

1 **REAUTHORIZATION OF ADMINISTRATIVE RULES**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis Oda**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **Committee Note:**

9 The Administrative Rules Review Committee recommended this bill.

10 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ makes technical amendments to provisions relating to the Administrative Rules
16 Review Committee; and
17 ▶ reauthorizes all state agency administrative rules.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill provides a special effective date.

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **63G-3-501**, as renumbered and amended by Laws of Utah 2008, Chapter 382

25 **Uncodified Material Affected:**

26 ENACTS UNCODIFIED MATERIAL



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

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

30 **63G-3-501. Administrative Rules Review Committee.**

31 (1) (a) There is created an Administrative Rules Review Committee of the following
32 10 permanent members [~~and four ex-officio members.~~]:

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

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

39 [~~(ii) The permanent members shall convene at least once each month as a committee to~~
40 ~~review new agency rules, amendments to existing agency rules, and repeals of existing agency~~
41 ~~rules. Meetings may be suspended at the discretion of the committee chairs.~~]

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

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

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

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

49 (ii) When a vacancy exists:

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

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

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

57 [~~(c) When the committee reviews existing rules, the committee's permanent members~~
58 ~~shall invite the Senate and House chairmen of the standing committee and the Senate and~~

59 ~~House chairmen of the appropriation subcommittee that have jurisdiction over the agency~~
 60 ~~whose existing rules are being reviewed to participate as nonvoting, ex officio members with~~
 61 ~~the committee.]~~

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

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

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

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

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

73 (2) ~~[Each]~~ An agency shall submit a copy of each proposed rule [as defined in Section
 74 63G-3-102 shall be submitted] to the committee at the same time the agency gives public
 75 notice [is given] under Section 63G-3-301.

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

78 (b) The committee shall examine ~~[rules]~~ each rule submitted by ~~[each]~~ an agency to
 79 determine:

80 (i) whether ~~[or not they are]~~ the rule is authorized by statute;

81 (ii) whether ~~[or not they comply]~~ the rule complies with legislative intent;

82 (iii) ~~[their]~~ the rule's impact on the economy and the government operations of the state
 83 and local political subdivisions; and

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

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

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

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

96 [~~(4)~~] (5) The committee may request that the Office of the Legislative Fiscal Analyst
97 prepare a fiscal note on any rule.

98 [~~(5)~~] (6) In order to accomplish [~~its oversight~~] the committee's functions described in
99 this chapter, the committee has all the powers granted to legislative interim committees [~~as set~~
100 ~~forth in~~] under Section 36-12-11.

101 [~~(6)~~] (7) (a) The committee may prepare written findings of [~~its~~] the committee's
102 review of [~~each~~] a rule and may include any recommendations, including legislative action.

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

105 (i) [~~its~~] the committee's findings, if any; and

106 (ii) a request that the agency notify the committee of any changes [~~it~~] the agency makes
107 [~~in~~] to the rule.

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

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

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

111 (iii) the president of the Senate;

112 (iv) the speaker of the House of Representatives;

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

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

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

121 ~~[(7)]~~ (8) (a) The committee may submit a report on its review of state agency rules to
122 each member of the Legislature at each regular session.

123 (b) The report shall include:

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

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

128 (iii) any recommendations by the committee for legislation.

129 Section 2. **Rules reauthorized.**

130 All rules of Utah state agencies are reauthorized.

131 Section 3. **Effective date.**

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

Legislative Review Note
as of 1-15-15 1:07 PM

Office of Legislative Research and General Counsel