

ADMINISTRATIVE RULES REVIEW

COMMITTEE

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: David Ure

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; REDUCING THE NUMBER OF LEGISLATORS ON THE ADMINISTRATIVE RULES REVIEW COMMITTEE AND ADDING CITIZEN MEMBERS; MAKING TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63-46a-11, as last amended by Chapter 332, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63-46a-11** is amended to read:

63-46a-11. Administrative Rules Review Committee.

(1) (a) There is created an Administrative Rules Review Committee of ~~ten~~ EIGHT permanent members and four ex officio members.

(b) (i) The committee's permanent members shall be composed of ~~five~~:

(A) three members of the Senate, appointed by the president of the Senate~~[, and five]~~;

(B) three members of the House, appointed by the speaker of the House~~[, with no more than three senators and three]~~; and

(C) ~~four~~ TWO citizen members, ~~two~~ ONE appointed by the president of the Senate and ~~two~~ ONE appointed by the speaker of the House.

(ii) No more than two senators and two representatives may be from the same political party.

~~(ii)~~ (iii) The permanent members shall convene at least once each month as a committee to review new agency rules, amendments to existing agency rules, and repeals of existing agency

28 rules. Meetings may be suspended at the discretion of the committee chairs.

29 ~~[(iii)]~~ (iv) Members shall serve for two-year terms or until their successors are appointed.

30 ~~[(iv)]~~ (v) A vacancy exists whenever a committee member ceases to be a member of the

31 Legislature, or when a member resigns from the committee. Vacancies shall be filled by the

32 appointing authority, and the replacement shall serve out the unexpired term.

33 (c) When the committee reviews existing rules, the committee's permanent members shall

34 invite the Senate and House chairmen of the standing committee and the Senate and House

35 chairmen of the appropriation subcommittee that have jurisdiction over the agency whose existing

36 rules are being reviewed to participate as nonvoting, ex officio members with the committee.

37 (d) ~~[Three representatives and three senators from the]~~ § ~~[Six]~~ **FIVE** § permanent members are a

38 quorum for the transaction of business at any meeting.

39 (2) (a) Citizen members shall receive per diem and expenses incurred in the performance

40 of the member's official duties at the rates established by the Division of Finance under Sections

41 63A-3-106 and 63A-3-107.

42 (b) Legislators on the committee shall receive compensation and expenses as provided by

43 law and legislative rule.

44 ~~[(2)]~~ (3) Each agency rule as defined in Section 63-46a-2 shall be submitted to the

45 committee at the same time public notice is given under Section 63-46a-4.

46 ~~[(3)]~~ (4) (a) The committee shall exercise continuous oversight of the process of

47 rulemaking.

48 (b) The committee shall examine rules submitted by each agency to determine:

49 (i) whether or not they are authorized by statute;

50 (ii) whether or not they comply with legislative intent;

51 (iii) their impact on the economy and the government operations of the state and local

52 political subdivisions; and

53 (iv) their impact on affected persons.

54 (c) To carry out these duties, the committee may examine any other issues that it considers

55 necessary. The committee may also notify and refer rules to the chairmen of the interim committee

56 which has jurisdiction over a particular agency when the committee determines that an issue

57 involved in an agency's rules may be more appropriately addressed by that committee.

58 (d) In reviewing the rules, the committee shall follow generally accepted principles of

59 statutory construction.

60 [~~(4)~~] (5) The committee may request that the Office of the Legislative Fiscal Analyst
61 prepare a fiscal note on any rule.

62 [~~(5)~~] (6) In order to accomplish its oversight functions, the committee has all the powers
63 granted to legislative interim committees as set forth in Section 36-12-11.

64 [~~(6)~~] (7) (a) The committee may prepare written findings of its review of each rule and may
65 include any recommendations, including legislative action.

66 (b) The committee shall provide to the agency that enacted the rule:

67 (i) a copy of its findings, if any; and

68 (ii) a request that the agency notify the committee of any changes it makes in the rule.

69 (c) The committee shall provide a copy of its findings to any member of the Legislature
70 and to any person affected by the rule who requests a copy.

71 (d) The committee shall provide a copy of its findings to the presiding officers of both the
72 House and the Senate, Senate and House chairmen of the standing committee, and the Senate and
73 House chairmen of the Appropriation Subcommittee that have jurisdiction over the agency whose
74 rules are the subject of the findings.

75 [~~(7)~~] (8) (a) The committee may submit a report on its review of state agency rules to each
76 member of the Legislature at each regular session.

77 (b) The report shall include:

78 (i) the findings and recommendations made by the committee under Subsection [~~(6)~~] (7);

79 (ii) any action taken by an agency in response to committee recommendations; and

80 (iii) any recommendations by the committee for legislation.

81 Section 2. **Effective date.**

82 This act takes effect on July 1, 1999.

Legislative Review Note
as of 2-2-99 3:53 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel