

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

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Minutes of Meeting
Thursday, April 1, 2010
House Hearing Room 3 -- 9:00 a.m.

Chairman Biggs called the meeting to order at 9:00 a.m. and attendance was noted by the secretary.

Members Present

Mr. Farley
Mrs. McLain

Ms. Reeve
Ms. Waters

Mrs. Burges, Vice-Chairman
Mr. Biggs, Chairman

Members Absent

Mr. Meyer

Mr. Vogt

Committee Action

SB1008 – DPA (4-2-0-2)
SB1069 – DPA (5-1-0-2)

SB1110 – DPA S/E (4-2-0-2)
SB1179 – DPA S/E (6-0-0-2)

CONSIDERATION OF BILLS

SB1008 - special license plates – DO PASS AMENDED

Chairman Biggs announced that SB1008 and the amendment (Attachment 1) was discussed and amended in the last committee meeting, and discussion will continue now that the sponsor is present.

Vice-Chairman Burges moved that SB1008 do pass.

Senator Linda Gray, sponsor, stated that since the bill was already discussed she had no further testimony and is available for questions. Senator Gray went on to say that there is no additional cost to creating a front plate.

Vice-Chairman Burges moved the 4-page Biggs amendment dated 3/31/10 be adopted (Attachment 1).

Nick Roser, Majority Research Intern, explained that the Biggs amendment adds veterans special plates that are combined with international symbol of access special plates and Gold Star Families special plates to those that are exempt from the \$25 dollar special plate fee, and requires

that a person with a combined plate be determined by the U.S. Department of Veterans Affairs as 100 percent disabled or unemployable due to prior military service.

Question was called on the motion that the 4-page Biggs amendment dated 3/31/10 be adopted. The motion carried.

Vice- Chairman Burges moved the four-line Biggs amendment dated 3/29/10 be adopted (Attachment 2).

Nick Roser, Majority Research Intern, explained that the amendment stipulates that the first \$32,000 received by the Multiple Sclerosis Awareness Special Fund be used to reimburse the donating person or entity.

Question was called on the motion that the four-line Biggs amendment dated 3/29/10 be adopted (Attachment 2). The motion carried.

Vice-Chairman Burges moved that SB1008 as amended do pass. The motion carried by a roll call vote of 4-2-0-2 (Attachment 3).

SB1069 - aggravated DUI; sentencing – DO PASS AMENDED

Vice-Chairman Burges moved that SB1069 do pass.

Vice-Chairman Burges moved that the 24-page Biggs amendment dated 3/30/10 be adopted (Attachment 4).

Nick Roser, Majority Research Intern, explained that SB1069 establishes minimum incarceration periods and changes the penalties for certain aggravated driving under the influence offenses. The bill also allows special driver license holders to apply for restricted driver licenses (Attachment 5). Mr. Roser went on to explain the amendment.

Senator Linda Gray, sponsor, testified that SB1069 allows individuals whose driver's licenses are suspended for driving under the influence to have their license reinstated after 45 days, if the individual receives treatment and has an ignition interlock device installed in their vehicle.

Chairman Biggs stated that SB1169 fixes a hole in the implied consent statutes for alcohol and drug related driving charges.

Jerry Landau, Legislative Liaison, Arizona Supreme Court, Administrative Office of the Courts, testified as neutral on SB1069. Mr. Landau stated that there is a gap between aggravated DUI statutes and drug statutes.

Vice-Chairman Burges announced the names of those who signed up in support of SB1069, but did not speak:

Alberto Gutier, representing self, Governor's Office of Highway Safety

Vice-Chairman Burges announced the names of those who signed up in opposition to SB1069, but did not speak:

Ryan Denke, representing self

Question was called on the motion that the 24-page Biggs amendment dated 3/30/10 be adopted (Attachment 4). The motion carried.

Vice-Chairman Burges moved that SB1069 as amended do pass. The motion carried by a roll call vote of 5-1-0-2 (Attachment 6).

SB1110 - restricted driver licenses; DUI – DO PASS AMENDED S/E

SE: free speech; municipal elections

Vice-Chairman Burges moved that SB1110 do pass.

Vice-Chairman Burges moved that the three-page Biggs strike-everything amendment dated 3/30/10 be adopted (Attachment 7).

Justin Riches, Majority Research Analyst, explained that the proposed strike-everything amendment to SB1110 clarifies that any person speaking before a city or town governing board is not prohibited by the city or town to speak on any matter that is or may be the subject of an election (Attachment 8).

Chairman Biggs stated that there have been various school boards using district funds to advocate for bond elections, and creating high-quality printed materials for school board members to aid their future elections. Chairman Biggs went on to explain that a bill was passed two years ago to prevent cities and towns from using resources to advocate, and that statute has been used to prevent individuals from using their First Amendment rights in meetings.

Mr. Farley expressed concerns that only having even number year elections may violate town charters. Chairman Biggs responded that voter turnout is very low for odd year elections, and the goal is to increase voter turnout. Discussion ensued regarding voter participation and media exposure.

Mrs. McLain asked if SB110 also applies to recall elections. Mr. Biggs stated that he is willing to take out that language to exempt recall elections. Mrs. McLain stated that turnout may be low in odd number years, but the legislature should not tell towns when to hold elections.

Ms. Waters stated that voters consistently under-vote as ballots become larger. Mr. Biggs responded that there is always an under-vote, but in most instances there will be more total votes cast in each race. Discussion ensued regarding ballot fatigue, voter fatigue, and effects of low turnout.

Question was called on the motion that the three-page Biggs strike-everything amendment dated 3/30/10 be adopted (Attachment 6). The motion carried.

Vice-Chairman Burges moved that SB1110 as amended do pass.

Jennifer Sweeny, Arizona Association of Counties, testified as neutral on SB1110. Ms. Sweeny stated that counties have no issues with holding elections in even-numbered years; but included that several counties have no experience dealing with two-page ballots. Ms. Sweeny went on to say that some city charters have positions that expire in odd-numbered years, and something will need to be done to remedy that problem.

Ms. Reeve asked if holding elections in even-numbered years only would generate a cost savings. Chairman Biggs responded that if the election is held during the General Election, there are major cost savings.

Vice-Chairman Burges announced the names of those who signed up in opposition to SB1110, but did not speak:

Scott Butler, City of Mesa

Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association

Question was called on the motion that SB1110 do pass. The motion carried by a roll-call vote of 4-2-0-2 (Attachment 9).

SB1179 – in god we trust plates – DO PASS AMENDED S/E

SE: sexually violent predators

Vice-Chairman Burges moved that SB1179 do pass.

Vice-Chairman Burges moved that the four-page Biggs strike-everything amendment dated 3/30/10 be adopted (Attachment 10).

Daniel Gonzales-Plumhoff, Assistant Research Analyst, Appropriations Committee, explained that the proposed strike-everything amendment to SB1179 expands the distribution of grant monies within the Law Enforcement and Boating Safety Fund, modifies the payment rate for approved medical claims paid by the counties with more than two million persons and exempts those counties from reimbursing the Department of Health Services (DHS) for the cost of commitment and treatment of sexually violent persons in Fiscal Year 2010-11 (Attachment 11).

Mrs. McLain stated that she has a request from Coconino County to be added to the Boating Safety Fund because they patrol Lake Powell. Chairman Biggs responded that he will be offering a verbal amendment to take that entire provision out of the strike-everything amendment.

Question was called on the motion that the four-page Biggs strike-everything amendment dated 3/30/10 be adopted (Attachment 10). The motion carried.

Vice-Chairman Burges moved that the 11-line Biggs amendment dated 3/31/10 be adopted (Attachment 12).

Mr. Gonzales-Plumhoff explained that the 11-line amendment is technical in nature and addresses errors in the definition of “departments” across statutes, and an issue with the Maricopa Medical Center.

Chairman Biggs stated that Maricopa Integrated Health Systems is now neutral on the bill because their issues have been addressed.

Question was called on the motion that the 11-line Biggs amendment dated 3/31/10 be adopted (Attachment 12). The motion carried.

Justin Riches, Majority Research Analyst, explained that the verbal amendment is a reference to page three of the strike-everything amendment, striking lines 1 through 12, eliminating section 4.

Chairman Biggs moved that the strike-everything amendment to SB 1179 be amended as follows:

Page 3, strike lines 1 through 12, renumber to conform.

Representative Lynne Pancrazi, testified that thousands of people visit sites along the Colorado River while the local sheriffs keep people safe and fire departments respond to their emergencies. Without these funds, the Colorado River will be left without safety personnel and create chaos. Representative Pancrazi went on to request that this portion of the bill be put back in.

Question was called on the motion that the strike-everything amendment to SB 1179 be amended as follows:

Page 3, strike lines 1 through 12, renumber to conform.

The motion carried.

Vice-Chairman Burges moved that SB1179 as amended do pass.

Lee Miller, Lobbyist, Maricopa County, testified in support of SB1179. Mr. Miller testified that for many years Arizona has regarded Maricopa County as a fiscal resource to address its own budget needs, and in that process the relationship has changed. Mr. Miller went on to state that Maricopa County is giving the state \$28.6 million as well as taking on 100 percent of the funding responsibility for their judges salaries. In return, Maricopa County will be allowed to opt-out of a cost-sharing relationship for incarcerating sexually violent individuals and that when the County is responsible for providing healthcare for an individual, the county will pay Arizona Health Care Cost Containment System rates.

Janet Mullen, Chief Legislative Liaison, Arizona Department of Health Services, testified in opposition to SB1179. Ms. Mullen testified that the fiscal impact to the Department of Health Services is roughly \$1.7 million of a total fund of \$9.8 million. Ms. Mullen went on to say that it is a very significant fiscal impact and that DHS is struggling to deal with it.

Eric Emmert, Yuma County, testified in support of SB1179. Mr. Emmert stated that he has no additional testimony but Lieutenant Simmons from Yuma County will testify on the bill.

Darren Simmons, Lieutenant, Yuma County Sheriffs Office, testified in support of SB1179. Mr. Simmons stated that he is responsible for the Water Safety Division and in 1981 the Legislature created the Water Safety Fund to provide grants to county boards for supporting law enforcement and water safety. The Water Safety Fund receives funds from the licensing of boats and watercraft to help local municipalities patrol and protect people along the Colorado River and Mr. Simmons is unhappy that the funds will be swept and given directly to the Department of Game and Fish.

Chairman Biggs asked where Mr. Simmons heard that the funds were being swept to fund the Department of Game and Fish. Mr. Simmons responded that he could not recall where he heard that but will get back to Chairman Biggs.

Mr. Simmons went on to say that Yuma County Depot Park was turned over to the city for administration, as well as Yuma Territorial Prisons, and they no longer have state parks in Yuma County. Losing the Water Safety Fund monies will result in cutting three positions; do away with the Boating Safety Unit, and leaving no legal presence in an area that has seen significant increases in recreational water use.

Chairman Biggs clarified that Mr. Simmons is for Yuma being added to the statute. Mr. Simmons responded that he is correct.

Vice-Chairman Burges announced the names of those who signed up as neutral on SB1179, but did not speak:

Todd Madeksza, Director of Legislative Affairs, County Supervisors Association
Warren Whitney, Deputy Secretary of State, Maricopa Integrated Health System
Michael Fronske, Assistant Deputy Director, Maricopa Integrated Health System

Question was called on the motion that SB1179 as amended do pass. The motion carried by a roll-call vote of 6-0-0-2 (Attachment 13).

Without objection, the meeting adjourned at 10:03 a.m.

Emilio Bascunan, Committee Secretary
May 13, 2010

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