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June 24, 2013

EMAIL LETTER

The Hon. Janice K. Brewer
Governor
State of Arizona
Executive Tower
1700 West Washington Street
Phoenix, AZ 85007

RE: SB 1545 signed into law June 20th
Violates AZ Const., Art 4, Part 2, Sec 13.

Dear Governor Brewer:

I wish to bring to your attention, as well as to the attention of other appropriate state persons, that on this past June 20th you signed SB 1454 ([CH. 254](#)) into law unknowing, due to the heated pressures of the budget and Medicare issues, that the bill violates the Arizona Constitution requiring *“but one subject to be embraced in the title.”* The Constitution further states any reference to provisions not contained in the title of the bill are invalid. SB 1454 is titled, *“campaign finance; in-kind contributions; disclosures,* but contains the same provisions as found in the failed House bill, [HB 2371](#), sponsored by Rep. Michelle Ugenti, dealing with HOA reforms.

Allow me to present the events leading up to your acceptance and signing of this bill.

Events

In the 2013 session, Rep. Michelle Ugenti (R 23) attempted to pass a bill, HB 2371 (by means of a Strike Everything amendment), that granted powers to HOA managers and other “contractors” to represent HOAs in small claims court and before administrative law judges at OAH. These amendments would have given special powers to a special group, without a statement of the state’s legitimate interest. **Not even state certified legal document preparers possess these powers, never mind untrained property managers!** It was defeated at the last minute, being held from a vote after an objection to a Senate consent vote. That was in March and all remained quite even after sine die.

It was brought to my attention this past Sunday by Ward Lucas, a well-known journalist, that you had signed SB 1454 on June 20th. It was none other than Rep. Ugenti who sponsored the June 13th last minute, major floor amendment that added her HB 2371 bill to SB 1454. **That was on**

the last day of the legislative session! Adding these HOA related amendments to a campaign finance bill violated Art 4, Part 2, Sec. 13 of the AZ Constitution, making the HOA provisions invalid.

“Section 13. Subject and title of bills

Section 13. Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.”

You may recall that in 2007, then Governor Napolitano vetoed SB 1330 that would have restored homestead protections to homes within HOAs. Napolitano wrote, “*Today I vetoed Senate Bill 1330, which dealt with a variety of unrelated subjects. . . . This bill violates the single subject rule.*” She was referring to the above excerpts from the AZ Constitution. See [The constitutionality of legislation: AZ Gov. vetoes homestead exemption bill.](#)

I believe it in proper order for you, as Governor, to seek a declaratory judgment from the courts declaring the HOA amendments in SB 1454 invalid.

Respectfully submitted,

George K. Staropoli

George K. Staropoli
President
Citizens for Constitutional Local Government

Cc: Andy Biggs, Senate President
Andy Tobin, Speaker of the House
Tom Horne, Attorney General
Rebecca White Berch, Chief Justice of the AZ Supreme Court
Gene Palma, Director DFBS
Cliff Vanell, Director, OAH
Rep. Michelle Ugenti