Effective 5/1/2024
Superseded 5/7/2025
36-35-102 Rules Review and General Oversight Committee.

(1)
(a) There is created a Rules Review and General Oversight Committee of the following 10 permanent members:
(i) 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, no more than three of whom may be from the same political party.
(b) Each permanent member shall serve:
(i) for a two-year term; or
(ii) until the permanent member's successor is appointed.
(c)
(i) A vacancy exists when a permanent member ceases to be a member of the Legislature, or when a permanent member resigns from the committee.
(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.
(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.
(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 and court rules, amendments to existing agency rules and court rules, and repeals of existing agency rules and court rules.
(ii) The committee chairs may suspend the meeting requirement described in Subsection (1)(f)(i) at the committee chairs' discretion.
(2) The office shall submit a copy of each issue of the bulletin to the committee.
(3)
(a) The committee shall exercise continuous oversight of the administrative rulemaking process under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and shall, for each general session of the Legislature, request legislation that considers legislative reauthorization of agency rules as provided under Section 63G-3-502.
(b) The committee shall examine each agency rule, including any agency rule made according to the emergency rulemaking procedure described in Section 63G-3-304, submitted by an agency to determine:
(i) whether the agency rule is authorized by statute;
(ii) whether the agency rule complies with legislative intent;

(iii) the agency rule's impact on the economy and the government operations of the state and local political subdivisions;
(iv) the agency rule's impact on affected persons;
(v) the agency rule's total cost to entities regulated by the state;
(vi) the agency rule's benefit to the citizens of the state; and
(vii) whether adoption of the agency rule requires legislative review or approval.
(c)
(i) The committee may examine and review:
(A) any executive order issued pursuant to Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act;
(B) any public health order issued during a public health emergency declared in accordance with Title 26A, Local Health Authorities, or Title 26B, Utah Health and Human Services Code; or
(C) any agency policy that:
(I) affects a class of persons other than the agency; or
(II) is contrary to legislative intent.
(ii) If the committee chooses to examine or review an order or policy described in Subsection (3)(c)(i), the agency that issued the order or policy shall, upon request by the committee, provide to the committee:
(A) a copy of the order or policy; and
(B) information related to the order or policy.
(d) The committee shall review court rules as provided in Section 36-35-103 and Section 36-35-104.
(4)
(a) To carry out the requirements of Subsection (3), the committee may examine any other issues that the committee considers necessary.
(b) Notwithstanding anything to the contrary in this section, the committee may not examine the internal policies, procedures, or practices of an agency or judicial branch entity.
(c) In reviewing a rule, the committee shall follow generally accepted principles of statutory construction.
(5) When the committee reviews an existing rule, the committee chairs:
(a) shall invite the Senate and House chairs of the standing committee and of the appropriation subcommittee that have jurisdiction over the agency or judicial branch entity whose existing rule is being reviewed to participate as nonvoting, ex officio members with the committee during the review of the rule; and
(b) may notify and refer the rule to the chairs of the interim committee that has jurisdiction over a particular agency or judicial branch entity when the committee determines that an issue involved in the rule may be more appropriately addressed by that committee.
(6) The committee may request that the Office of the Legislative Fiscal Analyst prepare a fiscal note on any rule or proposal for court rule.
(7) In order to accomplish the committee's functions described in this chapter, the committee has all the powers granted to legislative interim committees under Section 36-12-11.
(8)
(a) The committee may prepare written findings of the committee's review of a rule, proposal for court rule, policy, practice, or procedure and may include any recommendation, including:
(i) legislative action;
(ii) action by a standing committee or interim committee;
(iii) agency rulemaking action;

(iv) Supreme Court rulemaking action; or
(v) Judicial Council rulemaking action.
(b) When the committee reviews a rule, the committee shall provide to the agency or judicial branch entity that enacted the rule:
(i) the committee's findings, if any; and
(ii) a request that the agency or judicial branch entity notify the committee of any changes the agency or judicial branch entity makes to the rule.
(c) The committee shall provide a copy of the committee's findings described in Subsection (8)(a), if any, to:
(i) any member of the Legislature, upon request;
(ii) any person affected by the rule, 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 or judicial branch entity whose rule, policy, practice, or procedure is the subject of the finding;
(vi) the Senate and House chairs of the appropriation subcommittee that has jurisdiction over the agency or judicial branch entity that made the rule;
(vii) the governor; and
(viii) if the findings involve a court rule or judicial branch entity:
(A) the Judiciary Interim Committee;
(B) the Supreme Court; and
(C) the Judicial Council.
(9)
(a)
(i) The committee may submit a report on the committee's review under this section to each member of the Legislature at each regular session.
(ii) The report shall include:
(A) any finding or recommendation the committee made under Subsection (8);
(B) any action an agency, the Supreme Court, or the Judicial Council took in response to a committee recommendation; and
(C) any recommendation by the committee for legislation.
(b) If the committee receives a recommendation not to reauthorize an agency rule, as described in Subsection 63G-3-301(13)(b), and the committee recommends to the Legislature reauthorization of the agency rule, the committee shall submit a report to each member of the Legislature detailing the committee's decision.
(c) If the committee recommends legislation, the committee may prepare legislation for consideration by the Legislature at the next general session.