

**EXECUTIVE ORDER  
2021-12**

Establishing Effective Oversight Over State Agency Rulemaking

**WHEREAS**, the Legislature often mandates new administrative rules or changes to existing administrative rules;

**WHEREAS**, administrative rules have the effect of law;

**WHEREAS**, the public is best served by clear, cohesive, and concise administrative rules;

**WHEREAS**, rule writing standards will assist agencies in writing clear, cohesive, and concise administrative rules; and

**WHEREAS**, agencies' continual review of existing rules coupled with a process of careful consideration and assessment for new rules will improve state agencies' responsiveness to the public;

**NOW, THEREFORE**, I, Spencer J. Cox, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the state of Utah, do hereby order that each department shall implement the following procedures for promulgating administrative rules in accordance with and in addition to Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

1. **Definitions.** As used in this Order:
  - a. "Agency" means any of the following entities that have rulemaking authority:
    - i. a department; or
    - ii. a division, office, board, commission, or other entity, within a department.
  - b. "Department" means a department of the Executive Branch and includes the State Tax Commission, National Guard, Board of Pardons and Parole, the Utah Board of Higher Education, and any public institution of higher education. "Department" does not include the Attorney General's Office, State Auditor's Office, State Treasurer's Office, the State Board of Education; or an independent entity as defined in Section 63E-1-102.
  - c. "Office" means the Office of Administrative Rules.
2. **Office of Administrative Rules – duties.** The Office shall:
  - a. develop and provide training to each administrative rules coordinator within 30 days of designation as administrative rules coordinator and at least annually thereafter;
  - b. develop and provide annual training to each agency employee who writes administrative rules; and
  - c. review each rule submitted for publication to ensure the drafting and formatting is consistent with the current edition of the Office of Administrative Rules' Rulewriting Manual for Utah.
3. **Administrative rules coordinator – designation and training – duties.**
  - a. Each agency head shall:
    - i. designate one or more administrative rules coordinators and report those individuals' names to the Office as staff changes necessitate; and
    - ii. ensure that an administrative rules coordinator receives training from the Office within 30 days of designation as administrative rules coordinator and at least annually thereafter.
  - b. Each administrative rules coordinator shall:
    - i. examine each administrative rulemaking action prepared by an agency within the administrative rules coordinator's scope of responsibility prior to the action's submission to the Office to determine that:
      1. the administrative rule has been drafted using logical, understandable, and concise language to facilitate compliance and enforcement;
      2. interested parties have been given opportunity to participate in the development of the administrative rule pursuant to Subsection 63G-3-301(3);
      3. standards reflect consistent and sound public regulatory policies; and
      4. the rule is consistent with the current edition of the Office of Administrative Rules' Rule Writing Manual for Utah;
    - ii. assess enacted legislation by June 1 of each year to ensure that new regulatory obligations are discovered and met in a timely manner by appropriate rulemaking action;
    - iii. provide training to each person within the administrative rules coordinator's scope of responsibility who writes administrative rules; and
    - iv. notify the Office staffing changes in agencies within the coordinator's scope of authority that affect who may file or authorize rules, and who the Office Administrative Rules and the Governor's Office may contact with questions.
4. **Governor's Office – duties.** To ensure rules are consistent with statute and policy, the Governor's Office shall:
  - a. review administrative rules for legal authority and policy;
  - b. assist state entities in their role of defining public regulatory policy;
  - c. act as a liaison with members of the legislature on administrative rulemaking issues, and assist with the resolution of issues identified;
  - d. coordinate strategies to resolve regulatory questions and provide consistency among agencies; and
  - e. receive and review the rule analysis required by law.
5. **Departments and agencies – assistance from other offices – cooperation with other offices – administrative rule review timeline.**
  - a. Each agency may obtain assistance as provided in statute and from:
    - i. the Governor's Office of Planning and Budget for assistance in applying methods and tools to determine and calculate fiscal and non-fiscal, direct and indirect impacts; and
    - ii. the Governor's Office for assistance with coordinating rule content and policy.
  - b. Each agency director and department head shall cooperate with:
    - i. the Governor's Office as it conducts an executive review of rules; and
    - ii. the Office as it implements filing, publication, and hearing procedures pursuant to Title 63G, Chapter 3.
  - c. Each agency head or designee shall review each administrative rule in their agency by January 1, 2022. During the review, the agency head or designee shall:
    - i. repeal rules that are no longer necessary;
    - ii. amend rules that create unnecessary burdens or regulations for any individual or entity; and
    - iii. amend rules that are inconsistent with the current edition of the Office of Administrative Rules' Rulewriting Manual for Utah.
6. **Effect on other laws.** This Order supersedes Executive Order 2017-1.

This order is effective immediately and shall remain in effect until otherwise modified, amended, rescinded, or superseded.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 6th day of May, 2021.

(State Seal)

**Spencer J. Cox**  
**Governor**

ATTEST:

**Deidre M. Henderson**  
**Lieutenant Governor**

2021/12/EO