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## Further clarification of R458-1 for the board

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To: Amanda Rock <amandarock@utah.gov>

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Hey, can you send this to the board so they have further clarification on R458-1 that they need to vote on please?

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Here is further explanation on R458-1 Adjudicative Procedures for State Library and the Administrative Procedures Act . This rule is up for its 5-year review. This means that if we want to keep this rule, we file a 5-year review notice that the rule should be continued. We also file notice if the rule is to be discontinued. Usually, we continue them unless something major has changed or the rule is severely outdated. Below is an explanation of the rule from Bryan Naldar, our Attorney General contact. Please review this information and we will vote on renewing this rule at the board meeting.

From Bryan Naldar, Assistant Attorney General:

"In short, the Utah State Library Division is a state agency as defined in Utah Code Section 63G-4-103(b) and is therefore subject to the Administrative Procedures Act of Utah Code 63G-4. Meaning, there's a process by which individuals who disagree with a decision that affects them made by the Division have a way to appeal the decision internally with the Division before they sue in court. In practice, this probably rarely or never happens with the State Library Division or any of the other divisions in the Cultural and Community Engagement Department. But it happens with other state agencies, and it could always happen to us at some point in the future.

R458-1 sets forth that, in the event of an adjudicative procedure, the process will be conducted informally as provided in the Administrative Procedures Act. Of course, it's up to you and the board whether you want to keep the rule. This administrative rule has been in place since 1988, and it doesn't take more work to renew it, so it's a good idea to renew it."

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