

STUDY OF ADMINISTRATIVE HEARINGS**RELATED TO LABOR LAWS**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill enacts uncoded material imposing a study requirement on the Labor Commission.

Highlighted Provisions:

This bill:

- requires the Labor Commission to conduct a study of issues related to administrative hearings and in particular the oversight of administrative law judges;
- requires the Labor Commission to invite the Judicial Council and the Administrative Offices of the Courts to participate in the study; and
- provides for a reporting requirement.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Uncoded Material Affected:

ENACTS UNCODED MATERIAL

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

Section 1. Study by the Labor Commission related to administrative hearings



conducted by administrative law judges related to labor laws.

(1) As used in this section:

(a) "Administrative Office of the Courts" means the administrators and assistants appointed under Section 78-3-25.

(b) "Labor Commission" means the Labor Commission created in Section 34A-1-103.

(c) "Labor laws" means those portions of the Utah Code under the jurisdiction of the Labor Commission.

(2) In accordance with this section, the Labor Commission shall conduct within existing budgets a study of the following related to the administrative hearing process under labor laws:

(a) whether or not all or some portion of the administrative law judges under the jurisdiction of the Labor Commission that conduct administrative hearings related to labor laws should be transferred to another agency of the state, including possibly to:

(i) the Judicial Council;

(ii) the Administrative Office of the Courts;

(iii) the courts; or

(iv) any other administrative unit in the judicial branch;

(b) whether or not administrative hearings conducted as of April 30, 2006, by administrative law judges related to labor laws should be changed to judicial branch hearings that can be conducted under the jurisdiction of:

(i) the Judicial Council;

(ii) the Administrative Office of the Courts;

(iii) the courts; or

(iv) any other administrative unit in the judicial branch;

(c) notwithstanding Title 63, Chapter 46b, Administrative Procedures Act, whether or not appeals of final orders of the Labor Commission or the findings of an administrative law judge should be appealed directly to the Court of Appeals in all or any portion of those cases relating to labor laws; or

(d) any other issues related to the use of administrative law judges in conducting hearings related to labor laws in an effective, efficient, and impartial manner.

(3) In conducting the study required by this section, the Labor Commission shall invite

59 the Judicial Council and the Administrative Office of the Courts to participate in the study.
60 (4) The Labor Commission shall complete the study and report to the Business and
61 Labor Interim Committee regarding the results of the study, including any recommended
62 legislation, by no later than November 30, 2007.

Legislative Review Note
as of 1-24-07 2:03 PM

Office of Legislative Research and General Counsel

H.B. 353 - Study of Administrative Hearings Related to Labor Laws

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations. To conduct the required study, job priorities of a senior staff person will be altered.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/30/2007, 11:45:17 AM, Lead Analyst: Eckersley, S.

Office of the Legislative Fiscal Analyst