

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Monday, July 16, 2001 – 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. Ed Mayne  
Rep. Judy A. Buffmire  
Rep. James R. Gowans  
Speaker Martin R. Stephens  
Rep. John E. Swallow

**Members Excused:**

Sen. Michael G. Waddoups  
President Al Mansell

**Staff Present:**

Mr. Arthur L. Hunsaker,  
Research Analyst  
Ms. Susan Creager Allred,  
Associate General Counsel  
Ms. Cassandra Bauman,  
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 Minutes**

Chair Ure called the meeting to order at 9:13 a.m.

**MOTION:** Sen. Mayne moved to approve the minutes of June 26, 2001. The motion passed unanimously with Rep. Buffmire absent for the vote.

**2. Division of Real Estate Interpretation of Section 61-2b-3(1) Regarding Appraisals**

Sen. Stephenson introduced the issue. He stated it was brought to his attention that individuals who are assisting citizens to appeal an appraisal decision are being restricted from doing so by the issuance of a cease and desist order from the Division of Real Estate. He expressed his concern that the division's rules aren't complying with the statute. He explained that when the Senate originally debated the current language of Subsection 61-2b-3(1), the intent was that the provisions would not restrict a citizen's ability to use a second party to assist in property tax appeals.

Ms. Shelley K. Wismer, Legal Counsel, Real Estate Division, and Mr. Dexter Bell, Director, Real Estate Division, explained that the plain language of the statute requires that the division issue a cease and desist order when an unlicensed individual is issuing an appraisal and collecting payment for doing so.

Mr. Stephen Preston expressed concern with the appraisal appeals process. He stated that the county has an advantage over taxpayers because the County Assessor makes a presumption of value and unless the taxpayer assesses the property and appeals within 45 days, the value is set and property taxes are calculated. He explained that an unlicensed appraiser is a valuable

resource to taxpayers.

Mr. Steven Klemm, S.D. Klemm and Associates, stated that the financial issues involved in property tax appraisal appeals are numerous and the assistance of a second party is of great importance.

Ms. Mary A. Peterson, American Association of Retired People, stated that the appraisal and the comparables are both important issues. She expressed support for an exemption for nonlicensed second party help.

Ms. Murleen Fillmore, tax representative, requested clarification of the Division of Real Estate's interpretation of the law. Speaker Stephens stated that the division is interpreting the statute correctly, as written. Sen. Stephenson concluded that, perhaps, an amendment to the statute would resolve the issue.

### **3. R501-12-8 Safety**

Ms. Reta Oram, Director, Office of Licensing, Department of Human Services, distributed a handout "Department of Human Services Foster Care Gun Safety Rule Review," including "Foster Care Gun Safety Policy Guidelines for Licensors." She explained that the Office of Licensing Board has been reviewing the rule and is proposing the changes contained in the handout.

Ms. Denell Bredsguard, Chair, Human Services Office of Licensing Board, stated that the draft rule does not have a negative impact on concealed firearm permit holders who apply to be foster parents.

Ms. Kit Hansen, Human Services Office of Licensing Board, explained the dangers of accessible guns to foster children. She stated that the gun needs to be locked up while in the home to ensure parent and child safety.

Mr. Ryan King expressed concern that the Office said that it didn't interpret the existing rule to have a negative impact on concealed firearm permit holders who apply to be foster parents, and that the rewrite can be interpreted the same way. He said that the only reason he was told he was denied as a foster parent was that he was a concealed firearm permit holder.

Mr. Dale King, attorney, expressed his concern that he also believes the rule can be interpreted to deny concealed firearm permit holders a foster care license. He asked for reassurance that the Kings would not be denied a license again. Ms. Oram stated that she could not make a statement concerning the matter. She said it was her understanding that the denial was based on other factors. She explained that the license has been formally denied, in both the office and in an appeal hearing. Committee discussion followed. Speaker Stephens expressed concern and requested that an effort be made to resolve the issue before it goes to court.

**4. Implementation of S.B. 48, 2001 General Session, Passenger Limitations for Young Drivers**

Ms. Judy Hamaker-Mann, Director, Driver License Division, stated that she has spoken with many agencies as well as individuals about opinions regarding what rules should be written for implementation and has concluded that administrative rules are not necessary to enforce the law. She concluded that perhaps time is the best test to measure what rules may be necessary.

Ms. Rolayn Fairclough, American Automotive Association Utah and president of the Coalition for Utah Traffic Safety, stated that the coalition had discussed a general letter that would explain the new traffic-related laws that have recently gone into effect. She explained that this would be a good way to inform law enforcement of what to look for when enforcing this and other new laws.

**5. Committee Business**

Mr. Hunsaker stated that the Australian Parliament of the state of Victoria will be meeting with members of the committee Friday morning, July 20, 2001 at 9:30 a.m. followed by lunch. He said that more information would be available later in the week from the Division of Administrative Rules, which is hosting the visitors.

**a. Date of Next Meeting**

Future meetings were scheduled for August 7, 2001 at 9:30 a.m. and August 28, 2001 at 9:00 a.m. in Room 305.

**b. Items for Next Meeting**

No additional items were discussed.

**6. Adjourn**

**MOTION:** Rep. Swallow moved to adjourn the meeting at 10:56 a.m. The motion passed unanimously with Rep. Buffmire absent for the vote.

