

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Friday, January 13, 2012 – 9:00 a.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
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Absent:

Pres. Michael G. Waddoups
Speaker Rebecca D. Lockhart

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 Oda called the meeting to order at 9:26 a.m.

MOTION: Rep. Hendrickson moved to approve the minutes of the December 21, 2011 meeting. The motion passed unanimously.

2. Division of Services for People with Disabilities: Payments to Service Providers

Ms. Jenny Olds, Owner, Home Comfort Care, briefed committee members on the problems she has encountered recently in seeking payment for services rendered from the Division of Services for People with Disabilities.

Mr. Paul Smith, Director, Services for People with Disabilities, discussed what the division is doing to resolve the problems.

No action was taken on this item.

3. R277-419-5 Student Membership

Mr. Larry Shumway, State Superintendent of Public Instruction, indicated that in his view the provisions of 2011 General Session S.B. 65, "Statewide Online Education Program" do not require a student to drop released-time classes for religious education in order to enroll in online courses.

Committee discussion followed regarding education funding. Mr. Shumway suggested legislation to correct the bill so that a district or charter school, which has students in released-time and online classes without the corresponding reduction in service, has some support to pay for it.

4. High School Graduation Requirements – Eligibility

Committee staff distributed "Rule R277-700. The Elementary and Secondary School Core Curriculum."

Mr. Martell Menlove, Deputy Superintendent of Public Education, discussed possible solutions that he indicated the State Board of Education may be amenable to, which include a rule stating that upon completion of a particular course, like calculus, all high school graduation requirements in mathematics would be complete. He also discussed an option on the local level in which a district might allow a student to be enrolled in 8th and 9th grade at the same time so that high school credit could be received.

Committee discussion followed. No action was taken on this item.

5. 2012 General Session Draft Legislation, "Administration Rules Reauthorization"

Mr. Hunsaker referred committee members to 2012 General Session draft legislation, "Administrative rules Reauthorization" (2012FL-0709/002), which was distributed in the mailing packet.

Mr. Shumway responded to committee members' questions about clarifying language in "R277-419-5 Student Membership" to be consistent with statute.

MOTION: Rep. Newbold moved that the Committee include "R277-419-5 Part (E) Exceptions" for sunset in 2012 General Session draft legislation, "Administrative Rules Reauthorization" (2012FL-0709/002). The motion passed with Rep. Moss voting in opposition.

MOTION: Sen. Davis moved to recommend 2012 General Session draft legislation, "Administrative Rules Reauthorization" (2012FL-0709/002) as amended as a committee bill. The motion passed unanimously.

6. Reports: Delay in Filing Administrative Rules Required by 2011 General Session Legislation

Ms. Keely Cofrin Allen, Director, Office of Health Care Statistics, Department of Health, stated that the updated rule required by 2011 General Session H.B. 128, "Health Reform Amendments" should be in the Utah State Bulletin for review in February.

Mr. Kent Beers, Director, Division of Purchasing and General Services, discussed issues which slowed the rulemaking process required by 2011 General Session H.B. 476, "Procurement Code Amendments," and stated that the rule has been filed with the Division of Administrative Rules.

7. Committee Business

Committee staff distributed the memo, "January 1, 2012 Issue of the Utah State Bulletin with Administrative Rules Review Committee Reading Assignments," from Mr. Ken Hansen, Director, Division of Administrative Rules.

Mr. Hansen indicated that a program has been set up to generate the reports, which will correspond with the bimonthly issues of the Utah State Bulletin.

Committee members expressed appreciation to Mr. Hansen and the staff of the Division of Administrative Rules for their work on the reports, and discussed the usefulness and value of the reports to committee members.

Sen. Stephenson expressed interest in discussing administrative rules accessibility to the public during the 2012 interim.

8. Adjourn

Chair Oda adjourned the meeting at 11:28 a.m.