**State of Utah**

**Administrative Rule Analysis**

Revised May 2024

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| **Notice of Emergency (120-Day) Rule** |
| **Rule or Section Number:** | R15-1 | **Filing ID: Office Use Only** |
| **Effective Date:** | Click or tap to enter a date. |

**Agency Information**

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| **1. Title catchline:** | Government Operations, Administrative Rules (Office of) |
| **Building:** | Taylorsville State Office Building |
| **Street address:** | 4315 S. 2700 W. |
| **City, state** | Taylorsville, UT |
| **Mailing address:** | PO Box 141007 |
| **City, state and zip:** | Salt Lake City, UT 84114-1007 |
| **Contact persons:** |
| **Name:** | **Phone:** | **Email:** |
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| **Please address questions regarding information on this notice to the persons listed above.** |

**General Information**

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| **2. Rule or section catchline:** |
| R15-1. Administrative Rule Hearings |
| **3. Purpose of the new rule or reason for the change:** |
| Why is the agency submitting this filing? |
| **4. Summary of the new rule or change:** |
| What does this filing do? |
| **5A) The agency finds that regular rulemaking would:** |
|[ ]  cause an imminent peril to the public health, safety, or welfare; |
|[ ]  cause an imminent budget reduction because of budget restraints or federal requirements; or |
|[ ]  place the agency in violation of federal or state law. |
| **B) Specific reasons and justifications for this finding:** |
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**Fiscal Information**

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| **6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:** |
| **A) State budget:** |
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| **B) Local governments:** |
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| **C) Small businesses** ("small business" means a business employing 1-49 persons)**:** |
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| **D) Persons other than small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:** |
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| **E) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?)**:** |
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| **F) Comments by the department head on the fiscal impact this rule may have on businesses** (Include the name and title of the department head): |
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**Citation Information**

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| **7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:** |
| Section 63G-3-202 | Subsection 63G-3-403(3) |  |
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**Incorporations by Reference Information**

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| **8. Incorporations by Reference** (if this rule incorporates more than two items by reference, please include additional tables)**:** |
| **A) This rule adds or updates the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:** |
| **Official Title of Materials Incorporated (from title page)** |  |
| **Publisher** |  |
| **Issue Date** |  |
| **Issue or Version** |  |

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| **B) This rule adds or updates the following title of materials incorporated by references** (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*)**:** |
| **Official Title of Materials Incorporated (from title page)** |  |
| **Publisher** |  |
| **Issue Date** |  |
| **Issue or Version** |  |

**Agency Authorization Information**

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| **To the agency**: Information requested on this form is required by Sections 63G-3-301, 304, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying the effective date and publication in the *Utah State Bulletin.* |
| **Agency head or designee and title:** |  | **Date:** | Click or tap to enter a date. |

*Rule Text Example (Delete this line after entering your rule text)*

**R15. Government Operations, Administrative Rules (Office of).**

**R15-1. Administrative Rule Hearings.**

**R15-1-1. Authority.**

 (1) This rule establishes procedures and standards for administrative rule hearings as required by Subsection 63G-3-402(1)(a).

 (2) The procedures of this rule constitute the minimum requirements for mandatory administrative rule hearings. Additional procedures may be required to comply with any other governing statute, federal law, or federal regulation.

**R15-1-2. Definitions.**

 (1) Terms used in this rule are defined in Section 63G-3-102.

 (2) In addition:

 (a) "director" means the director of the Office of Administrative Rules;

 (b) "hearing" means an administrative rule hearing; and

 (c) "officer" means an administrative rule hearing officer.

**R15-1-3. Purpose.**

 (1) The purpose of this rule is to provide:

 (a) procedures for agency hearings on proposed administrative rules or rules changes, or on the need for a rule or change;

 (b) opportunity for public comment on rules; and

 (c) opportunity for agency response to public concerns about rules.

**R15-1-4. When Agencies Hold Hearings.**

 (1) Agencies shall hold hearings as required by Subsection 63G-3-302(2).

 (2) Agencies may hold hearings:

 (a) during the public comment period on a proposed rule, after its publication in the bulletin and prior to its effective date;

 (b) before initiating rulemaking procedures under Title 63G, Chapter 3, to promote public input prior to a rule's publication;

 (c) during a regular or extraordinary meeting of a state board, council, or commission, in order to avoid separate and additional meetings; or

 (d) to hear any public petition for a rule change as provided by Section 63G-3-601.

 (3) Voluntary hearings, as described in this section, follow the procedures prescribed by this rule or any other procedures the agency may provide by rule.

 (4) Mandatory hearings, as described in this section, follow the procedures prescribed by this rule and any additional requirements of state or federal law.

 (5) If an agency holds a mandatory hearing under the procedures of this rule during the public comment period described in Subsection 63G-3-301(6), no second hearing is required for the purpose of comment on the same rule or change considered at the first hearing.

**R15-1-5. Hearing Procedures.**

 (1) Notice.

 (a) An agency shall provide notice of a hearing by:

 (i) publishing the hearing date, time, place, and subject in the bulletin;

 (ii) mailing copies of the notice directly to persons who have petitioned for a hearing or rule changes under Section 63G-3-302 or 63G-3-601, respectively; and

 (iii) posting for at least 24 hours in a place in the agency's offices which is frequented by the public.

 (b) If a hearing becomes mandatory after the agency has published the proposed rule in the bulletin, the agency shall notify in writing persons requesting the hearing of the time and place.

 (c) An agency may provide additional notice of a hearing, and shall give further notice as may otherwise be required by law.

 (2) Hearing Officer.

 (a) The agency head shall appoint as hearing officer a person qualified to conduct fairly the hearing.

 (b) No restrictions apply to this appointment except the officer shall know rulemaking procedure.

 (c) If a state board, council, or commission is responsible for agency rulemaking, and holds a hearing, a member or the body's designee may be the hearing officer.

 (3) Time. The officer shall open the hearing at the announced time and place and permit comment for a minimum of one hour. The hearing may be extended or continued to another day as necessary in the judgment of the officer.

 (4) Comment.

 (a) At the opening of the hearing, the officer shall explain the subject and purpose of the hearing and invite orderly, germane comment from all persons in attendance. The officer may set time limits for speakers and shall ensure equitable use of time.

 (b) The agency shall have a representative at the hearing, other than the officer, who is familiar with the rule at issue and who can respond to requests for information by those in attendance.

 (c) The officer shall invite written comment to be submitted at the hearing or after the hearing, within a reasonable time. Written comment shall be attached to the hearing minutes.

 (d) The officer shall conduct the hearing as an open, informal, orderly, and informative meeting. Oaths, cross-examination, and rules of evidence are not required.

 (5) The Hearing Record.

 (a) The officer shall cause to be recorded the name, address, and relevant affiliation of all persons speaking at the hearing, and cause an electronic or mechanical verbatim recording of the hearing to be made, or make a brief summary, of their remarks.

 (b) The hearing record consists of a copy of the proposed rule or rule change, submitted written comment, the hearing recording or summary, the list of persons speaking at the hearing, and other pertinent documents as determined by the agency.

 (c) The hearing officer shall, as soon as practicable, assemble the hearing record and transmit it to the agency for consideration.

 (d) The hearing record shall be kept with and as part of the rule's administrative record in a file available at the agency offices for public inspection.

**R15-1-8. Decision on an Issue Regarding Rulemaking Procedure.**

 (1) When a hearing issue requires a decision regarding rulemaking procedure, the officer shall submit a written request for a decision to the director as soon as practicable after, or after recessing, the hearing, as provided in Section R15-5-6. The director shall reply to the agency head as provided in Subsection R15-5-6(2). The director's decision shall be included in the hearing record.

**R15-1-9. Appeal and Judicial Review.**

 (1) Persons may appeal the decision of the agency head or the director by petitioning the district court for judicial review as provided by law.

**KEY: administrative law, government hearings**

**Date of Last Change: June 1, 1996**

**Notice of Continuation: June 1, 2020**

**Authorizing, and Implemented or Interpreted Law: 63G-3-402**