

(Draft - Awaiting Formal Approval)

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Thursday, May 31, 2012 – 9:00 a.m. – Room C445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Curtis Oda, House Chair
Sen. Mark B. Madsen
Sen. Benjamin M. McAdams
Rep. Neal B. Hendrickson
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Absent:

Sen. Gene Davis
Pres. Michael G. Waddoups
Speaker Rebecca D. Lockhart

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Stephenson called the meeting to order at 9:16 a.m.

MOTION: Rep. Hendrickson moved to approve the minutes of the January 13, 2012 meeting. The motion passed unanimously.

2. Potential Need for Rules Governing Equal Access Provided to Education Employee Associations in Utah Code Section 53A-3-426

Mr. Martell Menlove, Deputy Superintendent of Public Education, discussed the rules the State Office of Education currently has in place to ensure equal access to district employees and activities for all education employee associations, as required by statute. Mr. Menlove briefed committee members on the provisions of "R277-114 Corrective Action and Withdrawal or Reduction of Program Funds" and "R277-514 Board Procedures: Sanctions for Educator Misconduct," and a list of assurances completed annually by each district and charter school, but concluded that there is not a rule in place that fines an individual, a district, or a charter found in violation of statute as proposed by 2012 General Session S.B. 82, "Equal Access for Education Employee Association Amendments." Mr. Menlove said that the State Board of Education would be receptive to direction from the committee, and responded to questions.

Committee discussion followed.

Mr. Menlove said he was agreeable to asking the State Board of Education to add this issue to the list of assurances, if it is not already included.

Mr. Cory Holdaway, Director of Government Relations, Utah Education Association, spoke in favor of finding a solution to the issue prior to the next general legislative session.

3. R714-600 Performance Standards for Tow Truck Motor Carriers

Committee staff distributed "Towing Rotation Information."

Major Mike Kuehn, Deputy Superintendent, Utah Highway Patrol, briefed committee members on the issue. Major Kuehn discussed customer complaints and possible solutions.

Mr. Robert Thompson, Noordas Towing Company, discussed some of the concerns towing companies have and distributed a memo identifying issues his company would like to see addressed.

Ms. Sarah Russell, owner, Salt Lake Valley Towing, commented on the changes to the rotation agreements which the state has with the towing companies. Ms. Russell also discussed issues pertaining to zoning boundaries.

Lieutenant Mike McKay, Utah Highway Patrol, explained that zoning boundaries for towing companies are vital to the response time in an emergency situation.

Mr. Jason Lovato, Bailout Tow and Transportation, discussed the importance of communication between the truck driver and the dispatcher, particularly when a larger tow truck is needed, which may require more time to arrive at the scene of an accident.

Ms. LeeAnn Doppel, Ready Set Tow, suggested the rotation list be publically available, perhaps on the Internet, so that it is clear where a company is on the rotation.

Ms. Lisa Butcher, Mountain West Towing, commented on rotation agreements.

Mr. Steve Russell, Salt Lake Valley Towing, commented on the requirements a towing company must meet in order to be included on the rotation lists.

Sherriff Scott Carver, Salt Lake County Sherriff's Office, explained that every jurisdiction has a rotation list and schedule. Sheriff Carver stated that local companies provide more expeditious response time, which improves public safety.

Mr. Kuehn said that legislation might be needed to resolve concerns.

Mr. Ben Bolduc, Sergeant, Unified Police Department, commented on the allocation of fees for towing and storage.

Ms. Lana Taylor, Assistant Attorney General, Department of Public Safety, responded to committee members' questions concerning current administrative rules governing the towing industry.

No action was taken on this item.

4. Committee Business

The next meeting was scheduled for Monday, June 25, 2012, at 1:00 p.m.

5. Adjourn

Chair Stephenson adjourned the meeting at 11:48 a.m.