

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
June 7, 2000 - 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. L. Alma "Al" Mansell  
Sen. Eddie "Ed" P. Mayne  
Sen. Howard C. Nielson  
Rep. Judy A. 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. Audrey Wendel,  
Legislative Secretary

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

**1. Call to Order and Approval of May 23, 2000 Minutes** - Rep. Ure called the meeting to order at 9:15 a.m.

**MOTION:** Sen. Dmitrich moved to approve the minutes of May 23, 2000. The motion passed unanimously, with Sen. Stephenson, Sen. Mansell, and Rep. Swallow absent for the vote.

**2. R317-4-5 Soil and Ground Water Requirements (Rep. Ure) (existing rule)** - Mr. Hunsaker distributed a handout titled, "R317-4-3 Onsite Wastewater Systems General Requirements" as supplementary information for the issue and clarified that the requirement of at least one percolation test per lot is in R317-4-3 (3.3)(K)(3). Mr. Leland Hogan, Constituent, expressed his concern with the timing of the required percolation test and the number of required tests. A test is now required for each lot earlier in the process than he feels it should be, and a second test is required later.

Mr. Jay Pitkin, Department of Environmental Quality, distributed a handout titled "Percolation Testing on Every Lot in the Subdivision R317-4, Onsite Wastewater Systems Rule, Utah Administrative Code." He explained the legal difficulties frequently faced by those who buy a lot only to discover later that they do not have adequate percolation compliance.

Rep. Stephens said the rule is aimed at protecting the consumer. He suggested that a "Buyer Beware" reminder written into contracts to purchase property is a better way to protect the consumer, rather than taking an action that will raise the price of each home because of the amount of the percolation test.

**MOTION:** Rep. Stephens moved to place R317-4-3 on the annual rule sunset list for the 2001 General Session, and to encourage the Health Department to meet with the Real Estate

Department to remedy the problem through changes to the standard real estate contracts and disclosures.

Rep. Gowans and Rep. Swallow expressed their support for the motion. Rep. Buffmire expressed her opposition to the motion.

Rep. Stephens added that if the department returns to the committee later in the year with a solution that is satisfactory to the committee, the issue can be removed from the sunset list.

The motion passed with Rep. Buffmire voting in opposition, and Sen. Mansell absent for the vote.

**3. Health-Related Legislation and Administrative Rules** - Sen. Nielson asked the department to report on the selected health legislation that passed during the 2000 General Session, and their implementation by rule. He asked the department to familiarize the committee with their plans for future discussion of health issues when the Health Policy Commission no longer functions.

Mr. Rod Betit, Executive Director, Department of Health, distributed a handout titled, "Utah Department of Health Testimony Administrative Rules Review Committee" from which he gave his presentation. He explained that the Health Policy Commission will be replaced with the Health Advisory Council (HAC). He said that the eleven nominees for the HAC will shortly be presented to the governor for consideration.

Mr. Mickey Braun, Assistant Commissioner of Insurance, Utah Insurance Department, referred to legislation relating to his department, and the timing of the publishing of rules based on H.B. 35, "Catastrophic Mental Health Coverage"; S.B. 50, "Grievance Review Process"; S.B. 108, "Diabetes Treatment and Management"; S.B. 164, "Medical Exclusions in Individual Policies"; H.B. 185, "Coverage of Emergency Medical Services"; and H.B. 186, "Health Insured's referred to Specialist Process." S.B. 95, "Access to Rural Health Facilities," does not require rulemaking.

Rep. Buffmire expressed her appreciation to the Health Policy Commission for all the positive services they have rendered. Sen. Mayne also thanked the department for their service. Committee discussion followed.

Sen. Nielson asked about inconsistencies he encountered in R434-20, published in the February 15, Utah State Bulletin. Mr. Doug Springmeyer, Department of Health, explained that if there are inconsistencies, they were unintentional. Sen. Nielson asked if the dental accreditation process is reliable in determining whether training programs in other parts of the world are comparable to the United States. Mr. Springmeyer said that they are. Sen. Nielson also asked questions regarding R414-304, an emergency rule published in the April 1 Bulletin, and R414-7A, a five-year rule continuation published in the January 15 Bulletin.

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**4. Committee Business** - The next committee meetings were scheduled for June 20, July 5, and July 25, at 9:00 a.m. in room 305, State Capitol.

**5. Adjourn** -

**MOTION:** Rep. Gowans moved to adjourn the meeting at 10:38. The motion passed unanimously, with Rep. Swallow and Sens. Mansell and Mayne absent for the vote.

