

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

**COMMITTEE ON TRANSPORTATION**

Minutes of Meeting  
Monday, February 12, 2001  
House Hearing Room 2 -- 2:00 p.m.

(Tape 1, Side A)

Chairman Cooley called the meeting to order at 2:05 p.m. and attendance was noted by the secretary.

**Members Present**

Mr. Avelar  
Ms. Burton Cahill  
Mr. Clark  
Mr. Gleason

Mr. Maiorana  
Mr. Marsh  
Ms. McClure  
Mr. Nelson

Mr. Pearce, Vice-Chairman  
Mr. Cooley, Chairman

**Members Absent**

None

**Committee Action**

H.B. 2370 – Held by Chairman	H.B. 2486 – DPA (9-0-0-1)
H.B. 2511 – Held by Chairman	H.B. 2522 – DPA (6-3-1-0)
H.B. 2230 – DPA S/E (8-0-1-1)	H.B. 2605 – Discussed and Held
H.B. 2446 – Discussed and Held One Week	

**Speakers Present**

Tony Galindo, Majority Intern  
Rich Stephenson, Legislative Liaison, Arizona Game and Fish Department  
Leonard Ordway, Chief Law Enforcement Officer, Arizona Game and Fish Department  
John Halikowski, Majority Research Analyst  
Jennifer Macdonald, Legislative Liaison, Arizona Department of Transportation (ADOT)  
Jeff Sandquist, representing Recreation Vehicle Industry Association  
Name of person recognized by Chairman Cooley who appeared in support of H.B. 2486 but did not speak (page 5)  
Name of person recognized by Chairman Cooley who appeared in support of H.B. 2522 but did not speak (page 8)  
Larry Paprocki, Executive Director, Stonegate Community Association  
Name of person recognized by Chairman Cooley who appeared in support of H.B. 2605 but did not speak (page 9)

Guest List (Attachment 1)

CONSIDERATION OF BILLS:

H.B. 2370, motor carriers; tow truck exception – HELD BY CHAIRMAN

**Chairman Cooley announced that H.B. 2370 will be held.**

H.B. 2511, public monitoring devices; restrictions – HELD BY CHAIRMAN

**Chairman Cooley announced that H.B. 2511 will be held.**

H.B. 2230, vehicle titles; lienholders

S/E: watercraft violations; boating – DO PASS AMENDED S/E

Tony Galindo, Majority Intern, explained that the Pearce three-page strike-everything amendment dated 2/7/01 (Attachment 2) to H.B. 2230 increases the penalty for negligent operation of a watercraft (Attachment 3). Except for violations regarding collisions, operating a watercraft while intoxicated, tampering with watercraft identification numbers, all other boating and watersport violations are reduced to a petty offense.

Mr. Pearce further explained that this legislation has to do with minor boating violations. Watercraft violations are mostly minor. This bill moves the offense to a petty offense so the individual will not have a criminal record. These types of offenses are not as onerous to the public as other felony offenses.

Mr. Gleason asked what petty offenses consist of. Mr. Pearce gave examples of violations considered to be petty offenses: driving against the traffic flow, having no fire extinguisher, etc. He said petty offenses involve nonlife-threatening offenses.

Mrs. Burton-Cahill asked about life jackets. Mr. Pearce replied that is still enforceable, however, it is not taking it to the criminal level.

**Vice-Chairman Pearce moved that H.B. 2230 do pass.**

**Vice-Chairman Pearce moved that the Pearce three-page strike-everything amendment dated 2/7/01 be adopted (Attachment 2).**

Rich Stephenson, Legislative Liaison, Arizona Game and Fish Department, introduced Leonard Ordway, the chief law enforcement officer for the Department.

Leonard Ordway, Chief Law Enforcement Officer, Arizona Game and Fish Department, testified in support of H.B. 2230.

Mrs. Burton-Cahill expressed concern for reducing the offense for not wearing a seat belt. Mr. Ordway stated that the Department shares concerns for safety.

Mrs. Burton Cahill queried whether there is any research as to what other states are doing with life jackets. Mr. Ordway replied that all states fall in compliance with the Coast Guard code. All states are pretty much in line on the issue.

In response to Mrs. Burton Cahill relating to penalties and fines in other states, Mr. Ordway informed Members that codes and violations are different from state to state; however, the penalty is usually similar.

Mrs. Burton Cahill asked whether the Department has any concerns that the number of violations will increase. Mr. Ordway stated that from the Department's perspective, there will not be decreased enforcement. He said the Department does not expect penalties that the court will give out will change with this legislation.

**Question was called that the Pearce three-page strike-everything amendment dated 2/7/01 be adopted (Attachment 2). The motion carried.**

**Vice-Chairman Pearce moved that H.B. 2230 as amended do pass. The motion carried by a roll call vote of 8-0-1-1 (Attachment 4).**

H.B. 2446, national guard; reservists; vehicle fees – DISCUSSED AND HELD

John Halikowski, Majority Research Analyst, reviewed H.B. 2446 which expands the vehicle license tax and registration fee exemption to include any member of the United States armed forces who receives orders to report for active military duty outside the State of Arizona (Attachment 5).

Mr. Halikowski explained that the Pearce five-line amendment dated 2/8/01 specifies that the individual must be deployed outside of the State for at least 21 consecutive days (Attachment 6).

Mr. Gleason queried whether this allows an active duty member to get a refund. Mr. Halikowski replied that the active duty member will get a credit on the next registration year.

In response to Chairman Cooley, Mr. Halikowski explained that an individual has to apply for the exemption for the next renewal period. He has to present his military orders in order to be eligible for the exemption. The individual can claim exemption for two vehicles for up to one year.

Mr. Nelson spoke against the exemption. He said it would be another issue if the intent is to look at true military service where a person has been called to duty and shipped out of the country for a period of six months or a year. He said this is a special dispensation. He maintained that when a person signs up for Guard duty, he knows what the duties and requirements are. He stated that 21 days not enough for him to support.

Ms. McClure stated that when guardsmen are called up, their families experience hardship because of them being called out.

Jennifer Macdonald, Legislative Liaison, Arizona Department of Transportation (ADOT), testified H.B. 2446 raises concerns to the Department. She said it will have a significant fiscal

impact. This legislation allows exemptions from paying the registration and vehicle license tax. It is estimated that the cost will be about \$8 million annually. Another Department concern is that it may start exemptions for other classes of citizens.

Mr. Marsh announced that the bill is intended to help enlisted folks. He opined that it will not cost \$8 million. He said a maximum of 250 people might qualify. He advised that there are only 8,000 guardsmen statewide. He claimed that it is time to put families first, and to put our military first.

Ms. Macdonald said perhaps it would be helpful to have a fiscal note on this. She said the Department has numbers for 12,000 and 25,000 reservists, national guardsmen and others who would potentially be affected by this. She said the issue is whether the exemption is an employee perk and benefit.

Ms. McClure said her understanding is that reservists are different from the National Guard, and they are not called up for duty on a regular basis as the Guard is. She said the bill is not intended to pay for people to go to classes. This is for people who are called up to report for active military duty.

Chairman Cooley asked what the current law is. He said there is a benefit for reservists and National Guard. Mr. Halikowski explained that current law specifies that a member of the National Guard must report for active military duty outside of the State in support of a worldwide contingency military operation. Chairman Cooley noted that there is no time period specified in current law.

Mr. Marsh said this bill will help a guardsman apply for the exemption. All they have to do is show their military orders. He said he does not think this is a special benefit.

Mrs. Burton Cahill asked how long it would take to get a fiscal note. She said she also would like to see a fiscal note. Mr. Halikowski replied that it would take two weeks.

Mr. Gleason questioned whether this would be a big hit to cities as well as the State. Ms. Macdonald said it will be a reduction in terms of the revenues from the vehicle license tax to the Highway User Revenue Fund (HURF). She said the HURF is distributed to the cities.

Chairman Cooley said a good portion of the vehicle license tax is distributed to cities and counties; and will have an impact on them also. He explained that the vehicle license tax goes to a number of sources, and about 37-38 percent goes to HURF.

In response to Chairman Cooley's question whether the guardsmen continue to receive pay while out of state, Mr. Marsh replied in the negative. Mr. Marsh informed Members that at one time, some of the defense contractors would make up the difference in salaries but they do not do that any longer.

Chairman Cooley wondered what the City of Phoenix does regarding pay. Mr. Nelson said he does not believe the City pays. Mr. Nelson recommended that some numbers should be put together for extended out-of-state service so Members could be better informed as to the issue.

Mr. Nelson pointed out that those who go into the Guard do so for a purpose, such as retirement benefits, medical benefits and long-term family benefits. They gamble with the responsibility of having to meet a national emergency at some point in time. He said he does not think it is fair to have the citizens of the State pay for a short-term absence from the State. If there is a major problem or an extended military problem where the Guard would be deployed outside of the State, Members should have numbers to make an intelligent decision.

Mr. Gleason agreed. He maintained that more information is needed. He asked that the bill be held.

Chairman Cooley noted that companies have been encouraged to pay while guardsmen are called up. He said this is an effort that is being promoted. He said he did not believe that salary should be a concern of this discussion, and that the burden should not be put upon the vehicle license tax. He concurred that there should be a fiscal note related to cities, counties and the State.

**Chairman Cooley announced that H.B. 2446 will be held one week.**

H.B. 2486, recreational vehicles; length restrictions – DO PASS AMENDED

Tony Galindo, Majority Intern, related that H.B. 2486 increases the maximum allowable length for recreational vehicles to 45 feet (Attachment 7). The bill changes the length from 40 feet.

Jeff Sandquist, representing Recreation Vehicle Industry Association, spoke in support of H.B. 2486. He said the Cooley amendment makes it clear that the type of recreational vehicle referred to are motor homes, the self-propelled vehicles, as opposed to all other vehicles (Attachment 8).

Chairman announced that he had a Request to Speak form from the following person who is in favor of House Bill 2486:

Dianne Farrett, Vice President, Government Affairs, Recreation Vehicle Industry Association

**Vice-Chairman moved that H.B. 2486 do pass.**

**Vice-Chairman Pearce moved that the Cooley three-line amendment dated 2/8/01 be adopted (Attachment 8). The motion carried.**

**Vice-Chairman Pearce moved that H.B. 2486 as amended do pass. The motion carried by a roll call vote of 9-0-0-1 (Attachment 9).**

H.B. 2522, license plates; decennial reissuance – DO PASS AMENDED

John Halikowski, Majority Research Analystj, explained that H.B. 2522 requires the Arizona Department of Transportation (ADOT) Motor Vehicle Division (MVD) to reissue motor vehicle license plates with a new distinctive design at least once every ten years (Attachment 10). In addition, the bill requires MVD to recall all previously-issued license plates except for certain specialty plates.

Mr. Halikowski explained the three-page amendment dated 2/9/01 would allow a person who is currently required to obtain an alternative-fuel vehicle (AFV) plate to obtain a different type of plate provided that they obtain the alternate-fuel vehicle sticker for placement on their vehicle (Attachment 11).

Mr. Avelar said he recalls that firemen had expressed concern about stickers because they could be scraped off. He expressed opposition to the amendment based on the uncertainty that face firefighters when they arrive at an accident and do not know the kind of vehicle they are dealing with.

To that point, Mr. Pearce said that safety is a big issue. He maintained that stickers do not come off, that is a nonissue. The real point is that people were enticed to take advantage of the law when they bought alternative fuel vehicles and then have been made into victims. He said that is really unfair. He stressed that they should have the right to have stickers. Another issue is that it excludes firefighters, law enforcement and others who have specialty plates from being able to do that, and the money is being excluded from going to those organizations. He said he thinks this is a great amendment.

Mr. Avelar said that people who want to contribute to a crisis center can still do so. He again said he believes it is a safety issue, and that safety is the paramount issue. He noted that some fuels are very explosive.

Mr. Maiorana asked whether the motivation for the amendment is because people are being cursed at. He wondered how often that happens. He concurred with Mr. Avelar's assessment that safety is the primary issue. He said he supports Mr. Avelar's position in not supporting the amendment.

Chairman Cooley said some people felt threatened. He related that the threats continue, and are fearful because the news media portrayed them as being less than honest for purchasing these vehicles. He said these individuals were vilified by the newspapers day in and day out. This bill is a safety issue for people who are concerned about the safety of their families. He said this is a balancing issue between safety of firefighters and safety of families. He said his concern is safety of families.

Mrs. Burton Chaill pointed out that the sticker will be visible to those who make threats. She said she does not see how it helps the driver having a sticker in lieu of a license plate.

#### TAPE 1, SIDE B

Mr. Pearce said the reality is that people have been using alternative fuel for years; however, they were never required to have an alternative fuel vehicle license plate until two years ago. He said it was not an issue until two years ago.

Mrs. Burton Cahill again said she does not understand the difference. She asked whether the sticker would have the same effect as the license plate.

Chairman Cooley noted that the license plate is more visible and more recognizable as being converted. He said the newspaper pointed out the holder of the blue-cloud license plate as being the bad person.

Mr. Avelar referred to Mr. Pearce's statement that alternative fuel vehicles have been around a long time; however, it was not until two years ago that these vehicles also get tax breaks. Those vehicles also can use the high-occupancy vehicle (HOV) lanes. He said that if the purpose of the plates is to protect people from verbal abuse, he said he does not think the sticker will help. He stated his concern that it is a safety factor for fire departments who have to respond to accidents. Sometimes when fire is involved, it could result in an explosion because firefighters would not know what they are dealing with.

Chairman Cooley related that the license plate plan was a creation of the sponsor who worked hard to convince the public to convert vehicles in order to clean up the air. The sponsor wanted people to have a number of benefits. The license plate had nothing to do with fire protection. The purpose was to encourage clean air. Because of the way the law was drafted to make it mandatory to have those special license plates, families have been threatened. This legislation would resolve the problem.

Chairman Cooley said that there are people who want to buy the child abuse prevention specialty plates, but they cannot. They are being denied the opportunity of buying the special plates. The bill also relieves the concerns of families who are being threatened because they participated in a program that the State approved of. He said they should have the option to have the sticker.

**Vice-Chairman Pearce moved that H.B. 2522 do pass.**

**Vice Chairman Pearce moved that the Cooley three-page amendment dated 2/9/01 be adopted (Attachment 11). Division was called. By a hand vote of 5 to 4, the motion carried.**

Mr. Halikowski explained that H.B. 2522 requires the Department to reissue license plates with a new distinctive design once every ten years.

Mr. Nelson questioned the need to reissue plates. Mr. Pearce related that one of the greatest problems MVD has is evasion, people not registering and paying vehicle license taxes. People drive with out-of-state plates, drive with expired plates, with plates that are not registered, and people do not go through emissions. The evasion rate in Arizona costs about \$30-40 million. He advised that 31 states have gone to a replacement program. A strong enforcement program would bring about revenues to State. It would force people to be compliant.

Mr. Nelson questioned going to a two-plate system to help with radar. Mr. Pearce replied that the cost would be prohibitive to go back to two-plate system.

Mr. Gleason queried why the ten year and not five year cycle. Mr. Pearce responded that it is simply a cost issue. The maroon plates would be replaced first. He said there are about six million plates on record, but only about three million actually are in the system. He stressed that the system needs to be cleaned up.

Ms. McClure questioned the reason for the provision recalling the plates. Mr. Pearce answered that it is to get the plates cleaned out of the system.

Mr. Halikowski stated that it is very costly to turn in old plates. He said the system is what ultimately determines what is valid.

Chairman Cooley commented that not much is gained by recalling plates.

Mr. Pearce recommended removing the language relating to recalling plates.

Mr. Halikowski said he prefers to do that on the floor.

**Vice Chairman Pearce moved H.B. 2522 as amended do pass.**

Chairman Cooley announced that he had a Request to Speak form from Kevin Biesty, Legislative Liaison, Motor Vehicle Division (MVD) who is neutral on House Bill 2522.

Chairman Cooley announced that he had a Request to Speak form from the following person who is in favor of House Bill 2522:

Susie Stevens-Matthews, representing 3M

A fact sheet on H.B. 2522, prepared by the law firm of Fennemore Craig, was distributed (Attachment 12)

**Question was called that H.B. 2522 as amended do pass. The motion carried by a roll call vote of 6-3-1-0 (Attachment 13).**

H.B. 2605, private property owners; traffic enforcement – DISCUSSED AND HELD

John Halikowski, Majority Research Analyst, explained that H.B. 2605 allows property owners, condominium associations and homeowners' associations to request local law enforcement authorities to enforce traffic laws on property under the jurisdiction of the association or owner (Attachment 14).

Mr. Avelar protested that the bill permits a gated community to use publicly-financed law enforcement to enforce traffic laws on private property. The bill allows owners to make request of local law enforcement to enforce traffic laws on private property.

Mrs. Burton Cahill asked whether consideration was given to the fiscal impact of drawing local police from areas they are covering. Mr. Halikowski stated that it is impossible to know what the fiscal impact to local law enforcement will be because language is permissive.

Larry Paprocki, Executive Director, Stonegate Community Association, testified in support of H.B. 2605. He advised that law enforcement is not allowed to go on private roads unless DUI violations or reckless endangerment violations are involved. He said this bill protects general safety. Law Enforcement is not enforcing special restrictions put on by an association. It allows

the police department onto the property to enforce traffic codes. This protects the general safety of the area. According to the bill, the roads have to meet the standards within the municipality. Mr. Nelson asked whether there is anything in the proposal that talks about street standards. Mr. Marsh related that if the standards do not comply with guidelines approved by local and state jurisdictions, law enforcement will not go in.

Mr. Nelson commented that this can create problems by taking law enforcement from public streets and putting them on private roads. He opined that private associations can put in severe speed bumps to slow speeding. He mentioned that it will have an impact on local government entities and their ability to enforce the law. He said he thinks this bill is premature and needs further study. He said he wants to hear from local government to see what they can or cannot do. He does not know the real harm of the bill. He again stated that there is not enough information to make an informed decision on this.

Mr. Pearce said he is encouraged that the Chiefs of Police are in support of the bill. He said he thinks it is a very good bill.

Chairman Cooley announced that he had a Request to Speak form from the following person who is in favor of House Bill 2605:

Eric Edwards, Legislative Liaison, Arizona Association of Chiefs of Police

TAPE 2, SIDE A

Mr. Gleason asked how this affects patrol cars in hot pursuit. Mr. Halikowski advised that law enforcement can pursue on private property if in felony pursuit. Mr. Gleason commented that it seems it would help enforcement. Mr. Pearce said that law enforcement already has the authority to go on private property.

Mr. Marsh asked Mr. Halikowski to address the issue of substandard streets. Mr. Halikowski stated that he does not see anything in the bill that addresses that concern. Mr. Marsh said that it needs to be included in the bill or law enforcement will be enforcing on substandard streets.

Mr. Nelson again expressed concern about the standards. He said it is a more complicated issue than evident on the surface.

Mr. Marsh stressed that everyone is entitled to have traffic enforcement.

**Chairman Cooley announced that H.B. 2605 will be held.**

Without objection, the meeting adjourned at 4:20 p.m.

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Joanne Bell, Committee Secretary

(Original minutes, attachments and tapes on file in the Chief Clerk's Office)