

ARIZONA HOUSE OF REPRESENTATIVES  
Forty-sixth Legislature – First Regular Session

**COMMITTEE ON FEDERAL MANDATES  
AND PROPERTY RIGHTS**

Minutes of Meeting  
Thursday, February 13, 2003  
House Hearing Room 5 -- 9:00 a.m.

Chairman McClure called the meeting to order at 9:07 a.m. and attendance was noted by the secretary.

**Members Present**

Ms. Aguirre A	Mr. Farnsworth	Ms. Mason
Mr. Biggs	Mr. Hershberger	Ms. Burns J, Vice-Chairman
Ms. Cajero Bedford	Ms. Laughter	Ms. McClure, Chairman

**Members Absent**

**Committee Action**

H.B. 2119 – DP (8-0-0-1)	H.B. 2303 – DP (8-0-0-1)
H.B. 2307 – DPA S/E (9-0-0-0)	H.B. 2353 – DPA (5-4-0-0)
H.C.R. 2027 – DP (7-0-1-1)	

**Speakers Present**

Melissa Diede, Majority Intern  
John Greene, representing Missile Defense Advocacy Alliance  
Melissa Taylor, Majority Research Analyst  
Lee Miller, Registered Lobbyist, Maricopa County  
Names of persons recognized by the Chairman who support H.B. 2119 who did not speak  
(Page 3)  
Robert Mosher, Member, Sun City Grand Community Association  
Earl Scharfman, representing self  
Larry Leichleiter, representing Concerned Homeowners of Alta Mesa Protesting (CHAMP)  
Kevin DeMenna, representing Community Associations Institute (CAI)  
Olivia Ramey, representing self  
Scott Carpenter, representing Community Associations Institute (CAI)  
Fredrick Fischer, representing self  
Jeffrey Kanig, Member, Sun City Grand Homeowners Association  
Pat Haruff, representing self  
Roland Kelly, Member, Coalition of Homeowners for Rights and Education (CHORE)

Katie Barnes, Executive Director, Scottsdale Ranch Community Association  
Gene Smith, Member, Coyote Lakes Homeowner Association  
Raymond Ghiata, President, West Plaza Townhouse Association  
George Starapoli, representing self  
Joseph Haggerty, representing self  
Anita Bakke, representing self  
Lily Gresham, representing self  
Tony Malaj, representing self  
Richard Snyder, Member, Coyote Lakes Homeowners Association  
Jerald Thompson, representing self  
Amanda Shaw, President, Arizona Association of Community Managers  
Spencer Kamps, representing Homebuilders Association of Central Arizona  
Jeff Sandquist, Counsel, Arizona Association of Community Managers  
Names of persons recognized by the Chairman who oppose the Farnsworth strike-everything amendment to H.B. 2037 who did not speak (Page 8)  
Names of persons recognized by the Chairman who support the Farnsworth strike-everything amendment to H.B. 2037 who did not speak (Page 9, 10, 11, 12)  
Representative Chuck Gray, Sponsor  
Darren LaSorte, representing National Rifle Association  
Name of person recognized by the Chairman who opposes H.B. 2353 who did not speak (Page 13)  
Eric Edwards, representing the Arizona Association of Chiefs of Police  
Jack Lane, Legislative Liaison, Arizona Department of Public Safety  
Gary Christensen, representing self

Chairman McClure welcomed Representative Amanda Aguirre to the committee.

## **CONSIDERATION OF BILLS**

### **H.C.R. 2027 – missile defense - DO PASS**

Melissa Diede, Majority Intern, summarized H.C.R. 2027 (Attachment 1) by stating that the resolution conveys that the state of Arizona supports the President of the United States in taking necessary actions to protect the United States from missile attacks.

John Greene, representing Missile Defense Advocacy Alliance, spoke in favor of the resolution. He said this memorial addresses a very timely issue as it has been determined that North Korea has missiles that can hit the United States. There are currently 28 countries that have ballistic missile capabilities.

**Vice-Chairman Burns moved that H.C.R. 2027 do pass. The motion carried by a roll call vote of 7-0-1-1 (Attachment 2).**

**H.B. 2119 – county islands; annexation – DO PASS**

Melissa Taylor, Majority Research Analyst, summarized H.B. 2119 (Attachment 3) by stating that the bill enables counties to require municipalities to annex county islands of ten acres or less. The bill also enables the municipality affected by the proposed annexation to halt the annexation process by passing a town resolution.

Lee Miller, Registered Lobbyist, Maricopa County, spoke in favor of the bill. He said the intent behind this bill is to address the growing problem of county islands within municipalities. In Maricopa County alone there are over 300 county islands of ten acres or less. Most of these islands are portions of streets or railroad rights-of-way.

Chairman McClure acknowledged the presence of those who support H.B. 2119 who did not testify:

Barbara Dolan, Legislative Associate, League of Arizona Cities and Towns  
Paul Barnes, representing Neighborhood Coalition of Greater Phoenix

**Vice-Chairman Burns moved that H.B. 2119 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 4).**

**H.B. 2303 – schools; reporting requirements – DO PASS**

Melissa Diede, Majority Intern, summarized H.B. 2303 (Attachment 5) by stating that the bill requires the Auditor General to randomly select school districts and charter schools to collect a list of federal and statutory mandated reporting requirements and submit them to the Governor and the Legislature by November 1, 2003.

Ms. Mason stated it would be ideal to see what school districts are required to report and if there is anything that can be done to repeal duplicative and unnecessary reporting requirements.

Mr. Hershberger said he applauds the principles of this bill but wonders if this bill will not create more work for a department that is potentially losing staff. Ms. Mason replied she has spoken to the Superintendent of Public Instruction on this matter and due to the random nature of the selection, it should not be too taxing for staff.

Ms. Aguirre queried if a fiscal note had been prepared for this bill. Ms. Mason responded in the negative. Ms. Aguirre said she would appreciate it if a fiscal note would be requested for this bill. Chairman McClure added she will request a fiscal note from the Joint Legislative Budget Committee.

**Vice-Chairman Burns moved that H.B. 2303 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 6).**

**H.B. 2307 – homeowners’ associations; judgment liens – DO PASS AMENDED S/E**  
**S/E: same subject**

Melissa Taylor, Majority Research Analyst, outlined the 5-page Farnsworth strike-everything amendment to H.B. 2307 dated 2/11/03 (Attachment 7). She said the strike-everything amendment clarifies that a homeowners association (HOA) may place an automatic lien for assessments only and provides that a lien for monetary penalties can be imposed only after a court of competent jurisdiction has entered the judgment with the county recorder. The HOA would have the right to foreclose on liens for assessments only; liens for other monies may not be foreclosed. Foreclosure on the lien cannot begin any sooner than seven years after it is recorded.

Mr. Farnsworth said most homes in Arizona have homestead exemptions which protect a certain value of the home. A condominium, townhouse or home that belongs to an HOA does not have homestead exemptions. This created a situation where there could be automatic liens on assessments or fines. If there is a lien on the property, the HOA can foreclose on the home. He does not believe that HOAs should be able to foreclose on a home because of fines. Stakeholders were concerned if there was no foreclosure provision, the HOAs would not be able to get the money to run the HOA. The assessment portion will continue as it is now, which means an automatic lien is assigned if assessments are not paid. It is relatively easy to prove whether or not an assessment has been paid. It is difficult, however, to prove if a garbage can was left out overnight. There needs to be due process for the fines portion of the process and there are other means for collecting fines, like garnishing wages.

In response to inquiry by Mr. Hershberger, Mr. Farnsworth replied that under the strike-everything amendment, seven years must pass before a property can be foreclosed upon due to assessment liens.

Robert Mosher, Member, Sun City Grand Community Association, spoke in opposition to the strike-everything amendment. He said the lien process is a logical way for an HOA to enforce the obligations a resident accepts when they purchase a piece of property in the development. Seven years is a long time to leave a case hanging before foreclosure can occur.

Earl Scharfman, representing self, spoke in opposition to the strike-everything amendment. He stated he feels the strike-everything amendment will negatively affect his rights as a homeowner in a planned community. Seven years is too long to expect an HOA to wait to collect on assessments. At the community he lives in, all residents are welcome to attend the HOA board meetings to express their views on the board and the management company. He has been witness to a few cases where someone came to the meeting, expressed financial hardship and any fees they had accumulated were waived. People know what they are obligating themselves to when they purchase property in an association.

Mr. Farnsworth asked how Mr. Scharfman’s property rights will be negatively affected by this legislation. Mr. Scharfman responded that he sees higher HOA rates as a by-product of this legislation, which will impact him negatively.

Ms. Aguirre commented it will be helpful to her to know how much money has been uncollected from HOA assessments annually and how many families have been affected by liens.

Larry Leichter, representing Concerned Homeowners of Alta Mesa Protesting (CHAMP), spoke in favor of the strike-everything amendment. He stated that while some HOAs welcome residents to speak at meetings and to look at the books, most do not. HOAs are completely out of control. Residents end up spending thousands of dollars in legal fees to protest a small amount in fines. This legislation will give people the opportunity to fight for what is right without fear of foreclosure.

Kevin DeMenna, representing Community Associations Institute (CAI), spoke in opposition to the bill and the strike-everything amendment. He stated CAI represents thousands of HOAs across the state. The portion of Arizona law that deals with HOAs is extremely complex. He is a firm believer in the legislative process. If the process is allowed to run its course, it will produce a result that most people will be satisfied with. He has had the strike-everything amendment in his possession for about 36 hours, which will make an accurate response difficult. This legislation boils down to property rights. It will shift costs and the ability to recover costs. Services will still be provided, but only by penalizing the other members of the HOA.

In response to inquiry by Mr. Biggs, Mr. DeMenna said the intent of the strike-everything amendment is to resolve the problem of assessment liens. It appears that there are some incentives in this legislation that will lead to potential litigation. He will need more than 36 hours to research all the issues. He does not believe the strike-everything amendment does everything the committee wants it to do.

Mr. Farnsworth stated it has been reported that Mr. DeMenna is one of the top lobbyists in Arizona. It may be true that he has only had the strike-everything amendment in his possession for 36 hours. However, many attempts to communicate with Mr. DeMenna have been made over the last two weeks prior to the drafting of the strike-everything amendment. Mr. Farnsworth said he finds it fairly offensive that Mr. DeMenna would try to lead the committee to believe he has not had ample time to review the strike-everything amendment.

Mr. DeMenna said that while he may have been involved in the process for the past two weeks, until he has the time to review the exact language of the strike-everything amendment and the sponsor's intent, he contends 36 hours is an inadequate amount of time for review of the strike-everything amendment.

Ms. Laughter stated she would like to remind the committee that lobbyists are paid a great deal of money to represent a certain group's interests. As legislators, the committee is charged with representing all the citizens of Arizona and the committee should keep that greater responsibility in mind.

Olivia Ramey, representing self, spoke in favor of the strike-everything amendment. She said her experience with HOAs is through her grandmother and mother. The HOA where they both live is out of control. Her grandmother has been assessed fines for several different infractions that she did not commit. All the fighting back and forth with the HOA has resulted in her

grandmother being placed in a nursing facility. The strike-everything amendment to H.B. 2307 will offer a little relief to some people who really need it.

Scott Carpenter, representing Community Associations Institute (CAI), spoke in opposition to the bill and the strike-everything amendment. He said he is doing some research to determine if the strike-everything amendment will affect the purchase of homes with Federal Housing Administration (FHA) or Veteran's Administration (VA) financing. If someone is purchasing a home or condominium in a planned community with FHA or VA financing, the federal government requires that the HOA must have lien capability. A lien, by definition, is a corresponding right to collateral in the event of a default on an obligation. The argument could be made that if someone has to wait seven years to foreclose on a lien, the lien does not exist.

In response to inquiry by Mr. Biggs, Mr. Carpenter contended if there is no corresponding right to collect on collateral, he believes there is no lien. The sponsor cannot be 100% certain that the strike-everything amendment will not affect the federal government's ability to underwrite FHA or VA loans. This bill and strike-everything amendment has a cascading effect that will cause more litigation and judgments and shifts burdens to irresponsible parties.

Mr. Farnsworth said the fine portion has been separated from the assessment portion in the strike-everything amendment. The intent is not to protect against fines. People that live where there is an HOA need protection because they are not covered by homestead exemptions. The strike-everything amendment does not remove the ability to place liens or foreclose on a property.

Mr. Carpenter stated before the law that regulated HOAs was enacted in 1996, the HOA had a lien against the home as a matter of contract. There is some disagreement with the fact that someone gives up their homestead exemption when they buy a home that is part of an HOA.

In response to inquiry by Vice-Chairman Burns, Mr. Carpenter said the strike-everything amendment does not include language that says that a lien exists and must be paid through close of escrow in less than seven years.

Fredrick Fischer, representing self, spoke in support of the strike-everything amendment. He read from a prepared statement (Attachment 8)

Jeffrey Kanig, Member, Sun City Grand Homeowners Association, spoke in opposition to the strike-everything amendment. He stated well-meaning legislators frequently pass legislation that helps a minority of people while injuring a majority of people. Making an HOA wait seven years for the ability to foreclose on a lien is absurd. Larger fees will need to be assessed while waiting for the seven years to pass. A fine is a tool to obtain compliance. A fine is not a source of revenue.

Pat Haruff, representing self, spoke in favor of the strike-everything amendment. She said most people are not allowed to speak at an HOA meeting unless granted permission by a majority of the Board of Directors. Taking away the right the HOAs have to treat fines and penalties as assessments will solve many of the horror stories and the abuses.

Roland Kelly, Member, Coalition of Homeowners for Rights and Education (CHORE), spoke in favor of the strike-everything amendment. He read from a prepared statement (Attachment 9).

In response to inquiry by Chairman McClure, Mr. Kelly stated the board of directors of the HOA where he lives is comprised of elected homeowners.

Katie Barnes, Executive Director, Scottsdale Ranch Community Association, spoke in opposition to the strike-everything amendment. She said too many assumptions are being made with this strike-everything amendment and it is not unreasonable to ask that a decision on the matter be postponed for a week. As a homeowner, her property rights are compromised when an HOA is not able to foreclose on liens for seven years.

Gene Smith, Member, Coyote Lakes Homeowner Association, spoke in opposition to the strike-everything amendment. He stated the strike-everything amendment will impose undue hardship on HOAs in the collection of assessments and fines. Fines are used as enforcement tools to keep the community nice. Most HOAs are willing to work with residents if they are experiencing financial hardship. Coyote Lakes has never foreclosed on a property.

Raymond Ghiata, President, West Plaza Townhouse Association, spoke in opposition to the strike-everything amendment. He said he has spent a great deal of his professional life in the property rental industry. He can recall seven foreclosures on over 7,000 properties in the time he was a property manager.

Ms. Cajero Bedford inquired if there are two entities that control whether or not someone in an HOA gets to keep their house. Mr. Farnsworth replied the mortgage company and the HOA control if someone gets to keep their house. He reiterated there are other avenues for pursuing restitution on fines. Foreclosure is not the only option.

George Starapoli, representing self, spoke in favor of the strike-everything amendment. He said an HOA is a non-profit organization. All non-profit organizations have provisions for bad debts. Homeowners need the break this legislation will provide.

Joseph Haggerty, representing self, spoke in favor of the strike-everything amendment. He stated HOAs are using foreclosures as a tool of harassment. There are people out there who are spending thousands of dollars on litigation to fight infractions that are impossible to prove.

Anita Bakke, representing self, spoke in favor of the strike-everything amendment. She said it is easy to believe that only deadbeats and malcontents are struggling with HOAs. This simply is not the case. This legislation will take away some of the control HOAs hold over their residents.

Lily Gresham, representing self, spoke in favor of the strike-everything amendment. She stated she has been repeatedly harassed and threatened by the HOA where she lives for infractions she did not commit. She has been to court 17 times because of HOA issues and was arrested because she tried to attend an HOA meeting. She is currently facing foreclosure on her home.

Tony Malaj, representing self, spoke in favor of the strike-everything amendment. He said there are three type of boards that run HOAs: inert, factional and dominant. An inert board is

compromised of members that are pretty much doing their own thing. A factional board has residential board members that do not get along with the commercial members. A dominant board is in harmony with the commercial board members and rubberstamps everything that comes by. The management company that oversees his development charges \$30 for a notification phone call and \$16 for a letter that costs \$1.50 to mail. Management companies do not make a lot of money managing property. The money is made through collection costs and attorney's fees. In other words, the only way they make money is by convincing the board that placing a lien on a property is the right thing to do.

Richard Snyder, Member, Coyote Lakes Homeowners Association, spoke in opposition to the strike-everything amendment. He said not all HOAs are as bad as they have been represented at today's meeting. Out of 734 homes, only nine liens have been issues in six years.

Jerald Thompson, representing self, stated he is a litigator who often represents homeowners in cases against HOAs. It is easy to get caught up in the emotions involved with HOAs. The proposed strike-everything amendment is a great place to start reining in the HOAs.

Amanda Shaw, President, Arizona Association of Community Managers, stated the strike-everything amendment is an improvement over the underlying bill. However, there needs to be clarification on the ability of the HOA to automatically place a lien on charges and other costs associated with assessments. The membership of the association has not reached a consensus on the seven year wait for foreclosure.

Spencer Kamps, representing Homebuilders Association of Central Arizona, said his association is primarily concerned with homes being able to qualify for FHA/VA loans.

Jeff Sandquist, Counsel, Arizona Association of Community Managers, thanked Mr. Farnsworth for working with the association on their concerns and would like to continue to work on the seven year wait for foreclosure issue.

Chairman McClure acknowledged the presence of those who oppose the Farnsworth strike-everything amendment to H.B. 2307 who did not testify:

Russ Schnormeier, Member, Sun Lakes Phase 3 Association  
Duane Pontek, representing self  
Barbara Sparks, representing self  
Barbara Sheldon, representing self  
Penny Koepke, representing self  
Paul DeRose, Member, Sun Lakes Phase 3 Association  
Jack Shay, representing Golden Keys Homeowners  
William Mulvaney, Member, Arizona Biltmore Estates Village Association  
Russell McCloud, Member, Windsor Arms HOA  
Michael Racy, representing Diamond Ventures Inc.  
Mike Gammon, Member, Vineyards Chandler HOA

Chairman McClure acknowledged the presence of those who support the Farnsworth strike-everything amendment to H.B. 2307 who did not testify:

Marie Brown, representing self  
Wallace Fox, representing self  
George Rohr, representing self  
Bonita Harry, Member, CHAMP  
Stanley Reachard, representing self  
Doris Hanna, Member, CHAMP  
Ruth Gonzales, Member, CHAMP  
Pat Stein, representing self  
E. Krystynak, representing self  
Dorothy Fox, representing self  
Lisa Jensen, representing self  
C. Caffarella, representing self  
William Kreider, representing self  
W. Donohue, representing self  
S. Kenyon, representing self  
Louis Winkelmann, representing self  
Jim Stein, representing self  
Dolly Winkelmann, representing self  
L.E. Kenyon, representing self  
Vern Thompson, representing self  
Deb Wright, representing self  
Jim Wright, representing self  
Annie Rohr, representing self  
Kenneth Friend, Member, CHAMP  
Donna Meeker, Member, CHAMP  
Glenn Jensen, Member CHAMP  
Ted Carlson, Member, CHAMP  
Lillian Fahhgren, Member, CHAMP  
Larry Timmons, Member, CHAMP  
Kenneth Prang, Member, CHAMP  
Glenn Clark, Member, CHAMP  
Diana Francis, Member, CHAMP  
Sarah Tuckett, Member, CHAMP  
Robert Dixon, Member, CHAMP  
Birdean Larsen, Member, CHAMP  
Wia O'Boyd, Member, CHAMP  
Paula Hogue, Member, CHAMP  
Walter Foley, Member, CHAMP  
Patti Riller, Member, CHAMP  
Mary Ellen Pilman, Member, CHAMP  
Elizabeth Warren, Member, CHAMP  
Susan Petro, Member, CHAMP  
Aubrey McMorris, Member, CHAMP  
Carol Hitas, Member, CHAMP  
Brant Owens, Member, CHAMP  
Brian Steen, Member, CHAMP  
Audra Teed, Member, CHAMP

Allen Webster, Member, CHAMP  
Ann Montross, Member, CHAMP  
Kenneth Baloaca, Member, CHAMP  
Joseph Scaccia, Member, CHAMP  
Jerry Karalsky, Member, CHAMP  
David Waser, Member, CHAMP  
Adrian Jones, Member, CHAMP  
Mary Husman, Member, CHAMP  
John Zwark, Member, CHAMP  
Edward Stevens, Member, CHAMP  
Stephanie Larsen, Member, CHAMP  
Linda Graham, Member, CHAMP  
Roxanne McGregor, Member, CHAMP  
Phyllis Marguis, Member, CHAMP  
Debbie Carswell, Member, CHAMP  
Linda Cobb, Member, CHAMP  
William Smith, Member, CHAMP  
Loel Weatherby, Member, CHAMP  
Arthur Farascoinis, Member, CHAMP  
Paul McNowaot, Member, CHAMP  
Stan Fritz, Member, CHAMP  
Aubrey Brown, Member, CHAMP  
Ira Krengon, Member, CHAMP  
Constance Webber, Member, CHAMP  
Arthur Webber, Jr., Member, CHAMP  
Richard Jennings, Member, CHAMP  
David Miller, representing self  
Thomas Jennings, Member, CHAMP  
Kevin Hildebrand, Member, CHAMP  
John Pettit, Member, CHAMP  
Paul Merrifield, Member, CHAMP  
Troy McCarthy, Member, CHAMP  
Donald Bozarth, Member, CHAMP  
Lonnie West, Member, CHAMP  
Karen Pacific, Member, CHAMP  
Mary Petersen, Member, CHAMP  
John Thompson, Member, CHAMP  
Margaret Wilcox, Member, CHAMP  
Jackie Grodowski, Member, CHAMP  
Jackson Wagner, Member, CHAMP  
Denise Reardon, Member, CHAMP  
Mah Manning, Member, CHAMP  
Roger Racut, Member, CHAMP  
Bailee Bauman, Member, CHAMP  
Manuel Ovalle, Member, CHAMP  
Pam Vincent, Member, CHAMP  
Heather Naftzger, Member, CHAMP

Daniel Hernandez, Member, CHAMP  
Carol Douznn, Member, CHAMP  
David Wikstrom, Member, CHAMP  
Adrianna Dabrowski, Member, CHAMP  
Richard Cannon, Member, CHAMP  
Jim Bolton, Member, CHAMP  
Ron Brennan, Member, CHAMP  
Forrest Peterson, Member, CHAMP  
Leslie Brolliar, Member, CHAMP  
Deborah Bailey, Member, CHAMP  
Lance Venward, Member, CHAMP  
Laura Boborquez, Member, CHAMP  
Stewart Taylor, Member, CHAMP  
Lloyd Nagai, Member, CHAMP  
Zee Belisle, Member, CHAMP  
Dianne Nanez, Member, CHAMP  
Susan McConnell, Member, CHAMP  
Irene Moraiko, Member, CHAMP  
Evelyn Stiemann, Member, CHAMP  
Michael Amos, Member, CHAMP  
Danelle Bowman, Member, CHAMP  
Bruce Huston, Member, CHAMP  
Lisa Parks, Member, CHAMP  
Albert Reding, Member, CHAMP  
Wanda Troska, Member, CHAMP  
Mike Voigtsberger, Member, CHAMP  
Trisla Pensky, Member, CHAMP  
James Newton, Member, CHAMP  
Nicole Breseman, Member, CHAMP  
Jack Dolgen, Member, CHAMP  
Shirley Lewis, representing self  
Deb Schlage, representing self  
Kathleen Chamberlain, representing self  
Marty Jocewicz, representing self  
Bonnie Glasgow, representing self  
Gary Schlage, representing self  
Dale Lewis, representing self  
Pete Daniels, representing self  
Linda Daniels, representing self  
Vern Corneliusen, representing self  
Melinda Corneliusen, representing self  
Kenneth Henderson, representing self  
Cheryl Moore, representing self  
Ryan Bakke, representing self  
Mary Gigliette, representing self  
Bryan Bakke, representing self  
Paul Sickenger, Member, CHAMP

Maurine McGoguerre, Member, CHAMP  
Matt Murphy, Member, CHAMP  
Johnnie Gonzales, Member, CHAMP  
Thomas Bell, Member, CHAMP  
Tim Harrington, Member, CHAMP  
Kim Moore, Member, CHAMP  
Terry Tarbert, Member, CHAMP  
Celdon Krileth, Member, CHAMP  
Henedina Cabuco, Member, CHAMP  
Fay Comer, Member, CHAMP  
Elizabeth Lopez, Member, CHAMP  
Jeffrey Lewis, Member, CHAMP  
Michael Turner, Member, CHAMP  
Cynthia Wiggins, Member, CHAMP  
William Reel, Member, CHAMP  
Brett Rowland, Member, CHAMP  
Ervin Allwinger, Member, CHAMP  
Frank Plumbeck, Member, CHAMP  
Kenneth Strum, Member, CHAMP  
Mary Jane Clark, Member, CHAMP  
John Hutchinson, Member, CHAMP  
John Winkler, Member, CHAMP  
Hazel McCarthy, Member, CHAMP  
Michelina Jensen, Member, CHAMP  
Lars Hansen, Member, CHAMP  
Colleen Bump, Member, CHAMP  
Adrienne MacDonald, Member, CHAMP  
Jerri Fowerstein, Member, CHAMP  
Steve Blankenship, Member, CHAMP  
Charles Pearson, Member, CHAMP  
James Phillips, Member, CHAMP  
Janet Guiette, Member, CHAMP  
Jaren Hoskins, Member, CHAMP  
Dean Houghton, Member, CHAMP  
Charles Schroeder, Member, CHAMP  
Chris Giard, Member, CHAMP  
Candace Carr, Member, CHAMP  
Alfred Peters, Member, CHAMP  
Rick Baird, representing self  
Renee Moritz, representing self

**Vice-Chairman Burns moved that H.B. 2307 do pass.**

**Vice-Chairman Burns moved that the 5-page Farnsworth strike-everything amendment to H.B. 2307 (Attachment 7) dated 2/11/03 be adopted. The motion carried.**

**Vice-Chairman Burns moved that H.B. 2307 as amended do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 10).**

**H.B. 2353 – firearms; concealed weapons permits – DO PASS AMENDED**

Melissa Diede, Majority Intern, summarized H.B. 2353 (Attachment 11) by stating that the bill requires the Arizona Department of Public Safety (DPS) to enter into reciprocal agreements with other states that require Arizona recognition prior to recognizing an Arizona-issued concealed weapon permit.

Ms. Diede explained the 4-line Biggs amendment to H.B. 2353 (Attachment 12) dated 2/12/03.

Representative Chuck Gray, Sponsor, stated this bill will advance reciprocity between states when it comes to concealed weapon permits (CCWs). For example, if an Arizona resident were to travel to Utah while carrying a concealed weapon, Utah will honor the CCW from Arizona.

In response to inquiry by Mr. Hershberger, Representative Gray replied there are only four states with which Arizona has reciprocity CCW agreements.

Darren LaSorte, representing National Rifle Association, spoke in favor of the bill. He said in 1995 a provision to the right to carry law was approved which allowed the director of DPS to enter into reciprocity agreements with states that had substantially similar gun laws to Arizona. Arizona has the most rigorous standards in the country when it comes to right to carry. There are 42 states that allow concealed weapons. There are 67 million CCW holders across the country. Permit revocation nationwide is under one percent of the total permits issued. Most permits are not revoked because the weapon was used in a violent crime. Law enforcement is concerned with this bill because there is no easy way to validate another state's CCW. While this may be true, it is important to respect the laws of the other 42 states that issue CCWs.

Mr. Hershberger asked which state has the least rigorous right to carry standard. Mr. LaSorte replied in the State of Washington there is no training requirement. If someone in Washington meets the legal requirements to purchase a firearm, they can purchase one with little hassle. To the best of his knowledge, all 42 states that allow concealed weapons require a background check prior to the purchase of a firearm.

Representative Gray clarified that this bill specifically prohibits someone who qualifies as a prohibited possessor from obtaining a CCW in Arizona, even if they are authorized in their home state.

Chairman McClure acknowledged the presence of those who oppose H.B. 2353 who did not testify:

Barbara Dolan, Legislative Associate, League of Arizona Cities and Towns

Eric Edwards, representing the Arizona Association of Chiefs of Police, spoke in opposition to the bill. He said he does not oppose the concept of reciprocity; he opposes reciprocity without any required training. Arizona requires 16 hours of training, including marksmanship and legal

use of deadly force, before it will issue a CCW. It is his understanding that Vermont does not require a CCW so there is no background check done in that state. Any citizen can carry a weapon out in the open. It is not too much to ask that someone know how to use a weapon before they are allowed to carry that weapon concealed.

In response to inquiry by Mr. Farnsworth, Mr. Edwards replied there is no training requirement if someone is going to carry a weapon out in the open. If a weapon is out in the open, other people can see it and choose to avoid the person carrying the weapon. Once the weapon is concealed, the general citizenry has no idea a weapon is being carried. The idea of having some training to carry a concealed weapon protects the general public.

Mr. Hershberger stated if Vermont has no permit requirement, someone from Vermont who is a felon could carry a gun in Arizona. Mr. Edwards concurred.

In response to inquiry by Chairman McClure, Mr. Edwards attested there is a provision in the bill that will cover permits from Vermont.

Jack Lane, Legislative Liaison, Arizona Department of Public Safety, spoke in opposition to the bill. He said it is not fair to hold Arizona residents to a higher standard than residents from other states, which is exactly what this proposed legislation will do. He thinks the current reciprocity program is doing a good job. He does not think that anything is wrong with requiring people to get some training before they can carry a concealed weapon.

Vice-Chairman Burns stated there is a benefit to Arizona residents in that when Arizona extends reciprocity to other states, other states will extend the same to Arizona. There is a provision that if a person is considered a prohibited possessor by Arizona standards, they will not be allowed to carry a concealed weapon no matter what state issued the CCW.

Mr. Lane said by issuing reciprocity to the other 41 states that allow concealed weapons, those states are dictating policy in Arizona. It will be very difficult to determine if someone qualifies as a prohibited possessor. When an officer runs a warrant check, it only shows people that are currently wanted for a felony. The check does not show any prior convictions.

Gary Christensen, representing self, spoke in favor of the bill. He stated he has a CCW from Arizona. This bill recognizes the good records of people from other states and promotes the full faith and credit clause of the U.S. Constitution. Other states have very specific permits. In other words, if someone gets a permit for a pistol, they will not be covered for any other kind of firearm. He believes this legislation will only broker good relations with other states.

In response to inquiry by Mr. Hershberger, Mr. Christensen said he fully supports being able to carry a concealed weapon. It can be expensive to obtain a CCW. He advocates firearms training as a requirement for a CCW.

Ms. Laughter said she cannot support the proposed legislation because it allows people from other states that are not as strict as Arizona to carry weapons in Arizona. She would recommend an amendment stating the reciprocity agreements would be entered into with states that have the same stringent requirements as Arizona.

Representative Gray said current law allows for exactly what Ms. Laughter is suggesting an amendment for. He would like people who are traveling from around the country to Arizona to be able to carry their weapon in the manner they have the permit for in their home state.

**Vice-Chairman Burns moved that H.B. 2353 do pass.**

**Vice-Chairman Burns moved that the 4-line Biggs amendment to H.B. 2353 (Attachment 12) dated 2/12/03 be adopted. The motion carried.**

**Vice-Chairman Burns moved that H.B. 2353 as amended do pass. The motion carried by a roll call vote of 5-4-0-0 (Attachment 13).**

Without objection, the meeting adjourned at 12:46 p.m.

---

Andrea Allen, Committee Secretary  
February 18, 2003

(Original minutes, attachments and tape on file in the Office of the Chief Clerk.)