

ARIZONA HOUSE OF REPRESENTATIVES
Forty-ninth Legislature – Second Regular Session

COMMITTEE ON GOVERNMENT

Minutes of Meeting
Tuesday, February 16, 2010
House Hearing Room 4 -- 2:00 p.m.

Chairman Burges called the meeting to order at 3:03 p.m. and attendance was noted by the secretary.

Members Present

Mr. Antenori	Mr. Driggs	Mrs. Tovar
Mr. Campbell CH	Mr. Gowan	Mr. Montenegro, Vice-Chairman
Mr. Chabin	Mr. Nichols	Mrs. Burges, Chairman

Members Absent

None

Committee Action

HB2187 – DP (8-0-0-1)	HB2450 – DP (8-1-0-0)
HB2257 – DPA S/E (6-3-0-0)	HB2479 – DPA (9-0-0-0)
HB2276 – DP (6-3-0-0)	HB2605 – DP (6-3-0-0)
HB2328 – DPA (8-1-0-0)	HB2634 – DP (7-1-0-1)
HB2345 – DPA S/E (9-0-0-0)	HB2676 – HELD
HB2446 – WITHDRAWN	HB2768 – DPA (9-0-0-0)

CONSIDERATION OF BILLS

HB2676 – energy park authority – HELD

Vice-Chairman Montenegro announced that HB2676 will be held.

HB2446 – alarm businesses and agents – WITHDRAWN

Vice-Chairman Montenegro announced that HB2446 was withdrawn from the Committee.

HB2634 – state horse – DO PASS

Vice-Chairman Montenegro moved that HB2634 do pass.

Stephanie Johnson, Majority Research Intern, explained that HB2634 establishes the Colonial Spanish Horse as the official state horse of Arizona (Attachment 1).

Representative Pat Fleming, sponsor, asked Representative Young Wright to join her at the podium. Representative Fleming stated that this is an appropriate time to hear the bill since the state's 98th anniversary of statehood was recently celebrated. She noted that Colonial Spanish Horses are well-cared for at Dixon Ranch in Cochise County.

Marjorie Dixon, Arizona Colonial Horse Project, spoke in support of HB2634. She testified that a state horse is needed because much of what is done in Arizona is based on a vibrant history, and there is currently a horse culture in the state. She related the history of how the Colonial Spanish Horse arrived in Arizona (Attachment 2), noting that they are the foundation horse for many modern breeds, including the American Quarter Horse, the American Paint Horse and other American breeds.

Maureen Kirk-Detberner, Arizona Colonial Spanish Horse Project, spoke in support of HB2634. She advised that the bill is supported by the American Quarter Horse Association and she anticipates a letter of support from the Arizona Quarter Horse Association. The American Livestock Breeds Conservancy supports the bill and lists the horses as a rare and endangered breed (letters of support, Attachment 3). It is important to recognize these horses and, hopefully, continue the horses in the State of Arizona.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2634 but did not speak:

Rebecca Chandos, Arizona Colonial Spanish Horse Project

Bryan Ginter, representing self

Virginia Ginter, representing self

Donald Detberner, Arizona Colonia Spanish Horse Project

Question was called on the motion that HB2634 do pass. The motion carried by a roll call vote of 7-1-0-1 (Attachment 4).

HB2187 – osteopathic board – DO PASS

Vice-Chairman Montenegro moved that HB2187 do pass.

Stephanie Johnson, Majority Research Intern, explained that HB2187 makes changes to certain provisions of the Board of Osteopathic Examiners in Medicine and Surgery and expands the definition of *unprofessional conduct* (Attachment 5).

Representative Nancy Barto, sponsor, stated that she will offer a substantial Floor amendment to include only the civil liability provision, the ability to establish the committees and session law to allow the Board to require licenses for a renewal date of one year.

Elaine Letarte, Executive Director, Arizona Osteopathic Board, appeared in support of HB2187 and offered to answer questions.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2187 but did not speak:

David Landrith, Vice President, Policy & Political Affairs, Arizona Medical Association
Amanda Weaver, Executive Director, Arizona Osteopathic Medical Association

Vice-Chairman Montenegro announced the names of those who signed up in opposition to HB2187 but did not speak:

Bryan Ginter, representing self

Question was called on the motion that HB2187 do pass. The motion carried by a roll call vote of 8-0-0-1 (Attachment 6).

HB2328 – procurement from certain agencies – DO PASS AMENDED

Vice-Chairman Montenegro moved that HB2328 do pass.

Vice-Chairman Montenegro moved that the Antenori 12-line amendment to HB2328 dated 2/15/10 (Attachment 7) be adopted.

Christopher Stapley, Majority Assistant Research Analyst, explained that HB2328 modifies the statutes governing procurement from Arizona Industries for the Blind (AIB), nonprofit agencies for disabled individuals and Arizona Correctional Industries (ACI) (Attachment 8). The amendment contains the following provisions (Attachment 7):

- Changes the term *the developmentally disabled* to *individuals with disabilities*.
- Clarifies in the Disability Advisory Board section that a gubernatorial appointee must represent the private sector business community.
- Modifies the definition for *certified nonprofit organization*.
- Makes technical changes.

Representative Cecil Ash, sponsor, stated that these three set-aside groups are authorized by statute to qualify for a state bid for goods and services if the bid is approved as being at market rate. Current statute specifies that every state agency should endeavor to set aside one percent of contracts for one of these three groups. This bill will strengthen the role of state procurement in identifying contracts in advance that will help these groups contribute more to the state's productivity. He added that a few matters still need to be clarified.

Bev Herman, Arizona Association of Providers for People with Disabilities, spoke in favor of HB2328. She testified that the bill authorizes ways that people can work for government who cannot work for government in an ordinary way. She passed around photographs of individuals with disabilities working, noting that they love to work and do mailings and shredding for almost all state agencies. She endorsed the amendment, which uses correct People First language by saying *individuals with disabilities* and specifies that 60 percent of a work group must be people who are disabled.

Steven King, President, Beacon Group, spoke in support of HB2328. He related that the unemployment rate for people with disabilities is between 60 and 70 percent across the country. He provided issues of *Beacon Times*, which show individuals working and the results of a study

on federal set aside programs (Attachments 9 and 10). He said the state benefits by having good, reliable contractors at market price, and in some cases, better than market price. The workers become taxpayers instead of tax recipients. He urged passage of the bill.

Mark Thompson, Board Chair, The Centers for Habilitation, spoke in support of HB2328 and the amendment. He stated that The Centers for Habilitation bids for state services (document destruction) on a competitive rate and submits a market study to the Set Aside Committee showing what competitors charge. Individuals who participate have the dignity of earning a paycheck and being taxpayers, and the state receives a bargain for services that are contracted.

Alan Ecker, Program Associate, Arizona Department of Administration (ADOA), neutral on HB2328, stated that he has a few concerns about the requirement for the Procurement Department to point out potential future opportunities, but he met with Mr. Ash and proponents of the bill who agreed to a stakeholder meeting to discuss amendments.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2328 but did not speak:

Monica Attridge, Arizona Association of Providers for People with Disabilities; brother

Michelle Reeves, RN-CEO, representing self

Mark Jacoby, Executive Director, representing self

Virginia Ginter, representing self

Paul Wilson, Goodwill of Central Arizona

Brandy Petrone, Goodwill of Central Arizona

Vice-Chairman Montenegro announced the names of those who signed up in opposition to HB2328 but did not speak:

Bryan Ginter, representing self

Question was called on the motion that the Antenori 12-line amendment to HB2328 dated 2/15/10 (Attachment 7) be adopted. The motion carried.

Vice-Chairman Montenegro moved that HB2328 as amended do pass. The motion carried by a roll call vote of 8-1-0-0 (Attachment 11).

HB2479 – foreclosure deeds; buyer identification – DO PASS AMENDED

Vice-Chairman Montenegro moved that HB2479 do pass.

Vice-Chairman Montenegro moved that the Burges 14-line amendment to HB2479 dated 2/12/10 (Attachment 12) be adopted.

Michelle Hindman, Majority Research Analyst, explained that HB2479 requires more detailed and specific identifying information of the buyer of property in foreclosure and any deed or conveyance of real property (Attachment 13). The amendment contains the following provisions (Attachment 12):

- Reinstates the current law that requires a sheriff to execute and deliver a deed.

- Allows 30 rather than 10 days for a sheriff to record the deed in the Office of the County Recorder.
- States that the information provided by the redeemer or purchaser is not subject to verification and that a sheriff is not responsible for authenticity of the information.
- States that the validity of any deed shall not be affected by any failure to comply with the provisions of this act.

Representative Bill Konopnicki, sponsor, indicated that the bill was held last week but a compromise was worked out. The intent is to give people notice of foreclosure.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2479 but did not speak:

Kevin B. DeMenna, representing City of Phoenix
 Ryan DeMenna, Associate, City of Phoenix
 Ray Churay, Deputy Director, Maricopa County Sheriff's Office
 Ryan Harper, representing Land Title Association of Arizona

Vice-Chairman Montenegro announced the names of those who signed up in opposition to HB2479 but did not speak:

Bryan Ginter, representing self
 Virginia Ginter, representing self

Question was called on the motion that the Burges 14-line amendment to HB2479 dated 2/12/10 (Attachment 12) be adopted. The motion carried.

Vice-Chairman Montenegro moved that HB2479 as amended do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 14).

HB2768 – real property transfer fee covenants – DO PASS AMENDED

Vice-Chairman Montenegro moved that HB2768 do pass.

Vice-Chairman Montenegro moved that the Burges seven-line amendment to HB2768 dated 2/15/10 (Attachment 15) be adopted.

Michelle Hindman, Majority Research Analyst, explained that HB2768 provides that any provision in a declaration, covenant or other document relating to real property in this state is not enforceable or binding under certain conditions and provides exemptions (Attachment 16). The amendment removes the \$500 cap in an exception and adds an additional exception regarding any consideration payable by the transferee to the transferor for the interest in real property (Attachment 15).

Representative Debbie Lesko, sponsor, stated that in 2008, Arizona voters passed Proposition 100, which amended the Arizona Constitution to prohibit the imposition of any sales or transfer taxes on real property, but unfortunately, private real estate transfer fees are not prohibited. Private transfer fees are being aggressively marketed across the nation by at least one third-party designee where the third-party designee has the developer record a permanent

covenant and lien on each home that is built. Each time that home is sold, for as long as 99 years, a percentage of the sales price is diverted back to a fund and proceeds are split between the developer and the third-party designee. This bill will prevent that equity-stripping scheme from happening in Arizona.

Tom Farley, Arizona Association of Realtors, spoke in favor of HB2768 and the amendment. He stated that this is a new scheme that is occurring across the nation. Last year, six states passed this same prohibition. This bill seeks to join those other states by passing this prohibition before this practice occurs in Arizona.

Scot Mussi, Deputy Director of Legislative Affairs, Home Builders Association of Central Arizona, neutral on HB2768, stated that he believes all concerns have been addressed.

Vice-Chairman Montenegro announced the names of those who signed up in opposition to HB2768 but did not speak:

Christopher Gentis, President, Ahwatukee Homeowners' Association
Bryan Ginter, representing self

Robert Blakesley, representing self, stated that since the bill does not apply to HOAs, he withdraws his opposition.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2768 but did not speak:

Michelle Lind, General Counsel, Arizona Association of Realtors
George Staropoli, representing self

Question was called on the motion that the Burges seven-line amendment to HB2768 dated 2/15/10 (Attachment 15) be adopted. The motion carried.

Vice-Chairman Montenegro moved that HB2768 as amended do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 17).

HB2605 – subdivisions; acting in concert – DO PASS

Vice-Chairman Montenegro moved that HB2605 do pass.

Michelle Hindman, Majority Research Analyst, explained that HB2605 makes various changes to the statutes governing subdivisions, acting in concert and the Arizona Department of Real Estate (ADRE) (Attachment 18).

Ron Gawlitta, representing self, spoke in support of HB2605. He stated that the purpose of the bill is to protect property owners and clarify issues that otherwise have been too easily interpreted according to the whims of ADRE or officials in several counties.

Robert Esposito, representing self, Apache Junction, spoke in support of HB2605. He related his experience of purchasing 20 acres of land in an unincorporated area of Maricopa County seven years ago. He sold five acres to two different individuals and began building a house on the remaining 10 acres, but after about \$100,000 of improvements to the land and 10 months into the

permitting process, the permitting process was stopped and he was not able to do anything with the land because the original people who owned the land years before made a survey mistake. He eventually had to hire a law firm. He said this bill will ensure things like this cannot happen again. The bill will not impede ADRE in its normal course of business or the role of protecting the public, but ADRE will have to disclose and can no longer ruin people who have not done anything wrong.

Bill Sandry, representing self, spoke in support of HB2605. He testified that the bill will protect citizens' property rights and provide clarity and consistency between the state law and county and city regulations.

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association, opposed HB2605. He deferred testimony to Lynn Favour to review some of the technical problems.

Lynn Favour, Deputy Director, Planning & Development Department, Maricopa County, opposed HB2605. She opined that the language in the bill is overly broad and appears to make significant changes in the ability of the county to effectuate its responsibilities and protect the public. If there is a concern with the way Maricopa County is proceeding, she would like the opportunity to work with a stakeholder group or talk to people about whether local changes can be made that will allow the County to continue to effectuate its responsibilities.

Jeffrey Kros, Legislative Director, League of Cities and Towns, opposed HB2605. He said the bill affects Title 9 by waiving the plat approval, which could create wildcat subdivisions within cities because not being able to enforce regulations on the plats could cause problems. Also, reducing infrastructure standards and services will conflict with other federal and state laws which could result in cities being sued for dropping the level of service. He added that he is willing to work with the sponsor, if possible.

Vice-Chairman Montenegro announced the names of those who signed up in opposition to HB2605 but did not speak:

Mike Williams, representing Town of Queen Creek
Sandy Bahr, Conservation Director, Sierra Club - Grand Canyon Chapter
Steve Huffman, Intergovernmental Affairs Administrator, Town of Marana
Michael Racy, lobbyist, Pima County
Shirley Gunther, Intergovernmental Affairs Manager, City of Avondale
Michelle Gramley, Town of Gilbert

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2605 but did not speak:

Bryan Ginter, representing self
Virginia Ginter, representing self

Scot Mussi, Deputy Director of Legislative Affairs, Home Builders Association of Central Arizona, opposed HB2605. He related that he spoke with Mr. Gawlitta who committed to work with him on language to address a concern about duplication of effort by having public reports at the state and county level.

Mr. Gawlitta stated that wildcat subdivisions have been a plague in several counties. The reason for the ten-lot subdivision is to ensure the county has a place in the process. A public report is required for the ten-lot subdivision and infrastructure has to be approved. He wants to provide a means whereby people can use their property productively without having to revert to a wildcat subdivision in which there is a no holds barred environment.

Mr. Chabin suggested that Mr. Gawlitta speak to Senator Steve Pierce who is interested in the wildcat subdivision issue.

Question was called on the motion that HB2605 do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 19).

HB2276 – access to agency data; legislators. – DO PASS

Vice-Chairman Montenegro moved that HB2276 do pass.

Michelle Hindman, Majority Research Analyst, explained that HB2276 makes the names of members who are enrolled in several state aid programs public record and open to inspection (Attachment 20).

Representative David Stevens, sponsor, noted that the bill does not state that the Legislature is an agency of the state, which needs to be corrected. He opined that it is incumbent upon the Legislature to make sure data that is used and relied on is as valid as possible. He indicated that he has a brief from Legislative Council addressing the points of the three agencies and their statutes on why the data has not been released. He added that voter registration information can be purchased by signing a waiver stating it will not be used for commercial purposes.

Discussion followed concerning the need for the data, an alternate option of an audit by the Auditor General and privacy issues.

Mr. Gowan assumed that the intent is to gather the information on a disk, to which Mr. Stevens agreed. Mr. Stevens indicated that there are agreements that anyone who obtains the information can sign regarding restrictions on use, and commercial use is prohibited. There will be an Information Technology (IT) Director at the House of Representatives who will be in charge of the information, which will be accessed through that individual. There are provisions in the statute to prevent improper disclosure of the information. He stated that the information will not be sold.

In response to questions, Mr. Stevens agreed that he will be chairing the Ad Hoc Committee on Information Technology, which will involve review of the multitude of databases used by state agencies for redundancies, mistakes, etc., and identify inconsistencies. At some point the Committee will consolidate the list of names agencies can pull from and people can update the information. Currently, there are about 100 different IT Departments in the state, and if everyone is doing their due diligence, they will be inputting and validating information numerous times, which is a waste of effort. If that can be reduced, it will save the state some money, which happened in the State of Missouri a few years ago.

Sean Laux, Legislative Liaison, Department of Revenue (DOR), neutral on HB2276, stated that DOR currently provides the information to any member of the Legislature or the public upon request. He would be concerned if confidential taxpayer information is requested, but the bill as drafted now would not impact DOR.

Discussion ensued about the potential for violating the Health Insurance Portability and Accountability Act (HIPAA).

Monica Coury, Assistant Director for Intergovernmental Relations, Arizona Health Care Cost Containment System (AHCCCS), opposed HB2276. She stated that she supports any effort to assist agencies in increasing efficiencies, especially in relation to advanced technologies; however, federal law prohibits AHCCCS from complying with the bill. HIPAA covers covered entities, which are public and private insurance companies, and that includes the names of individuals and their addresses as well as any personal health information. In addition to HIPAA, Medicaid privacy regulations prohibit AHCCCS from releasing the names of members or make data changes unless it is for administration of the program. She will be glad to work with the sponsor to increase efficiencies.

Discussion followed after which Mr. Stevens stated that if there is a HIPAA violation, it is not his intent to put anyone in jeopardy. He indicated that he is willing to work with AHCCCS on a viable solution so the bill can move forward. He added that validation of data is very critical in providing state services. He is looking for ways of streamlining agency processes and what needs to be done to provide the best service possible. He will be putting out a draft shortly stating what he believes needs to be done in the next three years for these agencies and he welcomes input.

Vice-Chairman Montenegro announced the names of those who signed up as neutral on HB2276 but did not speak:

Matt Morales, Director of Communications and Intergovernmental Affairs, Government Information Technology Agency

Vice-Chairman Montenegro announced the names of those who signed up in opposition to HB2276 but did not speak:

Kathryn Busby, Arizona Association of Health Plans

Bryan Ginter, representing self

Dana Naimark, President/Chief Executive Officer, Children's Action Alliance

Virginia Ginter, representing self

Question was called on the motion that HB2276 do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 21).

HB2257 – municipal taxation and fees; notice – DO PASS AMENDED S/E
S/E: municipalities; counties; taxes; fees; notice

Vice-Chairman Montenegro moved that HB2257 do pass.

Vice-Chairman Montenegro moved that the Gowan two-page S/E amendment to HB2257 dated 2/12/10 (Attachment 22) be adopted.

Christopher Stapley, Majority Assistant Research Analyst, explained that the S/E amendment to HB2257 establishes new requirements that must be met before a municipality or county proposes to assess any new or increased tax or fee (Attachment 23).

Mr. Gowan, sponsor, stated that he noticed the county boards were left out of the loop and he wanted to make sure the counties are included, as well as the cities.

Mr. Antenori commented that over the last few weeks, some short notice tax increases occurred in certain cities and counties where businesses were not given appropriate time and opportunity to adjust to the increases. The S/E amendment provides a reasonable amount of time to notify businesses and taxpayers that taxes will increase.

Chairman Burges remarked that every time a tax is increased, merchants must have cash registers and other items adjusted, which costs money.

Marcus Dell'artino, representing Qwest Communications, spoke in favor of the S/E amendment to HB2257. He advised that this is the product of situations that arose recently in some of the cities and counties regarding late notification of tax increases; this measure asks for time to make the appropriate budget decisions in businesses.

Jeffrey Kros, Legislative Director, League of Cities and Towns, opposed HB2257. He related that all property taxes, secondary or primary, already go to a vote of the people. All Model City Code sales tax changes require 15-day notice before a public hearing is held, and through a governing agreement with the Arizona Department of Revenue, none of the provisions are effective for 60 days after the council acts. The notice is also published in newspapers. He submitted that enough notice is provided and suggested that any issues be taken up with the specific entities.

Vice-Chairman Montenegro announced the names of those who signed up in support of the S/E amendment to HB2257 but did not speak:

Kevin McCarthy, President, Arizona Tax Research Association
Courtney Gilstrap Levinus, representing Arizona Multihousing Association; Arizona Real Estate Investors Association; Arizona Rental Property Owners and Landlord Association
Virginia Ginter, representing self
Joseph Abate, Counsel, American Telephone & Telegraph
Gretchen Kitchel, Senior Public Affairs Representative, Pinnacle West Capital Corporation
Susan Anable, Manager, Government Relations, Cox Communications
Michael Dimaria, Director of Legal Issues, Qwest Communications
Lori Lustig, Tucson Metropolitan Chamber of Commerce
Steve Voeller, President, Arizona Free Enterprise Club
Jerry Fuentes, President, American Telephone & Telegraph Arizona
Penny Allee Taylor, Specialist/Government Affairs, Southwest Gas Corporation
Meghaen Duger, Arizona Association of Realtors
Lyn White, Manager, Government Relations, Freeport McMoRan
Spencer Kamps, Deputy Director, Home Builders Association of Central Arizona

Vice-Chairman Montenegro announced the names of those who signed up in opposition to the S/E amendment to HB2257 but did not speak:

Bryan Ginter, representing self

David Johnson, Intergovernmental Affairs Analyst, Town of Buckeye

Mike Williams, representing Town of Queen Creek

Steve Huffman, Intergovernmental Affairs Administrator, Town of Marana

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association

Shirley Gunther, Intergovernmental Affairs Manager, City of Avondale

John Wayne Gonzales, Legislative Liaison, City of Phoenix

Michelle Gramley, Town of Gilbert

Question was called on the motion that the Gowan two-page S/E amendment to HB2257 dated 2/12/10 (Attachment 22) be adopted. The motion carried.

Vice-Chairman Montenegro moved that HB2257 as amended do pass. The motion carried by a roll call vote of 6-3-0-0 (Attachment 24).

HB2345 – homeowners’ associations; condominiums; fees; signs – DO PASS AMENDED

S/E

S/E: signs; homeowner associations; condominiums

Vice-Chairman Montenegro moved that HB2345 do pass.

Vice-Chairman Montenegro moved that the Antenori five-page S/E amendment to HB2345 dated 2/11/10 (Attachment 25) be adopted.

Brooke Olguin, Majority Assistant Research Analyst, explained that the S/E amendment to HB2345 stipulates that a homeowners’ association (HOA) cannot prohibit or regulate the use of certain signs or open house hours with respect to real estate for sale in the condominium or planned community, with exceptions (Attachment 26).

Vice-Chairman Montenegro moved that the Antenori ten-line amendment to the S/E amendment to HB2345 dated 2/11/10 (Attachment 27) be adopted.

Ms. Olguin explained that the amendment to the S/E amendment stipulates that HOAs also cannot regulate the use of for lease signs or open house hours between 8:00 a.m. and 6:00 p.m. for property that is for lease (Attachment 27).

Mr. Antenori, sponsor, said this was a comprehensive effort to bring standardization to the way HOAs are managed, but after meeting with realtors, etc., the decision was made to hold off on the majority of provisions until next year and deal with this provision now.

Tom Farley, Arizona Association of Realtors, in support of the S/E amendment to HB2345, said this measure states that homeowners or an agent can utilize a sign on the property.

Jeff Sandquist, representing Arizona Association of Community Managers, spoke in support of the S/E amendment to HB2345. He thanked Mr. Antenori and realtors for listening to concerns and agreeing to work on issues raised by Mr. Antenori’s constituents over the Interim.

Robert Blakesley, representing self, stated that since transfer fees are no longer in the S/E amendment, he is no longer opposed.

Vice-Chairman Montenegro announced the names of those who signed up in support of the S/E amendment to HB2345 but did not speak:

Linda Lang, Executive Director, Arizona Association of Community Mangers

Courtney Gilstrap Levinus, Arizona Multihousing Association; Arizona Real Estate Investors Association; Arizona Rental Property Owners and Landlord Association

George Staropoli, representing self

Bryan Ginter, representing self

Virginia Ginter, representing self

Vice-Chairman Montenegro announced the names of those who signed up in opposition to the S/E amendment to HB2345 but did not speak:

Christopher Gentis, President, Ahwatukee HOA

Vice-Chairman Montenegro announced the names of those who signed up as neutral on the S/E amendment to HB2345 but did not speak:

Ryan Anderson, Community Associations Institute

Scot Mussi, Deputy Director of Legislative Affairs, Home Builders Association of Central Arizona

Question was called on the motion that the Antenori ten-line amendment to the S/E amendment to HB2345 dated 2/11/10 (Attachment 27) be adopted. The motion carried.

Vice-Chairman Montenegro moved that the Antenori five-page S/E amendment to HB2345 dated 2/11/10 (Attachment 25) as amended be adopted. The motion carried.

Vice-Chairman Montenegro moved that HB2345 as amended do pass. The motion carried by a roll call vote of 9-0-0-0 (Attachment 28).

HB2450 – water and wastewater charges; payment – DO PASS

Vice-Chairman Montenegro moved that HB2450 do pass.

Christopher Stapley, Majority Assistant Research Analyst, explained that HB2450 modifies the statutes governing municipal water and wastewater service rates and charges (Attachment 29).

Mr. Antenori, sponsor, stated that this bill prohibits utilities from leveraging a new home buyer or real estate agent to recover the cost of services not paid by the previous owner, but to go after the previous owner who did not pay the bill.

Meghaen Duger, Arizona Associations of Realtors, spoke in support of HB2450. She said what is happening on foreclosed properties is that the city is going after the realtor for unpaid bills by the previous owner before it will turn the water on in the house, and it is not possible to pass

inspection and sell the house without water. She said she spoke to Jeffrey Kros with the League of Cities & Towns who agreed that the person who should be paying the past bill is the person the entity contracted with, but he related concerns about deposits, etc., so she will work with him on those issues.

Vice-Chairman Montenegro announced the names of those who signed up in support of HB2450 but did not speak:

Courtney Gilstrap Levinus, Arizona Multihousing Association; Arizona Rental Property Owners and Landlord Association

Virginia Ginter, representing self

Vice-Chairman Montenegro announced the names of those who signed up in opposition to HB2450 but did not speak:

Bryan Ginter, representing self

Mike Williams, representing Town of Queen Creek

Lisa Estrada, Intergovernmental Affairs Coordinator, City of Peoria

Shirley Gunther, Intergovernmental Affairs Manager, City of Avondale

Amber Wakeman, Government Relations, City of Tempe

Question was called on the motion that HB2450 do pass. The motion carried by a roll call vote of 8-1-0-0 (Attachment 30).

Without objection, the meeting adjourned at 6:02 p.m.

Linda Taylor, Committee Secretary
March 2, 2010

(Original minutes, attachments and audio on file in the Chief Clerk's Office; video archives available at <http://www.azleg.gov>)