

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, November 14, 2000 - 9:00 a.m. - Room 303 State Capitol

Members Present:

Sen. Howard A. Stephenson,
Senate Chair
Sen. Mike Dmitrich
Sen. Eddie "Ed" P. Mayne
Sen. Howard C. Nielson
Rep. Judy A. Buffmire
Rep. John E. Swallow

Members Excused:

Rep. David Ure, House Chair

Members Absent:

Sen. L. Alma "Al" Mansell
Rep. James R. Gowans
Rep. Martin R. Stephens

Staff Present:

Mr. Arthur L. Hunsaker,
Research Analyst
Ms. Esther D. Chelsea-McCarty,
Associate General Counsel
Ms. Audrey Wendel,
Legislative Secretary

Note: A list of others present and copies of handouts distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of October 24, 2000 Minutes - Chair Stephenson called the meeting to order at 9:15 a.m. Due to the lack of a quorum, the October 24, 2000 minutes were not approved.

2. R512-1 Description of Division Services, Eligibility, and Service Access; and R512-41 Qualifying Adoptive Families and Adoptive Placement (Sen. Nielson) - Rep. Nora Stephens provided background information on the issue, noting that specific provisions of the rule no longer conform to statutory language. Ms. Janetha Hancock, Associate General Counsel, Office of Legislative Research and General Counsel, said that if a single person applying to adopt qualifies in every other way to adopt, a regional director's finding of best interest should not be an additional requirement, and stated that the finding of "best interest" is determined by the court.

Rep. Stephens recommended that the amendments to the conflicting rules be deleted and that there be inserted a clear and simple reference to the governing statute. Committee discussion followed.

Mr. Ken Patterson, Division of Child and Family Services, and Abel Ortiz, Deputy Director, Division of Child and Family Services, spoke before the committee. Ms. Hancock suggested that the division clarify that it's intent is to allow for a "best interest" finding in order to place a child with a single individual, in cases where both a married couple and a single individual qualify for adoption. Mr. Patterson agreed to make the adjustments suggested by Ms. Hancock.

2. R612-1-10 Permanent Total Disability - Bulletin, November 1, 2000, p. 18 (Sen. Stephenson) - Ms. Carrie Taylor, Attorney, pointed out her concerns with R612-1-10, and where she claims it deviates from the law. She distributed a handout titled, "R612-1-10. Permanent Total Disability." Mr. Hunsaker distributed written comments from concerned individuals that he

received via facsimile during the last week.

Mr. Alan Hennebold, Deputy Commissioner and General Counsel, Labor Commission, distributed a handout titled, "Statutory Text of 34A-2-413: Permanent total disability - Amount of payments - Rehabilitation" and presented the Labor Commission's views on the issues raised by Ms. Taylor. He pointed out that the commission inadvertently replaced "shall" with "may" in two instances. He agreed that these changes should be made to the next draft. Mr. Dennis Lloyd, Legal Counsel, Workers Compensation Fund, voiced approval of R612-1-10.

Ms. Taylor asked that the agreed-upon changes be made and brought back to another committee meeting in December.

MOTION: Sen. Mayne moved that the committee move to the next item on the agenda. The motion passed unanimously.

4. Draft Bill from Information Technology Commission - Mr. Ken Hansen, Director, Division of Administrative Rules, distributed the draft rule "Electronic Government Services Amendments - Administrative Rules and Procedures" and summarized the bill's intent. He specifically pointed out that the definition of "publication" has been broadened, as found on page 4, lines 111-112. He noted that page 11, lines 322-323 unintentionally refers to "publication" when it should say "printing and distribution." He said that he will present the proposed changes to the Public Utilities Committee in its November 15 meeting.

Rep. Buffmire pointed out that not all individuals have access to the internet, and asked if there is another method with which individuals may access this information. Mr. Hansen said that there is.

5. Committee Business

a. Meeting Schedule - The next meeting is scheduled for November 28, 2000 at 9:00 a.m. in room 305. A tentative meeting is scheduled for December 14, 2000, at 9:00 a.m. in room 305.

b. Items for Next Meeting

6. Adjourn

Due to the lack of a quorum, Chair Stephenson ruled the meeting adjourned at 11:00.