

1 **UTAH RETIREMENT SYSTEMS APPEALS AMENDMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brian S. King**

5 Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

7 **General Description:**

8 This bill amends the options for obtaining judicial review of a decision by the Utah  
9 State Retirement Board.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ creates an option to obtain judicial review by trial de novo in the district court after
- 13 the Utah State Retirement Board issues an employee benefit decision; and
- 14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **63G-4-403**, as renumbered and amended by Laws of Utah 2008, Chapter 382

22 ENACTS:

23 **49-11-613.1**, Utah Code Annotated 1953

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

25 Section 1. Section **49-11-613.1** is enacted to read:



28           **49-11-613.1. Judicial review in district court.**

29           (1) In addition to the jurisdiction granted in Section 63G-4-402, the district court shall  
30 have jurisdiction to review, by trial de novo, a decision issued by the board resulting from  
31 formal adjudicative proceedings.

32           (2) (a) The petition for judicial review by trial de novo is a complaint.

33           (b) The Utah Rules of Civil Procedure govern pleadings and proceedings for a trial de  
34 novo in the district court in accordance with this section.

35           (3) (a) In any petition for judicial review to the district court in accordance with this  
36 section, the board shall certify a record of the board's proceedings to the district court.

37           (b) The district court shall not afford any deference to the board's determinations in  
38 considering the record.

39           (c) A district court may receive additional evidence from the parties to the judicial  
40 review.

41           (4) (a) The district court, without a jury, shall determine all questions of fact and law  
42 and any constitutional issue presented in the pleadings.

43           (b) The Utah Rules of Evidence apply in judicial proceedings under this section.

44           (5) (a) The decision of the district court is the final determination of the matter unless a  
45 party appeals.

46           (b) Any party to the judicial review has the right to appeal the decision of the district  
47 court.

48           Section 2. Section **63G-4-403** is amended to read:

49           **63G-4-403. Judicial review -- Formal adjudicative proceedings.**

50           (1) ~~[As provided by statute]~~ Except as provided in Section 49-11-613.1, the Supreme  
51 Court or the Court of Appeals has jurisdiction to review all final agency action resulting from  
52 formal adjudicative proceedings.

53           (2) (a) To seek judicial review of final agency action resulting from formal adjudicative  
54 proceedings, the petitioner shall file a petition for review of agency action with the appropriate  
55 appellate court in the form required by the appellate rules of the appropriate appellate court.

56           (b) The appellate rules of the appropriate appellate court shall govern all additional  
57 filings and proceedings in the appellate court.

58           (3) The contents, transmittal, and filing of the agency's record for judicial review of

59 formal adjudicative proceedings are governed by the Utah Rules of Appellate Procedure,  
60 except that:

61 (a) all parties to the review proceedings may stipulate to shorten, summarize, or  
62 organize the record; and

63 (b) the appellate court may tax the cost of preparing transcripts and copies for the  
64 record:

65 (i) against a party who unreasonably refuses to stipulate to shorten, summarize, or  
66 organize the record; or

67 (ii) according to any other provision of law.

68 (4) The appellate court shall grant relief only if, on the basis of the agency's record, it  
69 determines that a person seeking judicial review has been substantially prejudiced by any of the  
70 following:

71 (a) the agency action, or the statute or rule on which the agency action is based, is  
72 unconstitutional on its face or as applied;

73 (b) the agency has acted beyond the jurisdiction conferred by any statute;

74 (c) the agency has not decided all of the issues requiring resolution;

75 (d) the agency has erroneously interpreted or applied the law;

76 (e) the agency has engaged in an unlawful procedure or decision-making process, or  
77 has failed to follow prescribed procedure;

78 (f) the persons taking the agency action were illegally constituted as a decision-making  
79 body or were subject to disqualification;

80 (g) the agency action is based upon a determination of fact, made or implied by the  
81 agency, that is not supported by substantial evidence when viewed in light of the whole record  
82 before the court; or

83 (h) the agency action is:

84 (i) an abuse of the discretion delegated to the agency by statute;

85 (ii) contrary to a rule of the agency;

86 (iii) contrary to the agency's prior practice, unless the agency justifies the inconsistency  
87 by giving facts and reasons that demonstrate a fair and rational basis for the inconsistency; or

88 (iv) otherwise arbitrary or capricious.

89 Section 3. **Effective date.**

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This bill takes effect on May 1, 2024.