

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

Wednesday, December 14, 2005 – 9:00 a.m. – Room W135 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Mike Dmitrich
Sen. Mark B. Madsen
Sen. Ed Mayne
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

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, copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ure called the meeting to order at 9:15 a.m.

MOTION: Rep. Gowans moved to approve the minutes of the November 22, 2005 meeting. The motion passed unanimously. Sen. Madsen, Rep. Holdaway, and Rep. Newbold were absent for the vote.

2. Administrative Rulemaking Act Requirements Related to the Governor's Office of Economic Development

Mr. Hunsaker explained that when H.B. 318, "Community and Economic Development Restructuring," 2005 General Session, went into effect, none of the rulemaking authority previously granted to the Department of Community and Economic Development was transferred to the Governor's Office of Economic Development.

Mr. Richard Bradford, Executive Director, GOED (Governor's Office of Economic Development), said the Office, like the former Department of Community and Economic Development, has little need for rulemaking.

Mr. Martin Frey, Managing Director, GOED, said it wasn't crucial for the GOED to have rulemaking authority, unless the Legislature authorized the department to issue a bond.

Sen. Stephenson asked staff to prepare for the next meeting a proposal of what would be needed to restore rulemaking authority to the GOED.

3. R277-705 Secondary School Completion and Diplomas

Ms. Allred said there is a statutory provision dealing with providing a basic high school diploma. She explained that the draft administrative rule, currently under consideration by the State Board of Education, provides a number of different types of high school diplomas, some which have additional requirements applied by rule.

Ms. Patti Harrington, Utah State Superintendent of Public Education, said they were seeking advice from the Committee. They don't want to negate opportunities for students. Ms. Harrington introduced Ms. Theurer.

Ms. Teresa Theurer, Chair, Utah State Board of Education, Curriculum Instruction, said the reason for the proposed rule change is a concern that students who receive an alternative diploma may not be able to qualify for funding for higher education.

Mr. Bill Evans, Assistant Attorney General, commented on the history of the proposed draft administrative rule changes.

Mr. Mark Spencer, Board of Regents, commented on the types of equivalency tests accepted for home schooled students to obtain their high school diplomas.

Ms. Carol Lear, Attorney, and Susan Loving, Transition Specialist, Utah State Office of Education, commented on exceptions for special education students.

Committee discussion followed.

MOTION: Sen. Stephenson moved that the Committee recommend the diplomas be printed without the designation on the regular diploma that the student has completed the basic school competency test, and that the word "basic" be deleted from the diploma title. The motion passed with Rep. Newbold voting in opposition.

MOTION: Sen. Stephenson moved that the Committee has determined that the draft of R277-705 dated December 6, 2005, does not comply with the statute regarding those students who do not pass the test. The motion passed unanimously.

4. Statutory Authority Granted to State Agencies to Establish Criminal Penalties by Rule

Mr. Hunsaker distributed and reviewed "Statutes of Agencies that Report Minimal Impact of Moving Penalties Into Statute OR Accept Possible Move and Raise No Major Concerns," and "Statutes Needing Additional Review Prior to Determining Whether to Recommend Moving Language from Rule to Statute."

Due to lack of time, this item will be placed on the agenda for the next meeting.

5. Committee Business

The next meeting was scheduled for Friday, January 13, 2006.

6. Adjourn

MOTION: Sen. Mayne moved to adjourn the meeting. The motion passed unanimously.

Chair Ure adjourned the meeting at 11:34 a.m.