

40-6-10 Procedures -- Adjudicative proceedings -- Emergency orders -- Hearing examiners.

- (1)
 - (a) The Board of Oil, Gas, and Mining and the Division of Oil, Gas, and Mining shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in their adjudicative proceedings.
 - (b) The board shall enact rules governing its practice and procedure that are not inconsistent with Title 63G, Chapter 4, Administrative Procedures Act.
- (2) When an emergency requiring immediate action is found by the division director or any board member to exist, the division director or board member may issue an emergency order according to the requirements and procedures of Title 63G, Chapter 4, Administrative Procedures Act.
- (3) A notice required by this chapter, except as otherwise provided, shall be given at the election of the board by:
 - (a) personal service; or
 - (b)
 - (i) one publication in:
 - (A) a daily newspaper of general circulation in the city of Salt Lake and county of Salt Lake, Utah; and
 - (B) all newspapers of general circulation published in the county where the land is affected, or some part of the land is situated; and
 - (ii) electronic publication in accordance with Section 45-1-101.
- (4)
 - (a) Any order made by the board is effective on issuance.
 - (b) All rules and orders issued by the board shall be:
 - (i) in writing;
 - (ii) entered in full in books to be kept by the board for that purpose;
 - (iii) indexed; and
 - (iv) public records open for inspection at all times during reasonable office hours.
 - (c) A copy of any rule, finding of fact, or order, certified by the board or by the division director, shall be received in evidence in all courts of this state with the same effect as the original.
- (5) The board may act upon its own motion or upon the petition of any interested person.
- (6)
 - (a) The board may appoint a hearing examiner to take evidence and to recommend findings of fact and conclusions of law to the board.
 - (b) Any member of the board, division staff, or any other person designated by the board may serve as a hearing examiner.
 - (c) The board may enter an order based on the recommendations of the examiner.

Amended by Chapter 5, 2009 Special Session 1

Amended by Chapter 5, 2009 Special Session 1