

1 **ADMINISTRATIVE RULEMAKING ACT MODIFICATIONS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Howard A. Stephenson**

5 House Sponsor: Curtis Oda

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions of the Utah Administrative Rulemaking Act relating to
10 public hearings.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides that under certain circumstances, the State Board of Education is exempt
14 from the public hearing requirements described in the Utah Administrative
15 Rulemaking Act.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **63G-3-302**, as renumbered and amended by Laws of Utah 2008, Chapter 382

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

25 Section 1. Section **63G-3-302** is amended to read:

26 **63G-3-302. Public hearings.**

27 (1) ~~[Each]~~ An agency may hold a public hearing on a proposed rule~~[, amendment to a~~
28 ~~rule, or repeal of a rule]~~ during the public comment period.

29 (2) ~~[Each]~~ (a) Except as provided in Subsection (3), an agency shall hold a public

30 hearing on a proposed rule~~[, amendment to a rule, or repeal of a rule]~~ if:

31 ~~[(a)]~~ (i) a public hearing is required by state or federal mandate; or

32 ~~[(b)(i)]~~ (ii) (A) a public hearing is requested by another state agency, 10 interested
33 persons, or an interested association ~~[having not fewer than]~~ that has at least 10 members
34 ~~[request a public hearing]~~; and

35 ~~[(ii)]~~ (B) the agency receives the request in writing not more than 15 days after ~~[the~~
36 ~~publication date of]~~ the day on which the proposed rule is published in the bulletin.

37 ~~[(3) The]~~ (b) An agency shall hold [the] a hearing described in Subsection (2)(a):

38 ~~[(a)]~~ (i) before the day on which the proposed rule becomes effective; and

39 ~~[(b)]~~ (ii) no less than seven days ~~[nor]~~ but no more than 30 days after [receipt of the
40 request for] the day on which the agency receives the public hearing request.

41 (3) This section does not apply to the State Board of Education if, before filing a
42 proposed rule with the division, the State Board of Education:

43 (a) discusses the proposed rule at a meeting that is open to the public under Title 52,
44 Chapter 4, Open and Public Meetings Act;

45 (b) during the meeting described in Subsection (3)(a):

46 (i) accepts public comment on the proposed rule; and

47 (ii) allows each speaker at least:

48 (A) five minutes to present the speaker's comments; or

49 (B) 15 minutes to present the speaker's comments, if the speaker is speaking on behalf
50 of an organization or association that represents 10 or more individuals; and

51 (c) makes the proposed rule available to the public on the State Board of Education's
52 website at least 21 days before the day on which the State Board of Education holds the
53 meeting described in Subsection (3)(a).

54 (4) A meeting of a portion of or a committee of the State Board of Education does not
55 satisfy the requirement described in Subsection (3)(a).