

Keven J. Stratton proposes the following substitute bill:

Federal Guidance Letter Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

House Sponsor: Casey Snider

LONG TITLE

General Description:

This bill establishes publication and reporting requirements for federal guidance letters received by state agencies.

Highlighted Provisions:

This bill:

- defines terms;
- requires a state agency to publish certain federal guidance letter information received by the state agency on public websites and transmit copies to the Legislature; and
- establishes standards for federal guidance letter information published on a state agency's website.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63G-16-301, Utah Code Annotated 1953

63G-16-302, Utah Code Annotated 1953

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

Section 1. Section **63G-16-301** is enacted to read:

Part 3. Federal Guidance Letters

63G-16-301 . Definitions.

As used in this part:

(1) "Applicable federal agency" means the federal agency that issued a federal guidance

29 letter.

30 (2) "Federal agency" means a department, agency, authority, commission, council, board,
 31 office, bureau, or other administrative unit of the executive branch of the United States
 32 government.

33 (3)(a) "Federal guidance letter" means a written statement by a federal agency,
 34 regardless of format, that:

35 (i) clarifies or provides instruction on:

36 (A) the federal agency's interpretation of a federal law; or

37 (B) the federal agency's policies for administering a federal law; and

38 (ii) is nonbinding and of general applicability.

39 (b) "Federal guidance letter" does not include:

40 (i) a written communication between a federal agency and a state agency regarding a
 41 specific entity; ~~or~~

42 (ii) a peer-to-peer communication

42a **(iii) a written communication between a federal agency and the State Tax**

42b **Commission containing guidance related to the protection, storage, or**

42c **safeguarding of confidential information.**

43 (4) "Federal law" means:

44 (a) a statute passed by the United States Congress; or

45 (b) a rule or regulation adopted by a federal agency.

46 (5) "State agency" means a department, division, board, council, committee, institution,
 47 office, bureau, or other similar administrative unit of the executive branch of state
 48 government.

49 Section 2. Section **63G-16-302** is enacted to read:

50 **63G-16-302 . Federal guidance letters received by state agencies -- Publication**
 51 **and reporting requirements -- Standards for information published on state agency**
 52 **website.**

53 (1) A state agency shall publish and report federal guidance letters received by the state
 54 agency in accordance with this section.

55 (2)(a) Beginning July 1, 2025, a state agency that receives a federal guidance letter shall:

56 (i) publish the federal guidance letter on:

57 (A) the state agency's public website; and

58 (B) the Utah Open Data Portal Website created in Section 63A-16-107; and

59 (ii) transmit a copy of the federal guidance letter to:

- 60 (A) the Legislative Management Committee; and
61 (B) the chairs of the Legislature's Federalism Commission.
- 62 (b) A state agency shall comply with the requirements of Subsection (2)(a) within 15
63 days from the date on which the state agency receives the federal guidance letter.
- 64 (3)(a) This Subsection (3) applies to a state agency that:
- 65 (i) publishes and reports a federal guidance in accordance with Subsection (2); and
66 (ii) receives a written communication from the applicable federal agency indicating
67 that the federal guidance letter has been rescinded.
- 68 (b) A state agency described in Subsection (3)(a) shall:
- 69 (i) publish the following documents on the websites described in Subsection (2)(a)(i):
- 70 (A) the written communication indicating the federal guidance letter's rescission;
71 and
72 (B) a disclaimer, linked to the federal guidance letter, notifying the public of the
73 federal guidance letter's rescission; and
- 74 (ii) transmit to the entities described in Subsection (2)(a)(ii) a copy of the written
75 communication indicating the federal guidance letter's rescission.
- 76 (c) A state agency shall comply with the requirements of Subsection (3)(b) within 15
77 days from the date on which the state agency receives the written communication
78 indicating the federal guidance letter's rescission.
- 79 (4) A state agency shall ensure that any information published on the state agency's public
80 website under this section is available:
- 81 (a) on a permanent basis;
82 (b) in a user-friendly manner; and
83 (c) via a link from the main page of the website.

84 Section 3. **Effective Date.**

85 This bill takes effect on May 7, 2025.