

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Monday, September 8, 2008 – 9:00 a.m. – Room C445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Ben C. Ferry, House Chair
Sen. Gene Davis
Sen. Mike Dmitrich
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Excused:

Sen. Mark B. Madsen

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Esther Chelsea-McCarty, 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 Ferry called the meeting to order at 9:11 a.m.

MOTION: Rep. Newbold moved to approve the minutes of the August 11, 2008 meetings. The motion passed unanimously.

2. Board of Regents' Scholarship Program

Sen. Stephenson said several committee members still have concerns with R765-603 regarding the Board of Regents' Scholarship Program.

Rep. Newbold said that the rule seems to exclude students who have achieved higher levels in math and science classes from receiving the scholarship in favor of students who have reached specific math and science standards within specific years.

Rep. Moss requested changes in the rule so that those students who excel academically and who are on a rapid path to college are rewarded positively.

Rep. Holdaway commented regarding students who begin a foreign language prior to high school and do not qualify for the Regents' Scholarship because they took the courses too early.

Mr. David L. Buhler, Associate Commissioner of Higher Education, expressed appreciation for the input from committee members and said he would like to discuss with Sen. Hillyard some possible amendments to the Senator's 2008 General Session S.B. 180, "Regents' Scholarship Program," for the 2009 General Session, to address many of the issues that have been raised.

Ms. Melissa Miller Kincart, Associate Director, Utah Scholars and Regents' Scholarship Program, responded to questions from committee members.

Mr. Buhler distributed and reviewed "College Readiness Outlook: Utah's ACT Test Results for the Class of 2008." He also responded to questions from the Committee.

MOTION: Rep. Newbold moved that it is the intent of the Committee to place proposed rule "R765-603 Regents' Scholarship" on the list of rules to not reauthorize in the 2009 General Session if the Board of Regents makes the rule effective.

Chair Ferry said discussion on the motion would be held until a quorum was present.

Ms. Barbara Goff, Scholarship Coordinator, West Jordan High School, suggested changes to the scholarship requirements.

Chair Ferry asked Representative Newbold to restate her motion as a quorum was present. The Committee voted and the motion passed unanimously. Sen. Davis was absent for the vote.

3. R708-10 Classified License System

Mr. Hunsaker stated that "R708-10 Classified License System," which was distributed in the mailing packet, adds a new classification restriction code to the licensing requirements for a motorcycle operator.

Rep. Newbold explained that different classifications of licenses for vehicles are listed in statute and asked the Committee to consider whether the motorcycle classification restriction codes should be in statute as well, rather than in rule.

Ms. Nannette Rolfe, Director, Driver License Division (DLD), said the decision to leave the authority to issue endorsements for motorcycles in rule was made when 2008 General Session H.B. 72, "Motorcycle License and Endorsement Amendments," sponsored by Representative Paul A. Neuenschwander, was being considered.

Chair Ferry invited public comment.

Mr. Tom Howell, citizen, distributed "Administrative Rules Review Committee, R708-10 (No. 31436)," and stated that there is no need for the additional restrictions put in place by R708-10.

Mr. Hunsaker prepared and distributed "Motorcycle GDL and Licensing Systems," and pointed out that few states have a tiered motorcycle licensing system.

MOTION: Sen. Davis moved that the Committee refer "R708-10 Classified License System," to the Transportation Interim Committee for review and recommendation back to the Administrative Rules Review Committee.

Rep. Newbold asked if the motion could include a request that the Transportation Interim Committee consider whether to leave the authority to write rules with DLD or whether these changes should be made statutorily. Sen. Davis accepted Rep. Newbold's suggestion as part of his motion, and the motion passed unanimously. Sen. Stephenson was absent for the vote.

4. Towing Options for Vehicle Owners

Rep. Holdaway said the issue is whether a citizen may call a private towing company instead of using the companies on the state's rotation list. He suggested that a rule be written to address the issue.

Colonel Lance Davenport, Superintendent, Utah Highway Patrol, said he would have a rule prepared that addresses the issue.

5. Committee Business

The next meeting remains scheduled for September 22, 2008.

6. Adjourn

MOTION: Sen. Waddoups moved to adjourn the meeting. The motion passed unanimously. Sen. Stephenson was absent for the vote.

Chair Ferry adjourned the meeting at 11:32 a.m.