

1 **ADMINISTRATIVE RULES REVIEW**

2 **COMMITTEE**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Howard A. Stephenson**

6 House Sponsor: Ben C. Ferry

7

8 **LONG TITLE**

9 **General Description:**

10 This bill allows the Administrative Rules Review Committee to review appropriations
11 made by the Legislature.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ allows the committee to review the use of funds appropriated by the Legislature to
15 ensure that any expressed legislative intent language is followed;
- 16 ▶ addresses the committee's use of interim committee rules; and
- 17 ▶ makes technical changes.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **63G-3-501**, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

27 Section 1. Section **63G-3-501** is amended to read:



28 **63G-3-501. Administrative Rules Review Committee.**

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

31 (b) (i) The committee's permanent members shall be composed of five members of the
32 Senate, appointed by the president of the Senate, and five members of the House, appointed by
33 the speaker of the House, with no more than three senators and three representatives from the
34 same political party.

35 (ii) (A) The permanent members shall convene at least once each month as a
36 committee to review new agency rules, amendments to existing agency rules, and repeals of
37 existing agency rules.

38 (B) Meetings may be suspended at the discretion of the committee chairs.

39 (iii) Members shall serve for two-year terms or until their successors are appointed.

40 (iv) (A) A vacancy exists whenever a committee member ceases to be a member of the
41 Legislature, or when a member resigns from the committee.

42 (B) Vacancies shall be filled by the appointing authority, and the replacement shall
43 serve out the unexpired term.

44 (c) When the committee reviews existing rules, the committee's permanent members
45 shall invite the Senate and House chairmen of the standing committee and the Senate and
46 House chairmen of the appropriation subcommittee that have jurisdiction over the agency
47 whose existing rules are being reviewed to participate as nonvoting, ex officio members with
48 the committee.

49 (d) Three representatives and three senators from the permanent members are a quorum
50 for the transaction of business at any meeting.

51 (2) Each agency rule as defined in Section 63G-3-102 shall be submitted to the
52 committee at the same time public notice is given under Section 63G-3-301.

53 (3) (a) The committee shall exercise continuous oversight of the process of rulemaking.

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

55 (i) whether [~~or not~~] they are authorized by statute;

56 (ii) whether [~~or not~~] they comply with legislative intent;

57 (iii) their impact on the economy and the government operations of the state and local
58 political subdivisions; and

59 (iv) their impact on affected persons.

60 (c) (i) To carry out these duties, the committee may examine any other issues that it
61 considers necessary.

62 (ii) The committee may also notify and refer rules to the chairmen of the interim
63 committee which has jurisdiction over a particular agency when the committee determines that
64 an issue involved in an agency's rules may be more appropriately addressed by that committee.

65 (d) In reviewing the rules, the committee shall follow generally accepted principles of
66 statutory construction.

67 (4) The committee may request that the Office of the Legislative Fiscal Analyst prepare
68 a fiscal note on any rule.

69 (5) In order to accomplish its oversight functions and its functions under Subsection
70 (8), the committee has all the powers granted to legislative interim committees as set forth in
71 Section 36-12-11.

72 (6) (a) The committee may prepare written findings of its review of each rule and may
73 include any recommendations, including legislative action.

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

75 (i) its findings, if any; and

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

77 (c) The committee shall provide its findings to any member of the Legislature and to
78 any person affected by the rule who requests the findings.

79 (d) The committee shall provide its findings to the presiding officers of both the House
80 and the Senate, Senate and House chairs of the standing committee, and the Senate and House
81 chairs of the Appropriation Subcommittee that have jurisdiction over the agency whose rules
82 are the subject of the findings.

83 (7) (a) The committee may submit a report on its review of state agency rules to each
84 member of the Legislature at each regular session.

85 (b) The report shall include:

86 (i) the findings and recommendations made by the committee under Subsection (6);

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

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

89 (8) (a) Independent of its power to review administrative rules, the committee may

90 review any appropriation made by the Legislature, whether in an appropriations bill or
 91 otherwise, to ensure that the entity to which the funds were appropriated complies with any
 92 ~~§~~→ [expressed] ←~~§~~ legislative intent concerning the appropriation ~~§~~→ expressed in the legislation
 92a appropriating the funds ←~~§~~ .

93 (b) If the committee finds that an entity has not complied with any ~~§~~→ [expressed] ←~~§~~
 94 legislative intent concerning an appropriation ~~§~~→ expressed in the legislation appropriating the
 94a funds ←~~§~~ , the committee shall report the finding to the
 95 Legislature's Executive Appropriations Committee.

96 (c) Before November 30, 2011, the committee shall review whether it is advisable to
 97 continue reviewing appropriations under this Subsection (8).

Legislative Review Note
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Office of Legislative Research and General Counsel