

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Friday, January 16, 2009 – 9:00 a.m. – Room C445 State Capitol

**Members Present:**

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

**Members Excused:**

Sen. Gene Davis  
Rep. Kory M. Holdaway

**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 9:28 a.m.

**MOTION:** Rep. Moss moved to approve the minutes of the January 7, 2008 meeting. The motion passed unanimously.

**2. Teacher Salary Supplement Program**

Ms. Debbie Price, Human Resource Director, Compensation, Department of Human Resource Management, said that the department now recognizes teachers of career technical education physics and business math classes as eligible to participate in the Teacher Salary Supplement Program.

No action was taken on this issue.

**3. Statutes and Rules Governing Charter Schools: Potential Conflicts**

Sen. Stephenson asked whether charter school boards must provide recordings of their closed meetings, and documents distributed at the closed meetings, to the State Office of Education or the State School Board if a meeting was closed to discuss pending litigation.

Mr. Brian Allen, Chair, Charter School Board, said that he would support a third party determination of what should be done in those situations as they arise.

Mr. Larry Shumway, Deputy State Superintendent of Public Instruction, commented that the issue isn't exclusive to charter schools but to all agencies in similar circumstances.

**MOTION:** Rep. Ferry moved that a bill file be opened to prepare draft legislation to address the question posed by Sen. Stephenson. The motion passed unanimously.

Sen. Stephenson asked whether requiring that one member of a charter school's governing body be a parent, and 25% of a charter school board's membership be parents, goes beyond what is required by law.

Staff distributed an email from Mr. Lincoln Fillmore to Senator Stephenson in support of the charter school board membership requirement regarding parents.

Senator Brent H. Goodfellow expressed support for encouraging parental involvement in charter schools.

Mr. Shumway said the State Board of Education will make changes to the rule if the Committee feels changes should be made.

Ms. Kim Frank discussed alternative methods of meaningful parental involvement at charter schools.

Sen. Madsen said that he believes the rule goes beyond the statutory grant.

Ms. Carolyn Sharette, American Preparatory Academy, reported on the high rate of parental involvement in its schools and spoke in favor of amending the rule to remove parental representation requirements.

**MOTION:** Rep. Ferry moved to recommend that the Legislature sunset R277-470-12, Parts B and C. The motion passed with Rep. Gowans and Rep. Moss voting in opposition.

#### **4. Capitol Preservation Board: Rule Changes Regarding Catering at the Capitol Complex**

Mr. Dave Hart distributed draft "R131 Capitol Hill Complex Facility Use." The handout clarified rule changes regarding the providing of catering services in public areas of the capitol complex. Mr. Hart responded to committee questions.

Sen. Madsen said he supported the changes and expressed his appreciation for Mr. Hart's efforts.

#### **5. R28-2 Surplus Firearms: Proposed Amendments**

Ms. Margaret Chambers, Director, Fleet and Surplus Property, distributed "R28 Administrative Services, Fleet Operations, Surplus Property," and commented on changes to the rule, including the transfer of handguns to a firearms dealer so they can be resold.

Sen. Stephenson expressed appreciation for the rule changes. No action was taken on this item.

#### **6. Highway Patrol Rulemaking: Discretion for Accident Victim to Contact Preferred Towing Service**

Colonel Lance Davenport, Superintendent, Utah Highway Patrol, distributed "Draft Language for Administrative Rule Regarding Towing Services" and responded to questions from committee members. No action was taken on this issue.

#### **7. 2009 General Session draft legislation, "Administrative Rules Review Committee"**

Staff distributed 2009 General Session draft legislation, "Administrative Rules Review Committee."

Sen. Stephenson introduced the draft and explained that the bill would grant authority to the Committee to review whether appropriations made by the Legislature are used for the intended purposes.

Sen. Stephenson asked for a motion to amend 2009 General Session draft legislation, "Reauthorization of Administrative Rules," in light of the discussion of Agenda Item 3.

**MOTION:** Rep. Gowans moved to add R277-470-12, Parts B and C, as discussed earlier in the meeting, to 2009 General Session draft legislation, "Reauthorization of Administrative Rules," which was approved as a committee bill in the January 7 meeting. The motion passed unanimously.

**8. Committee Business/Adjourn**

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

Chair Stephenson adjourned the meeting at 12:00 p.m.