

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Friday, January 20, 2006 – 12:00 p.m. – Room W135 House Building

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. David Ure, House Chair  
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

**Members Excused:**

Sen. Mike Dmitrich

**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](http://www.le.utah.gov).

**1. Committee Business**

Chair Ure called the meeting to order at 12:10 p.m.

**MOTION:** Rep. Gowans moved to approve the minutes of the January 13, 2006 meeting. The motion passed unanimously. Sen. Stephenson, Sen. Waddoups, Rep. Moss, and Rep. Newbold were absent for the vote.

**2. Draft Legislation, "Administrative Rules Procedures Amendments"**

Mr. Hunsaker distributed draft legislation "Administrative Rules Procedures Amendments."

**MOTION:** Sen. Madsen moved to accept draft legislation "Administrative Rules Procedure Amendments," as a committee bill with the following change: On line 119, delete "responded" and insert "formally denied the petition or initiated rulemaking proceedings." The motion passed unanimously. Sen. Stephenson, Sen. Waddoups, Rep. Moss, and Rep. Newbold were absent for the vote.

**3. Draft Legislation, "Administrative Rules Criminal Penalty Amendments"**

Mr. Hunsaker distributed draft legislation "Administrative Rule Criminal Penalty Amendments."

Ms. Lynn Solarczyk, Director of Legislative Affairs, Utah State Tax Commission, presented draft language to be added to the draft.

**MOTION:** Rep. Holdaway moved that the Committee adopt the addition suggested by Ms. Solarczyk as an amendment to draft legislation "Administrative Rule Criminal Penalty Amendments," as follows: After line 447 insert "encouraging or conspiring with an unlicensed person to solicit for prospective purchasers", and renumber the lines of the draft. The motion passed unanimously. Sen. Stephenson and Rep. Moss were absent for the vote.

Mr. David Hart, Executive Director, Capitol Preservation Board, proposed delaying action on the Board's criminal penalty statutes until the 2007 General Session because the board is currently undertaking a redraft of the rule language that the bill draft would transfer into statute.

**MOTION:** Sen. Waddoups moved that any language pertaining to the Capitol Preservation Board be deleted from draft legislation "Administrative Rule Criminal Penalty Amendments" and the deleted language in lines 627 through 638 be reinserted. The motion passed unanimously.

Ms. Ann Pedroza, Research Analyst, Money Management Council, proposed a change to the draft language and commented that the Council still needs to determine the specific fund where monies collected for civil penalty violations should be deposited.

**MOTION:** Sen. Waddoups moved that the Committee adopt the language change suggested by Ms. Pedroza to draft legislation "Administrative Rule Criminal Penalty Amendments," as follows: On line 506, delete "administrative fine" and insert "a civil penalty of". The motion passed unanimously.

**MOTION:** Rep. Holdaway moved to adopt draft legislation "Administrative Rule Criminal Penalty Amendments," as amended, as a committee bill. The motion passed unanimously.

#### **4. R23-1 Procurement of Construction**

Mr. Hunsaker distributed "R23-1 Procurement of Construction."

Mr. Kenneth Nye, Deputy Director, DFCM (Division of Facilities Construction and Management), explained that the increase in construction costs necessitates the need to increase the levels of construction contract amounts contained within the proposed rule.

#### **5. Board of Education Rulemaking Regarding Diplomas**

Ms. Patti Harrington, Utah State Superintendent of Public Education, distributed and reviewed "Exit Exams, Policy Brief," "State Funding for Remediation," "Subsection 53A-1-603," and "R277 Education, Administration."

Ms. Harrington and Ms. Carol Lear, Attorney, Utah State Office of Education, responded to questions from the Committee.

Committee discussion followed as to whether the rule language is in compliance with statutory language.

**MOTION:** Rep. Holdaway moved that the Committee recommend to the Chairs that a bill file be opened to change the language at issue in the statute. The motion passed unanimously. Rep. Newbold and Rep. Ure were absent for the vote.

**MOTION:** Sen. Madsen moved that the Committee reconsider its action on draft legislation "Administrative Rules Procedure Amendments." The motion passed unanimously. Rep. Ure and Rep. Newbold were absent for the vote.

**MOTION:** Sen. Madsen moved to amend draft legislation "Administrative Rules Procedure Amendments" as follows: On line 119, after "If the agency or board has not" delete "formally" and insert "provided the

petitioner written notice that the agency has". The motion passed unanimously. Rep. Newbold and Rep. Ure were absent for the vote.

**MOTION:** Sen. Madsen moved to adopt draft legislation "Administrative Rules Procedure Amendments," as amended, as a committee bill. The motion passed unanimously. Rep. Newbold and Rep. Ure were absent for the vote.

## **6. Committee Business**

Mr. Hunsaker distributed "Administrative Rules Review Committee Study Areas."

## **7. Adjourn**

**MOTION:** Sen. Waddoups moved to adjourn the meeting. The motion passed unanimously. Rep. Newbold and Rep. Ure were absent for the vote.

Chair Stephenson adjourned the meeting at 1:25 p.m.