

LABOR COMMISSION RELATED AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael T. Morley

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

This bill modifies the Utah Labor Code to address the ability to serve, file, or deliver documents.

Highlighted Provisions:

This bill:

- ▶ permits a document to be served, filed, or delivered electronically as provided by rule; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

34A-1-304, as last amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section **34A-1-304** is amended to read:

34A-1-304. Rulemaking -- Electronic or similar methods of proceedings.

(1) For purposes of this section:



28 (a) "Deliver" means to serve, file, or otherwise provide a document.

29 (b) "Document" includes a notice, order, decision, or other document that is required or
30 permitted by a relevant statute.

31 (c) "Relevant statute" means a provision of:

32 (i) this title;

33 (ii) Title 34, Labor in General, for which the commissioner has regulatory authority;

34 (iii) Title 40, Chapter 2, Coal Mine Safety Act; or

35 (iv) Title 57, Chapter 21, Utah Fair Housing Act.

36 [~~(1)~~] (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
37 Act, the commission shall make rules governing adjudicative procedures under a relevant
38 statute, including [the forms of notices] providing the form of a notice and the manner of
39 serving a notice [in all claims].

40 (b) Except as provided in this title and Title 63G, Chapter 4, Administrative
41 Procedures Act, [~~the rules~~] a rule made under this section [~~are~~] is not required to conform to
42 common law or statutory rules of evidence or other technical rules of procedure.

43 [~~(2)~~] (3) The rules made under this section shall ~~§~~→ **protect the rights of the parties and** ←~~§~~
43a include procedures to:

44 (a) dispose of [cases] a case informally[;] or [to] expedite claims adjudication[;];

45 (b) narrow issues[;]; and

46 (c) simplify the methods of proof at [hearings] a hearing.

47 [~~(3)~~] (4) The commission may by rule permit [~~hearings or other adjudicative~~
48 ~~proceedings~~] a hearing or other adjudicative proceeding to be conducted, recorded, or
49 published by [~~means of electronic devices or other similar methods~~] an electronic means or
50 similar method.

51 (5) Notwithstanding whether a relevant statute requires that a document be delivered
52 by mail or otherwise, the commission may by rule, made in accordance with Title 63G, Chapter
53 3, Utah Administrative Rulemaking Act, permit a document to be delivered by electronic
54 means pursuant to the rule.

Legislative Review Note
as of 1-7-11 9:22 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 188, 2011 General Session

SHORT TITLE: Labor Commission Related Amendments

SPONSOR: Morley, M.

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.