

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Wednesday, January 7, 2009 – 2:00 p.m. – Room C445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Ben C. Ferry, House Chair
Sen. Gene Davis
Sen. Mark B. Madsen
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Carol Spackman Moss
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 Ferry called the meeting to order at 2:17 p.m.

MOTION: Rep. Newbold moved to approve the minutes of the December 1, 2008 meeting. The motion passed unanimously.

2. Preparing Alcoholic Beverages in View of Minors

Sen. Waddoups explained that a growing number of restaurants are displaying, serving, and mixing alcoholic beverages in a bar setting that is visible to all members of the public.

Mr. Earl Dorius, Regulatory Director, Department of Alcoholic Beverage Control (DABC), and Mr. John Freeman, Deputy Director, DABC, distributed "History of Bars, Counter-Seating and Lounge Areas in Restaurants." Mr. Dorius reviewed the history and distributed and presented "Alcohol Serving Configurations." Mr. Dorius and Mr. Freeman responded to Committee questions regarding the definition of a bar, which they defined as a counter or similar structure where alcohol is stored, dispensed, or served.

There was committee discussion about the definition of "bar" in rule to conform to the statutory definition. Mr. Dorius agreed to make corrections and discuss the restaurant issue with members of the commission. No action was taken on this issue.

3. A. Administrative Rules Related to the Performance Audit of School Busing

Staff distributed "A Performance Audit of School Busing," prepared by the Office of the Legislative Auditor General.

Mr. Hunsaker said the audit recommended additional rulemaking.

Rep. Holdaway stated that he was also interested in the use of bus rental for non-pupil transportation, and the liability and any other legal concerns this would raise.

Mr. Larry Shumway, Deputy Superintendent, State Office of Education (SOE), said the Utah State Board of Education will be giving consideration to the first draft of a rule in February.

Mr. Todd Hauber, Associate Superintendent over Business Services, SOE, discussed some of the issues that will be addressed in the rule, including use of buses for non-school purposes, payment options for the use of the buses, and competition with the private sector.

B. GED Program and the Equivalency of GED and High School Diplomas

Mr. Shumway stated that rules on this issue will be considered by the Board this week for final adoption.

Rep. Holdaway said the issue is allowing students to test out of high school prior to the graduation of their class when graduation requirements continue to increase.

Ms. Brenda Hales, Associate Superintendent over Career and Technical Education, SOE, discussed SOE actions since an audit was completed in August 2008. She stated that if the rule passes its third reading this week, completion of the GED will result in receipt of a Utah High School Completion Diploma.

C. Teacher Salary Supplement Program

Sen. Stephenson introduced the issue. He asked why teachers are denied compensation for teaching courses that are part of Career Technical Education (CTE), when the courses require students to learn the same material as students in a regular class.

Ms. Debbie Price, Human Resource Director, Compensation, Department of Human Resource Management, stated that CTE courses were not included in the legislative fiscal note, therefore no funds have been appropriated for the payment of instructors. Responding to questions from the Committee, Ms. Price acknowledged that there was no specific language in the statute that disallowed payment to CTE course instructors.

Mr. Shumway commented on qualifying courses, and responded to questions from the Committee.

Sen. Stephenson asked that this discussion be continued at the next meeting. No action was taken on this issue.

4. Draft Legislation

MOTION: Sen. Davis moved to approve 2009 General Session draft legislation, "Reauthorization of Administrative Rules" as a committee bill. The motion passed unanimously. Rep. Holdaway was absent for the vote.

MOTION: Rep. Newbold moved to approve 2009 General Session draft legislation, "Administrative Rulemaking Act Amendments" as a committee bill. The motion passed unanimously. Rep. Holdaway was absent for the vote.

Rep. Ferry referred committee members to proposed legislation, "Draft Rulemaking Act Language Regarding Criminal Penalties," as distributed in the mailing packet and outlined the provisions of the draft. No action was taken on this issue.

5. Committee Business

The next meeting was scheduled for January 16, 2009.

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6. Adjourn

MOTION: Rep. Gowans moved to adjourn the meeting. The motion passed unanimously. Sen. Davis, Rep. Holdaway, and Rep. Moss were absent for the vote.

Chair Ferry adjourned the meeting at 4:28 p.m.