

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, November 27, 2007 – 9:00 a.m. – Room W135 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Ben C. Ferry, House Chair
Sen. Mike Dmitrich
Sen. Mark B. Madsen
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Carol Spackman Moss

Members Excused:

Rep. Kory M. Holdaway
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, a copy of related materials, and an audio recording of the meeting can be found at www.leg.utah.gov.

1. Committee Business

Chair Ferry called the meeting to order at 9:17 a.m.

Chair Ferry recognized the passing of Senator Ed Mayne, who had served on the Committee.

MOTION: Sen. Dmitrich moved to approve the minutes of the October 23, 2007 meeting. The motion passed unanimously.

2. Criminal Penalties

Mr. Hunsaker distributed and presented 2008 General Session draft legislation, "Administrative Rule Penalty Amendments," "Misdemeanor and Felony Statutory Grants and their Penalties," and "Additional Criminal Penalty Statutes."

Mr. Martin Bushman, Assistant Attorney General, representing the Division of Wildlife Resources, explained that defining penalties in rule for specific violations of the law have worked well for the Division in the past, and therefore he was concerned with the draft legislation as presented.

Mr. Bill Sinclair, Deputy Director, DEQ (Department of Environmental Quality), distributed "Criminal Penalties" and introduced Mr. Fred Nelson, Assistant Attorney General, representing DEQ.

Mr. Nelson gave a brief history of this issue within DEQ, and reviewed "Criminal Penalties." Mr. Nelson clarified some of the legal issues which raise concern about the draft legislation as presented.

Mr. Alan Hennebold, Deputy Commissioner, Utah Labor Commission, expressed concerns about the legislation with regard to the State Occupational Safety and Health Law.

Mr. Doug Springmeyer, Assistant Attorney General, Department of Health, commented on draft legislation and suggested changes to it.

Mr. Mark Payne, Director, Division of Substance Abuse and Mental Health, spoke to the draft legislation.

Ms. Heather Shilton, Assistant Attorney General, Division of Parks and Recreation, spoke to the draft legislation.

3. 2008 General Session draft legislation, "Impact of Administrative Rules on Small Businesses"

Rep. Stephen Clark introduced and presented the draft legislation.

Mr. Ken Hansen, Director, Administrative Rules, spoke to the draft legislation.

Mr. Springmeyer expressed concerns with the draft legislation.

Chair Stephenson asked that this issue be presented to the Committee again at a future meeting.

4. Committee Business

Future meetings were scheduled for December 12, 2007 and January 9, 2008.

5. Adjourn

Chair Ferry adjourned the meeting at 11:00 a.m.