

SB0198S01 compared with SB0198

{Omitted text} shows text that was in SB0198 but was omitted in SB0198S01

inserted text shows text that was not in SB0198 but was inserted into SB0198S01

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Federal Guidance Letter Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

House Sponsor:

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

None

ENACTS:

63G-16-301 , Utah Code Annotated 1953 , Utah Code Annotated 1953

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21 **63G-16-302** , Utah Code Annotated 1953 , Utah Code Annotated 1953

22

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

24 Section 1. Section 1 is enacted to read:

25

Part 3. Federal Guidance Letters

26 **63G-16-301. Definitions.**

As used in this part:

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

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

33 ~~(3)~~

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

35 ~~{(a)}~~ (i) clarifies or provides instruction on:

36 ~~{(i)}~~ (A) the federal agency's interpretation of a federal law; or

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

38 ~~{(b)}~~ (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 specific entity; or

42 (ii) a peer-to-peer communication.

39 (4) "Federal law" means:

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

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

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

49 Section 2. Section 2 is enacted to read:

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

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

51 (2)

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- . (a) Beginning July 1, 2025, a state agency that receives a federal guidance letter shall:
- 52 (i) publish the federal guidance letter on:
- 53 (A) the state agency's public website; and
- 54 (B) the Utah Open Data Portal Website created in Section 63A-16-107; and
- 55 (ii) transmit a copy of the federal guidance letter to:
- 56 (A) the Legislative Management Committee; and
- 57 (B) the chairs of the Legislature's Federalism Commission.
- 58 (b) A state agency shall comply with the requirements of Subsection (2)(a) within 15 days from the date
on which the state agency receives the federal guidance letter.
- 60 (3)
- . (a) This Subsection (3) applies to a state agency that:
- 61 (i) publishes and reports a federal guidance in accordance with Subsection (2); and
- 62 (ii) receives a written communication from the applicable federal agency indicating that the federal
guidance letter has been rescinded.
- 64 (b) A state agency described in Subsection (3)(a) shall:
- 65 (i) publish the following documents on the websites described in Subsection (2)(a)(i):
- 66 (A) the written communication indicating the federal guidance letter's rescission; and
- 68 (B) a disclaimer, linked to the federal guidance letter, notifying the public of the federal guidance
letter's rescission; and
- 70 (ii) transmit to the entities described in Subsection (2)(a)(ii) a copy of the written communication
indicating the federal guidance letter's rescission.
- 72 (c) A state agency shall comply with the requirements of Subsection (3)(b) within 15 days from the
date on which the state agency receives the written communication indicating the federal guidance
letter's rescission.
- 75 (4) A state agency shall ensure that any information published on the state agency's public website
under this section is available:
- 77 (a) on a permanent basis;
- 78 (b) in a user-friendly manner; and
- 79 (c) via a link from the main page of the website.

84 Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

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