



28 taxpayer or by another person authorized by law to contest the validity or correctness of those  
29 actions;

30 (c) state agency actions relating to extradition, to the granting of pardons or parole,  
31 commutations or terminations of sentences, or to the rescission, termination, or revocation of  
32 parole or probation, to the discipline of, resolution of grievances of, supervision of, confinement  
33 of, or the treatment of inmates or residents of any correctional facility, the Utah State Hospital, the  
34 Utah State Developmental Center, or persons in the custody or jurisdiction of the Division of  
35 Mental Health, or persons on probation or parole, or judicial review of those actions;

36 (d) state agency actions to evaluate, discipline, employ, transfer, reassign, or promote  
37 students or teachers in any school or educational institution, or judicial review of those actions;

38 (e) applications for employment and internal personnel actions within an agency  
39 concerning its own employees, or judicial review of those actions;

40 (f) the issuance of any citation or assessment under Title 34A, Chapter 6, Utah  
41 Occupational Safety and Health Act, and Title 58, Chapter 55, Utah Construction Trades Licensing  
42 Act, except that this chapter governs any agency action commenced by the employer, licensee, or  
43 other person authorized by law to contest the validity or correctness of the citation or assessment;

44 (g) state agency actions relating to management of state funds, the management and  
45 disposal of school and institutional trust land assets, and contracts for the purchase or sale of  
46 products, real property, supplies, goods, or services by or for the state, or by or for an agency of  
47 the state, except as provided in those contracts, or judicial review of those actions;

48 (h) state agency actions under Title 7, Chapter 1, Article 3, Powers and Duties of  
49 Commissioner of Financial Institutions; and Title 7, Chapter 2, Possession of Depository  
50 Institution by Commissioner; Title 7, Chapter 19, Acquisition of Failing Depository Institutions  
51 or Holding Companies; and Title 63, Chapter 30, Governmental Immunity Act, or judicial review  
52 of those actions;

53 (i) the initial determination of any person's eligibility for unemployment benefits, the  
54 initial determination of any person's eligibility for benefits under Title 34A, Chapter 2, Workers'  
55 Compensation, and Title 34A, Chapter 3, Utah Occupational Disease Act, or the initial  
56 determination of a person's unemployment tax liability;

57 (j) state agency actions relating to the distribution or award of monetary grants to or  
58 between governmental units, or for research, development, or the arts, or judicial review of those

59 actions;

60 (k) the issuance of any notice of violation or order under Title 26, Chapter 8a, Utah  
61 Emergency Medical Services System Act; Title 19, Chapter 2, Air Conservation Act; Title 19,  
62 Chapter 3, Radiation Control Act, Title 19, Chapter 4, Safe Drinking Water Act; Title 19, Chapter  
63 5, Water Quality Act; Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act; Title 19,  
64 Chapter 6, Part 4, Underground Storage Tank Act; or Title 19, Chapter 6, Part 7, Used Oil  
65 Management Act, except that this chapter governs any agency action commenced by any person  
66 authorized by law to contest the validity or correctness of the notice or order;

67 (l) state agency actions, to the extent required by federal statute or regulation to be  
68 conducted according to federal procedures;

69 (m) the initial determination of any person's eligibility for government or public assistance  
70 benefits;

71 (n) state agency actions relating to wildlife licenses, permits, tags, and certificates of  
72 registration;

73 (o) licenses for use of state recreational facilities; [~~and~~]

74 (p) state agency actions under Title 63, Chapter 2, Government Records Access and  
75 Management Act, except as provided in Section 63-2-603[-];

76 (q) state agency actions relating to the collection of water commissioner fees and  
77 delinquency penalties or judicial review of those actions; and

78 (r) state agency actions relating to the installation, maintenance, and repair of headgates,  
79 caps, valves, or other water controlling works and weirs, flumes, meters, or other water measuring  
80 devices or judicial review of those actions.

81 (3) This chapter does not affect any legal remedies otherwise available to:

82 (a) compel an agency to take action; or

83 (b) challenge an agency's rule.

84 (4) This chapter does not preclude an agency, prior to the beginning of an adjudicative  
85 proceeding, or the presiding officer during an adjudicative proceeding from:

86 (a) requesting or ordering conferences with parties and interested persons to:

87 (i) encourage settlement;

88 (ii) clarify the issues;

89 (iii) simplify the evidence;

90 (iv) facilitate discovery; or  
91 (v) expedite the proceedings; or

92 (b) granting a timely motion to dismiss or for summary judgment if the requirements of  
93 Rule 12(b) or Rule 56, respectively, of the Utah Rules of Civil Procedure are met by the moving  
94 party, except to the extent that the requirements of those rules are modified by this chapter.

95 (5) (a) Declaratory proceedings authorized by Section 63-46b-21 are not governed by this  
96 chapter, except as explicitly provided in that section.

97 (b) Judicial review of declaratory proceedings authorized by Section 63-46b-21 are  
98 governed by this chapter.

99 (6) This chapter does not preclude an agency from enacting rules affecting or governing  
100 adjudicative proceedings or from following any of those rules, if the rules are enacted according  
101 to the procedures outlined in Title 63, Chapter 46a, Utah Administrative Rulemaking Act, and if  
102 the rules conform to the requirements of this chapter.

103 (7) (a) If the attorney general issues a written determination that any provision of this  
104 chapter would result in the denial of funds or services to an agency of the state from the federal  
105 government, the applicability of those provisions to that agency shall be suspended to the extent  
106 necessary to prevent the denial.

107 (b) The attorney general shall report the suspension to the Legislature at its next session.

108 (8) Nothing in this chapter may be interpreted to provide an independent basis for  
109 jurisdiction to review final agency action.

110 (9) Nothing in this chapter may be interpreted to restrict a presiding officer, for good cause  
111 shown, from lengthening or shortening any time period prescribed in this chapter, except those  
112 time periods established for judicial review.

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**Legislative Review Note**  
**as of 1-10-02 4:21 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**