duties of the Board which include:
 - a) direct the activities of and establish goals for the Commission;
 - b) establish standards to ensure the proper use of fund monies;
 - c) identify research and funding opportunities within this state;
 - d) promote and assist developing workforce training to advance emerging technologies required for all aspects of space exploration; and
 - e) solicit proposals for funding and research opportunities. (Sec. 1)
7. Allows the Board to:

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note
--	--	---	--------------------------------------

- a) appoint an ad hoc advisory committee as necessary to carry out the duties of the Board;
 - b) acquire and convey property or an interest in property in Arizona;
 - c) engage in planning and implementing of aerospace-related educational opportunities in Arizona. (Sec. 1)
8. Instructs the Director to develop and annually update a strategic plan for promoting and expanding space, aeronautics and aviation in this state, including a list of potential projects to further the purposes of the Commission. (Sec. 1)
9. Specifies the list of potential projects must include:
- a) the estimated total cost for the project, including any available matching state monies; and
 - b) an assessment of the availability of external funding sources. (Sec. 1)
10. Directs the Board to conduct a hearing to review and amend or approve the strategic plan and to annually submit the plan to the Governor and Legislature. (Sec. 1)

Space Exploration and Aeronautics Research Fund

11. Establishes the Space Exploration and Aeronautics Research Fund (Fund) consisting of legislative appropriations and gifts, grants and donations. (Sec. 1)
12. Specifies monies in the Fund are continuously appropriated and may be used to provide grants to businesses or nonprofit organizations that are involved in the space exploration or aeronautics industry or to a governmental entity with which the Board has entered into an intergovernmental agreement. (Sec. 1)
13. Specifies the Board administers the Fund and may use up to 10% of Fund monies for administrative costs. (Sec. 1)
14. Outlines the purposes for which grant monies must be used. (Sec. 1)
15. Permits the Board to provide grants for multiyear projects and specify the total amount of monies approved to fund each project. (Sec. 1)
16. Requires the Board to establish standards to ensure that grant recipients purchase goods and services from Arizona suppliers to the extent reasonably possible. (Sec. 1)
17. Directs each grant recipient to submit a report to the Board that describes how grant monies were spent and a summary of any findings. (Sec. 1)
18. Requires the Board to prescribe a simplified form and procedure to apply for grants. (Sec. 1)
19. Appropriates \$2,000,000 from the state General Fund in FY 2025 to the Fund. (Sec. 4)
20. Exempts the appropriation to the Fund from lapsing. (Sec. 4)

Miscellaneous

21. Declares the purpose of the Commission is to promote space aeronautics, astronautics and aviation in Arizona. (Sec. 3)
22. Terminates the Commission on July 1, 2032. (Sec. 2)
23. Repeals governing statutes January 1, 2032. (Sec. 2)
24. Defines pertinent terms. (Sec. 1)

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2780

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 41, Arizona Revised Statutes, is amended by adding
3 chapter 20, to read:

4 CHAPTER 20

5 ARIZONA SPACE COMMISSION

6 ARTICLE 1. GENERAL PROVISIONS

7 41-2351. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 9 1. "BOARD" MEANS THE BOARD OF DIRECTORS OF THE COMMISSION.
10 2. "COMMISSION" MEANS THE ARIZONA SPACE COMMISSION.
11 3. "DIRECTOR" MEANS THE DIRECTOR OF THE COMMISSION.
12 4. "FUND" MEANS THE SPACE EXPLORATION AND AERONAUTICS RESEARCH FUND.

13 41-2352. Arizona space commission; board of directors;
14 membership; duties; strategic plan

15 A. THE ARIZONA SPACE COMMISSION IS ESTABLISHED. THE COMMISSION IS
16 GOVERNED BY A BOARD OF DIRECTORS CONSISTING OF NINE MEMBERS WHO ARE
17 APPOINTED BY THE GOVERNOR.

18 B. WHEN MAKING THE APPOINTMENTS TO THE BOARD PURSUANT TO SUBSECTION
19 A OF THIS SECTION, PRIORITY SHALL BE GIVEN TO INDIVIDUALS WITH EXPERIENCE
20 IN ANY OF THE FOLLOWING:

- 21 1. COMMERCIAL AEROSPACE.
22 2. CIVIL AVIATION.
23 3. MILITARY AEROSPACE.

Attachment 24

Adopted ☒ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

1 4. SPACE ECONOMIC DEVELOPMENT.

2 5. SPACE-RELATED ACADEMIC RESEARCH.

3 6. NONPROFIT SPACE ECONOMY SUPPORT.

4 7. REAL ESTATE.

5 8. FINANCE.

6 C. THE INITIAL MEMBERS SHALL ASSIGN THEMSELVES BY LOT TO TERMS OF
7 TWO, FOUR AND SIX YEARS IN OFFICE. ALL SUBSEQUENT MEMBERS OF THE BOARD
8 SHALL SERVE SIX-YEAR TERMS IN OFFICE. NOT MORE THAN THIRTY DAYS AFTER A
9 MEMBER'S TERM EXPIRES, THE GOVERNOR SHALL APPOINT ANOTHER MEMBER IN THE
10 SAME MANNER AS THE INITIAL APPOINTMENT. ALL VACANCIES SHALL BE FILLED IN
11 THE SAME MANNER AS THE INITIAL APPOINTMENT WITHIN THIRTY DAYS AFTER THE
12 VACANCY.

13 D. THE BOARD SHALL:

14 1. APPOINT A DIRECTOR OF THE COMMISSION. THE DIRECTOR SHALL RECEIVE
15 COMPENSATION AS DETERMINED PURSUANT TO SECTION 38-611. THE DIRECTOR SHALL
16 SERVE AT THE PLEASURE OF THE BOARD. THE DIRECTOR MAY HIRE STAFF AS
17 NECESSARY TO IMPLEMENT THE DUTIES OF THE COMMISSION.

18 2. ELECT A CHAIRPERSON FROM AMONG THE MEMBERS OF THE BOARD.

19 3. DIRECT THE ACTIVITIES OF, ESTABLISH GOALS FOR AND PROVIDE
20 OVERSIGHT OF THE COMMISSION.

21 4. ESTABLISH STANDARDS TO ENSURE THE PROPER USE OF FUND MONIES.

22 5. IDENTIFY RESEARCH AND FUNDING OPPORTUNITIES WITHIN THIS STATE
23 THAT DO THE FOLLOWING:

24 (a) STRENGTHEN AND ENHANCE THIS STATE'S POSITION IN CIVIL,
25 COMMERCIAL AND MILITARY AERONAUTICS RESEARCH AND DEVELOPMENT AND SPACE
26 FLIGHT INFRASTRUCTURE.

27 (b) ENHANCE THE INTEGRATION OF THE SPACE AERONAUTICS, ASTRONAUTICS
28 AND AVIATION INDUSTRIES IN THIS STATE.

29 (c) PROMOTE AND RESEARCH MATERIALS DERIVED FROM OR DEVELOPED THROUGH
30 SPACE EXPLORATION AND SPACE FLIGHT.

31 6. PROMOTE AND ASSIST DEVELOPING WORKFORCE TRAINING TO ADVANCE
32 EMERGING TECHNOLOGIES REQUIRED FOR ALL ASPECTS OF SPACE EXPLORATION.

1 7. SOLICIT PROPOSALS FOR FUNDING AND RESEARCH OPPORTUNITIES RELATED
2 TO THE OBJECTIVES OF THIS SECTION.

3 E. THE BOARD MAY:

4 1. APPOINT AN AD HOC ADVISORY COMMITTEE AS NECESSARY TO CARRY OUT
5 THE BOARD'S DUTIES PURSUANT TO THIS SECTION.

6 2. ACQUIRE AND CONVEY PROPERTY OR AN INTEREST IN PROPERTY IN THIS
7 STATE.

8 3. ENGAGE IN PLANNING AND IMPLEMENTING OF AEROSPACE-RELATED
9 EDUCATIONAL OPPORTUNITIES IN THIS STATE.

10 F. THE DIRECTOR OF THE COMMISSION SHALL DEVELOP AND ANNUALLY UPDATE
11 A STRATEGIC PLAN FOR PROMOTING AND EXPANDING SPACE, AERONAUTICS AND
12 AVIATION IN THIS STATE, INCLUDING A LIST OF POTENTIAL PROJECTS TO FURTHER
13 THE PURPOSES OF THE COMMISSION. THE DIRECTOR SHALL INCLUDE BOTH OF THE
14 FOLLOWING FOR EACH POTENTIAL PROJECT:

15 1. THE ESTIMATED TOTAL COST FOR THE PROJECT, INCLUDING ANY AVAILABLE
16 MATCHING STATE MONIES.

17 2. AN ASSESSMENT OF THE AVAILABILITY OF EXTERNAL FUNDING SOURCES.

18 G. THE BOARD SHALL CONDUCT A HEARING TO REVIEW AND AMEND OR APPROVE
19 THE STRATEGIC PLAN.

20 H. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DIRECTOR SHALL SUBMIT
21 THE STRATEGIC PLAN TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE
22 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

23 41-2353. Space exploration and aeronautics research fund:
24 report

25 A. THE SPACE EXPLORATION AND AERONAUTICS RESEARCH FUND IS
26 ESTABLISHED CONSISTING OF LEGISLATIVE APPROPRIATIONS AND GIFTS, GRANTS AND
27 DONATIONS. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. THE BOARD
28 SHALL ADMINISTER THE FUND. THE BOARD MAY USE UP TO TEN PERCENT OF THE
29 MONIES FOR ADMINISTRATIVE COSTS. MONIES IN THE FUND MAY BE USED TO PROVIDE
30 GRANTS TO BUSINESSES OR NONPROFIT ORGANIZATIONS IN THIS STATE THAT ARE
31 INVOLVED IN THE SPACE EXPLORATION OR AERONAUTICS INDUSTRY OR TO A

1 GOVERNMENTAL ENTITY WITH WHICH THE BOARD HAS ENTERED INTO AN
2 INTERGOVERNMENTAL AGREEMENT.

3 B. THE GRANT MONIES SHALL BE USED FOR ANY OF THE FOLLOWING PURPOSES:

4 1. DEVELOPING EMERGING TECHNOLOGIES THAT ARE REQUIRED FOR ANY ASPECT
5 OF HUMAN SPACE FLIGHT.

6 2. RESEARCH INVOLVING SPACE EXPLORATION AND SPACE FLIGHT.

7 3. WORKFORCE TRAINING TO PROMOTE SPACE EXPLORATION AND SPACE FLIGHT.

8 4. CURATING POST-MISSION MATERIALS INVOLVED IN SPACE EXPLORATION AND
9 SPACE FLIGHT.

10 5. DEVELOPING INFRASTRUCTURE THAT IS NECESSARY FOR ESTABLISHING AND
11 MAINTAINING A SPACEPORT.

12 C. THE BOARD MAY ALSO PROVIDE GRANTS FOR MULTIYEAR PROJECTS. THE
13 BOARD SHALL SPECIFY THE TOTAL AMOUNT OF MONIES APPROVED TO FUND EACH
14 MULTIYEAR PROJECT.

15 D. THE BOARD SHALL ESTABLISH STANDARDS TO ENSURE THAT GRANT
16 RECIPIENTS PURSUANT TO THIS SECTION PURCHASE GOODS AND SERVICES FROM
17 SUPPLIERS IN THIS STATE TO THE EXTENT REASONABLY POSSIBLE.

18 E. EACH GRANT RECIPIENT SHALL SUBMIT A REPORT TO THE BOARD THAT
19 DESCRIBES HOW GRANT MONIES WERE SPENT AND A SUMMARY OF ANY FINDINGS.

20 F. THE BOARD SHALL PRESCRIBE A SIMPLIFIED FORM AND PROCEDURE TO
21 APPLY FOR GRANTS PURSUANT TO THIS SECTION.

22 Sec. 2. Title 41, chapter 27, article 2, Arizona Revised Statutes,
23 is amended by adding section 41-3032.01, to read:

24 41-3032.01. Arizona space commission; termination July 1, 2032

25 A. THE ARIZONA SPACE COMMISSION TERMINATES ON JULY 1, 2032.

26 B. TITLE 41, CHAPTER 20 AND THIS SECTION ARE REPEALED ON JANUARY 1,
27 2032.

1 Sec. 3. Purpose

2 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
3 the legislature establishes the Arizona space commission to promote space
4 aeronautics, astronautics and aviation in this state.

5 Sec. 4. Appropriation; space exploration and aeronautics
6 research fund; exemption

7 A. The sum of \$2,000,000 is appropriated from the state general fund
8 in fiscal year 2024-2025 to the space exploration and aeronautics research
9 fund established by section 41-2353, Arizona Revised Statutes, as added by
10 this act.

11 B. The appropriation made in subsection A of this section is exempt
12 from the provisions of section 35-190, Arizona Revised Statutes, relating
13 to the lapsing of appropriations."

14 Amend title to conform

JUSTIN WILMETH

2780WILMETH.docx
02/08/2024
01:07 PM
C: AH

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2780

(Reference to proposed WILMETH s/e dated: 2/08/2024; 1:07 PM)

- 1 Page 4, line 27, strike "2032" insert "2033"
- 2 Amend title to conform

JUSTIN WILMETH

2780WILMETH.docx
02/12/2024
11:25 AM
H: PB/lis

Adopted ☒ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

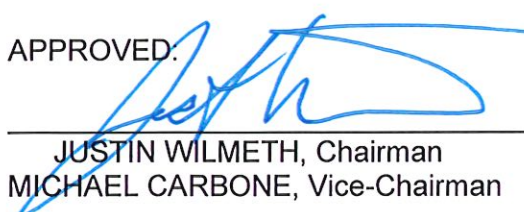
ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2780

DATE February 13, 2024 MOTION: FAILED

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter			✓		
Gress			✓		
Heap			✓		
Hendrix			✓		
Liguori		✓			
Ortiz		✓			
Carbone, Vice-Chairman			✓		
Wilmeth, Chairman		✓			
		5	5	0	0

APPROVED:



JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 26



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

**HB 2648: motor vehicle manufacturers; TPT; exemption
S/E: condominiums; planned communities; lien; assessment
Sponsor: Representative Martinez, LD 16
Committee on Commerce**

Overview

Restructures statutes relating to condominium and planned community liens.

History

A condominium and planned community association has a lien on a unit for any assessment levied against that unit from the time the assessment becomes due. The association's lien for assessments, for charges for late payment of those assessments, for reasonable collection fees and for reasonable attorney fees and costs incurred with respect to those assessments may be foreclosed in the same manner as a mortgage on real estate but only if the owner has been delinquent in the payment of monies secured by the lien, excluding reasonable collection fees, reasonable attorney fees and charges for late payment of and costs incurred with respect to those assessments, for a period of one year or in the amount of \$1,200 or more, whichever occurs first.

Fees, charges, late charges, monetary penalties and interest charged, other than charges for late payment of assessments, are not enforceable as assessments. The association's lien for monies other than for assessments, for charges for late payment of those assessments, for reasonable collection fees and for reasonable attorney fees and costs incurred with respect to those assessments may not be foreclosed and is effective only on conveyance of any interest in the real property (A.R.S. §§ 33-1256 and 33-1807).

Provisions

Condominium Assessment Liens

1. Specifies the association has a lien on a unit for any *common expense* assessment from the time the assessment becomes due. (Sec. 1)
2. Clarifies the lien for common expense assessments may include:
 - a) reasonable charges or interest for late payment of those assessments, if authorized in the declaration;
 - b) reasonable collection costs or fees incurred or applied by the association only; and
 - c) reasonable attorney fees and costs incurred but only as awarded by the court. (Sec. 1)
3. Restates the full amount of a common expense assessment that is payable in installments is a lien from the time the first installment of the assessment becomes due. (Sec. 1)
4. Restates the common expense assessment lien is not subject to the homestead exemption. (Sec. 1)

5. Clarifies the common expense assessment lien may be foreclosed only if the unit owner has been *and remains* delinquent in the payment of common expense assessments. (Sec. 1)
6. Revises items that constitute a record notice and perfection of a lien. (Sec. 1)
7. Requires costs and reasonable attorney fees be included in a judgment or decree only if ordered by the court. (Sec. 1)
8. Clarifies the order of payments received that are applied to a unit owner's account. (Sec. 1)
9. Replace assessments with *common expense* assessments as appropriate. (Sec. 1)

Condominium Liens for Fees and Other Charges

10. Restates a condominium association that is owed fees, charges, late charges and monetary penalties or interest charged does not have a lien against the debtor's unit for those amounts and the unpaid amounts are not enforceable *and collectable* as common expense assessments. (Sec. 1, 2)
11. Restates that the association has a lien for fees, charges and late charges and for monetary penalties or interest charged only after the entry of a judgment in a civil suit. (Sec. 1, 2)
12. Restates the association's judgment lien for specified monies cannot be foreclosed and is effective only on conveyance of any interest in the real property. (Sec. 1, 2)
13. Specifies an association's judgment lien for specified monies does not affect the priority of mechanics' or materialmen's liens or other liens for other assessment made by the association. (Sec. 2)
14. Specifies liens for fees and other charges provisions does not prohibit actions to recover sum with the creation of a lien. (Sec. 2)
15. Stipulates a judgment or decree may include costs and reasonable attorney fees for the prevailing party. (Sec. 2)
16. Restates the order of received payments that are applied to a member's account. (Sec. 2)
17. Exempts timeshare plans or timeshare owners' associations from the requirements relating to condominium liens. (Sec. 2)

Planned Communities Assessment Liens

18. Specifies the association has a lien on a property for any *common expense* assessment from the time the assessment becomes due. (Sec. 3)
19. Clarifies the lien for common expense assessments may include:
 - a) reasonable charges or interest for late payment of those assessments, if authorized in the declaration;
 - b) reasonable collection costs or fees incurred or applied by the association only; and
 - c) reasonable attorney fees and costs incurred but only as awarded by the court. (Sec. 3)
20. Restates the full amount of a common expense assessment that is payable in installments is a lien from the time the first installment of the assessment becomes due. (Sec. 3)

21. Restates the common expense assessment lien is not subject to the homestead exemption. (Sec. 3)
22. Clarifies the common expense assessment lien may be foreclosed only if the owner has been *and remains* delinquent in the payment of common expense assessments. (Sec. 3)
23. Revises items that constitute a record notice and perfection of a lien. (Sec. 3)
24. Requires costs and reasonable attorney fees be included in a judgment or decree only if ordered by the court. (Sec. 3)
25. Clarifies the order of payments received that are applied to a member's account. (Sec. 3)
26. Replace assessments with *common expense* assessments as appropriate. (Sec. 3)

Planned Community Liens for Fees and Other Charges

27. Restates an association that is owed fees, charges, late charges and monetary penalties or interest charged does not have a lien against the debtor's property for those amounts and the unpaid amounts are not enforceable *and collectable* as common expense assessments. (Sec. 3, 4)
28. Restates that the association has a lien for fees, charges and late charges and for monetary penalties or interest charged only after the entry of a judgment in a civil suit. (Sec. 3, 4)
29. Restates the association's judgment lien for specified monies cannot be foreclosed and is effective only on conveyance of any interest in the real property. (Sec. 3, 4)
30. Specifies an association's judgment lien for specified monies does not affect the priority of mechanics' or materialmen's liens or other liens for other assessment made by the association. (Sec. 4)
31. Specifies liens for fees and other charges provisions does not prohibit actions to recover sum with the creation of a lien. (Sec. 4)
32. Stipulates a judgment or decree may include costs and reasonable attorney fees for the prevailing party. (Sec. 4)
33. Restates the order of received payments that are applied to a unit owner's account. (Sec. 4)

Miscellaneous

34. Makes technical and clarifying changes. (Sec. 1, 3)

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2648

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 33-1256, Arizona Revised Statutes, is amended to
3 read:

4 33-1256. Lien for common expense assessments; priority;
5 mechanics' and materialmen's liens; notice;
6 applicability

7 A. The association has a lien on a unit for any COMMON EXPENSE
8 assessment levied against that unit from the time the assessment becomes
9 due. The association's lien for COMMON EXPENSE assessments, ~~for~~ MAY
10 INCLUDE REASONABLE charges OR INTEREST for late payment of those
11 assessments ONLY IF AUTHORIZED IN THE DECLARATION, ~~for~~ reasonable
12 collection COSTS OR fees INCURRED OR APPLIED BY THE ASSOCIATION ONLY, and
13 ~~for~~ THOSE reasonable attorney fees and costs incurred BUT ONLY AS AWARDED
14 BY THE COURT IN ANY ACTION with respect to those assessments. IF A COMMON
15 EXPENSE ASSESSMENT IS PAYABLE IN INSTALLMENTS, THE FULL AMOUNT OF THE
16 ASSESSMENT IS A LIEN FROM THE TIME THE FIRST INSTALLMENT OF THE ASSESSMENT
17 BECOMES DUE.

18 B. THE COMMON EXPENSE ASSESSMENT LIEN PRESCRIBED BY THIS SECTION IS
19 NOT SUBJECT TO THE HOMESTEAD EXEMPTION PRESCRIBED BY CHAPTER 8 OF THIS
20 TITLE AND may be foreclosed in the same manner as a mortgage on real estate
21 but may be foreclosed only if the UNIT owner has been AND REMAINS
22 delinquent in the payment of ~~monies secured by the lien, excluding~~
23 ~~reasonable collection fees, reasonable attorney fees and charges for late~~

1 ~~payment of and costs incurred with respect to those assessments, COMMON~~
2 ~~EXPENSE ASSESSMENTS for a period of one year or in the amount of \$1,200 or~~
3 ~~more, whichever occurs first, as determined on the date the action is~~
4 ~~filed. Fees, charges, late charges, monetary penalties and interest~~
5 ~~charged pursuant to section 33-1242, subsection A, paragraphs 10, 11 and~~
6 ~~12, other than charges for late payment of assessments, are not enforceable~~
7 ~~as assessments under this section. If an assessment is payable in~~
8 ~~installments, the full amount of the assessment is a lien from the time the~~
9 ~~first installment of the assessment becomes due. The association has a~~
10 ~~lien for fees, charges, late charges, other than charges for late payment~~
11 ~~of assessments, monetary penalties or interest charged pursuant to section~~
12 ~~33-1242, subsection A, paragraphs 10, 11 and 12 after the entry of a~~
13 ~~judgment in a civil suit for those fees, charges, late charges, monetary~~
14 ~~penalties or interest from a court of competent jurisdiction and the~~
15 ~~recording of that judgment in the office of the county recorder as~~
16 ~~otherwise provided by law. The association's lien for monies other than~~
17 ~~for assessments, for charges for late payment of those assessments, for~~
18 ~~reasonable collection fees and for reasonable attorney fees and costs~~
19 ~~incurred with respect to those assessments may not be foreclosed and is~~
20 ~~effective only on conveyance of any interest in the real property. Fees,~~
21 ~~charges, late charges, monetary penalties and interest charged pursuant to~~
22 ~~section 33-1242, subsection A, paragraphs 10, 11 and 12, other than charges~~
23 ~~for late payment of assessments, are not enforceable as assessments under~~
24 ~~this section. If an assessment is payable in installments, the full amount~~
25 ~~of the assessment is a lien from the time the first installment of the~~
26 ~~assessment becomes due. The association has a lien for fees, charges, late~~
27 ~~charges, other than charges for late payment of assessments, monetary~~
28 ~~penalties or interest charged pursuant to section 33-1242, subsection A,~~
29 ~~paragraphs 10, 11 and 12 after the entry of a judgment in a civil suit for~~
30 ~~those fees, charges, late charges, monetary penalties or interest from a~~
31 ~~court of competent jurisdiction and the recording of that judgment in the~~
32 ~~office of the county recorder as otherwise provided by law. The~~

1 ~~association's lien for monies other than for assessments, for charges for~~
2 ~~late payment of those assessments, for reasonable collection fees and for~~
3 ~~reasonable attorney fees and costs incurred with respect to those~~
4 ~~assessments may not be foreclosed and is effective only on conveyance of~~
5 ~~any interest in the real property.~~

6 ~~B.~~ C. A lien for COMMON EXPENSE assessments, ~~for charges for late~~
7 ~~payment of those assessments, for reasonable collection fees and for~~
8 ~~reasonable attorney fees and costs incurred with respect to those~~
9 ~~assessments~~ under this section is prior to all other liens, interests and
10 encumbrances on a unit except:

11 1. Liens and encumbrances recorded before the recordation of the
12 declaration.

13 2. A recorded first mortgage on the unit, a seller's interest in a
14 first contract for sale pursuant to chapter 6, article 3 of this title on
15 the unit recorded ~~prior to~~ BEFORE the lien arising pursuant to subsection A
16 of this section or a recorded first deed of trust on the unit.

17 3. Liens for real estate taxes and other governmental assessments or
18 charges against the unit.

19 ~~C.~~ D. Subsection ~~B~~ C of this section does not affect the priority
20 of mechanics' or materialmen's liens or the priority of JUDGMENT liens for
21 other assessments made by the association. ~~The lien under this section is~~
22 ~~not subject to chapter 8 of this title.~~

23 ~~D.~~ E. Unless the declaration otherwise provides, if two or more
24 associations have liens for COMMON EXPENSE assessments created at any time
25 on the same real estate, those liens have equal priority.

26 ~~E.~~ F. Recording ~~of~~ the declaration constitutes record notice and
27 perfection of the lien for COMMON EXPENSE assessments, ~~AND for charges for~~
28 ~~late payment of those assessments, for reasonable collection fees and for~~
29 ~~reasonable attorney fees and costs incurred with respect to those~~
30 ~~assessments.~~ Further recordation of any claim of lien for COMMON EXPENSE
31 assessments under this section is not required.

1 ~~F.~~ G. A lien for unpaid COMMON EXPENSE assessments is extinguished
2 unless proceedings to enforce the lien are instituted within six years
3 after the full amount of the assessments becomes due.

4 ~~G.~~ H. This section does not prohibit:

5 1. Actions to recover sums for which subsection A of this section
6 creates a lien.

7 2. An association from taking a deed in lieu of foreclosure.

8 ~~H.~~ I. A judgment or decree in any action brought under this section
9 ~~shall~~ MAY include costs and reasonable attorney fees for the prevailing
10 party ONLY IF ORDERED BY THE COURT.

11 ~~I.~~ J. The association on written request shall furnish to a
12 lienholder, escrow agent, unit owner or person designated by a unit owner a
13 statement setting forth the amount of ANY unpaid ~~assessments~~ ASSESSMENT
14 LIENS PRESCRIBED BY SUBSECTION A OF THIS SECTION against the unit. The
15 statement shall be furnished within ten CALENDAR days after receipt of the
16 request. ~~and The statement is binding on the association, the board of~~
17 ~~directors and every unit owner~~ if the statement is requested by an escrow
18 agency that is licensed pursuant to title 6, chapter 7. Failure to provide
19 the statement to the escrow agent within the time provided for in this
20 subsection extinguishes any lien for any unpaid assessment then due.

21 ~~J.~~ K. Notwithstanding any provision in the condominium documents or
22 in any contract between the association and a management company OR ANY
23 OTHER AGENT OF THE ASSOCIATION, INCLUDING ANY AGREEMENT OR CONTRACT WITH
24 ANY ATTORNEY, unless the unit owner directs otherwise, all payments
25 received on a unit owner's account shall be applied first to any unpaid
26 DELINQUENT COMMON EXPENSE assessments, UNPAID CURRENT BUT NONDELINQUENT
27 COMMON EXPENSE ASSESSMENTS, unpaid charges OR INTEREST for late payment of
28 those assessments, unpaid reasonable collection COSTS OR fees and unpaid
29 COURT-ORDERED attorney fees and costs incurred with respect to those
30 assessments, in that order, with any remaining amounts applied next to
31 other unpaid fees, charges and monetary penalties or interest and late
32 charges on any of those amounts.

1 ~~K~~ L. For a delinquent account for unpaid COMMON EXPENSE
2 assessments or for charges related to unpaid COMMON EXPENSE assessments,
3 the association shall provide the following written notice to the unit
4 owner at the unit owner's address as provided to the association at least
5 thirty days before authorizing an attorney, or a collection agency that is
6 not acting as the association's managing agent, to begin collection
7 activity on behalf of the association:

8 Your account is delinquent. If you do not bring your account
9 current or make arrangements that are approved by the
10 association to bring your account current within thirty days
11 after the date of this notice, your account will be turned over
12 for further collection proceedings. Such collection
13 proceedings could include bringing a foreclosure action against
14 your property.

15 The notice shall be in boldfaced type or all capital letters and shall
16 include the contact information for the person that the unit owner may
17 contact to discuss payment. The notice shall be sent by certified mail,
18 return receipt requested, and may be included within other correspondence
19 sent to the unit owner regarding the unit owner's delinquent account.

20 ~~L~~ M. ~~Beginning January 1, 2020,~~ Except for condominiums that have
21 fewer than fifty units and that do not contract with a third party to
22 perform management services on behalf of the association, the association
23 shall provide a statement of account in lieu of a periodic payment book to
24 the unit owner with the same frequency that assessments are provided for in
25 the declaration. The statement of account shall include the current
26 account balance due and the immediately preceding ledger history. If the
27 association offers the statement of account by electronic means, a unit
28 owner may opt to receive the statement electronically. The association may
29 stop providing any further statements of account to a unit owner if
30 collection activity begins by an attorney, or a collection agency that is
31 not acting as the association's managing agent, regarding that unit owner's
32 unpaid account. After collection activity begins, a unit owner may request

1 statements of account by written request to the attorney or collection
2 agency. Any request by a unit owner for a statement of account after
3 collection activity begins by an attorney or a collection agency that is
4 not acting as the association's managing agent must be fulfilled by the
5 attorney or the collection agency responsible for the collection. The
6 statement of account provided by the attorney or collection agency
7 responsible for the collection shall include all amounts claimed to be
8 owing to resolve the delinquency through the date set forth in the
9 statement, ~~including attorney fees and costs, regardless of whether such~~
10 ~~amounts have been reduced to judgment.~~

11 ~~M.~~ N. An agent for the association may collect on behalf of the
12 association directly from a unit owner the assessments and other amounts
13 owed by cash or check, by mailed or hand-delivered bank drafts, checks,
14 cashier's checks or money orders, by credit, charge or debit card or by
15 other electronic means. For any form of payment other than for cash or for
16 mailed or hand-delivered bank drafts, checks, cashier's checks or money
17 orders, the agent may charge a convenience fee to the unit owner that is
18 approximately the amount charged to the agent by a third-party service
19 provider.

20 ~~M.~~ O. This section does not apply to timeshare plans or
21 associations that are subject to chapter 20 of this title.

22 Sec. 2. Title 33, chapter 9, article 3, Arizona Revised Statutes, is
23 amended by adding section 33-1256.01, to read:

24 33-1256.01. Fees, charges, late charges, monetary penalties
25 and interest; judgment lien only; exception

26 A. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS AND
27 EXCEPT FOR CHARGES FOR LATE PAYMENT OF COMMON EXPENSE ASSESSMENTS AS
28 PRESCRIBED BY SECTION 33-1256, A CONDOMINIUM ASSOCIATION THAT IS OWED FEES,
29 CHARGES, LATE CHARGES AND MONETARY PENALTIES OR INTEREST CHARGED PURSUANT
30 TO SECTION 33-1242, SUBSECTION A, PARAGRAPHS 10, 11 AND 12 DOES NOT HAVE A
31 LIEN AGAINST THE DEBTOR'S UNIT FOR THOSE AMOUNTS AND THE UNPAID AMOUNTS ARE

1 NOT ENFORCEABLE AND COLLECTABLE AS COMMON EXPENSE ASSESSMENTS PURSUANT TO
2 SECTION 33-1256.

3 B. THE ASSOCIATION HAS A LIEN FOR FEES, CHARGES AND LATE CHARGES,
4 OTHER THAN CHARGES FOR LATE PAYMENT OF COMMON EXPENSE ASSESSMENTS, AND FOR
5 MONETARY PENALTIES OR INTEREST CHARGED PURSUANT TO SECTION 33-1242,
6 SUBSECTION A, PARAGRAPHS 10, 11 AND 12 ONLY AFTER THE ENTRY OF A JUDGMENT
7 IN A CIVIL SUIT FOR THOSE FEES, CHARGES, LATE CHARGES, MONETARY PENALTIES
8 OR INTEREST FROM A COURT OF COMPETENT JURISDICTION AND THE RECORDING OF
9 THAT JUDGMENT IN THE OFFICE OF THE COUNTY RECORDER AS OTHERWISE PROVIDED BY
10 LAW. THE ASSOCIATION'S JUDGMENT LIEN FOR MONIES PRESCRIBED BY THIS
11 SUBSECTION MAY NOT BE FORECLOSED AND IS EFFECTIVE ONLY ON CONVEYANCE OF ANY
12 INTEREST IN THE REAL PROPERTY.

13 C. SUBSECTION B OF THIS SECTION DOES NOT AFFECT THE PRIORITY OF
14 MECHANICS' OR MATERIALMEN'S LIENS OR THE PRIORITY OF LIENS FOR OTHER
15 ASSESSMENTS MADE BY THE ASSOCIATION.

16 D. THIS SECTION DOES NOT PROHIBIT ACTIONS TO RECOVER SUMS FOR WHICH
17 SUBSECTION B OF THIS SECTION CREATES A LIEN.

18 E. A JUDGMENT OR DECREE IN ANY ACTION BROUGHT UNDER THIS SECTION MAY
19 INCLUDE COSTS AND REASONABLE ATTORNEY FEES FOR THE PREVAILING PARTY ONLY IF
20 ORDERED BY THE COURT.

21 F. NOTWITHSTANDING ANY PROVISION IN THE CONDOMINIUM DOCUMENTS OR IN
22 ANY CONTRACT BETWEEN THE ASSOCIATION AND A MANAGEMENT COMPANY OR ANY OTHER
23 AGENT OF THE ASSOCIATION, INCLUDING ANY AGREEMENT OR CONTRACT WITH ANY
24 ATTORNEY, UNLESS THE UNIT OWNER DIRECTS OTHERWISE, ALL PAYMENTS RECEIVED ON
25 A UNIT OWNER'S ACCOUNT SHALL BE APPLIED FIRST TO ANY UNPAID DELINQUENT
26 COMMON EXPENSE ASSESSMENTS, UNPAID CURRENT BUT NONDELINQUENT COMMON EXPENSE
27 ASSESSMENTS, UNPAID CHARGES OR INTEREST FOR LATE PAYMENT OF THOSE
28 ASSESSMENTS, UNPAID REASONABLE COLLECTION COSTS OR FEES AND UNPAID
29 COURT-ORDERED ATTORNEY FEES AND COSTS INCURRED WITH RESPECT TO THOSE
30 ASSESSMENTS, IN THAT ORDER, WITH ANY REMAINING AMOUNTS APPLIED NEXT TO
31 OTHER UNPAID FEES, CHARGES AND MONETARY PENALTIES OR INTEREST AND LATE
32 CHARGES ON ANY OF THOSE AMOUNTS.

1 G. THIS SECTION DOES NOT APPLY TO TIMESHARE PLANS OR ASSOCIATIONS
2 THAT ARE SUBJECT TO CHAPTER 20 OF THIS TITLE.

3 Sec. 3. Section 33-1807, Arizona Revised Statutes, is amended to
4 read:

5 33-1807. Lien for common expense assessments; priority;
6 mechanics' and materialmen's liens; notice

7 A. The association has a lien on a ~~unit~~ PROPERTY for any COMMON
8 EXPENSE assessment levied against that ~~unit~~ PROPERTY from the time the
9 assessment becomes due. The association's lien for COMMON EXPENSE
10 assessments, ~~for~~ MAY INCLUDE REASONABLE charges OR INTEREST for late
11 payment of those assessments ONLY IF AUTHORIZED IN THE DECLARATION, ~~for~~
12 reasonable collection COSTS OR fees INCURRED OR APPLIED BY THE ASSOCIATION
13 ONLY, and ~~for~~ THOSE reasonable attorney fees and costs incurred BUT ONLY AS
14 AWARDED BY THE COURT IN ANY ACTION with respect to those assessments. IF A
15 COMMON EXPENSE ASSESSMENT IS PAYABLE IN INSTALLMENTS, THE FULL AMOUNT OF
16 THE ASSESSMENT IS A LIEN FROM THE TIME THE FIRST INSTALLMENT OF THE
17 ASSESSMENT BECOMES DUE.

18 B. THE COMMON EXPENSE ASSESSMENT LIEN PRESCRIBED BY THIS SECTION IS
19 NOT SUBJECT TO THE HOMESTEAD EXEMPTION PRESCRIBED BY CHAPTER 8 OF THIS
20 TITLE AND may be foreclosed in the same manner as a mortgage on real estate
21 but may be foreclosed only if the owner has been AND REMAINS delinquent in
22 the payment of ~~monies secured by the lien, excluding reasonable collection~~
23 ~~fees, reasonable attorney fees and charges for late payment of and costs~~
24 ~~incurred with respect to those assessments,~~ COMMON EXPENSE ASSESSMENTS for
25 a period of one year or in the amount of \$1,200 or more, whichever occurs
26 first, as determined on the date the action is filed. ~~Fees, charges, late~~
27 ~~charges, monetary penalties and interest charged pursuant to section~~
28 ~~33-1803, other than charges for late payment of assessments are not~~
29 ~~enforceable as assessments under this section. If an assessment is payable~~
30 ~~in installments, the full amount of the assessment is a lien from the time~~
31 ~~the first installment of the assessment becomes due. The association has a~~
32 ~~lien for fees, charges, late charges, other than charges for late payment~~

1 ~~of assessments, monetary penalties or interest charged pursuant to section~~
2 ~~33-1803 after the entry of a judgment in a civil suit for those fees,~~
3 ~~charges, late charges, monetary penalties or interest from a court of~~
4 ~~competent jurisdiction and the recording of that judgment in the office of~~
5 ~~the county recorder as otherwise provided by law. The association's lien~~
6 ~~for monies other than for assessments, for charges for late payment of~~
7 ~~those assessments, for reasonable collection fees and for reasonable~~
8 ~~attorney fees and costs incurred with respect to those assessments may not~~
9 ~~be foreclosed and is effective only on conveyance of any interest in the~~
10 ~~real property.~~

11 ~~B. C. A lien for COMMON EXPENSE assessments, for charges for late~~
12 ~~payment of those assessments, for reasonable collection fees and for~~
13 ~~reasonable attorney fees and costs incurred with respect to those~~
14 ~~assessments under this section is prior to all other liens, interests and~~
15 ~~encumbrances on a unit PROPERTY except:~~

16 1. Liens and encumbrances recorded before the recordation of the
17 declaration.

18 2. A recorded first mortgage on the unit PROPERTY, a seller's
19 interest in a first contract for sale pursuant to chapter 6, article 3 of
20 this title on the unit PROPERTY recorded prior to BEFORE the lien arising
21 pursuant to subsection A of this section or a recorded first deed of trust
22 on the unit PROPERTY.

23 3. Liens for real estate taxes and other governmental assessments or
24 charges against the unit PROPERTY.

25 ~~C. D. Subsection B- C of this section does not affect the priority~~
26 ~~of mechanics' or materialmen's liens or the priority of JUDGMENT liens for~~
27 ~~other assessments made by the association. The lien under this section is~~
28 ~~not subject to chapter 8 of this title.~~

1 ~~D.~~ E. Unless the declaration otherwise provides, if two or more
2 associations have liens for COMMON EXPENSE assessments created at any time
3 on the same real estate those liens have equal priority.

4 ~~E.~~ F. Recording ~~of~~ the declaration constitutes record notice and
5 perfection of the lien for COMMON EXPENSE assessments, ~~AND for charges for~~
6 late payment of THOSE assessments, ~~for reasonable collection fees and for~~
7 ~~reasonable attorney fees and costs incurred with respect to those~~
8 ~~assessments.~~ Further recordation of any claim of lien for COMMON EXPENSE
9 assessments under this section is not required.

10 ~~F.~~ G. A lien for an unpaid COMMON EXPENSE assessment is
11 extinguished unless proceedings to enforce the lien are instituted within
12 six years after the full amount of the assessment becomes due.

13 ~~G.~~ H. This section does not prohibit:

14 1. Actions to recover amounts for which subsection A of this section
15 creates a lien.

16 2. An association from taking a deed in lieu of foreclosure.

17 ~~H.~~ I. A judgment or decree in any action brought under this section
18 ~~shall~~ MAY include costs and reasonable attorney fees for the prevailing
19 party ONLY IF ORDERED BY THE COURT.

20 ~~I.~~ J. On written request, the association shall furnish to a
21 lienholder, escrow agent, ~~unit owner~~ MEMBER or person designated by a ~~unit~~
22 ~~owner~~ MEMBER a statement setting forth the amount of any unpaid assessment
23 LIENS PRESCRIBED BY SUBSECTION A OF THIS SECTION against the ~~unit~~
24 PROPERTY. The association shall furnish the statement within ten CALENDAR
25 days after receipt of the request. ~~, and~~ The statement is binding on the
26 association, ~~the board of directors and every unit owner~~ if the statement
27 is requested by an escrow agency that is licensed pursuant to title 6,
28 chapter 7. Failure to provide the statement to the escrow agent within the
29 time provided for in this subsection extinguishes any lien for any unpaid
30 assessment then due.

1 ~~+~~ K. Notwithstanding any provision in the community documents or
2 in any contract between the association and a management company OR ANY
3 OTHER AGENT OF THE ASSOCIATION, INCLUDING ANY AGREEMENT OR CONTRACT WITH
4 ANY ATTORNEY, unless the member directs otherwise, all payments received on
5 a member's account shall be applied first to any unpaid DELINQUENT COMMON
6 EXPENSE assessments, UNPAID CURRENT BUT NONDELINQUENT COMMON EXPENSE
7 ASSESSMENTS, unpaid charges OR INTEREST for late payment of those
8 assessments, unpaid reasonable collection COSTS OR fees and unpaid
9 COURT-ORDERED attorney fees and costs incurred with respect to those
10 assessments, in that order, with any remaining amounts applied next to
11 other unpaid fees, charges and monetary penalties or interest and late
12 charges on any of those amounts.

13 ~~+~~ L. For a delinquent account for unpaid COMMON EXPENSE
14 assessments or for charges related to unpaid COMMON EXPENSE assessments,
15 the association shall provide the following written notice to the member at
16 the member's address as provided to the association at least thirty days
17 before authorizing an attorney, or a collection agency that is not acting
18 as the association's managing agent, to begin collection activity on behalf
19 of the association:

20 Your account is delinquent. If you do not bring your account
21 current or make arrangements that are approved by the
22 association to bring your account current within thirty days
23 after the date of this notice, your account will be turned over
24 for further collection proceedings. Such collection
25 proceedings could include bringing a foreclosure action against
26 your property.

27 The notice shall be in boldfaced type or all capital letters and shall
28 include the contact information for the person that the member may contact
29 to discuss payment. The notice shall be sent by certified mail, return
30 receipt requested, and may be included within other correspondence sent to
31 the member regarding the member's delinquent account.

1 ~~L. M. Beginning January 1, 2020,~~ Except for planned communities
2 that have fewer than fifty lots and that do not contract with a third party
3 to perform management services on behalf of the association, the
4 association shall provide a statement of account in lieu of a periodic
5 payment book to the member with the same frequency that assessments are
6 provided for in the declaration. The statement of account shall include
7 the current account balance due and the immediately preceding ledger
8 history. If the association offers the statement of account by electronic
9 means, a member may opt to receive the statement electronically. The
10 association may stop providing any further statements of account to a
11 member if collection activity begins by an attorney, or a collection agency
12 that is not acting as the association's managing agent, regarding that
13 member's unpaid account. After collection activity begins, a member may
14 request statements of account by written request to the attorney or
15 collection agency. Any request by a member for a statement of account
16 after collection activity begins by an attorney or a collection agency that
17 is not acting as the association's managing agent must be fulfilled by the
18 attorney or the collection agency responsible for the collection. The
19 statement of account provided by the attorney or collection agency
20 responsible for the collection shall include all amounts claimed to be
21 owing to resolve the delinquency through the date set forth in the
22 statement, ~~including attorney fees and costs, regardless of whether such~~
23 ~~amounts have been reduced to judgment.~~

24 ~~M. N.~~ N. An agent for the association may collect on behalf of the
25 association directly from a member the assessments and other amounts owed
26 by cash or check, by mailed or hand-delivered bank drafts, checks,
27 cashier's checks or money orders, by credit, charge or debit card or by
28 other electronic means. For any form of payment other than for cash or for
29 mailed or hand-delivered bank drafts, checks, cashier's checks or money
30 orders, the agent may charge a convenience fee to the member that is
31 approximately the amount charged to the agent by a third-party service
32 provider.

1 Sec. 4. Title 33, chapter 16, article 1, Arizona Revised Statutes,
2 is amended by adding section 33-1807.01, to read:

3 33-1807.01. Fees, charges, late charges, monetary penalties
4 and interest; judgment lien only; exception

5 A. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS AND
6 EXCEPT FOR CHARGES FOR LATE PAYMENT OF COMMON EXPENSE ASSESSMENTS AS
7 PRESCRIBED BY SECTION 33-1803, AN ASSOCIATION THAT IS OWED FEES, CHARGES,
8 LATE CHARGES AND MONETARY PENALTIES OR INTEREST CHARGED PURSUANT TO SECTION
9 33-1803 DOES NOT HAVE A LIEN AGAINST THE DEBTOR'S PROPERTY FOR THOSE
10 AMOUNTS AND THE UNPAID AMOUNTS ARE NOT ENFORCEABLE AND COLLECTABLE AS
11 COMMON EXPENSE ASSESSMENTS PURSUANT TO SECTION 33-1807.

12 B. THE ASSOCIATION HAS A LIEN FOR FEES, CHARGES AND LATE CHARGES,
13 OTHER THAN CHARGES FOR LATE PAYMENT OF COMMON EXPENSE ASSESSMENTS, AND FOR
14 MONETARY PENALTIES OR INTEREST CHARGED PURSUANT TO SECTION 33-1803 ONLY
15 AFTER THE ENTRY OF A JUDGMENT IN A CIVIL SUIT FOR THOSE FEES, CHARGES, LATE
16 CHARGES, MONETARY PENALTIES OR INTEREST FROM A COURT OF COMPETENT
17 JURISDICTION AND THE RECORDING OF THAT JUDGMENT IN THE OFFICE OF THE COUNTY
18 RECORDER AS OTHERWISE PROVIDED BY LAW. THE ASSOCIATION'S JUDGMENT LIEN FOR
19 MONIES PRESCRIBED BY THIS SUBSECTION MAY NOT BE FORECLOSED AND IS EFFECTIVE
20 ONLY ON CONVEYANCE OF ANY INTEREST IN THE REAL PROPERTY.

21 C. SUBSECTION B OF THIS SECTION DOES NOT AFFECT THE PRIORITY OF
22 MECHANICS' OR MATERIALMEN'S LIENS OR THE PRIORITY OF JUDGEMENT LIENS FOR
23 OTHER ASSESSMENTS MADE BY THE ASSOCIATION.

24 D. THIS SECTION DOES NOT PROHIBIT ACTIONS TO RECOVER SUMS FOR WHICH
25 SUBSECTION B OF THIS SECTION CREATES A LIEN.

26 E. A JUDGMENT OR DECREE IN ANY ACTION BROUGHT UNDER THIS SECTION MAY
27 INCLUDE COSTS AND REASONABLE ATTORNEY FEES FOR THE PREVAILING PARTY ONLY IF
28 ORDERED BY THE COURT.

29 F. NOTWITHSTANDING ANY PROVISION IN THE COMMUNITY DOCUMENTS OR IN
30 ANY CONTRACT BETWEEN THE ASSOCIATION AND A MANAGEMENT COMPANY OR ANY OTHER
31 AGENT OF THE ASSOCIATION, INCLUDING ANY AGREEMENT OR CONTRACT WITH ANY
32 ATTORNEY, UNLESS THE MEMBER DIRECTS OTHERWISE, ALL PAYMENTS RECEIVED ON A

1 MEMBER'S ACCOUNT SHALL BE APPLIED FIRST TO ANY UNPAID DELINQUENT COMMON
2 EXPENSE ASSESSMENTS, UNPAID CURRENT BUT NONDELINQUENT COMMON EXPENSE
3 ASSESSMENTS, UNPAID CHARGES OR INTEREST FOR LATE PAYMENT OF THOSE
4 ASSESSMENTS, UNPAID REASONABLE COLLECTION COSTS OR FEES AND UNPAID
5 COURT-ORDERED ATTORNEY FEES AND COSTS INCURRED WITH RESPECT TO THOSE
6 ASSESSMENTS, IN THAT ORDER, WITH ANY REMAINING AMOUNTS APPLIED NEXT TO
7 OTHER UNPAID FEES, CHARGES AND MONETARY PENALTIES OR INTEREST AND LATE
8 CHARGES ON ANY OF THOSE AMOUNTS."

9 Amend title to conform

NEAL CARTER

2648CARTER.docx

02/09/2024

11:15 PM

C: MR

Adopted ☒ # of Verbals _____
Failed _____ Withdrawn _____
Not Offered _____ Analysts Initials _____

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2648

(Reference to the proposed Carter s/e amendment dated 2/09/24; 11:15 p.m.)

- 1 Page 2, line 20, after the period strike remainder of line
- 2 Strike lines 21 through 32
- 3 Page 3, strike lines 1 through 5
- 4 Page 13, line 22, strike "JUDGEMENT" insert "JUDGMENT"
- 5 Amend title to conform

NEAL CARTER

2648CARTER2.docx
02/12/2024
11:04 AM
C: MR

Adopted ☒ # of Verbals ____
Failed ____ Withdrawn ____
Not Offered ____ Analysts Initials ____

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

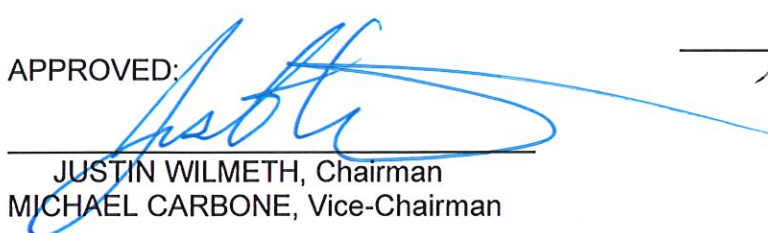
ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2648

DATE February 13, 2024 MOTION: DPA/S/E

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress		✓			
Heap		✓			
Hendrix		✓			
Liguori				✓	
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		9	0	1	0

APPROVED:


JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 30

FindLaw

Find a
Lawyer (<https://lawyers.findlaw.com/>)Legal
Forms & ✓
ServicesLearn
About ✓
the
LawLaws and
Court (https://caselaw.findlaw.com/) DecisionsBlogs(<https://blogs.findlaw.com/>)(<https://www.findlaw.com/>)

HB 2648

...
[FINDLAW \(https://lp.findlaw.com/\)](https://lp.findlaw.com/) / [CASELAW \(https://caselaw.findlaw.com/\)](https://caselaw.findlaw.com/) / [ARIZONA \(https://caselaw.findlaw.com/courts/arizona/\)](https://caselaw.findlaw.com/courts/arizona/) / [AZ CT. APP. \(https://caselaw.findlaw.com/court/az-court-of-appeals/\)](https://caselaw.findlaw.com/court/az-court-of-appeals/) / CYPRESS ON SUNLAND HOMEOWNERS ASSOCIATION V. ORLANDINI II

CYPRESS ON SUNLAND HOMEOWNERS ASSOCIATION v. ORLANDINI II (2011)

Court of Appeals of Arizona, Division 1, Department B.

CYPRESS ON SUNLAND HOMEOWNERS ASSOCIATION, a non-profit corporation; Scott Jacoby, an individual, Plaintiffs–Appellees, v. James V. ORLANDINI, II; First American Title Insurance Company, a California corporation, Intervenor–Appellants.

Cypress on Sunland Homeowners Association, Plaintiff–Appellee, v. James V. Orlandini, II; First American Title Insurance Company, a California corporation, Intervenor–Appellants.

Nos. 1 CA–CV 10–0142, 1 CA–CV 10–0235.

Decided: May 19, 2011

Gust Rosenfeld P.L.C. by Scott A. Malm, Phoenix, Attorneys for Appellants. Shaw & Lines, LLC by Mark E. Lines, Phoenix, Attorneys for Scott Jacoby. Maxwell & Morgan, PC by Charles E. Maxwell, Brian W. Morgan, Paul R. Neil, Mesa, Attorneys for Cypress on Sunland Homeowners' Association.

OPINION

¶ 1 James V. Orlandini, II and First American Title Insurance Company (collectively “Intervenor”) appeal from the trial court’s orders consolidating cases, denying a notice of change of judge, reinstating a default judgment on foreclosure, and awarding attorneys’ fees and costs to Cypress on Sunland Homeowners’ Association (“HOA”). We affirm the court’s orders consolidating cases and denying a notice of change of judge. We reverse the court’s order reinstating the default judgment on foreclosure because the conduct of the HOA’s lawyers in obtaining the default judgment on foreclosure constituted a fraud upon the court. We also reverse the award of attorneys’ fees and costs to the HOA and remand the matter to the trial court for further proceedings.

PROCEDURAL BACKGROUND

¶ 2 These appeals involve separate but related superior court actions regarding the same real property: CV2007–090828 (the “lien foreclosure action”) and CV2008–021749 (the “quiet title action”). The issues on appeal arise from the consolidation of those actions and orders entered thereafter in favor of Cypress on Sunland Homeowners’ Association and Scott Jacoby (collectively “Appellees”).

The Lien Foreclosure Action

¶ 3 Derrick Spearman owned real property in Phoenix (“the property”) subject to a Declaration of Covenants, Conditions, Restrictions & Easements (“CC & Rs”) of the HOA recorded in January 2003. On June 2, 2006, American Lending Corporation (“ALC”) loaned \$190,400 to Spearman, as evidenced by a note, and secured by a deed of trust on the property recorded on June 8, 2006 in Maricopa County records at Document No. 2006–778589 (first deed of trust).

On the same day, ALC loaned \$23,900 to Spearman, as evidenced by a note and secured by a second deed of trust on the property and also recorded on June 8, 2006. First American Title Insurance Co. (“First American”) issued a lender’s title insurance policy to ALC and its assignees insuring the first deed of trust. The first deed of trust was

assigned to Alliance Bancorp on June 6, 2006 by an unrecorded assignment. It was then assigned to HSBC Bank, USA, as trustee for Deutsche Alt-A Securities Mortgage Loan Trust, Series 2006-AR5, ("the Bank") on June 12, 2006. This later assignment was recorded on November 10, 2008.

¶ 4 Spearman failed to pay assessments due the HOA. Pursuant to the CC & Rs, the unpaid amount was secured by an assessment lien on the property. In anticipation of filing a lien foreclosure action, the HOA, through its attorneys, Maxwell & Morgan, P.C., obtained a litigation guarantee showing ALC's June 8, 2006 first and second deeds of trust. It also showed that on February 9, 2007, the HOA had recorded a judgment against Spearman in the amount of \$748.21.

¶ 5 On April 9, 2007, the HOA filed a lien foreclosure action against Spearman and ALC pursuant to Arizona Revised Statutes ("A.R.S.") section 33-1807(A)(2007). The complaint alleged that ALC had two deeds of trust on the property; it did not state that one of them was a first deed of trust, nor did it cite A.R.S. § 33-1807(B)(2), regarding the priority of a first deed of trust over an assessment lien. The complaint further alleged that under the CC & Rs, the HOA had a "lien upon the Property which was perfected upon recordation of the CC & Rs" and that the defendants' liens upon the property were "subordinate and inferior to the rights and lien of the [HOA]." It sought judgment in the principal sum of \$2,436.28, plus prejudgment interest; costs and attorneys' fees pursuant to A.R.S. § 33-1807(H); a declaration that the assessment lien was "a superior and priority lien on the Property"; and an order foreclosing "the interests of the Defendants, and all persons claiming under them . except such rights of redemption as they may have by law."

¶ 6 ALC was served but, having previously assigned the first deed of trust, did not answer. After an ex parte hearing on June 4, 2007, at which only the HOA's lawyer was present, Commissioner M. Scott McCoy entered a default judgment on foreclosure in favor of the HOA and against Spearman and ALC and its unknown heirs and devisees. The judgment, which was prepared by Maxwell & Morgan, awarded the HOA the principal sum due, together with prejudgment interest, costs and attorneys' fees, declared the assessment lien a "valid first lien," foreclosed all other liens held by defendants and "all persons claiming under any of them," and ordered a sale to satisfy the debt. The judgment did not reflect that the HOA purported to foreclose on the first deed of trust. On July 26, 2007, Robert Draper purchased the property at a sheriff's sale for \$5,599. The appraised value of the property on that date was \$190,000.

¶ 7 On October 9, 2007, the successor trustee of the Bank noticed a trustee's sale to foreclose on the first deed of trust. The notice stated that Wells Fargo Home Improvement ("Wells Fargo") was the servicing agent for the Bank. After the successor trustee became aware of the HOA's judgment on foreclosure, on January 2, 2008, the attorney for the Bank/Wells Fargo wrote Brian Morgan of Morgan & Maxwell advising him that Wells Fargo had a first deed of trust on the property securing a loan in the principal amount of \$190,400, and recorded June 8, 2006 at document number 20060778589. Acknowledging that the default judgment had foreclosed the second deed of trust, he asked Morgan to confirm in writing that the first deed of trust had priority over the assessment lien, that it had not been extinguished by the judgment, and that any wording in the judgment suggesting otherwise "was nothing more than a clerical error." Although later claiming that he was "deceived" by the letter, Warren Nikolaus of Maxwell & Morgan responded. He stated that the HOA "asserted no lien priority over the first mortgage held by your client in our past foreclosure lawsuit upon the property" and that "individuals who buy such properties at sheriff's sales are also aware that they are bidding and taking properties subject to the first mortgage only."¹

¶ 8 On March 15, 2008, Draper sold the property by warranty deed to his friend, Scott Jacoby, for \$110,000. Jacoby was aware of the pending trustee's sale and the Bank's position that it held a first lien. The Bank obtained a trustee's deed upon sale on May 22, 2008, and on September 26, 2008, sold the property to James V. Orlandini for \$80,550.

The Quiet Title Action

¶ 9 On September 22, 2008, a few days before Orlandini purchased the property, Jacoby filed a complaint to quiet title to the property pursuant to A.R.S. § 12-1101(2003). He named the Bank as a defendant and claimed that its interest in the property had been foreclosed as a result of the judgment on foreclosure. After the Bank answered the complaint, Jacoby filed a motion for judgment on the pleadings and/or summary judgment.

¶ 10 In March 2009, Orlandini became aware of the quiet title action. Orlandini and First American filed a motion to intervene and submitted a proposed answer and a counterclaim. In their counterclaim, they sought declaratory relief to set aside the default judgment entered in the foreclosure action, as well as the subsequent sheriff's sale, pursuant to Arizona Rule of Civil Procedure 60(c)(4) and (6),² or alternatively, restitution based on unjust enrichment. Jacoby stipulated only to Orlandini's joinder as a real party in interest, but objected to intervention on any other ground.

¶ 11 Judge Edward O. Burke granted the motion to intervene, and the Intervenor filed their answer and counterclaim. The court granted the Bank's motion to dismiss because it no longer had an interest in the property. Jacoby then filed a motion to dismiss the Intervenor's counterclaim alleging (1) failure to join necessary parties; (2) that the claims were

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

LAVEEN MEADOWS
HOMEOWNERS' ASSOCIATION,
INC., an Arizona nonprofit
corporation,

Plaintiff/Appellee,

vs.

CARLOS MEJIA, a married man, as
his sole and separate property; et
al.,

Defendant/Appellant.

1 CA-CV 18-0276

Maricopa County Superior Court

No. CV2016-094391

Litigation Attorney Fees
\$19,980.25

**DEFENDANT/APPELLANT'S
REPLY BRIEF**

DESSAULES LAW GROUP

5353 North 16th Street, Suite 110
Phoenix, Arizona 85016
(602) 274-5400

Jonathan A. Dessaulles, Bar #019439

David E. Wood, Bar # 021403

Jacob A. Kubert, Bar # 027445

Attorneys for Appellant Carlos Mejia

Delinquent Assessments
& Late Fees *\$2,148.02*

Unawarded legal
Fees not charged to
the association *\$3,803.96*

Unrelated Fees *\$480.00*

Fees beyond the
statute of limitation *\$2,411.50*

claimed principle *\$8,843.48*

Paid \$5,000.00 prior to Trial.
Balance \$-2,851.98

Justice Court Foreclosure Order

Clerk of the Superior Court

*** Filed ***

01/02/2020 8:00 AM

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2018-007526

12/31/2019

HONORABLE DAVID W. GARBARINO

CLERK OF THE COURT

L. Brown

Deputy

CAMBRIDGE ESTATES HOMEOWNERS
ASSOCIATION

SEAN CANNON

v.

DUNG THI TA

JONATHAN A DESSAULES

Claimed Principle

\$ 8,552.00

- Non-Assessment Fees
& Penalties

\$ 2,607.00

- Payment made but not
recorded by Attorney

\$ 4,466.00

\$ 1,521.00

Litigation Fees

\$ 4,155.33

MINUTE ENTRY

DANIEL HUYNH

899 N 12TH ST

SAN JOSE CA 95112

COMM. GARBARINO

Amount paid to stop Sheriff's
Sale \$ 15,427.33

After having held an evidentiary hearing on October 18, 2019, and having received proposed findings of fact and conclusions of law subsequently submitted by the parties, the Court enters the following findings of fact and conclusions of law with respect to Defendant's request that the Court set aside the default judgment¹ entered in this matter.

FINDINGS OF FACT

¹ The request to set aside entry of default judgment was not made in a motion styled as such. Instead, Defendant Dung Thi Ta asked the Court to set aside the default judgment in Defendant's Response to Plaintiff's Notice of Errata, in response to which, Plaintiff filed a Reply in Support of Notice of Errata, and Defendant filed an "Authorized Sur-Reply."



CARPENTER HAZLEWOOD

Carpenter, Hazlewood, Delgado & Bolen, LLP
ATTORNEYS AT LAW

PHOENIX
1400 East Southern Avenue, Suite 400
Tempe, Arizona 85282-5691
T 480-427-2800
F 480-427-2661

Lydia A. Peirce Linsmeyer, Esq.
Licensed in Arizona
e-mail: lydia@carpenterhazlewood.com
direct: 480-427-2886

September 6, 2018

Rancho Madera Condominium Association
c/o Trestle Management Group, LLC
450 N. Dobson Road, Suite 201
Mesa, Arizona 85201

Re: General Representation

Dear Board of Directors:

We wish to take this opportunity to thank you for having selected our firm to represent you in the above-referenced matters. This letter describes the terms of our representation to ensure complete understanding and agreement. Our representation of your Association will primarily involve general representation, but may also include providing other services regarding matters referred to the firm from time to time by the Association through its management agent, President or any member of the Board of Directors. These services may include collections. Our current standard collection Fee Schedule is attached, as well as information on alternative collection plans and other programs.

The firm incurs various costs and expenses in performing legal services under our agreement with you. The expenses the firm incurs on your behalf will be itemized in our invoices. Costs and expenses, without limitation, may include process servers' fees, fees fixed by law or assessed by courts and other agencies, court reporters' fees, long distance telephone calls, messenger and other delivery fees, postage, parking and other local travel expenses, photocopying and other reproduction costs, charges for computer time and other similar items.

Our firm sends monthly invoices to you. Payment is due no later than thirty days after the date the invoices are mailed. Due to the lag time between the receipt by our firm of any bills for outside services, supplies and other costs and the preparation of your invoice, it may not contain charges for all costs incurred during the billing period for that statement. If a statement is not paid within 30 days after the date of the invoice, the firm reserves the right to charge interest at the rate of ten percent (10%) per annum. Further, you agree that our firm will have the option, upon nonpayment, of withdrawing from further representation of you regardless of the status of any matter in the event of nonpayment, in accordance with the Arizona Rules of Professional Conduct. If the firm employs outside counsel, all fees and costs

ALBUQUERQUE • PHOENIX • PRESCOTT • SALT LAKE CITY • SANTA FE • TUCSON

CARPENTERHAZLEWOOD.COM
NATIONWIDE T 800-743-9324 • F 800-743-0494

CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP

RNCHOMAD.0001

Rancho Madera Condominium Association

September 6, 2018

Page 2

incurred prior to litigation related to nonpayment are the obligation of the client. In the event of litigation, the prevailing party is entitled to recover its reasonable attorneys' fees and costs incurred.

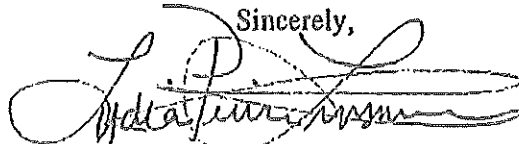
The fees that the firm charges to its clients are established in accordance with the criteria for reasonableness specified in the Arizona Rules of Professional Conduct which includes the time and labor required for tasks performed, the difficulty, novelty, or complexity of the problem presented, the skill required to perform the tasks in a professional manner, the time constraints imposed by the client or the nature of the matter, and the nature of the results obtained for the client.

We would appreciate your acknowledgment of your acceptance of this agreement by signing the letter. However, the effective date of this fee agreement will be retroactive to the date the firm first performed services for you. Even if this written agreement does not take effect, you are obligated to pay the firm the reasonable value of any services that the firm has performed for you.

Although this letter is rather formal, we believe that a complete understanding of our business relationship is beneficial. We appreciate this opportunity to be of assistance and look forward to working with you. Please return this original and keep a copy for your files.

If you have any questions, please call.

Sincerely,



Lydia A. Peirce Linsmeier, Esq.

for

CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP

I/we have read and understood the foregoing terms as set forth in this letter and agree to them as of the date Carpenter, Hazlewood, Delgado & Bolen, LLP first provided services.

Rancho Madera Condominium Association

Signature: _____



For the Rancho Madera Board of Directors

Title: Community Manager

CARPENTER, HAZLEWOOD, DELGADO & BOLEN, LLP
RNCHOMAD.0001
Runcho Madera Condominium Association
September 6, 2018
Page 3

We have opened a new file to handle matters for Rancho Madera Condominium Association. Please send our office a set of copies of all the applicable documents:

1. CC&R's and amendments
2. Articles of Incorporation
3. Bylaws
4. Rules & Regulations
5. Architectural Guidelines/Rules



CARPENTER HAZLEWOOD

Carpenter, Hazlewood, Delgado & Hohen, LLP
ATTORNEYS AT LAW

2018 COMMUNITY ASSOCIATION FEE SCHEDULE

Scott Carpenter | Scott@carpenterhazlewood.com

480-427-2800

1400 East Southern Avenue, Suite 400

Tempe, Arizona 85282

HOURLY RATES

\$345-\$395/hour	Partner Attorney Time
\$295-\$325/hour	Associate Attorney Time
\$200/hour	Law Clerk Time
\$185/hour	Paralegal Time
\$75/hour	Special Projects/Secretarial Time

LITIGATION AND ENFORCEMENT

\$250	Standard Enforcement Demand Letter
Hourly	Non-Standard Enforcement Demand Letter
\$175	Record and Release Notice of Violation ¹
No Charge	Compliance Follow Ups, Regular Status Reports, & Online Reports
Hourly	Enforcement Litigation

COLLECTION PROGRAMS

HOMEOOWNER PAYS COLLECTION PLAN*

- No up-front expense is ever required, even if the owner fails to pay.
- Demand letter, personal money judgment lawsuit, default judgment, and garnishment services are included.
- Firm advances the costs and adds its contingent flat fees on top of the ledger balance.
- Payments are applied to costs that the Firm advanced first. Once the Firm has been reimbursed its advanced costs, payments are split on a 50/50 basis (between the HOA & the Firm) until the Firm's fees are paid.

SMALL CLAIMS JUDGMENT COLLECTION PLAN*

- Garnishments, letters, calls included.
- HOA is billed for out of pocket costs.
- Legal fees contingent on collection.
- Payment split 50/50 until firm's fees paid. Thereafter all payments go to the HOA.

ASSESSMENT COLLECTION FEE FOR SERVICE**

- Client maintains full control
- The firm must be paid regardless of the outcome

FLAT FEE GENERAL COUNSEL PACKAGES

FHA CERTIFICATION

\$500	FHA Certification Review
\$500	FHA Certification Application

RESALE ASSESSMENT AMENDMENT

\$400	Opinion Letter
\$400	Amendment

UTILITY RESTRICTION PACKAGE

\$475	Document Review & Opinion
\$300	Plus Notices, Resolution, etc.

POLICIES & RESOLUTIONS

\$825	Insurance Deductible, Maintenance & Leaks Resolution
\$375	Records Retention Policy & Resolution
\$500	Articles of Incorporation ³

RULES & REGULATIONS

\$895	New Set of Rules (Including either Fine/Enforcement or Collection Policy)
\$750	Existing Rules Review & Revision
\$395	Fine/Enforcement Policy
\$350	Collection Policy

* See separate agreement for details, available upon request

** See fee list schedule for schedule, available upon request

¹ Does not include County Recording Fees

³ Does not include Filing fees, publication costs



CARPENTER HAZLEWOOD
Carpenter, Hazlewood, Delgado & Bolen, LLP
ATTORNEYS AT LAW

2018 HOMEOWNER PAYS COLLECTION PLAN FEE SCHEDULE

Javier Delgado
Javier@carpenterhazlewood.com
480-427-2800
1400 East Southern Avenue, Suite 400
Tempe, Arizona 85282

Jason Miller
Jason.Miller@carpenterhazlewood.com
928-443-0775
1550 Plaza West Drive
Prescott, Arizona 86303

Jason Smith
Jason.Smith@carpenterhazlewood.com
520-744-9480
333 North Wilmot Drive, Suite 180
Tucson, Arizona 85711

HOMEOWNER PAYS ASSOCIATION ASSESSMENT COLLECTIONS

COLLECTION LETTERS

- \$260 **Standard Demand Letter**—Includes Continuous Property Record Search for Deeds, Transfers, Trustee's Sales
No Charge Verification of Debt Letter (One)
- \$155 Second Demand Letter
- \$135 Payment Agreement Default Letter Hourly Non-Standard Letters
- \$135 Payoff or Balance Due Letter
- \$250 Standard Payment Agreement: Letter & Monitoring
- \$130 Bad Check / NSF Letters
- \$160 Preforeclosure Demand
- \$50 Initial Ownership Verification

OTHER NON-LITIGATION COLLECTION SERVICES

- \$40 Obtain and Review Credit Report
- \$40 Owner/Debtor Report (Background Check)
- \$40 In-House Employment Search
- \$35 Owner Bankruptcy Check
- \$45 Referral to Investigator/Verification of Employment
- \$20 Trustee's Sale Monitoring (Pending Sales) – Per Inquiry
Hourly Communication by Phone or Other Means with Debtors/Defendants or Counsel
No Charge Online Status Reports
- \$210 Notice of Lien¹
- \$45 Limited Title Report Review

JUSTICE COURT LAWSUITS

- \$80 Lawsuit Research (Bankruptcy, Military, Credit)
- \$370 Summons & Complaint
- \$140 Motion for Alternate Service
- \$105 Application for Default
- \$285 Motion for Default Judgment
- \$140 Voluntary Dismissal/Close File
- \$180 Stipulated Dismissal/Close File
- \$355 Stipulation to Judgment and Covenant Not to Execute
Hourly Other Services
- \$40 Lawsuit Analysis
- \$80 Application for Payment Agreement

POST-JUDGMENT COLLECTION SERVICES

- \$160 Post-Judgment Demand Letter
- \$140 Transfer of Judgment to Superior Court
- \$40 Process/Record Superior Court Judgment Hourly
Applications for Post-Judgment Fees & Costs
Hourly Garnishment Hearings
- \$270 Judgment Debtor Examination Documents Hourly
Hearings and Depositions
- \$140 Satisfaction of Judgment
- \$205 Judgment Renewal
- \$160 Notice of Recorded Judgment

BANKRUPTCY SERVICES*

- \$200 Chapter 7 Initial Letter
- \$255 Notice of Appearance & Monitor – Chapter 7
- \$550 Proof of Claim and Notice of Appearance & Monitor-Chapter 11/13
- \$180 Post Petition Demand Letter
- \$180 Post Dismissal/Discharge Letter
- \$375 Objection to Chapter 13 Plan Hourly Hearings and Complex Matters
- \$200 Proof of Claim – Chapter 7

¹ Bankruptcy services provided at firm's discretion under Homeowner Pays Plan.
² Does not include county recording fees for lien and release.



CARPENTER HAZLEWOOD
Carpenter, Hazlewood, Delgado & Bolen, LLP
ATTORNEYS AT LAW

**2018 ASSOCIATION COLLECTION FEE FOR SERVICE
FEE SCHEDULE**

Javier Delgado
Javier@carpenterhazlewood.com
480-427-2800
1400 East Southern Avenue, Suite 400
Tempe, Arizona 85282

Jason Miller
Jason.Miller@carpenterhazlewood.com
928-443-0775
1550 Plaza West Drive
Prescott, Arizona 86303

Jason Smith
Jason.Smith@carpenterhazlewood.com
520-744-9480
333 North Wilmot Drive, Suite 180
Tucson, Arizona 85711

COLLECTION LETTERS

- \$185 Standard Demand Letter—Includes Continuous Property Record Search for Deeds, Transfers, Trustee's Sales
- \$35 Initial Ownership Verification
No Charge Verification of Debt Letter (One)
- \$155 Second Demand Letter
- \$135 Payment Agreement Default Letter Hourly
Non-Standard Letters
- \$135 Payoff or Balance Due Letter
- \$250 Standard Payment Agreement: Letter & Monitoring
- \$160 Preforeclosure Demand

OTHER NON-LITIGATION COLLECTION SERVICES

- \$195 Notice of Lien¹
No Charge Lien Release
(If we recorded the Notice of Lien)
- \$60 Lien Release (If we did not record the Notice of Lien)
- \$40 Obtain and Review Credit Report
- \$40 Owner/Debtor Report (Background Check)
- \$40 In-House Employment Search
- \$35 Owner Bankruptcy Check
- \$25 Obtain Current copy of Deed (No File)
- \$45 Referral to Investigator/Verification of Employment
- \$20 Trustee's Sale Monitoring (Pending Sales) –
Per Inquiry Hourly Communication by Phone
or Other Means with Debtors/Defendants
or Counsel
No Charge Online Status Reports
- \$20 Active Military Duty Screening
- \$45 Limited Title Report Review

BANKRUPTCY SERVICES*

- \$200 Chapter 7 Initial Letter
- \$255 Notice of Appearance & Monitor – Chapter 7
- \$550 Proof of Claim and Notice of
Appearance & Monitor-Chapter 11/13
- \$160 Post Petition Demand Letter
- \$160 Post Dismissal/Discharge Letter
- \$375 Objection to Chapter 13 Plan
Hourly Hearings and Complex Matters
- \$200 Proof of Claim – Chapter 7

JUSTICE COURT LAWSUITS

- \$40 Lawsuit Analysis
- \$370 Summons & Complaint
- \$140 Motion for Alternate Service
- \$105 Application for Default
- \$285 Motion for Default Judgment
- \$140 Voluntary Dismissal/Close File
- \$355 Stipulation to Judgment and Covenant Not to Execute
- \$180 Stipulated Dismissal/Close File Hourly Other Services
- \$80 Application for Payment Agreement

POST-JUDGMENT COLLECTION SERVICES

- \$160 Post-Judgment Demand Letter
- \$140 Transfer of Judgment to Superior Court
- \$40 Process/Record Superior Court Judgment
Hourly Applications for Post-Judgment Fees & Costs
Hourly Garnishment Hearings
- \$270 Judgment Debtor Examination Documents
Hourly Hearings and Depositions
- \$140 Satisfaction of Judgment
- \$205 Judgment Renewal
- \$160 Notice of Recorded Judgment

LIEN FORECLOSURES (Superior Court)

Hourly Summons | Complaint | Certificate of Arbitration | Lis Pendens | Default Judgment | Attorney Fee Application | Hearings | Motions | Stipulations to Judgment, Covenants Not to Execute | Release of Lis Pendens | Notice of Dismissal | Writ of Special Execution on Foreclosure Judgment

CONTESTED (If Defendant Answers)

Hourly (Justice Court or Foreclosures) Rule 26.1 Disclosure Statement | Pretrial Conferences | Hearings | Motion for Summary Judgment | Trials & Trial Preparation | Stipulations to Judgment, Covenants Not to Execute | Judgments and Attorney Fees Applications

The fees above do not include any out-of-pocket costs such as filing and recording fees, process service, copy and fax charges, certified mailing costs, phone charges, delivery charges, and publication costs, which are billed separately. Some of the charges, such as court costs, are recoverable in litigation. Some charges may not be recoverable. ¹ Does not include County Recording Fees for Lien & Release.



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2861: condominiums; terminations

Sponsor: Representative Schwiebert, LD 2
Committee on Commerce

Overview

Amends condominium statutes relating to condominium termination.

History

A condominium may be terminated only by an agreement containing the requisite number of votes of unit owners. A termination agreement may provide that all the common elements and units of the condominium must be sold following termination. The association may contract for the sale of real estate in the condominium. Proceeds of the sale are distributed to unit owners and lienholders as their interests may appear, in proportion to the respective interests of unit owners. The respective interests of unit owners are the fair market values of their units, limited common elements and common element interests immediately before the termination, their pro rata share of any monies in the association's reserve fund and the operating account and an additional five percent of that total amount for relocation costs (A.R.S. § 33-1228).

Provisions

1. Clarifies the respective interest of unit owners are their pro rata share of monies in the reserve fund and the operating account *immediately before the termination*. (Sec. 1)
2. Specifies only units that are owner-occupied receive the additional 5% of the total amount for relocation costs as part of their respective interests. (Sec. 1)
3. Increases the amount of relocation costs as part of their respective interests from 5% to 10%. (Sec. 1)
4. Adds that the relocation costs amount includes all closing costs of the sales transaction, including costs for title insurance if requested by the unit owner. (Sec. 1)
5. Outlines the requirements and methods for appraising a unit to determine the fair market value. (Sec. 1)
6. Adds that the appraisal requirements and methods is at the unit owner's option, and the buyer must pay for the appraisal. (Sec. 1)
7. Stipulates the fair market value must be determined without such requirements and methods if the unit owner chooses not to use an appraisal. (Sec. 1)
8. Prohibits the fair market value from being reduced by any special assessments, capital improvement fees or other charges imposed by the association during the two-year period immediately preceding the termination. (Sec. 1)

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note

9. Stipulates the unit owner may submit issues to arbitration if the owner and the buyer do not agree on the fair market value of the unit. (Sec. 1)
10. Removes language relating to the association selecting an independent appraiser to determine the fair market value of a unit and the unit owner obtaining a second appraisal. (Sec. 1)
11. Requires the written notice of a pending sale to include the following:
 - a) a statement notifying the purchaser that the condominium may be terminated by a vote of eighty percent or more of the owners of the units in the condominium and if a sufficient number of units are acquired by a potential buyer for the entire property, the unit owners may be required to sell their units; and
 - b) a statement that the condominium is governed by recorded covenants, conditions and restrictions that regulate the use of the property. (Sec. 2)
12. Instructs the association's board of directors to provide an annual notice to unit owners that includes:
 - a) a statement that the condominium may be terminated by a vote of eighty percent or more of the owners of the units in the condominium and if a sufficient number of units are acquired by a potential buyer for the entire property, the unit owners may be required to sell their units; and
 - b) a statement that provides the total number of units in the condominium, the number of units owned by each unit owner and the name of each unit owner. (Sec. 3)
13. Contains a Legislative intent clause. (Sec. 4)
14. Applies the Acts requirements retroactively to all condominiums regardless of when the condominium was established. (Sec. 5)

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON _____ Commerce _____ BILL NO. _____ HB 2861

DATE _____ February 13, 2024 _____ MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress		✓			
Heap		✓			
Hendrix		✓			
Liguori		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		10	0	0	0

APPROVED: _____

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

COMMITTEE SECRETARY

ATTACHMENT 33



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2734: affordable housing; parking requirements; prohibition

S/E: public hearings; voting

Sponsor: Representative Ortiz, LD 24

Committee on Commerce

Summary of the Strike-Everything Amendment to HB 2734

Overview

Limits public hearings on any zoning ordinance to two hearings and changes the voting threshold required to enact a protested zoning ordinance amendment.

History

Statute authorizes municipalities to adopt zoning ordinances and codes to conserve and promote the public health, safety and general welfare and outlines zoning guidelines and requirements. Municipalities must adopt, by ordinance, a citizen review process that applies to all rezoning and specific plan applications that require a public hearing (A.R.S. § 9-462.03).

If a municipality has a planning commission or a hearing officer, the commission or officer must hold a public hearing on any zoning ordinance. After the hearing, the commission or office renders a written recommendation to the governing body of the municipality. The governing body may adopt the recommendations without holding a second public hearing provided there is no objection, request for public hearing or other protest.

If 20% or more of the owners of the property within the zoning area of the affected property file a written protest against a proposed amendment, the change can only become effective by a favorable vote of three-fourths of all members of the governing body. If any members of the governing body are unable to vote on such a question, then the required number of votes for passage of the question is three-fourths of the remaining membership of the governing body, provided that such required number of votes cannot be less than a majority of the full membership of the legally established governing body (A.R.S. § 9-462.04).

Provisions

1. Limits public hearings on zoning ordinance to two hearings. (Sec 1)
2. Lowers the number of votes required to enact a proposed zoning amendment that is protested by certain property owners from three-fourths of all members to a majority of all members of a governing body of a municipality. (Sec 1)
3. Changes the deadline to file a protest against a proposed amendment from no later than 12:00 noon *one business day* before the voting date to no later than 12:00 noon *three business days* before the voting date. (Sec. 1)
4. Makes technical changes. (Sec 1)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note
--	--	---	--------------------------------------

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

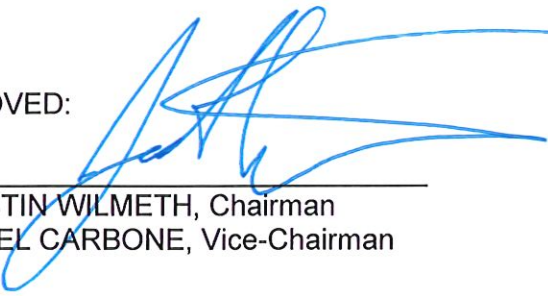
ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2734

DATE February 13, 2024 MOTION: Failed

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter			✓		
Gress			✓		
Heap			✓		
Hendrix			✓		
Liguori		✓			
Ortiz		✓			
Carbone, Vice-Chairman			✓		
Wilmeth, Chairman				✓	
		4	5	1	0

APPROVED:



JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman



COMMITTEE SECRETARY

ATTACHMENT 35



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2252: professional employer organization; repeal

Sponsor: Representative Wilmeth, LD 2

Committee on Commerce

Overview

Repeals statutes relating to the registration of Professional Employer Organizations (PEO).

History

According to the National Association of Professional Employer Organizations, a PEO provides payroll, benefits, regulatory compliance assistance and other HR services to companies. Any person who is engaged in the business of providing professional employer services whether or not the person uses the term professional employer organization, staff leasing company, registered staff leasing company, employee leasing company or any other name is statutorily designated as a PEO. Statute requires PEOs to register with the Secretary of State (SOS). PEOs must maintain either: 1) a minimum net worth of at least \$100,000; or 2) a bond, an irrevocable letter of credit or securities that have a minimum market value of \$100,000. The bond must be held by a depository designated by the SOS (Title 23, Chapter 3, Art. 4, A.R.S.).

Laws 2023, Chapter 144, extended the delayed implementation of statutes relating to Professional Employer Organization registration until June 30, 2024.

Provisions

1. Removes the requirement for a PEO to register with the SOS. (Sec. 2)
2. Changes the required bond to be held in an insured depository institution, rather than by a depository designated by the SOS. (Sec. 3)
3. Repeals statutes relating to:
 - a) the registration of PEOs;
 - b) types of PEO registrations;
 - c) criminal acts and penalties for PEOS and clients of PEOs;
 - d) SOS authority to collect registration fees, adopt rules and penalties for PEO violations; and
 - e) the PEO Fund. (Sec. 2, 5)
4. Makes technical changes. (Sec. 1, 3, 4)

☐ Prop 105 (45 votes)	☐ Prop 108 (40 votes)	☐ Emergency (40 votes)	☐ Fiscal Note
--	--	---	--------------------------------------

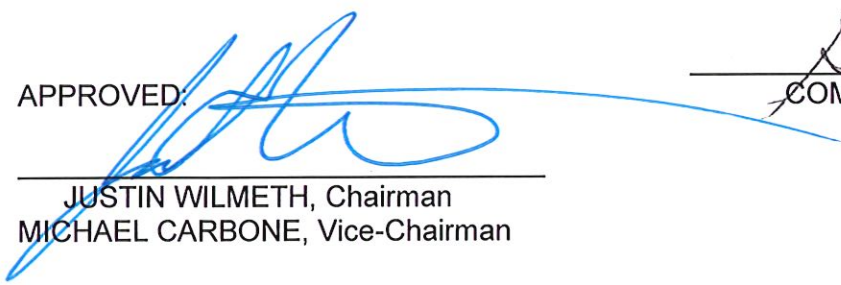
ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce BILL NO. HB 2252

DATE February 13, 2024 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress		✓			
Heap		✓			
Hendrix		✓			
Liguori		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		10	0	0	0

APPROVED: 

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT 37



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2734: affordable housing; parking requirements; prohibition

S/E: public hearings; voting

Sponsor: Representative Ortiz, LD 24

Committee on Commerce

Summary of the Strike-Everything Amendment to HB 2734

Overview

Limits public hearings on any zoning ordinance to two hearings and changes the voting threshold required to enact a protested zoning ordinance amendment.

History

Statute authorizes municipalities to adopt zoning ordinances and codes to conserve and promote the public health, safety and general welfare and outlines zoning guidelines and requirements. Municipalities must adopt, by ordinance, a citizen review process that applies to all rezoning and specific plan applications that require a public hearing (A.R.S. § 9-462.03).

If a municipality has a planning commission or a hearing officer, the commission or officer must hold a public hearing on any zoning ordinance. After the hearing, the commission or office renders a written recommendation to the governing body of the municipality. The governing body may adopt the recommendations without holding a second public hearing provided there is no objection, request for public hearing or other protest.

If 20% or more of the owners of the property within the zoning area of the affected property file a written protest against a proposed amendment, the change can only become effective by a favorable vote of three-fourths of all members of the governing body. If any members of the governing body are unable to vote on such a question, then the required number of votes for passage of the question is three-fourths of the remaining membership of the governing body, provided that such required number of votes cannot be less than a majority of the full membership of the legally established governing body (A.R.S. § 9-462.04).

Provisions

1. Limits public hearings on zoning ordinance to two hearings. (Sec 1)
2. Lowers the number of votes required to enact a proposed zoning amendment that is protested by certain property owners from three-fourths of all members to a majority of all members of a governing body of a municipality. (Sec 1)
3. Changes the deadline to file a protest against a proposed amendment from no later than 12:00 noon *one business day* before the voting date to no later than 12:00 noon *three business days* before the voting date. (Sec. 1)
4. Makes technical changes. (Sec 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2734

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 9-462.04, Arizona Revised Statutes, is amended
3 to read:

4 9-462.04. Public hearing required; definition

5 A. If the municipality has a planning commission or a hearing
6 officer, the planning commission or hearing officer shall hold a public
7 hearing on any zoning ordinance. PUBLIC HEARING ON ANY ZONING ORDINANCE
8 SHALL BE LIMITED TO NOT MORE THAN TWO HEARINGS. Notice of the time and
9 place of the hearing, including a general explanation of the matter to be
10 considered and ~~including~~ a general description of the area affected, shall
11 be given at least fifteen days before the hearing in the following manner:

12 1. The notice shall be published at least once in a newspaper of
13 general circulation published or circulated in the municipality, or if
14 there is none, it shall be posted on the affected property in such a
15 manner as to be legible from the public right-of-way and in at least ten
16 public places in the municipality. A posted notice shall be printed so
17 that the following are visible from a distance of one hundred feet: the
18 word "zoning", the present zoning district classification, the proposed
19 zoning district classification and the date and time of the hearing.

20 2. In proceedings involving rezoning of land that abuts other
21 municipalities or unincorporated areas of the county or a combination of a
22 municipality and an unincorporated area, copies of the notice of public
23 hearing shall be transmitted to the planning agency of the governmental
24 unit abutting such land. In proceedings involving rezoning of land that

Attachment 39

ON CONSIDERATION

Adopted ☒ # of Verbals _____

Failed ☒ Withdrawn _____

Not Offered _____ Analysts Initials _____

1 is located within the territory in the vicinity of a military airport or
2 ancillary military facility as defined in section 28-8461, the
3 municipality shall send copies of the notice of public hearing by first
4 class mail to the military airport. In addition to notice by publication,
5 a municipality may give notice of the hearing in any other manner that the
6 municipality deems necessary or desirable.

7 3. In proceedings that are not initiated by the property owner
8 involving rezoning of land that may change the zoning classification,
9 notice by first class mail shall be sent to each real property owner, as
10 shown on the last assessment of the property, of the area to be rezoned
11 and all property owners, as shown on the last assessment of the property,
12 within three hundred feet of the property to be rezoned.

13 4. In proceedings involving one or more of the following proposed
14 changes or related series of changes in the standards governing land uses,
15 notice shall be provided in the manner prescribed by paragraph 5 of this
16 subsection:

17 (a) A ten percent or more increase or decrease in the number of
18 square feet or units that may be developed.

19 (b) A ten percent or more increase or reduction in the allowable
20 height of buildings.

21 (c) An increase or reduction in the allowable number of stories of
22 buildings.

23 (d) A ten percent or more increase or decrease in setback or open
24 space requirements.

25 (e) An increase or reduction in permitted uses.

26 5. In proceedings governed by paragraph 4 of this subsection, the
27 municipality shall provide notice to real property owners pursuant to at
28 least one of the following notification procedures:

29 (a) Notice shall be sent by first class mail to each real property
30 owner, as shown on the last assessment, whose real property is directly
31 governed by the changes.

1 (b) If the municipality issues utility bills or other mass mailings
2 that periodically include notices or other informational or advertising
3 materials, the municipality shall include notice of the changes with such
4 utility bills or other mailings.

5 (c) The municipality shall publish the changes before the first
6 hearing on such changes in a newspaper of general circulation in the
7 municipality. The changes shall be published in a "display ad" covering
8 not less than one-eighth of a full page.

9 6. If notice is provided pursuant to paragraph 5, subdivision (b)
10 or (c) of this subsection, the municipality shall also send notice by
11 first class mail to persons who register their names and addresses with
12 the municipality as being interested in receiving such notice. The
13 municipality may charge a fee not to exceed \$5 per year for providing this
14 service and may adopt procedures to implement this paragraph.

15 7. Notwithstanding the notice requirements in paragraph 4 of this
16 subsection, the failure of any person or entity to receive notice does not
17 constitute grounds for any court to invalidate the actions of a
18 municipality for which the notice was given.

19 B. If the matter to be considered applies to territory in a high
20 noise or accident potential zone as defined in section 28-8461, the notice
21 prescribed in subsection A of this section shall include a general
22 statement that the matter applies to property located in the high noise or
23 accident potential zone.

24 C. After the hearing, the planning commission or hearing officer
25 shall render a decision in the form of a written recommendation to the
26 governing body. The recommendation shall include the reasons for the
27 recommendation and be transmitted to the governing body in the form and
28 manner prescribed by the governing body.

29 D. If the planning commission or hearing officer has held a public
30 hearing, the governing body may adopt the recommendations of the planning
31 commission or hearing officer without holding a second public hearing if
32 there is no objection, request for public hearing or other protest. The

1 governing body shall hold a public hearing if requested by the party
2 aggrieved or any member of the public or of the governing body, or, in any
3 case, if a public hearing has not been held by the planning commission or
4 hearing officer. The governing body may consider the testimony of any
5 party aggrieved when making its decision. In municipalities with
6 territory in the vicinity of a military airport or ancillary military
7 facility as defined in section 28-8461, the governing body shall hold a
8 public hearing if, after notice is transmitted to the military airport
9 pursuant to subsection A of this section and before the public hearing,
10 the military airport provides comments or analysis concerning the
11 compatibility of the proposed rezoning with the high noise or accident
12 potential generated by military airport or ancillary military facility
13 operations that may have an adverse impact on public health and safety,
14 and the governing body shall consider and analyze the comments or analysis
15 before making a final determination. Notice of the time and place of the
16 hearing shall be given in the time and manner provided for the giving of
17 notice of the hearing by the planning commission as specified in
18 subsection A of this section. A municipality may give additional notice
19 of the hearing in any other manner as the municipality deems necessary or
20 desirable. For the purposes of this subsection, "party aggrieved" means
21 any property owner within the notification area prescribed by subsection
22 A, paragraph 3 of this section.

23 E. A municipality may enact an ordinance authorizing county zoning
24 to continue in effect until municipal zoning is applied to land previously
25 zoned by the county and annexed by the municipality, but not longer than
26 six months after the annexation.

27 F. A municipality is not required to adopt a general plan before
28 the adoption of a zoning ordinance.

1 G. If there is no planning commission or hearing officer, the
2 governing body of the municipality shall perform the functions assigned to
3 the planning commission or hearing officer.

4 H. If the owners of twenty percent or more of the property by area
5 and number of lots, tracts and condominium units within the zoning area of
6 the affected property file a protest in writing against a proposed
7 amendment, the change shall not become effective except by the favorable
8 vote of ~~three-fourths~~ A MAJORITY of all members of the governing body of
9 the municipality. If any members of the governing body are unable to vote
10 on such a question because of a conflict of interest, then the required
11 number of votes for passage of the question shall be ~~three-fourths~~ A
12 MAJORITY of the remaining membership of the governing body, ~~provided that~~
13 ~~such required number of votes shall not be less than a majority of the~~
14 ~~full membership of the legally established governing body.~~ For the
15 purposes of this subsection, the vote shall be rounded to the nearest
16 whole number. A protest filed pursuant to this subsection shall be signed
17 by the property owners opposing the proposed amendment and filed in the
18 office of the clerk of the municipality not later than 12:00 noon ~~one~~
19 THREE business ~~day~~ DAYS before the date on which the governing body will
20 vote on the proposed amendment or on an earlier time and date established
21 by the governing body.

22 I. In applying an open space element or a growth element of a
23 general plan, a parcel of land shall not be rezoned for open space,
24 recreation, conservation or agriculture unless the owner of the land
25 consents to the rezoning in writing.

26 J. Notwithstanding section 19-142, subsection B, a decision by the
27 governing body involving rezoning of land that is not owned by the
28 municipality and that changes the zoning classification of such land may
29 not be enacted as an emergency measure and the change shall not be
30 effective for at least thirty days after final approval of the change in
31 classification by the governing body.

1 K. For the purposes of this section, "zoning area" means both of
2 the following:

3 1. The area within one hundred fifty feet, including all
4 rights-of-way, of the affected property subject to the proposed amendment
5 or change.

6 2. The area of the proposed amendment or change."

7 Amend title to conform

ANALISE ORTIZ

27340RTIZ.docx
02/08/2024
03:31 PM
C: LAT

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2734

(Reference to the Ortiz s/e amendment dated 2/8/24; 3:31 p.m.)

- 1 Page 5, line 4, after "property" insert ", EXCLUDING GOVERNMENT OWNED PROPERTY,"
- 2 Line 8, strike "~~three-fourths~~ A MAJORITY" insert "three-fourths"
- 3 Lines 11 after "be" strike remainder of line
- 4 Line 12 strike "MAJORITY" insert "three-fourths"; after "body" strike
- 5 remainder of line
- 6 Strike line 13
- 7 Line 14, strike "~~full membership of the legally established governing body~~"
- 8 insert ", provided that such required number of votes shall not be less
- 9 than a majority of the full membership of the legally established governing
- 10 body"
- 11 Line 17, after "owners" insert ", EXCLUDING GOVERNMENT OWNED PROPERTY,"
- 12 Line 21, after "body" insert ", UNLESS THE MUNICIPALITY IS CLOSED BECAUSE OF A
- 13 STATE OR NATIONAL HOLIDAY, THEN THE PROTEST MUST BE FILLED BY 12:00 NOON
- 14 THE NEXT BUSINESS DAY"
- 15 Amend title to conform

MATT GRESS

2734GRESS.docx
02/12/2024
09:33 AM
H: PB/ra

ON Consideration

Adopted ☒ # of Verbals _____
Failed ☒ Withdrawn _____
Not Offered _____ Analysts Initials _____

Attachment 40

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON _____ Commerce _____ BILL NO. HB 2734

DATE February 13, 2024

DPA/SE
MOTION: ON RECONSIDERATION

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter		✓			
Gress		✓			
Heap			✓		
Hendrix		✓			
Liguori		✓			
Ortiz		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		9	1	0	0

APPROVED: _____

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

Susan Hughes
COMMITTEE SECRETARY

ATTACHMENT 41

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON Commerce

BILL NO. HB 2770

DATE 2-13-24

MOTION: ON ^{DP} CONSIDERATION

	PASS	AYE	NAY	PRESENT	ABSENT
Aguilar		✓			
Austin		✓			
Carter			✓		
Gress			✓		
Heap			✓		
Hendrix			✓		
Ortiz		✓			
<u>LIGUORI</u>		✓			
Carbone, Vice-Chairman		✓			
Wilmeth, Chairman		✓			
		6	4	0	0

APPROVED:

JUSTIN WILMETH, Chairman
MICHAEL CARBONE, Vice-Chairman

Susan Hughes
COMMITTEE SECRETARY

Attachment 42