

63G-3-601 Interested parties -- Petition for agency action.

- (1) As used in this section, "initiate rulemaking proceedings" means the filing, for the purposes of publication in accordance with Subsection 63G-3-301(4), of an agency's proposed rule to implement a petition for the making, amendment, or repeal of a rule as provided in this section.
- (2) An interested person may petition an agency to request the making, amendment, or repeal of a rule.
- (3) The division shall prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition.
- (4) A statement shall accompany the proposed rule, or proposed amendment or repeal of a rule, demonstrating that the proposed action is within the jurisdiction of the agency and appropriate to the powers of the agency.
- (5) Within 60 days after submission of a petition, the agency shall either deny the petition in writing, stating its reasons for the denial, or initiate rulemaking proceedings.
- (6)
 - (a) If the petition is submitted to a board that has been granted rulemaking authority by the Legislature, the board shall, within 45 days of the submission of the petition, place the petition on its agenda for review.
 - (b) Within 80 days of the submission of the petition, the board shall either:
 - (i) deny the petition in writing stating its reasons for denial; or
 - (ii) initiate rulemaking proceedings.
- (7) If the agency or board has not provided the petitioner written notice that the agency has denied the petition or initiated rulemaking proceedings within the time limitations specified in Subsection (5) or (6) respectively, the petitioner may seek a writ of mandamus in state district court.

Renumbered and Amended by Chapter 382, 2008 General Session