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Re: PETITION FOR MAKING OF NEW ADMINISTRATIVE RULES

Background: On March 26, 2024, an interested person requested that UCA adopt a new administrative rule regarding access to how often a person may request access to a UCA record that is not online.

Utah Code 63G-3-102(12) defines “Interested person” as any person affected by or interested in a proposed rule, amendment to an existing rule, or a nonsubstantive change made under Section 63G-3-402.

Utah Code 63G-3-601(6)

- (a) If the petition is submitted to a board that has been granted rulemaking authority by the Legislature, the board shall, within 45 days of the submission of the petition, place the petition on its agenda for review.
- (b) Within 80 days of the submission of the petition, the board shall either:
 - (i) deny the petition in writing stating its reasons for denial; or
 - (ii) initiate rulemaking proceedings

Recommendation: At the April 2024 Governing Board meeting, the Board to consider the draft amendment to R174 as follows:

R174-1-10X. Records Requests.

- (1) Any person, no more than twice a month, may request access and inspect any public records of UCA which are not online.
- (2) Each semimonthly request submitted by any person to UCA may describe no more than five of its public records which are not online.

Note: If we do not provide the petitioner written notice that we have denied or initiated the rulemaking proceedings within the time limitations specified respectively, the petitioner may seek a writ of mandamus in state district court.