

HB0037S01 compared with HB0037

~~{deleted text}~~ shows text that was in HB0037 but was deleted in HB0037S01.

inserted text shows text that was not in HB0037 but was inserted into HB0037S01.

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Representative Curtis Oda proposes the following substitute bill:

REAUTHORIZATION OF ADMINISTRATIVE RULES

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: _____

LONG TITLE

~~{Committee Note:~~

~~— The Administrative Rules Review Committee recommended this bill.~~

~~{General Description:~~

This bill modifies provisions relating to the Administrative Rules Review Committee and provides legislative action regarding administrative rules.

Highlighted Provisions:

This bill:

- ▶ provides that the Division of Administrative Rules shall provide a copy of each issue of the bulletin to the Administrative Rules Review Committee;
- ▶ makes technical amendments to provisions relating to the Administrative Rules Review Committee; and
- ▶ reauthorizes all state agency administrative rules.

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Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

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

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

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

(1) (a) There is created an Administrative Rules Review Committee of the following 10 permanent members [~~and four ex officio members.~~]:

~~[(b)]~~ (i) [~~The committee's permanent members shall be composed of~~] five members of the Senate[;] appointed by the president of the Senate, no more than three of whom may be from the same political party; and

(ii) five members of the House[;] of Representatives appointed by the speaker of the House of Representatives, [~~with~~] no more than three [~~senators and three representatives~~] of whom may be from the same political party.

~~[(ii)]~~ ~~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 rules. Meetings may be suspended at the discretion of the committee chairs.]~~

~~[(iii) Members]~~ (b) Each permanent member shall serve:

(i) for a two-year [~~terms~~] term; or

(ii) until [~~their successors are~~] the permanent member's successor is appointed.

~~[(iv)]~~ (c) (i) A vacancy exists [~~whenever a committee~~] when a permanent member ceases to be a member of the Legislature, or when a permanent member resigns from the committee. [~~Vacancies shall be filled by the appointing authority, and the replacement shall serve out the unexpired term.~~]

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(ii) When a vacancy exists:

(A) if the departing member is a member of the Senate, the president of the Senate shall appoint a member of the Senate to fill the vacancy; or

(B) if the departing member is a member of the House of Representatives, the speaker of the House of Representatives shall appoint a member of the House of Representatives to fill the vacancy.

(iii) The newly appointed member shall serve the remainder of the departing member's unexpired term.

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

(d) (i) The president of the Senate shall designate a member of the Senate appointed under Subsection (1)(a)(i) as a cochair of the committee.

(ii) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (1)(a)(ii) as a cochair of the committee.

~~[(d)]~~ (e) Three representatives and three senators from the permanent members are a quorum for the transaction of business at any meeting.

(f) (i) Subject to Subsection (1)(f)(ii), the committee shall meet at least once each month to review new agency rules, amendments to existing agency rules, and repeals of existing agency rules.

(ii) The committee chairs may suspend the meeting requirement described in Subsection (1)(f)(i) at the committee chairs' discretion.

~~[(2) Each An agency shall submit a copy of each proposed rule as defined in Section 63G-3-102 shall be submitted to the committee at the same time the agency gives public notice is given under Section 63G-3-301.]~~

(2) The division shall submit a copy of each issue of the bulletin to the committee.

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

(b) The committee shall examine [rules] each rule submitted by [each] an agency to

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determine:

- (i) whether ~~[or not they are]~~ the rule is authorized by statute;
- (ii) whether ~~[or not they comply]~~ the rule complies with legislative intent;
- (iii) ~~[their]~~ the rule's impact on the economy and the government operations of the state

and local political subdivisions; and

- (iv) ~~[their]~~ the rule's impact on affected persons.

(c) To carry out these duties, the committee may examine any other issues that ~~[it]~~ the committee considers necessary. The committee may also notify and refer rules to the ~~[chairmen]~~ chairs of the interim committee ~~[which]~~ that has jurisdiction over a particular agency when the committee determines that an issue involved in an agency's rules may be more appropriately addressed by that committee.

(d) In reviewing ~~[the rules]~~ a rule, the committee shall follow generally accepted principles of statutory construction.

(4) When the committee reviews existing rules, the committee chairs shall invite the Senate and House chairs of the standing committee and of the appropriation subcommittee that have jurisdiction over the agency whose existing rules are being reviewed to participate as nonvoting, ex officio members with the committee.

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

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

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

(b) ~~[The]~~ When the committee reviews a rule, the committee shall provide to the agency that enacted the rule:

- (i) ~~[its]~~ the committee's findings, if any; and
- (ii) a request that the agency notify the committee of any changes ~~[it]~~ the agency makes

~~[in]~~ to the rule.

(c) The committee shall provide ~~[its]~~ a copy of the committee's findings, if any, to:

- (i) any member of the Legislature ~~[and to]~~, upon request;

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(ii) any person affected by the rule [who requests the findings.], upon request;

(iii) the president of the Senate;

(iv) the speaker of the House of Representatives;

(v) the Senate and House chairs of the standing committee that has jurisdiction over the agency that made the rule; and

(vi) the Senate and House chairs of the appropriation subcommittee that has jurisdiction over the agency that made the rule.

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

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

(b) The report shall include:

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

(ii) any action ~~[taken by]~~ an agency took in response to committee recommendations; and

(iii) any recommendations by the committee for legislation.

Section 2. **Rules reauthorized.**

All rules of Utah state agencies are reauthorized.

Section 3. **Effective date.**

If approved by two-thirds of all members elected to each house, this bill takes effect on May 1, 2015.

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Legislative Review Note

~~as of 1-15-15 1:07 PM~~

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~~Office of Legislative Research and General Counsel~~