

Part 1 General Provisions

63G-3-101 Title.

This chapter is known as the "Utah Administrative Rulemaking Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63G-3-102 Definitions.

As used in this chapter:

- (1) "Administrative record" means information an agency relies upon when making a rule under this chapter including:
 - (a) the proposed rule, change in the proposed rule, and the rule analysis form;
 - (b) the public comment received and recorded by the agency during the public comment period;
 - (c) the agency's response to the public comment;
 - (d) the agency's analysis of the public comment; and
 - (e) the agency's report of its decision-making process.
- (2) "Agency" means each state board, authority, commission, institution, department, division, officer, or other state government entity other than the Legislature, its committees, the political subdivisions of the state, or the courts, which is authorized or required by law to make rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal obligations, or perform other similar actions or duties delegated by law.
- (3) "Bulletin" means the Utah State Bulletin.
- (4) "Catchline" means a short summary of each section, part, rule, or title of the code that follows the section, part, rule, or title reference placed before the text of the rule and serves the same function as boldface in legislation as described in Section 68-3-13.
- (5) "Code" means the body of all effective rules as compiled and organized by the division and entitled "Utah Administrative Code."
- (6) "Department" means the Department of Administrative Services created in Section 63A-1-104.
- (7) "Effective" means operative and enforceable.
- (8) "Executive director" means the executive director of the department.
- (9)
 - (a) "File" means to submit a document to the office as prescribed by the department.
 - (b) "Filing date" means the day and time the document is recorded as received by the office.
- (10) "Interested person" means any person affected by or interested in a proposed rule, amendment to an existing rule, or a nonsubstantive change made under Section 63G-3-402.
- (11) "Office" means the Office of Administrative Rules created in Section 63G-3-401.
- (12) "Order" means an agency action that determines the legal rights, duties, privileges, immunities, or other interests of one or more specific persons, but not a class of persons.
- (13) "Person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency.
- (14) "Publication" or "publish" means making a rule available to the public by including the rule or a summary of the rule in the bulletin.
- (15) "Publication date" means the inscribed date of the bulletin.
- (16) "Register" may include an electronic database.
- (17)
 - (a) "Rule" means an agency's written statement that:

- (i) is explicitly or implicitly required by state or federal statute or other applicable law;
 - (ii) implements or interprets a state or federal legal mandate; and
 - (iii) applies to a class of persons or another agency.
- (b) "Rule" includes the amendment or repeal of an existing rule.
- (c) "Rule" does not mean:
- (i) orders;
 - (ii) an agency's written statement that applies only to internal management and that does not restrict the legal rights of a public class of persons or another agency;
 - (iii) the governor's executive orders or proclamations;
 - (iv) opinions issued by the attorney general's office;
 - (v) declaratory rulings issued by the agency according to Section 63G-4-503 except as required by Section 63G-3-201;
 - (vi) rulings by an agency in adjudicative proceedings, except as required by Subsection 63G-3-201(6); or
 - (vii) an agency written statement that is in violation of any state or federal law.
- (18) "Rule analysis" means the format prescribed by the department to summarize and analyze rules.
- (19) "Small business" means a business employing fewer than 50 persons.
- (20) "Substantive change" means a change in a rule that affects the application or results of agency actions.

Amended by Chapter 193, 2016 General Session