

# Examples of Broad Statutory Grants to Make Administrative Rules

(OLRGC - - 6/24/16)

## *Sample Broad Grants*

### Department of Agriculture and Food

4-2-2. Functions, powers, and duties of department -- Fees for services -- Marketing orders -- Procedure.

- (1) The department shall: . . .
  - (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **rules necessary for the effective administration of the agricultural laws of the state;**

### Department of Heritage and Arts

9-1-811. Rulemaking.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Heritage and Arts may make **rules to:**

- (1) **implement this part;** and
- (2) ensure the commission complies with the act and related federal requirements.

### State Board of Education

53A-1-401. Powers of State Board of Education -- Adoption of rules -- Enforcement -- Attorney.

(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make **rules to execute the board's duties and responsibilities under the Utah Constitution and state law.**

## Department of Human Services

62A-1-111. Department authority.

The department may, in addition to all other authority and responsibility granted to it by law:

- (1) **adopt rules, not inconsistent with law, as the department may consider necessary or desirable for providing social services to the people of this state; . . .**

## Utah Housing Corporation

63H-8-301. Corporation -- Powers.

The corporation has and may exercise all powers necessary or appropriate to carry out the purposes of this chapter, including:

- (1) **to have perpetual succession as a body politic and corporate, constituting a public corporation, and to adopt, amend, and repeal rules, policies, and procedures for the regulation of its affairs and the conduct of its business;**

## Department of Transportation

72-1-201. Creation of Department of Transportation -- Functions, powers, duties, rights, and responsibilities.

- (1) There is created the Department of Transportation which shall: . . .

- (h) **in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make policy and rules for the administration of the department, state transportation systems, and programs; . . .**

## *Grants to Implement a Code Title*

### Department of Health

26-1-5. Rules of department.

- (1) (a) Except in areas subject to concurrence between the department and a committee created under this title, the department shall have the power to adopt, amend, or rescind **rules necessary to carry out the provisions of this title.**

- (b) **If the adoption of rules under a provision of this title is subject to concurrence between the department and a committee created under this title and no concurrence can be reached, the**

department has final authority to adopt, amend, or rescind rules necessary to carry out the provisions of this title.

## Department of Insurance

31A-2-201. General duties and powers. . .

(3) (a) The commissioner may make **rules to implement the provisions of this title** according to the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

## Department of Financial Institutions

70C-8-102. Powers of department -- Conformity with federal law -- Reliance on rules.

(1) In addition to other powers granted by this title, the department, within the limitations provided by law, may:

(e) adopt, amend, and repeal **rules to supplement, interpret, or carry out the provisions of this title; . . .**

(2) The department may adopt **rules that supersede any provisions of this title that are or come into conflict with the Federal Consumer Credit Protection Act or its implementing Regulation Z** if the department:

(a) finds such a conflict to exist; and

(b) declares that the purpose of superseding this title is to resolve that conflict.

## Department of Veterans and Military Affairs

71-8-2. Department of Veterans' and Military Affairs created -- Appointment of executive director -- Department responsibilities. . .

(3) The department shall:

(e) adopt **rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **to carry out the provisions of this title.**

## *Grants to Implement a Chapter*

### Department of Agriculture and Food

4-3-2. Authority to make and enforce rules.

The department is authorized and directed, subject to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to make and enforce such **rules** as may in its judgment and discretion be necessary **to carry out the purposes of this chapter**.

### Department of Financial Institutions

7-2-19. Suspension of payments by institution -- Order of commissioner -- Approval of governor -- Period effective -- Exempt payments -- Operation during suspension -- Modification of orders -- Adoption of rules and regulations. . .

(6) The commissioner may, **if the governor approves**, prescribe such **rules and regulations** as he considers necessary **in order to carry out the provisions of this chapter**, and an order may be issued on such terms and conditions as may be incorporated in the order.

7-19-9. Commissioner's powers not limited -- Immunity -- Rules -- Reports. . .

(3) The commissioner may promulgate such **rules and regulations** as may be necessary **to implement this chapter**.

### Division of Arts and Museums

9-6-405. Procedures, guidelines, and rules. . .

(2) The division shall adopt procedures, guidelines, and **rules** as necessary **to implement this chapter and administer the program**.

### Division of Consumer Protection (defined as "administrator")

13-42-132. Powers of administrator. . .

(3) The administrator may adopt **rules to implement the provisions of this chapter** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

## Division of Occupational and Professional Licensing

15-9-103. Administration -- Rulemaking -- Service of process. . .

(1)(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make **rules necessary to implement this chapter.**

## Department of Health

26-4-22. Additional powers and duties of department.

The department may:

(1) establish **rules to carry out the provisions of this chapter;**

26-19-3. Program established by department -- Promulgation of rules. . .

(2) The department may promulgate **rules to implement the purposes of this chapter.**

26-21-6. Duties of department . . .

(2) The department may: . . .

(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make **rules as necessary to implement the provisions of this chapter.**

26-33a-104 (Health Data Committee) . . .

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the committee, with the concurrence of the department, may adopt **rules to carry out the provisions of this chapter.**

26-39-203. Duties of the Child Care Center Licensing Committee.

(1) The licensing committee shall: . . .

(b) **in concurrence with the department** and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make **rules necessary to carry out the purposes of this chapter that govern center based child care, in the following areas: . . .**

26-39-301. Duties of the department -- Enforcement of chapter -- Licensing committee requirements.

(1) With regard to residential child care licensed or certified under this chapter, the department may:

(a) make and enforce **rules to implement this chapter** and, as necessary to protect qualifying children's common needs for a safe and healthy environment, to provide for: . . .

(b) make and enforce **rules necessary to carry out the purposes of this chapter**, in the following areas: . . .

## Department of Insurance

31A-30-106. Individual premiums -- Rating restrictions -- Disclosure. . .

(1)(g)(i) The commissioner shall establish **rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **to:**

(A) **implement this chapter;** . . .

(ii) The rules described in Subsection (1)(g)(i) **may include rules that:** . . .

31A-30-106.1. Small employer premiums -- Rating restrictions -- Disclosure. . .

(14) (a) The commissioner shall establish **rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **to:**

(i) **implement this chapter;** and

(ii) assure that rating practices used by small employer carriers under this section and carriers for individual plans under Section 31A-30-106 are consistent with the purposes of this chapter.

(b) The **rules may:** . . .

31A-43-304. Administrative rules.

The commissioner may adopt administrative **rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **to:**

(1) **implement this chapter;** . . .

## Adjutant General, Utah National Guard

39-7-119. Rulemaking authority.

The Adjutant General may make **rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **to implement this chapter**.

## Labor Commission

40-2-104. Rulemaking authority.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make **rules** necessary **to implement this chapter**.

## Board of Oil, Gas, and Mining

40-8-6. Board -- Powers, functions, and duties.

In addition to those provided in Title 40, Chapter 6, Board and Division of Oil, Gas, and Mining, the board has the following powers, functions, and duties:

(1) To enact **rules** according to the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are reasonably necessary **to carry out the purposes of this chapter**.

## Motor Vehicle Enforcement Administrator

41-3-105. Administrator's powers and duties -- Administrator and investigators to be law enforcement officers.

The administrator may make **rules to carry out the purposes of this chapter** and Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

## Driver License Division

53-3-903. Motorcycle Rider Education Program. . .

(1)(b) The division shall make **rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **to implement this chapter**.

## Criminal Investigations and Technical Services Division

53-10-104. Division duties.

The division shall: . . .

- (13) make **rules to implement this chapter**;

## State Bureau of Investigation

53-10-302. Bureau duties.

The bureau shall: . . .

- (11) make **rules to implement this chapter**;

## Department of Public Safety

53-17-301. Cost-sharing agreements -- Deadlines -- Terms -- Reports -- Rulemaking . . .

- (5) The commissioner shall: . . .

(d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make **rules to implement this chapter**.

## State Board of Education

53A-15-301. Education programs for students with disabilities -- Supervision by the State Board of Education -- Enforcement. . .

(1)(c) The State Board of Education shall adopt **rules** consistent with applicable state and federal law **to implement this chapter**.

- (2) The rules adopted by the state board shall include the following: . . .

## Division of Real Estate

57-19-3. Rules.

The director may make, amend, and repeal **rules**, forms, and orders when necessary **to carry out the provisions of this chapter**.

## Labor Commission

57-21-8. Jurisdiction -- Commission -- Division. . .

(2) The commission may:

(a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt **rules** necessary **to administer this chapter**; . . .

## Division of Occupational and Professional Licensing

58-31c-103. Rulemaking authority.

The division may adopt **rules** necessary **to implement the provisions of this chapter**.

## Division of Occupational and Professional Licensing and 14 licensing boards

58-81-104. Volunteer health care practitioner license -- Waiver of fees -- Rulemaking authority. . .

(4) The division and board may adopt **rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **to**: . . .

(c) **implement the provisions of this chapter**.

## Real Estate Appraiser Licensing and Certification Board

61-2e-103. Rulemaking.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make **rules**, with the concurrence of the division, that are: . . .

(2) necessary **to implement this chapter**.

## Office of Recovery Services

62A-11-107. Director -- Powers of office -- Representation by county attorney or attorney general -- Receipt of grants -- Rulemaking and enforcement. . .

(8) The office may adopt, amend, and enforce **rules** as may be necessary **to carry out the provisions of this chapter**.

## Utah Energy Infrastructure Authority Board

63H-2-203. Powers of the board and authority – Officers . . .

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make **rules necessary to implement this chapter.**

## Utah Communications Authority Board

63H-7a-204. Board -- Powers and duties -- Strategic plan.

The board shall: . . .

(11) adopt **rules** consistent with this chapter and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **for the management of the public safety communications network in order to carry out the purposes of this chapter**, and perform all other acts necessary for the administration of the public safety communications network;

## Division of Land Management

63L-8-304. Enforcement authority.

(1) The director [see definition in 63L-8-102(4)] shall issue **rules as necessary to implement the provisions of this chapter with respect to the management, use, and protection of the public land and property located on the public land.**

## Utah Science Technology and Research Governing Authority

63M-2-302. USTAR governing authority powers and duties.

(1) The governing authority shall: . . .

(h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make **rules to implement this chapter.**

## Department of Corrections

64-9b-6. Rules.

The department is authorized to promulgate **rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary **to carry out the purposes of this chapter.**

64-13-10. Department duties -- Rulemaking authority. . .

(2) The department may make **rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **to carry out the provisions of this chapter.**

## Division of Forestry, Fire, and State Lands

65A-12-1. Authority of division to manage lands granted under the Carey Act.

The selection, management, and disposal of lands granted by Congress under the Carey Act is vested in the division, which is authorized to make **rules** and contracts necessary **to carry out the provisions of this chapter.**

## Division of Corporations and Commercial Code

70A-9a-526. Filing-office rules.

(1) The Division of Corporations and Commercial Code shall adopt and publish **rules to implement this chapter** that apply to a filing office described in Subsection 70A-9a-501(1)(b). The filing-office rules must be:

(a) consistent with this chapter; and

(b) adopted and published in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

## Department of Veterans' and Military Affairs

71-11-5. Operation of homes -- Rulemaking authority -- Selection of administrator.

The department shall, subject to the approval of the executive director: . . .

(d) make **rules to implement this chapter** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

## State Engineer

73-3c-302. Application to the state engineer. . .

(8) The state engineer may make **rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **to implement the provisions of this chapter.**

## Department of Corrections

77-41-104. Registration of offenders -- Department and agency requirements. . .

(7) The department may make administrative **rules** necessary **to implement this chapter**, including: . . .

## Attorney General

77-42-107. Department and agency requirements.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the attorney general shall make **rules** necessary **to implement this chapter**, including: . . .

## Board of the Utah Geological Survey

79-3-303. Responsibilities of board.

The board has the following responsibilities: . . .

(5) enact **rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are necessary **to carry out the purposes of this chapter**.