

Effective 5/1/2024

63G-3-502 Legislative reauthorization of agency rules -- Extension of rules by governor.

- (1) All grants of rulemaking power from the Legislature to a state agency in any statute are made subject to the provisions of this section.
- (2)
 - (a) Except as provided in Subsection (2)(b), every agency rule that is in effect on February 28 of any calendar year expires on May 1 of that year unless it has been reauthorized by the Legislature.
 - (b) Notwithstanding the provisions of Subsection (2)(a), an agency's rules do not expire if:
 - (i) the rule is explicitly mandated by a federal law or regulation; or
 - (ii) a provision of Utah's constitution vests the agency with specific constitutional authority to regulate.
- (3)
 - (a) The Rules Review and General Oversight Committee shall have legislation prepared for the Legislature to consider the reauthorization of rules during its annual general session.
 - (b) The legislation shall be substantially in the following form: "All rules of Utah state agencies are reauthorized except for the following:".
 - (c) Before sending the legislation to the governor for the governor's action, the Rules Review and General Oversight Committee may send a letter to the governor and to the agency explaining specifically why the committee believes a rule should not be reauthorized.
 - (d) For the purpose of this section, the entire rule, a single section, or any complete paragraph of a rule may be excepted for reauthorization in the legislation considered by the Legislature.
- (4) The Rules Review and General Oversight Committee may have legislation prepared for consideration by the Legislature in the annual general session or a special session regarding any rule made according to emergency rulemaking procedures described in Section 63G-3-304.
- (5) The Legislature's reauthorization of a rule by legislation does not constitute legislative approval of the rule, nor is it admissible in any proceeding as evidence of legislative intent.
- (6)
 - (a) If an agency believes that a rule that has not been reauthorized by the Legislature or that will be allowed to expire should continue in full force and effect and is a rule within their authorized rulemaking power, the agency may seek the governor's declaration extending the rule beyond the expiration date.
 - (b) In seeking the extension, the agency shall submit a petition to the governor that affirmatively states:
 - (i) that the rule is necessary; and
 - (ii) a citation to the source of its authority to make the rule.
 - (c)
 - (i) If the governor finds that the necessity does exist, and that the agency has the authority to make the rule, the governor may declare the rule to be extended by publishing that declaration in the Administrative Rules Bulletin on or before April 15 of that year.
 - (ii) The declaration shall set forth the rule to be extended, the reasons the extension is necessary, and a citation to the source of the agency's authority to make the rule.
 - (d) If the legislation required by Subsection (3) fails to pass both houses of the Legislature or is found to have a technical legal defect preventing reauthorization of administrative rules intended to be reauthorized by the Legislature, the governor may declare all rules to be extended by publishing a single declaration in the Administrative Rules Bulletin on or before June 15 without meeting requirements of Subsections (6)(b) and (c).

Amended by Chapter 178, 2024 General Session