

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, June 12, 2007 – 9:00 a.m. – Room W135 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Sen. Mark B. Madsen
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Merlynn T. Newbold

Members Excused:

Rep. Ben C. Ferry, House Chair
Sen. Mike Dmitrich
Sen. Ed Mayne
Rep. Carol Spackman Moss

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

1. Committee Business

Chair Stephenson called the meeting to order at 9:23 a.m.

MOTION: Rep. Holdaway moved to approve the minutes of the April 25, 2007 meeting. The motion passed unanimously.

2. R156-57 Respiratory Care Practices Act Rules (Existing Rule) – Definition of "Supervised" or "Supervising"

Mr. Hunsaker distributed "Selected Statutory/Rule Definitions of 'Supervision'" and introduced the issue.

Mr. F. David Stanley, Director, Division of Occupational and Professional Licensing (DOPL), said the division will review the use of "supervision" in agency statutes and rules to develop some standard types of definitions that would apply to different professions, and report to the Committee in October.

Ms. Anita Austin, Respiratory Care Board, DOPL, commented on the issue.

3. Committee Discussion: Projects for 2007

Mr. Hunsaker distributed and commented on "Criminal Penalty Statutes Yet to be Addressed."

The Committee discussed approaches to legislative consideration of these statutes.

MOTION: Rep. Gowans moved that the Committee direct staff to send letters to each interim committee that has oversight over agencies subject to statutes granting the agency authority to determine by rule what conduct constitutes a criminal penalty. The letter is to include a brief explanation of the Administrative Rules Review Committee action on this issue, and a request that the interim committee provide options for addressing concerns regarding the criminal penalty statutes. The motion passed unanimously.

Sen. Madsen introduced a brief discussion pertaining to interscholastic competition among students in Utah's schools.

Mr. Robert Baker, Chief Administrative Officer, Karl G. Maeser Preparatory Academy, said that their charter school will be opening in fall, 2007. Mr. Baker asked the Committee to review and assist in changing Alpine School District's policy which would deny students participation in sports for a boundary school while

attending Maeser Preparatory Academy. Mr. Baker responded to questions from the Committee and said he would attend the next meeting when this issue will be further discussed.

Ms. Kailin Tripp, prospective student of Carl G. Maeser Preparatory Academy, stated her desire to attend the school of her choice and still participate on the swim team for Lone Peak High School and work towards a sports scholarship for college, and responded to questions from the Committee.

5. Committee Business /Adjourn

The next meeting will be Monday, June 25, 2007 at 9:00 a.m. Another meeting was also scheduled for Monday, July 16, 2007.

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

Chair Stephenson adjourned the meeting at 10:33 a.m.