

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**

Tuesday, November 28, 2000 - 9:00 a.m. - Room 305 State Capitol

Members Present:

Sen. Howard A. Stephenson,
Senate Chair
Rep. David Ure,
House Chair
Sen. Mike Dmitrich
Sen. L. Alma "Al" Mansell
Sen. Eddie "Ed" P. Mayne
Sen. Howard C. Nielson
Rep. Judy A. Buffmire
Rep. James R. Gowans
Rep. Martin R. Stephens

Members Absent:

Rep. John E. Swallow

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 November 14, 2000 Minutes - Chair Stephenson called the meeting to order at 9:13 a.m.

MOTION: Sen. Nielson moved to approve the minutes of the October 24 and November 14, 2000 meetings. The motion passed unanimously with Rep. Ure absent for the vote.

2. R156-55b-102 Definitions (Existing Rule) (Sen. Mansell) - Mr. Gary Bowen, Director, Division of Occupational and Professional Licensing, discussed the background information to R156-55b-102, to reiterate the importance of amending the rule. He cited an example of a master electrician whose mistake in wiring a house resulted in the death of a home owner, and Mr. Craig Cottle, Division of Occupational and Professional Licensing, said if this can happen with a master electrician, it is even more likely to happen with an apprentice, particularly one who is not adequately supervised. Mr. Bowen said there is unanimity in the industry about the proposed rule, except for Mr. Christensen. Committee discussion followed.

Chair Stephenson asked how an apprentice can know he is in compliance if the rule vaguely refers to "reasonable time" when he is allowed to be out of immediate supervision. Mr. Bowen said that the rule is written vague to avoid unnecessary restrictions.

Mr. Arnold Christensen, Electrical Contractor, explained the reasons for the original rule. Mr. Robert Bergman, Director, Utah Mechanical Contractors Association, and Chairman, Utah Subcontractors Council, expressed his opposition to the rule and said that many in the industry feel the same way. Mr. Jeff Cutrer, Principal, Christensen Electric Incorporated, and Member, State Electrical Board, expressed concern with the proposed rule.

Sen. Mayne asked if there was reciprocity from other states. Mr. Cliff Howard, International Brotherhood of Electrical Workers Local 354, said there is reciprocity. Mr. Brad Stevens, Arco Electric, said the Bureau of Apprenticeship and Training Certificate is not as interchangeable as it may appear because not every state has reciprocity with Utah. Sen. Mayne said if Utah loosens its standards too much, surrounding states can choose not to honor that reciprocity with Utah. Mr. Dan Smith, Utah Pipe Trades Education Program, said that the plumbing program no longer has reciprocity with Idaho or Colorado. Mr. Walker said the rule is intended to address the statutory directive, passed during the 2000 General Session, to provide standards for supervision. Mr. Bergman said he feels the statute made the issue more clear, and that the division didn't like it.

Sen. Hellewell, plumbing contractor, said that he thought the plumbing issue was of concern as well. Chair Stephenson said only the electrical rule is on the sunset list at this time. Sen. Mansell clarified with Mr. Walker that the statute may need to be revisited.

3. Showing Changes in the Text of a Rule filed as a "Change in Proposed Rule" - Mr. Ken Hansen, Director, Division of Administrative Rules, distributed a handout titled "Public Safety, Law Enforcement and Technical Services, Regulatory Licensing" and presented his report on how to help those wanting to track changes to rules filed more than once. Rep. Buffmire made suggestions to clarify the wording of the revised note. Mr. Hansen accepted Rep. Buffmire's suggestions.

4. Draft Bill, "Reauthorization of Administrative Rules" - The committee reviewed the draft bill.

5. Committee Business

a. Future Meeting Dates - The next meeting is scheduled for December 14, 2000 at 9:00 a.m. in room 305.

b. Items for the Next Meeting - Rep. Buffmire requested that the rule on Mental Health Parity be put on the next meeting's agenda.

6. Adjourn

Due to the lack of a quorum, Chair Stephenson ruled the meeting adjourned at 10:52 a.m.