

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Thursday, October 6, 2011 – 2:00 p.m. – Room C445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Curtis Oda, House Chair
Sen. Gene Davis
Sen. Mark B. Madsen
Sen. Benjamin M. McAdams
Rep. Neal B. Hendrickson
Speaker Rebecca D. Lockhart
Rep. Carol Spackman Moss

Members Absent:

Pres. Michael G. Waddoups
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 Stephenson called the meeting to order at 9:28 a.m.

MOTION: Rep. Hendrickson moved to approve the minutes of the September 13, 2011 meeting. The motion passed unanimously. Speaker Lockhart was absent for the vote.

2. License Plate Scanning: Length of Data Storage

Rep. Oda introduced the issue.

Ms. Lynn Solarczyk, Director, Legislative and Government Affairs, Utah State Tax Commission, distributed "What Information is Stored?" Ms. Solarczyk introduced Mr. Kent Jorgensen and Mr. Curtis Stoddard, and noted that the Motor Vehicle Enforcement Division falls under the Tax Commission.

Mr. Curtis Stoddard, Assistant Director, Motor Vehicle Enforcement Division, briefed committee members about the license plate scanning program, and how the information obtained is used by law enforcement.

Mr. Kent Jorgensen, Director, Motor Vehicle Enforcement Division, responded to questions from the Committee about the benefits, frequency, and locations where the technology is used.

Sen. Stephenson asked if there should be a rule governing the process.

Ms. Allred commented that the Division could make rules that govern who has access to the database and for what period of time the data is kept since the Division is responsible for maintaining and securing it.

Ms. Solarczyk said she would talk with the Commission about the potential for rulemaking.

Rep. Lockhart asked what information is made available when a request is made through the Government Records Access and Management Act.

Ms. Solarczyk said she would look at that question, and would communicate with staff concerning the Division's discussion and progress in rulemaking as requested by the Committee.

3. Update: Reporting Requirements for Nursing Homes and Assisted Living Facilities

Mr. Nels Holmgren, Director, Division of Aging and Adult Services, distributed and reviewed suggested changes to Utah Code Section 62A-3-301, which more clearly define definitions used in the section.

Committee discussion followed and the Committee decided unanimously to send a letter to the chairs of the Health and Human Services Interim Committee to consider this issue in their November 2011 meeting, and to state in the letter that if their committee does not have the time, the Administrative Rules Review Committee will consider legislation to clarify the statute.

Rep. Moss said she was willing to sponsor the legislation.

No further action was taken on this item.

4. Charter School Agreement – Staff Analysis

Mr. Hunsaker noted that in the May 24, 2011 meeting, the Committee asked staff to do an analysis of the draft agreement between the State Charter School Board and Charter Schools.

Ms. Marlies Burns, Director, Charter Schools, State Office of Education, distributed "Charter School Agreement, Updated September 2011." Ms. Burns outlined the changes made in the agreement, and responded to committee members' questions about financial standards and accountability.

Dr. Martell Menlove, Deputy Superintendent of Public Instruction, indicated that according to the agreement, all annual financial reports for school districts in the state will be reviewed and any issues of concern would be referred to Ms. Burns or internal auditors.

No action was taken on this item.

5. Administrative Review Committee: "Overview of Statutory Duties"

Mr. Hunsaker distributed and reviewed "Administrative Rules Review Committee Assigned Study Areas" and "Administrative Rules Review Committee Statutory Charge, Rules, and Rulemaking."

The Committee discussed ways to provide information to legislators about the Administrative Rules Review Committee's function and the rulemaking process.

6. Committee Business

Mr. Hunsaker distributed a response letter dated October 4, 2011 from Mr. W. David Patton, Ph. D., Executive Director, Utah Department of Health (DOH), to the chairs of the Committee, which addressed the question raised at the previous meeting as to whether the DOH had followed proper rulemaking procedures in the preparation of amendments to R392-510 Utah Indoor Clean Air Act.

There was no discussion on the contents of the letter.

Two meetings were tentatively scheduled for November 1, 2011 and November 15, 2011, both to begin at 9:00 a.m.

7. Adjourn

MOTION: Sen. Davis moved to adjourn the meeting. The motion passed unanimously. Sen. McAdams and Speaker Lockhart were absent for the vote.

Chair Stephenson adjourned the meeting at 11:32 a.m.