

**Representative Curtis Oda** proposes the following substitute bill:

**REAUTHORIZATION OF ADMINISTRATIVE RULES**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis Oda**

Senate Sponsor: Howard A. Stephenson

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ provides that the Division of Administrative Rules shall provide a copy of each issue of the bulletin to the Administrative Rules Review Committee;
- ▶ makes technical amendments to provisions relating to the Administrative Rules Review Committee; and
- ▶ reauthorizes all state agency administrative rules.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

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

**Uncodified Material Affected:**



26 ENACTS UNCODIFIED MATERIAL

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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 agency rule as defined in Section 63G-3-102 shall be submitted to the~~  
 74 ~~committee at the same time public notice is given under Section 63G-3-301.]~~

75 (2) The division shall submit a copy of each issue of the bulletin to the committee.

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 [it] 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.