

ADMINISTRATIVE RULEMAKING ACT MODIFICATIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Curtis Oda

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

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) (ii) (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) accepts public comment on the proposed rule at the meeting described in
48 Subsection (3)(a); and

49 (c) makes the proposed rule available to the public on the State Board of Education's
50 website at least seven days before the day on which the State Board of Education holds the
51 meeting described in Subsection (3)(a).