

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Wednesday, June 4, 2008 – 2:00 p.m. – Room C445 State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. Ben C. Ferry, House Chair  
Sen. Gene Davis  
Sen. Mike Dmitrich  
Sen. Mark B. Madsen  
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, a 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 Stephenson called the meeting to order at 2:20 p.m.

**MOTION:** Rep. Moss moved to approve the minutes of the January 18, 2008 meeting. The motion passed unanimously.

**2. Rulemaking Required by 2008 General Session H.B. 354, "Appraisals for State Land Purposes"**

Mr. Hunsaker introduced the discussion by referring to 2008 General Session H.B. 354, "Appraisals for State Land Purposes," as contained in the mailing packet. Since H.B. 354 mandates administrative rulemaking, agencies required to make the rules must comply with the provisions of Subsection 63G-3-301(13), including a deadline for initiating rulemaking and a requirement to appear before the Administrative Rules Review Committee if the deadline is not met.

Kevin Carter, Director, School and Institutional Trust Lands Administration (SITLA), one of the agencies required by H.B. 354 to make rules, asked whether rulemaking is still required if his agency already has rules in place which fully implement the rulemaking requirements of the legislation.

Committee discussion followed and Mr. Carter responded to questions. Sen. Waddoups and Rep. Ferry concurred that SITLA has met the requirements of the bill.

Sen. Stephenson asked staff to study ways to verify whether administrative rulemaking authority required by a bill has already been exercised by a state agency, then report back in a future meeting.

Mr. Ken Hansen, Director, Division of Administrative Rules, volunteered to work with committee staff on an amendment to Subsection 63G-3-301(13) of the Administrative Rulemaking Act to exempt agencies from having to appear before the Administrative Rules Review Committee if the agency already has administrative rules in place in accordance with Subsection (13).

Mr. Lyle McMillan, Director, Right of Way and Property Management, Utah Department of Transportation (UDOT), said UDOT plans to make a minor modification to an existing rule due to the passage of H.B. 354.

Mr. Kent Beers, Assistant Director, Division of Facilities Construction and Management, said the division has drafted a set of rules to comply with H.B. 354 and expects to have the rulemaking process completed within two weeks.

Mr. Robyn Pearson, Deputy Director, Department of Natural Resources, said that their divisions involved in property purchases, sales, or exchanges, will have required rules in place within the time requirements of Subsection 63G-3-301(13).

### **3. State Board of Regents' Implementation of 2008 General Session S.B. 180, "Regents' Scholarship Program"**

Mr. Hunsaker introduced the issue and commented on provisions of 2008 General Session S.B. 180, "Regents' Scholarship Program," as contained in the mailing packet, which requires that policies be established to implement the scholarship program. Mr. Hunsaker reported that a draft "Policy R-609 – Regents' Scholarship," was also included in the mailing packet, and would be discussed.

Mr. Mike Jones, father of a Regents' Scholarship applicant, stated that since his daughter began math studies in seventh grade instead of eighth grade, she completed the math requirements by 11th grade and did not take math in 12th grade. However, to be eligible for the scholarship a student must take a 12th grade math class. He feels that his daughter is essentially being penalized for excelling.

Mr. David Doty, Assistant Commissioner, Utah System of Higher Education, presented background and discussed the provisions of S.B. 180. Responding to committee questions, Mr. Doty indicated that scholarships will go first to students that have clearly met every course requirement. Additional applications will then be looked at on a case by case basis. An appeals process is available.

Sen. Stephenson expressed concern with the scholarship process as described by Mr. Doty and asked that the Board of Regents review the issue and report to the committee within 60 days.

### **4. Division of Consumer Protection Implementation of 2007 General Session H.B. 402, "Pawnshop Transaction Information Amendments"**

Chair Stephenson invited Representative Rebecca D. Lockhart, sponsor of the bill, to sit at the table with committee members.

Mr. Hunsaker distributed 2008 General Session H.B. 192, "Property Transaction Amendments" and 2007 General Session H.B. 402, "Pawnshop Transaction Information Amendments" and a letter from the Utah Division of Consumer Protection to Valley Metals Inc., which were distributed in the mailing packet.

Mr. Kevin Olsen, Director, Division of Consumer Protection, reviewed the background of H.B. 402 and its impact on pawnshops. Mr. Olsen explained the process of identifying exceptions to the Pawnshop and Secondhand Merchandise Transaction Information Act, and the reason for the letter.

Rep. Lockhart commented on the intent of the bill. The Committee discussed the issue and Mr. Olsen responded to questions.

### **5. Committee Business**

Future meeting were scheduled for Tuesday, June 24 and Monday, July 28, 2008.

### **6. Adjourn**

**MOTION:** Rep. Holdaway moved to adjourn the meeting. The motion passed unanimously.

Chair Stephenson adjourned the meeting at 4:40 p.m.