

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
October 12, 1999 - 9:00 a.m. - Room 305 - State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Cochair  
Sen. Howard C. Nielson  
Rep. Judy Ann Buffmire  
Rep. James R. Gowans  
Rep. Martin R. Stephens  
Rep. John E. Swallow

**Members Excused:**

Rep. David Ure, Cochair  
Sen. Mike Dmitrich  
Sen. Eddie "Ed" P. Mayne

**Members Absent:**

Sen. L. Alma "Al" Mansell

**Staff Present:**

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

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

**1. Call to Order and Approval of Minutes of Meeting Held September 14, 1999** - Chair Stephenson called the meeting to order at 9:10 a.m. In the absence of a quorum, the minutes of the September 14, 1999 meeting were not approved.

**2. Reports -**

**a. Lobbyist Disclosure Rules** - Amy Naccarato, Director of Elections, Lieutenant Governor's Office, distributed a handout titled "DRAFT OUTLINE Lieutenant Governor's Procedure for Regulation of Lobbyist Activities" from which she gave her presentation.

Brian Farr, Attorney General's Office, clarified that only criminal complaints are referred for prosecution to county criminal authorities. Civil complaints are dealt with by the Attorney General's Office.

Mr. Farr indicated that the penalty direction from statute seems inconsistent. He said that annual reports list expenditures for travel and other items. Rep. Stephens clarified that all expenditures must be recorded during the reporting period, and if it is over fifty dollars for one event lobbyists must report which public official they spent it on. Sen. Nielson suggested that the Speaker and President should be made aware of who can no longer lobby, and Rep. Stephens suggested that the information should be made available to the public.

Rep. Swallow asked if the use of the terms "civil fine" and "civil penalty" are meant to be different or are interchangeable. Mr. Farr said that another draft specifically addresses that. He said that when the prosecutor's office takes any action on the criminal side, no civil fine is imposed.

Rep. Gowans asked how often lobbyists must be licensed. Mrs. Naccarato said every two years. She also said that if a person is not being paid for services, they do not need to be licensed.

Rep. Stephens asked if there was a need for substantial clarification of the code. Ms. Naccarato said yes. Rep. Swallow expressed a willingness to be involved in preparing the issue for the session.

**b. Concealed Firearm Permit Renewal Process -** Joyce M. Carter, Section Supervisor, Bureau of Criminal Identification, said that they will resume sending out renewal notices and agreed to get a copy of the notice to staff. A handout was distributed titled "Bureau of Criminal Identification Firearms Section Situational Report 1996 vs. 1999."

Mr. Jamie Allred, Investigator, Department of Public Safety, said that after the last committee meeting the agency reorganized its efforts and decided to resume the notices, but that their workload concerns remain. Rep. Stephens said that he talked with Rep. Chard, who sponsored funding legislation for the department last year, and said that he thought the department was going to get the needed money to mitigate the financial concern. He said Rep. Chard is looking into the issue.

**3. R313-14 Violations and Escalated Enforcement (Existing Rule - Rep. Ure) - Brent Bradford, Deputy Director, Department of Environmental Quality -** Mr. Hunsaker, Research Analyst, summarized the issue. Brent Bradford briefly expressed the agency's view then turned the time over to Fred Nelson, Representative, Attorney Generals Office. Mr. Nelson explained the background for their interpretation that they can assess a per-day penalty for violations. He said it is not entirely clear in statute, but that they are comfortable with the legal argument they have made. They have enforced it for the last ten years.

Sen. Nielson expressed concern with the current situation and provided background on the failed legislation he sponsored in the 1999 General Session designed to remedy the problem.

Rep. Gowans asked if it is the department's intent to amend the statute in the 2000 General Session. Mr. Bradford said they had not talked about it.

**4. Committee business - Next meeting**

Rep. Buffmire expressed concern with the lack of committee attendance. Chair Stephenson suggested staff try to find a date when all legislators can attend. Committee discussion followed.

**5. Adjourn -** Sen. Stephenson, as chair, and in the absence of a quorum, ruled the meeting adjourned at 10:43 a.m.