

**Effective 5/1/2024**

**Chapter 35**  
**Rules Review and General Oversight Committee**

**Part 1**  
**Rules Review and General Oversight Committee**

**36-35-101 Definitions.**

As used in this chapter:

- (1) "Agency rule" means the same as the term "rule" is defined in Section 63G-3-101.
- (2) "Committee" means the Rules Review and General Oversight Committee.
- (3) "Court Rule" means any of the following, whether existing, new, or proposed:
  - (a) rules of procedure, evidence, or practice for use of the courts of this state;
  - (b) rules governing and managing the appellate process adopted by the Supreme Court; or
  - (c) rules adopted by the Judicial Council for the administration of the courts of the state.
- (4) "Judicial advisory committee" means the committee that proposes to the Supreme Court rules or changes in court rules related to:
  - (a) civil procedure;
  - (b) criminal procedure;
  - (c) juvenile procedure;
  - (d) appellate procedure;
  - (e) evidence;
  - (f) professional conduct; and
  - (g) the subject matter focus of any other committee that the Supreme Court establishes to propose rules or changes in court rules to the Supreme Court.
- (5) "Judicial council" means the administrative body of the courts, established in Utah Constitution, Article VIII, Section 12, and Section 78A-2-104.
- (6) "Proposal for court rule" means the proposed language in a court rule that is submitted to:
  - (a) the Judicial Council;
  - (b) the advisory committee; or
  - (c) the Supreme Court.
- (7) "Rule" means an agency rule or a court rule.

Enacted by Chapter 178, 2024 General Session

**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.

Renumbered and Amended by Chapter 178, 2024 General Session

**36-35-103 Submission of court rules or proposals for court rules.**

- (1) The Supreme Court or the Judicial Council shall submit to the committee and the governor each proposed court rule and each new court rule, and any additional information related to the court rule that the Supreme Court or Judicial Council considers relevant:
  - (a) when the court rule is submitted:
    - (i) to the Judicial Council for consideration or approval for public comment; or
    - (ii) to the Supreme Court by the advisory committee after the advisory committee's consideration or approval; and
  - (b) when the court rule is made available to members of the bar and the public for public comment.
- (2) At the time of submission under Subsection (1), the Supreme Court or Judicial Council shall provide the committee with the name and contact information of a Supreme Court advisory committee or Judicial Council employee whom the committee may contact about the submission.

Renumbered and Amended by Chapter 178, 2024 General Session

**36-35-104 Review of court rules -- Criteria.**

- (1) As used in this section, "court rule" means a proposal for a court rule, a new court rule, or an existing court rule.

- (2) The committee may review and evaluate:
  - (a) a submission of:
    - (i) a new court rule; or
    - (ii) a proposal for a court rule; and
  - (b) an existing court rule.
- (3) If the committee chooses to conduct a review of a court rule as provided under Subsection (2), the review shall be based on the following criteria:
  - (a) whether the court rule is authorized by the state constitution or by statute;
  - (b) if authorized by statute, whether the court rule complies with legislative intent;
  - (c) whether the court rule is in conflict with existing statute or governs a policy expressed in statute;
  - (d) whether the court rule is primarily substantive or procedural in nature;
  - (e) whether the court rule infringes on the powers of the executive or legislative branch of government;
  - (f) the impact of the court rule on an affected person;
  - (g) the purpose for the court rule, and if applicable, the reason for a change to an existing court rule;
  - (h) the anticipated cost or savings due to the court rule to:
    - (i) the state budget;
    - (ii) local governments; and
    - (iii) individuals; and
  - (i) the cost to an affected person of complying with the court rule.

Renumbered and Amended by Chapter 178, 2024 General Session