

Rulemaking Process

Utah State Bulletin

Pre-Proposal Stage:

An agency decides to make a change to a rule or make a new rule. This might be because the agency received comments from the public or because of new legislation, among other things.

Providing Public Notice:

When an agency files a rule, it is required to inform those who would be affected by the rule change, or to those who have requested to be informed of changes. In addition, all proposed rule changes are published in the Utah State Bulletin.

Rule Review Process

All changes to rules must be filed with the Office where each is reviewed to ensure all changes meet the procedural requirements of the Rulemaking Act.

After the initial review by the Office, a filing may then be sent to the Governor's Office for further review. The Governor's Office will review a rule for content and make sure an agency is staying within its rulemaking scope.

A filing may then be sent to the Governor's Office of Management and Budget for a review of the rule's fiscal impact.

The filing then returns to the Office for final review before being published in the Utah State Bulletin.

Public Comment Period

If the filing is a "proposed rule," then after publication it will enter a comment period that lasts a minimum of 30 days. This comment period allows for the public to make comments either in favor or against the proposed rule change.

Each agency may hold a public hearing on a proposed rule, amendment to a rule, or repeal of a rule during the public comment period.

Each agency shall hold a public hearing on a proposed rule, amendment to a rule, or repeal of a rule if:

a public hearing is required by state or federal mandate;

another state agency, 10 interested persons, or an interested association having not fewer than 10 members request a public hearing; and

the agency receives the request in writing not more than 15 days after the publication date of the proposed rule.

The agency shall hold the hearing:

before the rule becomes effective; and

State Register no less than seven days nor more than 30 days after receipt of the request for hearing.

After the comment period, the filing enters a 7-day review period. In this period, an agency will review any comments that they received

Making a Rule Effective

After the review period, an agency will file a notice of effective date with the Office. An agency can file an effective date no sooner than the end of the review period, and no later than 120 days after the filing was published in the Utah State Bulletin. This effective date is when the rule becomes

Codification

Codification occurs when the Office puts the rule or rule change in the Utah Administrative Code.

Emergency Rulemaking

A state agency may adopt an emergency rule without prior notice or hearing, or with an abbreviated notice and a hearing that it finds practicable, if the agency:

finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice; and

states in writing the reasons for its finding.

A state agency shall set forth in an emergency rule's preamble the finding.

A rule adopted under this section may be effective for not longer than 120 days and may be renewed once for not longer than 60 days.

A state agency shall file an emergency rule adopted under this section and the agency's written reasons for the adoption in the office of the secretary of state for publication in the Texas Register.

Utah Register

Utah Administrative Procedure Act