

**MINUTES OF THE
HOUSE POLITICAL SUBDIVISIONS
STANDING COMMITTEE
Room 450 State Capitol
February 14, 2012**

MEMBERS PRESENT: Rep. R. Curt Webb, Chair
Rep. Becky Edwards, Vice Chair
Rep. Johnny Anderson
Rep. Jack R. Draxler
Rep. James A. Dunnigan
Rep. Michael T. Morley
Rep. Jeremy A. Peterson
Rep. Dixon M. Pitcher
Rep. Marie H. Poulson
Rep. Stephen E. Sandstrom
Rep. Larry B. Wiley

MEMBER ABSENT: Rep. Jennifer M. Seelig

STAFF PRESENT: Mr. Joseph Wade, Policy Analyst
Ms. Karen Mitchell, Committee Secretary

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

Chair Webb called the meeting to order at 4:09 p.m.

MOTION: Rep. Draxler moved to approve the minutes of the February 13, 2012 meeting. The motion passed unanimously with Rep. Anderson, Rep. Edwards, Rep. Sandstrom, and Rep. Edwards absent for the vote.

1st Sub. H.B. 383 International Residential Code Amendments (Rep. J. Peterson)

This bill was heard on February 13, 2012.

MOTION: Rep. Peterson moved to reconsider action on 1st Substitute H.B. 383. The motion passed unanimously with Rep. Anderson, Rep. Edwards, Rep. Sandstrom, and Rep. Seelig absent for the vote.

Rep. Peterson introduced the bill to the committee.

MOTION: Rep. Wiley moved to pass 1st Substitute H.B. 383 out favorably. The motion passed unanimously with Rep. Anderson, Rep. Sandstrom, and Rep. Seelig absent for the vote.

MOTION: Rep. Peterson moved to place 1st Substitute H.B. 383 on the Consent Calendar. The motion passed unanimously with Rep. Anderson and Rep. Seelig absent for the vote.

H.B. 259 Municipal Administrative Proceedings Amendments (Rep. K. Powell)

Rep. Powell introduced the bill to the committee.

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

1. *Page 2, Lines 29 through 30:*

29 (1) A municipality may adopt an ordinance establishing an administrative proceeding to

30 review and decide a violation of a civil municipal ordinance.

(2) An ordinance adopted in accordance with Subsection (1) shall provide due process for parties participating in the administrative proceeding.

2. *Page 3, Lines 75 through 76:*

75 (ii) \$65 for an appeal of a municipal administrative determination { }+ in
 accordance with

76 **Section 10-3-703.7 { }+ .**

3. *Page 8, Line 219:*

219 (b) municipal administrative proceedings { }+ **in accordance with Section**
 10-3-703.7 { }+ .

The motion passed unanimously with Rep. Dunnigan and Rep. Seelig absent for the vote.

Spoke for the bill: Gary Crane, Utah League of Cities and Towns

MOTION: Rep. Edwards moved to pass H.B. 259 out favorably as amended. The motion passed unanimously with Rep. Dunnigan and Rep. Seelig absent for the vote.

H.B. 189 Asbestos Requirements (Rep. L. Wiley)

Rep. Wiley introduced the bill to the committee.

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

1. *Page 2, Lines 33 through 56:*

- 33 (1) The board may make rules in accordance with Title 63G, Chapter 3, Utah
34 Administrative Rulemaking Act:
- 35 (a) regarding the control, abatement, and prevention of air pollution from all sources
36 and the establishment of the maximum quantity of air contaminants that may be emitted
37 by any
38 air contaminant source;
- 38 (b) establishing air quality standards;
- 39 (c) requiring persons engaged in operations which result in air pollution to:
- 40 (i) install, maintain, and use emission monitoring devices, as the board finds
41 necessary;
42 (ii) file periodic reports containing information relating to the rate, period of
43 emission,
44 and composition of the air contaminant; and
- 43 (iii) provide access to records relating to emissions which cause or contribute to air
44 pollution;
- 45 (d) (i) implementing [15 U.S.C.A. 2601 et seq. Toxic Substances Control Act,
46 Subchapter H – Asbestos Hazard Emergency Response, and reviewing and approving];
47 (A) Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency
48 Response, 15 U.S.C. 2601 et seq.;
49 (B) 40 C.F.R. Part 763, Asbestos; and
50 (C) 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants,
51 Subpart M, National Emission Standard for Asbestos; and
52 (ii) { ~~governing~~ reviewing and approving } asbestos management plans
53 submitted by local education agencies under
54 [that act] the Toxic Substances Control Act, Subchapter II, Asbestos Hazard Emergency
55 Response, 15 U.S.C. 2601 et seq.;
- 55 (e) establishing a requirement for a diesel emission opacity inspection and
56 maintenance
57 program for diesel-powered motor vehicles;

2. *Page 5, Lines 130 through 145:*

- 130 (q) meet the requirements of federal air pollution laws;
- 131 (r) by rule, establish work practice, certification, and clearance air sampling
132 requirements for

- 132 persons who:
- 133 (i) contract for hire to conduct demolition, renovation, salvage, encapsulation work
134 involving friable asbestos-containing materials, or asbestos inspections[;] if:
135 (A) the contract work is done on a site other than a residential property with four or
136 fewer units; or
137 (B) the contract work is done on a residential property with four or fewer units
where a
138 tested sample contained greater than 1% of asbestos;
139 (ii) conduct work described in Subsection (3)(r)(i) in areas to which the general
public
140 has unrestrained access or in school buildings that are subject to the federal Asbestos
Hazard
141 Emergency Response Act of 1986;
142 (iii) conduct asbestos inspections in facilities subject to 15 U.S.C.A. 2601 et seq.,
143 Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response; or
144 (iv) conduct lead paint inspections in facilities subject to 15 U.S.C.A. 2601 et seq.,
145 Toxic Substances Control Act, Subchapter IV -- Lead Exposure Reduction;

3. *Page 6, Line 171 through Page 7, Line 183:*

- 171 (6) (a) The board may not require testing for asbestos or related materials on a
172 residential property with four or fewer units[-], unless:
173 (i) the property's construction was completed before January 1, 1981; or
174 (ii) the testing is for:
175 (A) a sprayed acoustical ceiling;
176 (B) transite siding;
177 (C) { ~~vinyl asbestos~~ ___ ~~vinyl~~ ___ floor tile;
178 (D) thermal-system insulation or tape on a duct or furnace; or
179 (E) vermiculite { ~~insulated-type~~ ___ ~~type insulation~~ ___ materials.
180 (b) A residential property with four or fewer units is subject to an abatement rule
made
181 under Subsection (1) ~~or (3)(r)~~ ___ if:
182 (i) a sample from the property is tested for asbestos; and
183 (ii) the sample contains asbestos measuring greater than 1%.

The motion passed unanimously with Rep. Draxler, Rep. Dunnigan, and Rep. Seelig absent for the vote.

MOTION: Rep. Poulson moved to pass H.B. 189 out favorably as amended. Rep. Seelig was absent for the vote.

MOTION: Rep. Wiley moved to place H.B. 189 on the Consent Calendar. The motion passed unanimously with Rep. Seelig absent for the vote.

H.C.R. 11 **Concurrent Resolution Recognizing the Sesquicentennial of the City of St. George** (*Rep. D. Ipson*)

Rep. Ipson introduced the resolution to the committee.

MOTION: Rep. Poulson moved to pass H.C.R. 11 out favorably. The motion passed unanimously with Rep. Seelig absent for the vote.

MOTION: Rep. Dunnigan moved to adjourn the meeting. The motion passed unanimously with Rep. Seelig absent for the vote.

Chair Webb adjourned the meeting at 4:51 p.m.

Rep. R. Curt Webb, Chair