

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
April 26, 1999 - 9:00 a.m. - Room 305 State Capitol

Members Present:

Sen. Howard A. Stephenson, Cochair
Rep. David Ure, Cochair
Sen. Mike Dmitrich
Sen. L. Alma "Al" Mansell
Sen. Eddie "Ed" P. Mayne
Sen. Howard C. Nielson
Rep. Judy Ann Buffmire
Rep. James R. Gowans
Rep. Martin R. Stephens
Rep. John E. Swallow

Staff Present:

Mr. Arthur L. Hunsaker,
Research Analyst
Ms. Esther D. Chelsea-McCarty,
Associate General Counsel
Ms. Barbara A. Teuscher,
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 April 7, 1999 - Chair Ure called the meeting to order at 9:10 A.M.

Sen. Stephenson moved that the minutes of the April 7 meeting be approved. The motion passed unanimously with Sen. Mansell and Rep. Swallow absent for the vote.

2. R523-1-19 Prohibited Items and Devices on the Grounds of Public Mental Health Facilities (Sen. Mayne and Rep. Buffmire) - Sen. Mayne and Rep. Buffmire introduced the issue. The committee discussed how the rule could best meet the needs of the public.

Jay Fox, Chair, State Board of Mental Health, provided background on the development of the rule. Meredith Alden, Director, Utah Division of Mental Health, explained that the mental health facilities covered by the proposed rule have more than one entrance, making it difficult to ensure that all weapons carried on to the premises by the public are properly stored. She also expressed concern with the provocative and unsafe environment created by individuals presenting weapons for storage in full view of those in the facility.

Rep. Stephens said no one on the committee appears to be opposed to banning weapons from mental health facilities. The concern is that those who have a concealed weapons permit and who take the bus or walk to the facility would be discriminated against because they have no car in which to store their weapon. Where are they supposed to keep their weapon? Ms. Alden said that, for all practical purposes, if the concealed weapon permit holder doesn't have a car in which to store the weapon, she would prefer that the individual keep the gun concealed.

Rep. Swallow suggested revising the rule to indicate that the facility in question is a "mental health facility" or "local comprehensive community health center" because the statute doesn't allow weapons at those facilities. He added that the rule should provide a weapons storage option. Ms. Alden did not oppose storage, but the producing of a weapon in public. Rep. Buffmire said she feels a way can be found to resolve the concerns, and the agency should come back with proposals to remedy the situation. Rep. Ure said the committee would schedule a time for the agency to visit with the committee in May to review their rule change proposal.

3. R277-455 Standards and Procedures for Building Plan Review (specifically 455-4 Criteria for Approval)(Rep. Ure) - Rep. Ure asked question about the prioritization of projects and who pays for the geological survey. Mr. Larry Newton, Specialist of Property Tax and School Facilities, State Office of Education, said the projects are prioritized at the local level by individual school boards and he processes the plans in the order he receives them. He added that the survey is performed free of charge. Sen. Nielson clarified that school boards do not pay because a supplemental appropriation is made to mitigate the cost. Rep. Ure also asked how school districts arrange for building inspections. Mr. Newton explained how inspectors are engaged at the district level.

Sen. Mansell asked Mr. Newton what his job is since he doesn't approve proposals and the local board doesn't have to follow his recommendations. Mr. Newton said he advises boards on the sizes and types of facilities they should build to meet their needs. Carol Lear, attorney, State Office of Education, said there is a lot of give and take and cooperation between their office and local boards and she could not recall a confrontational situation. Rep. Swallow asked how the office would feel about taking a more advisory role rather than supervisory. Ms. Lear said it is a direction the office has been taking for the past several years.

4. Criminal Penalties in Rules - The item was delayed until the next meeting.

5. Training (a): How to Review Rules - LeRay McAllister, former senate chair of the committee, gave committee members suggestions on what to look for when reviewing rules and ways to keep up with the flow of agency rulemaking in their assignment area. Sen. Stephenson demonstrated how committee members may choose to review rules.

(b) Committee Overview - Staff - the item was not addressed at the meeting.

6. Committee Business - the committee agreed to schedule meetings every second and fourth Tuesday. Committee members asked staff to research R590-102, R657-41, and R850-40-1600 (April 15 Utah State Bulletin) for placement on a future agenda.

7. Adjourn - Sen. Mansell moved to adjourn the meeting at 11:20 a.m. The motion passed unanimously with Reps. Stephens and Swallow absent.

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