

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, May 7, 2002 – 9:00 a.m. – Room 305 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Ed Mayne
President Al Mansell
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Merlynn T. Newbold
Speaker Martin R. Stephens

Members Absent:

Sen. Mike Dmitrich
Rep. Judy A. Buffmire

Staff Present:

Mr. Arthur L. Hunsaker, Research Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary at 538-1032.

1. Call to Order and Approval of Minutes

Chair Stephenson called the meeting to order at 9:11 a.m.

MOTION: Rep. Ure moved to approve the minutes of the January 14, 2002 meeting. The motion passed unanimously.

2. R277-469. Instructional Materials Commission Operating Procedures

Speaker Stephens introduced the issue. He explained that he had noted conflicts between legislation and an implementing rule when reviewing the rules in the March 15, 2002 *Utah State Bulletin*.

Ms. Carol Lear, State Office of Education, distributed a revised working draft of R277-469 that is to address the conflict. She explained that the draft is an attempt to reconcile differences between the legislation in the 2001 General Session to the 2002 General Session. She indicated that the draft rule has not yet been rewritten to reflect changes made in the 2002 General Session.

Dr. Vicky Dawn, Director of Curriculum, explained differences between current practice and the legislation passed during the 2002 General Session.

Committee discussion followed.

President Mansell recommended that staff review the draft rule and report back to the Committee with any further conflicts.

3. R657-3. Collection, Importation, Transportation, and Possession of Zoological Animals

Mr. Jeffrey Mitchell, spokesperson, RANA (Reptile Amphibian Negotiation Association), indicated that problems arise in (1) enforcement, (2) interpretation, and (3) authorization of the rules which the DWR (Division of Wildlife Resources) has written. He explained provisions he feels conflict with the Utah Code and Constitution.

Mr. Kevin Conway, Director, DWR, provided background on the rule. He indicated that the DWR is working with Mr. Mitchell and they have reached some agreements.

Mr. Randy Radant, Aquatics Section Chief, DWR, explained the agency's reasoning behind the differences between statute and the rule.

Mr. Martin Bushman, Assistant Attorney General, indicated that the rule governing renewal of a certificate of registration is based on statute.

Committee discussion followed.

MOTION: Speaker Stephens moved that R657-3 be placed on the sunset list for the 2003 General Session unless it is rewritten to comply with statute.

SUBSTITUTE MOTION: Rep. Ure moved that R657-3 be placed on the sunset list and that a letter be written to the Natural Resources, Agriculture, and Environment Interim Committee recommending that R657-3-11(2)(c) be reviewed to determine an appropriate statutory change. The motion passed unanimously.

Mr. Richard Blair said commercialization of animals in Utah should be allowed.

Mr. Kerry Crowther, member of RANA, expressed appreciation for the DWR's willingness to work with RANA in addressing concerns with the rule.

4. Staff Report: Review of Rules-related Issues from the 2002 General Session

Mr. Hunsaker explained S.B. 170, "Reauthorization of Administrative Rules," which passed in the 2002 General Session. He indicated that the Judicial Conduct Commission rules were removed from the list of rules not to be reauthorized before the bill was passed because revisions were made to the rules. He indicated that H.B. 136, "Judicial Conduct Commission Amendments," was passed in the 2002 General Session, vetoed by the Governor, and then the veto was overridden by the Legislature in session during April 2002. He indicated that the Judicial Conduct Commission may need to make additional changes to the rules.

Mr. Hunsaker estimated that 46 bills passed during the 2002 General Session that either require agencies to write administrative rules or grant additional rulemaking power. Rep. Ure indicated that staff should contact agencies which are required to write rules based on legislation passed in the 2002 General Session to allow assistance with drafting rules.

Speaker Stephens suggested that staff "audit" the April 15, 2002 bulletin to ensure that the rules are in compliance with statute.

5. Committee Business

A. Future Meeting Dates

The next meeting of the Administrative Rules Review Committee is tentatively scheduled for Tuesday, May 28, 2002 at 9:00 a.m. Other meetings are tentatively scheduled for June 11 and June 25, 2002 at 9:00 a.m.

B. Items for Next Meeting

Rep. Ure expressed requested that staff review exemptions of farming vehicles from emission controls inspections. Mr. Hunsaker indicated that he is working with Ms. Jan Miller, Division of Air Quality, Department of Environmental Quality, on the issue.

6. Adjourn

MOTION: Rep. Gowans moved to adjourn the meeting. The motion passed unanimously. Chair Stephenson adjourned the meeting at 10:49 a.m.