

**MINUTES OF THE HOUSE TRANSPORTATION  
STANDING COMMITTEE**  
Room C450, State Capitol, Utah State Capitol Complex  
February 26, 2009

MEMBERS PRESENT:           Rep. Bradley M. Daw, Chair  
                                  Rep. Julie Fisher, Vice Chair  
                                  Rep. Steven D. Clark  
                                  Rep. Tim M. Cosgrove  
                                  Rep. Janice M. Fisher  
                                  Rep. Wayne A. Harper  
                                  Rep. Lynn N. Hemingway  
                                  Rep. Kory M. Holdaway  
                                  Rep. Steven R. Mascaro  
                                  Rep. Ronda R. Menlove  
                                  Rep. Michael T. Morley  
                                  Rep. F. Jay Seegmiller  
                                  Rep. C. Brent Wallis

MEMBERS EXCUSED:         Rep. Bradley G. Last

STAFF PRESENT:            Leif Elder, Policy Analyst  
                                  Karen Mitchell, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Harper called the meeting to order at 8:07 a.m.

MOTION:     Rep. Wallis moved to approve the minutes of February 20, 2009 and February 24, 2009. The motion passed unanimously, with Rep. Clark, Rep. Daw, Rep. Julie Fisher, and Rep. Morley absent for the vote.

**H.B. 333     Motor Vehicle Impound Amendments (*Rep. C. Oda*)**

Rep. Oda introduced the bill to the committee.

MOTION:     Rep. Mascaro moved to amend the bill as follows:

*1. Page 1, Lines 21 through 23:*

21           ▶     provides that a vehicle is an abandoned vehicle if it is left in an impound yard,  
22     garage, or docking area for more than    ~~{ten}~~    thirty    days after certain notices have  
          been

23 provided;

= ▶ provides that a lienholder, a leasing company that legally owns the vehicle, or certain insurance companies are not subject to the penalty for abandoning a vehicle in an impound yard, garage, or docking area;

2. Page 1, Line 25:

25 private property or in an impound yard, garage, or docking area;

▶ establishes an affirmative defense to abandoning a vehicle in an impound yard, garage, or docking area;

3. Page 6, Lines 179 through 180:

179 (4) {A} (a) Except as provided in Subsection (4)(b), a person may not  
abandon a vehicle in an impound yard, garage, or docking area

180 by leaving the vehicle for more than {ten} thirty days in an impound yard,  
garage, or docking area after

4. Page 6, Line 182 through Page 7, Line 183:

182 lienholder of the vehicle.

(b) A person is not subject to a penalty for a violation described in Subsection (4)(a) if the person is:

(i) a lienholder;

(ii) a leasing company that legally owns the vehicle; or

(iii) an insurance company, if the insurance company is the registered owner of the vehicle as the result of a total loss settlement .

(c) It is an affirmative defense to a violation of Subsection (4)(a) if the person:

(i) has made a good faith attempt to recover the vehicle or surrender a clear title for the vehicle to the impound yard, garage, or docking area within the thirty day time period described in Subsection (4)(a); and

(ii) recovers the vehicle or surrenders a clear title for the vehicle to the impound yard, garage, or docking area within 40 days after notice has been provided under Section 41-6a-1406 or 72-9-603 to the registered owner and lienholder of the vehicle.

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The motion to amend passed unanimously, with Rep. Clark, Rep. Daw, Rep. Julie Fisher, and Rep. Morley absent for the vote.

Rep. Harper relinquished the chair to Rep. Daw.

Spoke to the bill: Kevin Park, Department of Motor Vehicles

Spoke for the bill: Steve Gary, AMS Towing  
Clay Hansen, Carstar  
Chris Purcell, State Farm Insurance  
Wayne Jones, Independent Auto Dealers Association

MOTION: Rep. Wallis moved to pass the bill out favorably as amended. The motion passed, with Rep. Clark, Rep. Harper, Rep. Holdaway, Rep. Mascaro, and Rep. Seegmiller voting in opposition. Rep. Cosgrove was absent for the vote.

### **H.B. 371      Transportation Governance (*Rep. W. Harper*)**

Rep. Harper introduced the bill to the committee.

MOTION: Rep. Harper moved to amend the bill as follows:

*1. Page 2, Lines 28 through 29:*

28    transportation {~~;~~} **and** the source of revenue for the additional funding  
allocation {~~;~~**and the number of**  
**29    projects to fund on the prioritized list** } ;

*2. Page 2, Lines 30 through 33:*

30            ▶    provides that the Department of Transportation may not delay a new  
transportation  
31    capacity project that was funded by the Legislature in an appropriations act **to a different**  
**fiscal year than programmed by the Transportation Commission** due to  
32    an unavoidable shortfall in revenues unless the project delays are prioritized and  
33    approved by the Transportation Commission;

3. *Page 2, Lines 37 through 38:*

37           ▶ provides that the Department of Transportation may not delay a Critical Highway  
38 Needs Fund project that was funded by the Legislature in an appropriations act to a  
different fiscal year than programmed by the Transportation Commission or

4. *Page 2, Lines 42 through 44:*

42           ▶ provides that the Transportation Commission shall prioritize and approve any  
43 Critical Highway Needs Fund project delays to a different fiscal year than  
programmed by the Transportation Commission due to an unavoidable shortfall in  
44 revenues for a project:

5. *Page 5, Lines 137 through 138:*

137           (2) (a) ~~{The}~~ For projects prioritized with funding provided under  
Section 72-2-124 and 72-2-125, the commission shall annually report to a committee  
designated by the  
138 Legislative Management Committee:

6. *Page 5, Line 146:*

146           (A) the amount of additional funding to allocate transportation; and

7. *Page 5, Lines 148 through 150:*

148           (2)(b)(ii)(A) ~~{; and~~  
149 ~~—(C) the number of projects to fund on the prioritized list presented under~~  
~~Subsection~~  
150 ~~(2)(a)(i)}~~ .

8. *Page 6, Lines 180 through 182:*

180           (6) (a) The department may not delay a new transportation capacity project that was  
181 funded by the Legislature in an appropriations act to a different fiscal year than  
programmed by the commission due to an unavoidable shortfall in revenues  
182 unless the project delays are prioritized and approved by the Transportation Commission.

9. *Page 9, Lines 264 through 266:*

264 (7) (a) Unless prioritized and approved by the Transportation Commission, the  
265 department may not delay a project prioritized under this section to a different fiscal  
year than programmed by the commission due to an unavoidable  
266 shortfall in revenues if:

10. Page 9, Lines 270 through 271:

270 (b) The commission shall prioritize and approve any project delays for projects  
271 prioritized under this section to a different fiscal year than programmed by the  
commission due to an unavoidable shortfall in revenues if:

The motion to amend passed unanimously, with Rep. Cosgrove absent for the vote.

Spoke to the bill: Carlos Braceras, Utah Department of Transportation

MOTION: Rep. Mascaro moved to pass the bill out favorably as amended. The motion passed with Rep. Holdaway voting in opposition. Rep. Cosgrove, Rep. Menlove, and Rep. Morley were absent for the vote.

**1st Sub. H.B. 370 Disabled Parking Violation Amendments (Rep. S. Mascaro)**

Rep. Mascaro introduced the bill to the committee.

MOTION: Rep. Mascaro moved to amend the bill as follows:

1. Page 1, Line 12:

12 This bill:  
= ► provides and amends definitions;

2. Page 2, Lines 28 through 29:

28 AMENDS:  
29 41-1a-414, as last amended by Laws of Utah 2003, Chapter 1  
= 67-19-3, as last amended by Laws of Utah 2006, Chapter 139

3. Page 3, Line 61:

61 for a person with a disability shall be fined not less than \$175.

= **Section 2. Section 67-19-3 is amended to read:**

**67-19-3. Definitions.**

As used in this chapter:

(1) "Agency" means any department or unit of Utah state government with authority to employ personnel.

= **(2) "Alternative State Application Program (ASAP)" means a program that allows hiring officials to appoint a qualified person with a disability to a career service position after successfully completing an appropriate on-the-job examination period without going through the competitive process.**

~~{(2)}~~ **(3)** "Career service" means positions under Schedule B as defined in Section 67-19-15.

~~{(3)}~~ **(4)** "Career service employee" means an employee who has successfully completed a probationary period of service in a position covered by the career service.

~~{(4)}~~ **(5)** "Career service status" means status granted to employees **∴**  
= **(a)** who successfully complete probationary periods for competitive career service positions ~~{(a)}~~ **∴ or**

= **(b) who are appointed to a position through the Alternative State Application Program (ASAP).**

~~{(5)}~~ **(6)** "Classified service" means those positions subject to the classification and compensation provisions of Section 67-19-12.

~~{(6)}~~ **(7)** "Controlled substance" means controlled substance as defined in Section 58-37-2.

~~{(7)}~~ **(8)** (a) "Demotion" means a disciplinary action resulting in a reduction of an employee's current actual wage.

(b) "Demotion" does not mean:

(i) a nondisciplinary movement of an employee to another position without a reduction in the current actual wage; or

(ii) a reclassification of an employee's position under the provisions of Subsection 67-19-12(3) and rules made by the department.

~~{(8)}~~ **(9)** "Department" means the Department of Human Resource

Management.

~~{(9)}~~ (10) "Disability" means a physical or mental disability as defined and protected under the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq.

~~{(10)}~~ (11) "Employee" means any individual in a paid status covered by the career service or classified service provisions of this chapter.

~~{(11)}~~ (12) "Examining instruments" means written or other types of proficiency tests.

~~{(12)}~~ (13) "Executive director," except where otherwise specified, means the executive director of the Department of Human Resource Management.

~~{(13)}~~ (14) "Human resource function" means those duties and responsibilities specified:

- (a) under Section 67-19-6;
- (b) under rules of the department; and
- (c) under other state or federal statute.

~~{(14)}~~ (15) "Market comparability adjustment" means a salary range adjustment determined necessary through a market survey of salary ranges of a reasonable cross section of comparable benchmark positions in private and public employment.

~~{(15)}~~ (16) "Probationary employee" means an employee serving a probationary period in a career service position but who does not have career service status.

~~{(16)}~~ (17) "Probationary period" means that period of time determined by the department that an employee serves in a career service position as part of the hiring process before career service status is granted to the employee.

~~{(17)}~~ (18) "Probationary status" means the status of an employee between the employee's hiring and the granting of career service status.

~~{(18)}~~ (19) "Temporary employee" means career service exempt employees on schedule AJ, AI, or AL under Section 67-19-15.

~~{(19)}~~ (20) "Total compensation" means salaries and wages, bonuses, paid leave, group insurance plans, retirement, and all other benefits offered to state employees as inducements to work for the state.

Renumber remaining sections accordingly.

The motion to amend passed unanimously, with Rep. Cosgrove, Rep. Harper, Rep. Holdaway, and Rep. Menlove absent for the vote.

Spoke for the bill:     Kris Fawson, Coalition for People with Disabilities  
                              Kent Sulser, Citizen

MOTION:     Rep. Hemingway moved to pass the bill out favorably as amended. The motion passed, with Rep. Daw, Rep. Harper, and Rep. Morley voting in opposition. Rep. Cosgrove and Rep. Holdaway were absent for the vote.

MOTION:     Rep. Julie Fisher moved to adjourn. The motion passed unanimously with Rep. Cosgrove and Rep. Holdaway absent for the vote.

Chair Daw adjourned the meeting at 9:48 a.m.

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Rep. Bradley M. Daw, Chair