

**ADMINISTRATIVE RULEMAKING ACT MODIFICATIONS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Howard A. Stephenson**

House Sponsor: Curtis Oda

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**LONG TITLE**

**Committee Note:**

The Administrative Rules Review Committee recommended this bill.

**General Description:**

This bill modifies provisions of the Utah Administrative Rulemaking Act relating to public hearings.

**Highlighted Provisions:**

This bill:

- ▶ provides that under certain circumstances, the State Board of Education is exempt from the public hearing requirements described in the Utah Administrative Rulemaking Act.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63G-3-302**, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section **63G-3-302** is amended to read:



28 **63G-3-302. Public hearings.**

29 (1) ~~[Each]~~ An agency may hold a public hearing on a proposed rule ~~[, amendment to a~~  
 30 ~~rule, or repeal of a rule]~~ during the public comment period.

31 (2) ~~[Each]~~ (a) Except as provided in Subsection (3), an agency shall hold a public  
 32 hearing on a proposed rule ~~[, amendment to a rule, or repeal of a rule]~~ if:

33 ~~[(a)]~~ (i) a public hearing is required by state or federal mandate; or

34 ~~[(b)]~~ (i) (A) a public hearing is requested by another state agency, 10 interested  
 35 persons, or an interested association ~~[having not fewer than]~~ that has at least 10 members  
 36 ~~[request a public hearing]; and~~

37 ~~[(ii)]~~ (B) the agency receives the request in writing not more than 15 days after ~~[the~~  
 38 ~~publication date of]~~ the day on which the proposed rule is published in the bulletin.

39 ~~[(3) The]~~ (b) An agency shall hold ~~[the]~~ a hearing described in Subsection (2)(a):

40 ~~[(a)]~~ (i) before the day on which the proposed rule becomes effective; and

41 ~~[(b)]~~ (ii) no less than seven days ~~[nor]~~ but no more than 30 days after ~~[receipt of the~~  
 42 ~~request for]~~ the day on which the agency receives the public hearing request.

43 (3) This section does not apply to the State Board of Education if, before filing a  
 44 proposed rule with the division, the State Board of Education:

45 (a) discusses the proposed rule at a meeting that is open to the public under Title 52,  
 46 Chapter 4, Open and Public Meetings Act;

47 (b) ~~Ŝ→~~ accepts public comment on the proposed rule at the ~~←Ŝ~~ meeting  
 47a described in

48 Subsection (3)(a) ~~Ŝ→~~ :

48a (i) accepts public comment on the proposed rule ~~←Ŝ~~ ; and

48b ~~Ŝ→~~ (ii) allows each speaker ~~Ĥ→~~ [sufficient time to ensure meaningful public input; and] ~~←Ĥ~~

48c ~~←Ŝ~~ ~~Ĥ→~~ at least:

48d (A) five minutes to present the speaker's comments; or

48e (B) 15 minutes to present the speaker's comments, if the speaker is speaking on behalf

48f of an organization or association that represents 10 or more individuals; and ~~←Ĥ~~

49 (c) makes the proposed rule available to the public on the State Board of Education's

50 website at least ~~Ĥ→~~ seven ~~21~~ ~~←Ĥ~~ days before the day on which the State Board of Education

50a holds the

51 meeting described in Subsection (3)(a).

51a ~~Ĥ→~~ (4) A meeting of a portion of or a committee of the State Board of Education does not

51b satisfy the requirement described in Subsection (3)(a). ~~←Ĥ~~

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**