

ARIZONA STATE SENATE

46TH LEGISLATURE
FIRST REGULAR SESSION

MINUTES OF COMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION

DATE: April 1, 2003 **TIME:** 1:30 p.m. **ROOM:** SHR 109

CHAIRMAN: Senator Binder **VICE CHAIRMAN:** Senator Jarrett

ANALYST: Kerri Morey **COMMITTEE SECRETARY:** Tracey Moulton
Sean Laux

INTERN: Summer Woodson **ASSISTANT ANALYST:** Tracey Landers

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Allen	X			HB 2088	DPA
Senator Arzberger	X			HB 2196	HELD
Senator Blendu		X		HB 2264	DPA
Senator Brown	X			HB 2287	DP
Senator Cannell	X			HB 2386	FAILED
Senator Jarrett, Vice Chairman	X			HB 2503	DPA
Senator Binder, Chairman	X			HB 2507	DP
				HJR 2001	DP

GOVERNOR'S APPOINTMENTS

<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
William C. Cordasco	Member, Arizona State Parks Board	RECOMMEND CONFIRMATION
Stephen Alan Owens	Director, Department of Environmental Quality	RECOMMEND CONFIRMATION
Kim Michael Vespoli	Member, Arizona Racing Commission	RECOMMEND CONFIRMATION
Geoffrey E. Gonsher	Director, Department of Racing	RECOMMEND CONFIRMATION
Charles L. Cahoy	Member, Arizona Water Banking Authority	RECOMMEND CONFIRMATION
John Mawhinney	Member, Arizona Water Banking Authority	RECOMMEND CONFIRMATION
Dr. Sharon B. Megdal	Member, Arizona Water Quality Appeals Board	RECOMMEND CONFIRMATION

Chairman Binder called the meeting to order at 1:45 p.m., and roll call was taken.

APPROVAL OF MINUTES

Chairman Binder moved the minutes of February 25, 2003, March 4, 2003 and March 11, 2003 be approved. Without objection, the minutes were approved as distributed.

EXECUTIVE NOMINATIONS

William C. Cordasco, Member, Arizona State Parks Board – RECOMMEND CONFIRMATION

Dora Vasquez, Governor’s Office, testified that the Governor is pleased to nominate William Cordasco to the Arizona State Parks Board. She stated that Mr. Cordasco would represent the livestock industry on the Board.

Senator Binder announced the individuals who registered their position on the nomination (Attachment A).

Senator Jarrett moved the Committee on Natural Resources and Transportation recommend to the full Senate the CONFIRMATION of William C. Cordasco as a Member of the Arizona State Parks Board. The motion CARRIED by a roll call vote of 6-0-1 (Attachment 1).

Stephen Alan Owens, Director, Arizona Department of Environmental Quality (ADEQ)– RECOMMEND CONFIRMATION

Stephen Owens, Director, ADEQ, distributed materials in a binder which included his background information, letters of supports of various business groups and stakeholder groups that he has been involved with for a number of years both in his current position at ADEQ and as a private practicing attorney (Attachment B). His verbatim testimony is included in the handout.

Highlights of his testimony:

Mr. Owens stated that he was honored when Governor Napolitano nominated him to begin service on January 6, 2003. He remarked that prior to his nomination he was an attorney for fourteen years in private law practice representing business clients in various business areas, including high technology companies, communications companies, mining companies, banks and financial institutions among others.

Mr. Owens commented that as evidenced in the letters of support, the experiences that he has had as a resident of Arizona have developed what he believed to be a reasoned approach and an understanding of the need for common sense pragmatic approaches to environmental regulation within the State. Additionally, this has given him an understanding of the need for consensus building and addressing fairly complicated environmental issues that arise in front of the ADEQ. He opined that a balanced perspective is needed for both environmental regulation and economic concerns that will work best in a rapidly growing and diverse state like Arizona. He stated that the ADEQ must protect the public health and environment, but at the same time, he opined that the agency must work

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hard to retain and attract businesses that will help the State continue to grow into the twenty-first century.

Mr. Owens remarked that open communications and enhancing relationships with the business community, as well as governmental, community, environmental and other stakeholder groups is the key for the agency to find ways to be more focused, efficient and responsive in serving the needs of Arizona.

Mr. Owens stated that he is committed to working closely with the Legislature in a bipartisan way to find a balanced approach to protecting public health and the environment for all the citizens of the State.

Senator Allen asked Mr. Owens how he thinks the permit process will be affected by the budget cuts ADEQ is suffering. Mr. Owens remarked that a number of meetings have already occurred with members of the business community, both in groups and individually regarding this issue. He stated that the agency is trying to work with representatives of the business community to ensure that as the agency moves forward, appropriate resources are devoted to help facilitate the permit reviews, especially with regard to the Arizona Pollutant Discharge Elimination System (AZPDES) program. He noted that this program is extremely important to the agency, as the agency was just delegated authority in early December 2002 to implement this program. He remarked that the agency is in something of a probationary period and he wants to make sure that the agency implements the program effectively and as responsibly as possible.

Senator Allen referring to the ozone problem that the State is facing, asked Mr. Owens what measures might the State have to take. Mr. Owens stated that other than the eight hour standard, which does not go into effect until next year, there really is no magic answer to this problem, but rather it is a lot of common sense solutions. He noted that one of the reasons the agency decided on the current process was to try to help people learn more about the requirements the State will have, i.e.: filling gas tanks in early morning or late evening, carpool more, telecommute more and other things that are aimed at reducing the number of vehicle miles that will be driven in Arizona as well as the amount of emissions, which is the single largest driving force in the creation of ground level ozone that cause many of the health problems that people face during the summer months. He stated that the agency wants to be as aggressive as it can as a State department in terms of educating residents, particularly of Maricopa County. He remarked that health warning statements or advising the public of when there are ozone alerts is part of the current solution.

Senator Allen asked Mr. Owens if he could run the ADEQ on the Joint Legislative Budget Committee (JLBC) budget recommendations, especially related to the Water Quality Assurance Revolving Fund (WQARF) program. Mr. Owens stated that the Governor's budget proposal appropriated \$5 million from the State general fund for the WQARF program. He stated that this would be enough to run the program for the next fiscal year. He stated that the \$5 million appropriation combined with additional monies that come into the WQARF program through other sources would give the agency roughly \$8 million.

Senator Allen stated that the Legislature has been told that 21% of the funding is going towards the administration of the Underground Storage Tank (UST) program. She asked what steps, if any, the agency was taking to address this situation. Mr. Owens remarked that during the three months of his being in office, a substantial amount of attention has been devoted to this issue. He stated that he

has been checking on the status of two pieces of the program, the State assurance fund (SAF) and the underground storage tank program. The State assurance fund is used to make reimbursements or payments for the actual clean ups. In addition, he noted that he has been reviewing the enclosure issue as well as inspections and other things of that nature. He stated that a number of alternatives are being reviewed to speed up reimbursement time. He remarked that there were some issues in terms of the way funds were being set aside under current law. He opined that the agency has begun to address this issue in terms of resolving a backlog and also opined that there will be positive things occurring on this issue. In addition, he commented that he has communicated to the program staff the need to be more expeditious in terms of reviewing not only the SAF applications for reimbursement, but the proposals for clean ups and closure of sites. He stated that it is his intention to continue meeting with stakeholders over the summer months.

Senator Jarrett noted that she met with Mr. Owens in January 2003 and they discussed the forest situation. She remarked that nothing is being done regarding cleaning up the forest. Mr. Owens commented that there are a number of issues associated with this situation. He stated that one of those issues is not within the realm of ADEQ, but rather they are involved with federal land, Bureau of Land Management lands, forest service lands or they involve State land and therefore fall under the jurisdiction of the State Land Department and the State Forester. He noted that in early February, he and the Governor went to Show Low, Arizona and participated in meetings and an event with the elected officials from that area. One of the purposes of the meetings was in regard to grant money that the State provided to an organization called Trees for the Rim, which is a re-forestation program for the areas that were devastated by the Rodeo-Chediski fire. In early March 2003, the agency also participated in the Governor's Forest Summit, held in Prescott, Arizona, at which, many of these issues were discussed. He stated that he anticipates that ADEQ will be a participant in whatever process the Governor sets up regarding removing the dead trees from the forest area destroyed in the Rodeo-Chediski fire.

Senator Jarrett asked Mr. Owens what changes he envisions taking place to ADEQ under his direction. Mr. Owens replied that in addition to the UST review, the agency is enhancing its outreach efforts and being more proactive in speaking with stakeholder groups and visiting people in communities outside of Maricopa County to have a better understanding of the problems that they are encountering.

Senator Binder announced the individuals who registered their position on the nomination in addition to **Jim Norton, BP/ARCD; Yvonne Hunter, Pinnacle West Capital Corporation/APS; Van Wolf, representing himself and Mike Keeling, Arizona Telecommunications Information Council** (Attachment A).

Senator Jarrett moved the Committee on Natural Resources and Transportation recommend to the full Senate the CONFIRMATION of Stephen Alan Owens as Director of the Arizona Department of Environmental Quality. The motion CARRIED by a roll call vote of 6-0-1 (Attachment 2).

Kim Michael Vespoli, Member, Arizona Racing Commission – RECOMMEND CONFIRMATION

Kim Michael Vespoli, remarked that he currently works for the United Food and Commercial Workers Unit Local 99 as their Director of Community Affairs. He has lived in Arizona for 27 years and has asked to serve on this Commission. He stated that he sees his role on the Commission as

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that of a regulator and opined that his experience of being a fair and impartial decision-maker will be an asset to the Commission.

Senator Binder announced the individuals who registered their position on the nomination (Attachment A).

Senator Jarrett moved the Committee on Natural Resources and Transportation recommend to the full Senate the CONFIRMATION of Kim Michael Vespoli as a Member of the Arizona Racing Commission. The motion CARRIED by a roll call vote of 6-0-1 (Attachment 3).

Geoffrey E. Gonsher, Director, Arizona Department of Racing – RECOMMEND CONFIRMATION

Geoffrey E. Gonsher, remarked that he is a Phoenix native, has obtained both of his degrees from Arizona State University and has spent the past thirty years in public service. Governor Napolitano is the fourth Governor that he has worked for and noted that he was honored that she has appointed him to serve in this position. He stated that this is a position that offers him the opportunity to work with an agency that requires management attention as well as an industry that requires economic attention. He stated that he was pleased to work with the Governor, the Legislature and the racing industry to achieve the goals that are the best for everyone.

Senator Binder announced the individuals who registered their position on the nomination (Attachment A).

Senator Jarrett moved the Committee on Natural Resources and Transportation recommend to the full Senate the CONFIRMATION of Geoffrey E. Gonsher as Director of the Arizona Department of Racing. The motion CARRIED by a roll call vote of 6-0-1 (Attachment 4).

Charles L. Cahoy, Member, Arizona Water Banking Authority – RECOMMEND CONFIRMATION

Charles L. Cahoy, stated that he is with the Mesa City Attorney's Office, received his law degree from the Arizona State University College of Law in 1985 and has spent his entire legal career practicing law in Arizona. He remarked that fifteen years of this has been in the practice of water law with the Arizona Department of Water Resources. He noted that he participated in the creation of the water bank and assisted in drafting the legislation that created the water bank in 1996, and since its creation, he has served as legal counsel up until his departure from ADWR in January 2003. He opined that his experience and background with the water bank has positioned him with an understanding of the issues and goals of the water bank.

Senator Binder announced the individuals who registered their position on the nomination (Attachment A).

Senator Jarrett moved the Committee on Natural Resources and Transportation recommend to the full Senate the CONFIRMATION of Charles L. Cahoy as a Member of the Arizona Water Banking Authority. The motion CARRIED by a roll call vote of 6-0-1 (Attachment 5).

John Mawhinney, Member, Arizona Water Banking Authority – RECOMMEND CONFIRMATION

John Mawhinney, stated that prior to his election to the State Senate in 1979, he was asked to serve on the Groundwater Commission that ultimately wrote the ground water code. He stated that he recently served on the Governor’s Water Management Commission that completed its work two years ago. He noted that he would be one of the few members that is not an attorney.

Senator Binder announced the individuals who registered their position on the bill (Attachment A).

Senator Jarrett moved the Committee on Natural Resources and Transportation recommend to the full Senate the CONFIRMATION of John Mawhinney as a Member of the Arizona Water Banking Authority. The motion CARRIED by a roll call vote of 6-0-1 (Attachment 6).

Dr. Sharon B. Megdal, Member, Arizona Water Quality Appeals Board – RECOMMEND CONFIRMATION

Dr. Sharon B. Megdal, stated that she is on the faculty of the University of Arizona and that she resides in Tucson. She noted that this is a re-appointment for this position, as she had served on the Board for a year.

Senator Binder announced the individuals who registered their position on the nomination (Attachment A).

Senator Jarrett moved the Committee on Natural Resources and Transportation recommend to the full Senate the CONFIRMATION of Dr. Sharon B. Megdal as a Member of the Arizona Water Banking Authority. The motion CARRIED by a roll call vote of 5-0-2 (Attachment 7).

CONSIDERATION OF BILLS

HB 2196 – pollution prevention; reporting date – HELD

Senator Binder announced that HB 2196 would be held.

HJR 2001 – Purple heart trail – DO PASS

Benjamin Wing, Appropriations Committee Intern, explained HJR 2001 designates the Arizona portion of Interstate Highway 40 from California to New Mexico as the “Purple Heart Trail.” The bill additionally provides that the Military Order of the Purple Heart Foundation must supply funding for the signage and maintenance thereof.

Tom Smith, former State Senator, testified that while he was in office he worked on similar legislation for a number of years as a memorial for the veterans who were wounded while in service.

Patrick Chorpensing, Director, Arizona Department of Veteran Services (ADVS), testified in support of the bill and remarked that this legislation is important to recipients of the Purple Heart. He stated that a significant amount of time was spent with ADOT to make sure that there was no cost to

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the State. Mr. Chorpenning remarked that the Purple Heart metal was the first military award that was created during the Revolutionary War, by General George Washington. He noted that this is a national movement to designate roads, including I-40, that connect through the states and end up at Mt. Vernon, the resting-place of George Washington.

Senator Binder announced the individuals who registered their position on the bill (Attachment A).

**Senator Jarrett moved HJR 2001 be returned with a DO PASS recommendation.
The motion CARRIED by a roll call vote of 6-0-1 (Attachment 8).**

HB 2386 – dangerous driving behavior; violation – FAILED

Sean Laux, Transportation Analyst, explained HB 2386 creates a new traffic offense that classifies drag racing (racing on highways), obstructing a highway or a violation of local ordinances regarding processions or assemblages on highways as dangerous driving behavior. The bill also allows law enforcement to tow a vehicle used in dangerous driving behavior to the nearest garage or place of safety if a local jurisdiction adopts an ordinance authorizing the removal of a vehicle whose operator has been cited for dangerous driving behavior.

Mr. Laux explained the 2-line Binder amendment dated 3/24/03, 12:21 p.m. makes a technical change, by striking a comma.

In response to Senator Arzberger, Mr. Laux explained that any assemblage of less than twenty vehicles traveling to a legitimate event is exempt from being considered being dangerous driving behavior. He stated that one of the triggers for dangerous driving behavior is obstructing highways.

Senator Binder announced the individuals who registered their position on the bill (Attachment A).

John Horton, representing himself, testified in opposition to the bill. He stated that he is a staff member and driving instructor for Arizona Sport Racing, which presently has 230 members and is President of the Desert Center Triumph Register of America, with 110 members. He noted that he is also on the board of a breakfast group of over 50 British car owners, a recent board member of the Arizona Automotive Hobbyist Council and a member of the Wheels of Britain, which has 165 members. He remarked that HB 2386 is too vague in a number of areas. The question of obstructing highways is only one issue of concern. He commented that any one of the organizations that he is involved with could easily be in violation of this legislation. He noted that there are already laws in statute regarding drag racing, obstructing traffic, road rage, and reckless driving. He opined that there are enough layers of laws defining dangerous driving behavior at law enforcement's disposal. He stated that law enforcement will likely testify that there is a problem that this legislation will address, but stated that he has not seen this problem. He commented that this is unnecessary legislation.

Louis "Linx" Wilder, representing himself, testified that he is a member of the Arizona Kit Car Club with 100 members and the club is one of approximately 5 clubs that are members of the Arizona Automotive Hobbyist Council. He opined that this legislation is vague. He stated that participation in parades is a large part of belonging to many organizations. Most of these activities are fundraisers for various charities, which occur several times a year. This legislation could place the vehicles of these members at risk of being towed, as a result of preparing for such events. He noted that these

organizations are committed to being safe drivers, good citizens, and taking part in preserving a part of American culture and heritage. He stated that his organization and others pledge to assist the Legislature in placing a good law on the books, but asked for the Committee to vote down this legislation.

Ray Houston, representing himself, stated that he lives in Glendale, Arizona and is an authorized lobbyist for the Modified Motorcycle Association. He stated that he realizes and appreciates the problems that are associated with HB 2386, such as cruising and drag racing situations are dangerous problems. He commented that educating these drivers would be more effective than towing their vehicles.

John Wayne Gonzales, City of Phoenix, remarked that all of the previous testimony is of people that are not causing the problem that HB 2386 will address. He explained that cruising in the cities of Maryvale and west Phoenix areas is causing traffic jams so dense that law enforcement, fire and emergency medical response teams cannot get into residential areas and residents cannot get out of their neighborhoods during these episodes. There are also other issues that accompany these situations. He stated that 14,000 civil citations were issued last year for violations of other laws in addition to cruising. He remarked that the City of Phoenix has committed to the residents of West Phoenix \$1 million in overtime, police costs and barricades just to handle this problem. This bill does not address what happens on State roads. He stated that the definition of highways in State law is "any road", but an offender must be within a city street, for this legislation to take effect. He stated that this legislation gives law enforcement a tool to address the bill.

Senator Brotherton, bill sponsor, commented that there is a problem of total traffic jams with cars in gridlock. He noted that this happened in his neighborhood near 19th Ave and Thomas due to the Arizona State Fair and the Maricopa County Fair. He stated that this happened twice a year in his neighborhood, but it happens more frequently in West Phoenix.

Senator Brotherton remarked that the penalty of towing was decided upon as the result of meetings held to address this problem between law enforcement officers, local governmental entities and citizens.

Lieutenant Jeff Alexander, Phoenix Police Department and is currently assigned to the Maryvale precinct and has dedicated a squad of officers and a Sergeant to impact this problem, as it has risen over the years to a degree that it is impacting the neighborhood in a negative way. He noted the following statistics in the Marvale Precinct only, by the cruising enforcement process, on an annual basis:

- 270 adult - felony arrests
- 800 adult - miscellaneous violations
- 45 juvenile felony arrests
- 560 juvenile misdemeanor arrests
- 550 curfew arrests
- 12,000 citations
- 80 drug offenses
- 22 armed robberies
- 52 aggravated assault arrests

- 75 sexual assaults
- 3 cruising and racing related homicides
- 350 DUI citations
- 600 towed vehicles
- and approximately 100 seized guns

Lt. Alexander stated that the only deterrent that the Phoenix Police Department has found slightly effective is seizing their vehicles.

Senator Jarrett moved HB 2386 be returned with a DO PASS recommendation.

Senator Jarrett moved the two-line Binder amendment dated 3/24/03 at 12:21 p.m. be ADOPTED (Attachment C). The motion CARRIED by a voice vote.

Senator Jarrett moved HB 2386 be returned with an AS AMENDED, DO PASS recommendation. The motion FAILED by a roll call vote of 0-6-1 (Attachment 9).

HB 2088 – well administration and enforcement – DO PASS AMENDED

Kerri Morey, Natural Resources and Transportation Committee Research Analyst, explained that a notice of intention to drill (NOI) must be filed with the Arizona Department of Water Resources (ADWR) before drilling, deepening or replacing wells outside active management areas (AMAs) and for exempt wells inside AMAs. All other wells (non-exempt wells) inside AMAs must obtain a well permit from ADWR. Currently, fees for NOIs and well permits for new or replacement wells are set by the Director of ADWR in rule and are deposited into the State general fund. HB 2088 is a Proposition 108 measure that establishes a \$50 filing fee for NOIs and for well permits. The fees are deposited in the newly non-appropriated well administration and enforcement fund for use by ADWR in administering and enforcing well regulations. She stated the Joint Legislative Budget Committee (JLBC) estimates that HB 2088 diverts \$55,000 annually from the State general fund.

Ms. Morey explained the 11-line Binder amendment dated 3/31/03, 2:06 p.m. increases NOI and permit filing fees to \$150 except that NOIs for small domestic wells outside of AMAs have the following fee schedule:

- \$50 until July 1, 2004
- \$75 from July 1, 2004 until July 1, 2005
- \$100 after July 1, 2005

Senator Binder announced the individuals who registered their position on the bill (Attachment A).

Senator Jarrett moved HB 2088 be returned with a DO PASS recommendation.

Senator Jarrett moved the 11-line Binder amendment dated 3/31/03 at 2:06 p.m. be ADOPTED (Attachment D). The motion CARRIED by a voice vote.

Senator Jarrett moved HB 2088 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by a roll call vote of 4-0-3 (Attachment 10).

HB 2264 – WQARF; technical correction (now: WQARF; remediation) – DO PASS AMENDED

Tracey Landers, Natural Resources and Transportation Committee Assistant Research Analyst, explained HB 2264 requires the Director of ADEQ to establish a minimum risk threshold for the addition of a site to the WQARF registry. HB 2264 also bases the transfer of funds from the WQARF to the water quality fund on a contract between the Director of ADEQ and ADWR. This bill also makes changes in the requirements for reports and registry public meetings. The bill also eliminates the WQARF annual reporting requirement.

Ms. Landers explained the 3-page Allen amendment dated 3/31/03, 12:15 p.m. restores the WQARF program annual report and includes in the annual report information that was previously in the WQARF quarterly report. The amendment eliminates the requirement for ADEQ to establish a minimum risk threshold for addition of a site to the WQARF site registry, requiring instead for the Board to prepare a report regarding reforms to the sites scoring. The amendment also makes other technical and conforming changes.

Jim Buster, Legislative Liaison, ADEQ, stated this legislation has been through many revisions in meetings with many stakeholders. He stated that this is a consensus bill at this time.

Senator Binder announced the individuals who registered their position on the bill (Attachment A).

Senator Jarrett moved HB 2264 be returned with a DO PASS recommendation.

Senator Jarrett moved the 3-page Allen amendment dated 3/31/03, 12:15 p.m. be ADOPTED (Attachment E). The motion CARRIED by a voice vote.

Senator Jarrett moved HB 2264 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by a roll call vote of 4-0-3 (Attachment 11).

HB 2287 – appropriations; border transportation – DO PASS

Sean Laux, Transportation Analyst, explained that according to statutory mandates, the Joint Legislative Review Committee on Transportation between Sonora, Mexico and Arizona met on December 2, 2002 to review the status of the safety enforcement and transportation infrastructure fund (SETIF) and make formal recommendations to the Legislature regarding the future use of the fund. This legislation is a result of the Committee's recommendation. HB 2287 appropriates \$1 million in FY 2003-2004 to ADOT from SETIF for specific transportation projects.

Senator Binder announced the individuals who registered their position on the bill (Attachment A).

Senator Jarrett moved HB 2287 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 4-0-3 (Attachment 12).

HB 2503 – bicycles; motor vehicle drivers – DO PASS AMENDED

Tracey Landers, Natural Resources and Transportation Committee Assistant Research Analyst, explained HB 2503 prescribes a civil penalty of \$250 for a motor vehicle violating the minimum three feet safe passing distance around bicycles and allows drivers to enter a two way left turn lane to provide the minimum three foot safe passing distance to bicycles.

Ms. Landers explained the 2-line Binder amendment prohibits a bicycle from traveling at a slow speed that impedes or blocks the normal movement of traffic.

Senator Binder announced the individuals who registered their position on the bill in addition to **Bill Lazenby, representing himself in support of the bill and Ellen Metz representing herself in support of the bill** (Attachment A).

Alberto Gutier, representing himself, testified in support of the bill and noted this is a problem of mutual respect for both bicyclists and motorists. He commented that bicyclists need to respect all the traffic laws and in return, motorists need to respect the rights of bicyclists, especially when riding in the bicycle lane.

Penny Allee Taylor, Specialist/Government Affairs, Southwest Gas, testified that Southwest Gas has six meter readers that ride bicycles. She stated that this legislation is necessary for the promotion of safety and to help decrease emissions. She asked the Committee to support the bill.

Senator Jarrett moved HB 2503 be returned with a DO PASS recommendation.

Senator Jarrett moved the two-line Binder amendment dated 3/31/03 3:51 p.m. be ADOPTED (Attachment F). The motion CARRIED by a voice vote.

Senator Jarrett moved HB 2503 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED by a roll call vote of 4-0-3 (Attachment 13).

HB 2507 – wildfires; fire bans; criminal penalties – DO PASS

Lace Collins, Judiciary Committee Assistant Research Analyst, explained HB 2507 establishes recklessly, knowingly, intentionally or with criminal negligence causing a fire on a wildland as a criminal offense and prescribes penalties ranging from a class 2 misdemeanor to a class 3 felony for violations. The bill also makes entering or refusing to leave a public building or public property in violation of an order or rule relating to the control of fires to be a class 2 misdemeanor.

Senator Binder announced the individuals who registered their position on the bill (Attachment A).

Senator Jarrett moved HB 2507 be returned with a DO PASS recommendation. The motion CARRIED by a roll call vote of 4-0-3 (Attachment 14).

Without objection, the meeting adjourned at 3:55 p.m.

Respectfully submitted,

Tracey Moulton
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room, 115.)