

Rules Review and General Oversight Committee

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Emergency Rules: Attorney General's Office

R105-6. White Collar Crime Registry

Utah Code Ann. Section 13-39-203 requires the Attorney General's Office to implement the Child Protection Registry

In October 2024, the rules to implement the registry expired following a failure to complete the required five-year review

On May 21, 2025, the Attorney General's Office submitted an emergency rule to enact Utah Administrative Code R105-5

R105-5. White Collar Crime Registry

Utah Code Ann. Section 77-42-107 requires the Attorney General's Office to implement the Utah White Collar Crime Registry

In May 2025, the rules to implement the registry expired following a failure to complete the required five-year review

On May 21, 2025, the Attorney General's Office submitted an emergency rule to enact Utah Administrative Code R105-6



Emergency Rules: Division of Risk Management

R37-4. Limitations on Judgments

Utah Code Ann. Section 63G-7-605 requires the Division of Risk Management to enact rules updating the limits of judgment amounts under the Governmental Immunity Act on July of every even-numbered year

On May 15, 2025, the Division of Risk Management submitted an emergency rule to update Utah Administrative Code R37-4 establishing updated limits as of July 1, 2024



Review of Administrative Procedures Act

Mayhew v. Labor Commission

Committee Referral

Issue referred by the Judiciary Interim Committee to the Rules Review and General Oversight Committee.

“The Judiciary Interim Committee expressed concerns about the scope and authority of an administrative law judge to sanction a party under the Utah Administrative Procedures Act and would like the Rules Review and General Oversight Committee to look at this issue.”

Mayhew v. Labor Commission, 2024 UT App 81

Facts:

Mayhew filed an application for a hearing with an administrative law judge (ALJ) for the Utah Labor Commission.

Mayhew had a dispute with the ALJ where Mayhew and Mayhew's attorney filed motions and letters attacking the ALJ.

The Labor Commission dismissed one of Mayhew's claims because it was barred by the 12-year statute of repose.

Mayhew v. Labor Commission, 2024 UT App 81

The court of appeals ruled that the 12-year statute of repose did not apply.

The Labor Commission argued that it could still dismiss the case under Section 63G-4-206(2), which allows an ALJ to take “appropriate measures necessary to preserve the integrity of the hearing.”

Issue:

- Does the Labor Commission have authority to dismiss the claim as a sanction?

Mayhew v. Labor Commission, 2024 UT App 81

Court's Decision: The Labor Commission did not have inherent or statutory authority to sanction Mayhew for contempt by dismissing his claim.

Call for Legislative Action: "The Utah Legislature may want to consider broadening the power of the Commission and its officers to provide the specific authority to sanction as appropriate to preserve the integrity of an adjudicative proceeding generally."