

SB0268S01 compared with SB0268

{Omitted text} shows text that was in SB0268 but was omitted in SB0268S01

inserted text shows text that was not in SB0268 but was inserted into SB0268S01

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Rules Review and General Oversight Committee Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Stephanie Gricius

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LONG TITLE

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General Description:

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This bill amends provisions related to the Rules Review and General Oversight Committee.

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Highlighted Provisions:

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This bill:

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- ▶ amends provisions related to the Rules Review and General Oversight Committee{:-}

(committee) and opening bill files for drafting legislation; and

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- ▶ allows the committee to have closed meetings under certain circumstances.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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AMENDS:

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36-35-102, as renumbered and amended by Laws of Utah 2024, Chapter 178, as renumbered and amended by Laws of Utah 2024, Chapter 178

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52-4-205 , as last amended by Laws of Utah 2024, Chapters 135, 288, 506, and 524 , as last amended by Laws of Utah 2024, Chapters 135, 288, 506, and 524

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

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Section 1. Section **36-35-102** is amended to read:

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36-35-102. Rules Review and General Oversight Committee.

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(1)

(a) There is created a Rules Review and General Oversight Committee of the following 10 permanent members:

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(i) five members of the Senate appointed by the president of the Senate, no more than three of whom may be from the same political party; and

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(ii) five members of the House of Representatives appointed by the speaker of the House of Representatives, no more than three of whom may be from the same political party.

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(b) Each permanent member shall serve:

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(i) for a two-year term; or

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(ii) until the permanent member's successor is appointed.

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(c)

(i) A vacancy exists when a permanent member ceases to be a member of the Legislature, or when a permanent member resigns from the committee.

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(ii) When a vacancy exists:

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(A) if the departing member is a member of the Senate, the president of the Senate shall appoint a member of the Senate to fill the vacancy; or

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(B) if the departing member is a member of the House of Representatives, the speaker of the House of Representatives shall appoint a member of the House of Representatives to fill the vacancy.

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(iii) The newly appointed member shall serve the remainder of the departing member's unexpired term.

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(d)

(i) The president of the Senate shall designate a member of the Senate appointed under Subsection (1)(a)(i) as a cochair of the committee.

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(ii) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (1)(a)(ii) as a cochair of the committee.

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(e) Three representatives and three senators from the permanent members are a quorum for the transaction of business at any meeting.

47 (f)

(i) Subject to Subsection (1)(f)(ii), the committee shall meet at least once each month to review new agency rules and court rules, amendments to existing agency rules and court rules, and repeals of existing agency rules and court rules.

50 (ii) The committee chairs may suspend the meeting requirement described in Subsection (1)(f)(i) at the committee chairs' discretion.

52 (2) The office shall submit a copy of each issue of the bulletin to the committee.

53 (3)

(a) The committee shall exercise continuous oversight of the administrative rulemaking process under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and shall, for each general session of the Legislature, request legislation that considers legislative reauthorization of agency rules as provided under Section 63G-3-502.

58 (b) The committee shall examine each agency rule, including any agency rule made according to the emergency rulemaking procedure described in Section 63G-3-304, submitted by an agency to determine:

61 (i) whether the agency rule is authorized by statute;

62 (ii) whether the agency rule complies with legislative intent;

63 (iii) the agency rule's impact on the economy and the government operations of the state and local political subdivisions;

65 (iv) the agency rule's impact on affected persons;

66 (v) the agency rule's total cost to entities regulated by the state;

67 (vi) the agency rule's benefit to the citizens of the state; and

68 (vii) whether adoption of the agency rule requires legislative review or approval.

69 (c)

~~(f)~~ The committee may examine and review:

70 ~~(A)~~ (i) any executive order issued pursuant to Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act;

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~~[(B)]~~ (ii) any public health order issued during a public health emergency declared in accordance with Title 26A, Local Health Authorities, or Title 26B, Utah Health and Human Services Code;

~~[or]~~

75 ~~[(C)]~~ (iii) any agency policy that:

76 ~~[(H)]~~ (A) affects a class of persons other than the agency; or

77 ~~[(H)]~~ (B) is contrary to legislative intent; or

81 (iv) in accordance with Subsection (10), an individual child welfare case; or

82 (v) in accordance with Subsection (11), information from an agency that is subject to a confidentiality agreement.

78 ~~[(H)]~~ (d) If the committee chooses to examine or review an order or policy described in Subsection ~~[(3)(e)(H)]~~ (3)(c), the agency that issued the order or policy shall, upon request by the committee, provide to the committee:

81 ~~[(A)]~~ (i) a copy of the order or policy; and

82 ~~[(B)]~~ (ii) information related to the order or policy.

83 ~~[(d)]~~ (e) The committee shall review court rules as provided in Section 36-35-103 and Section 36-35-104.

85 (4)

(a) To carry out the requirements of Subsection (3), the committee may examine any other issues that the committee considers necessary.

87 (b) Notwithstanding anything to the contrary in this section, the committee may not examine the internal policies, procedures, or practices of an agency or judicial branch entity.

90 (c) In reviewing a rule, the committee shall follow generally accepted principles of statutory construction.

92 (5) When the committee reviews an existing rule, the committee chairs:

93 (a) shall invite the Senate and House chairs of the standing committee and of the appropriation subcommittee that have jurisdiction over the agency or judicial branch entity whose existing rule is being reviewed to participate as nonvoting, ex officio members with the committee during the review of the rule; and

97 (b) may notify and refer the rule to the chairs of the interim committee that has jurisdiction over a particular agency or judicial branch entity when the committee determines that an issue involved in the rule may be more appropriately addressed by that committee.

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- 101 (6) The committee may request that the Office of the Legislative Fiscal Analyst prepare a fiscal note on
any rule or proposal for court rule.
- 103 (7) In order to accomplish the committee's functions described in this chapter, the committee has all the
powers granted to legislative interim committees under Section 36-12-11.
- 106 (8)
- (a) The committee may prepare written findings of the committee's review of a rule, proposal for court
rule, policy, practice, or procedure and may include any recommendation, including:
- 109 (i) legislative action;
- 110 (ii) action by a standing committee or interim committee;
- 111 (iii) agency rulemaking action;
- 112 (iv) Supreme Court rulemaking action; or
- 113 (v) Judicial Council rulemaking action.
- 114 (b) When the committee reviews a rule, the committee shall provide to the agency or judicial branch
entity that enacted the rule:
- 116 (i) the committee's findings, if any; and
- 117 (ii) a request that the agency or judicial branch entity notify the committee of any changes the agency or
judicial branch entity makes to the rule.
- 119 (c) The committee shall provide a copy of the committee's findings described in Subsection (8)(a), if
any, to:
- 121 (i) any member of the Legislature, upon request;
- 122 (ii) any person affected by the rule, upon request;
- 123 (iii) the president of the Senate;
- 124 (iv) the speaker of the House of Representatives;
- 125 (v) the Senate and House chairs of the standing committee that has jurisdiction over the agency or
judicial branch entity whose rule, policy, practice, or procedure is the subject of the finding;
- 128 (vi) the Senate and House chairs of the appropriation subcommittee that has jurisdiction over the agency
or judicial branch entity that made the rule;
- 130 (vii) the governor; and
- 131 (viii) if the findings involve a court rule or judicial branch entity:
- 132 (A) the Judiciary Interim Committee;
- 133 (B) the Supreme Court; and

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- 134 (C) the Judicial Council.
- 135 (9)
- (a)
- (i) The committee may submit a report on the committee's review under this section to each member of the Legislature at each regular session.
- 137 (ii) The report shall include:
- 138 (A) any finding or recommendation the committee made under Subsection (8);
- 139 (B) any action an agency, the Supreme Court, or the Judicial Council took in response to a committee recommendation; and
- 141 (C) any recommendation by the committee for legislation.
- 142 (b) If the committee receives a recommendation not to reauthorize an agency rule, as described in Subsection 63G-3-301(13)(b), and the committee recommends to the Legislature reauthorization of the agency rule, the committee shall submit a report to each member of the Legislature detailing the committee's decision.
- 146 (c) ~~[If the committee recommends legislation, the committee may prepare legislation for consideration by the Legislature at the next general session.]~~ The committee may open a committee bill file to draft legislation by:
- 149 (i) committee vote; or
- 150 (ii) the House and Senate chairs agreeing to open a committee bill file if:
- 151 (A) the committee has voted to grant the chairs the ability to open committee bill files in the first meeting of the committee after the Legislature has adjourned sine die from the annual general session; and
- 154 (B) the chairs open a committee bill during the calendar year in which the vote described in Subsection (9)(c)(ii)(A) has occurred.
- 162 (10) Notwithstanding any other provision of this section, when reviewing and discussing an individual child welfare case under Subsection (3)(c)(iv):
- 164 (a) the committee:
- 165 (i) shall close the committee's meeting in accordance with Title 52, Chapter 4, Open and Public Meetings Act;
- 167 (ii) shall make reasonable efforts to identify and consider the concerns of all parties to the case; and
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(iii) may not make recommendations to the court, the division, or any other public or private entity regarding the disposition of an individual child welfare case;

171 (b) a record of the committee regarding an individual child welfare case:

172 (i) is classified as private under Section 63G-2-302; and

173 (ii) may be disclosed only in accordance with federal law and Title 63G, Chapter 2, Government Records Access and Management Act; and

175 (c) any documents received by the committee from the Division of Child and Family Services shall maintain the same classification under Title 63G, Chapter 2, Government Records Access and Management Act, that was designated by the Division of Child and Family Services.

179 (11) Notwithstanding any other provision of this section, when reviewing information described in Subsection (3)(c)(v):

181 (a) the committee shall close the committee's meeting in accordance with Title 52, Chapter 4, Open and Public Meetings Act;

183 (b) a record of the committee regarding the information:

184 (i) is classified as private under Section 63G-2-302; and

185 (ii) may be disclosed only in accordance with federal law and Title 63G, Chapter 2, Government Records Access and Management Act; and

187 (c) any documents received by the committee when reviewing the information shall maintain the same classification under Title 63G, Chapter 2, Government Records Access and Management Act, that was designated by the government entity.

190 Section 2. Section 52-4-205 is amended to read:

52-4-205. Purposes of closed meetings -- Certain issues prohibited in closed meetings.

(1) A closed meeting described under Section 52-4-204 may only be held for:

(a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual;

(b) strategy sessions to discuss collective bargaining;

(c) strategy sessions to discuss pending or reasonably imminent litigation;

(d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the state, if public discussion would:

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- 202 (i) disclose the appraisal or estimated value of the property under consideration; or
203 (ii) prevent the public body from completing the transaction on the best possible terms;
205 (e) strategy sessions to discuss the sale of real property, including any form of a water right or water
shares, if:
- 207 (i) public discussion of the transaction would:
- 208 (A) disclose the appraisal or estimated value of the property under consideration; or
210 (B) prevent the public body from completing the transaction on the best possible terms;
212 (ii) the public body previously gave public notice that the property would be offered for sale; and
214 (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
- 216 (f) discussion regarding deployment of security personnel, devices, or systems;
217 (g) investigative proceedings regarding allegations of criminal misconduct;
218 (h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the
receipt or review of ethics complaints;
- 220 (i) as relates to an ethics committee of the Legislature, a purpose permitted under Subsection
52-4-204(1)(a)(iii)(C);
- 222 (j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202,
conducting business relating to an ethics complaint;
- 224 (k) as relates to a county legislative body, discussing commercial information as defined in Section
59-1-404;
- 226 (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed board of
directors, discussing fiduciary or commercial information;
- 228 (m) deliberations, not including any information gathering activities, of a public body acting in the
capacity of:
- 230 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code, during the process of
evaluating responses to a solicitation, as defined in Section 63G-6a-103;
233 (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a decision on a
protest under Title 63G, Chapter 6a, Part 16, Protests; or
235 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement Code, during the
process of deciding an appeal under Title 63G, Chapter 6a, Part 17, Procurement Appeals Board;

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- (n) the purpose of considering information that is designated as a trade secret, as defined in Section 13-24-2, if the public body's consideration of the information is necessary to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;
- 242 (o) the purpose of discussing information provided to the public body during the procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of the meeting:
- 245 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be disclosed to a member of the public or to a participant in the procurement process; and
- 248 (ii) the public body needs to review or discuss the information to properly fulfill its role and responsibilities in the procurement process;
- 250 (p) as relates to the governing board of a governmental nonprofit corporation, as that term is defined in Section 11-13a-102, the purpose of discussing information that is designated as a trade secret, as that term is defined in Section 13-24-2, if:
- 253 (i) public knowledge of the discussion would reasonably be expected to result in injury to the owner of the trade secret; and
- 255 (ii) discussion of the information is necessary for the governing board to properly discharge the board's duties and conduct the board's business;
- 257 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board, to review confidential information regarding violations and security requirements in relation to the operation of cannabis production establishments;
- 260 (r) considering a loan application, if public discussion of the loan application would disclose:
- 262 (i) nonpublic personal financial information; or
- 263 (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business financial information the disclosure of which would reasonably be expected to result in unfair competitive injury to the person submitting the information;
- 266 (s) a discussion of the board of the Point of the Mountain State Land Authority, created in Section 11-59-201, regarding a potential tenant of point of the mountain state land, as defined in Section 11-59-102; or
- 269 (t) a purpose for which a meeting is required to be closed under Subsection (2).
- 270 (2) The following meetings shall be closed:
- 271 (a) a meeting of the Health and Human Services Interim Committee to review a report described in Subsection 26B-1-506(1)(a), and a response to the report described in Subsection 26B-1-506(2);

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- 274 (b) a meeting of the Child Welfare Legislative Oversight Panel to:
- 275 (i) review a report described in Subsection 26B-1-506(1)(a), and a response to the report described in
Subsection 26B-1-506(2); or
- 277 (ii) review and discuss an individual case, as described in Subsection 36-33-103(2);
- 278 (c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose of advising the
Natural Resource Conservation Service of the United States Department of Agriculture on a farm
improvement project if the discussed information is protected information under federal law;
- 282 (d) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the purpose of
reviewing petitions for a medical cannabis card in accordance with Section 26B-1-421;
- 285 (e) a meeting of the Colorado River Authority of Utah if:
- 286 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water in the Colorado
River system; and
- 288 (ii) failing to close the meeting would:
- 289 (A) reveal the contents of a record classified as protected under Subsection 63G-2-305(81);
- 291 (B) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River
system;
- 293 (C) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best
terms and conditions regarding the use of water in the Colorado River system; or
- 296 (D) give an advantage to another state or to the federal government in negotiations regarding the use of
water in the Colorado River system;
- 298 (f) a meeting of the General Regulatory Sandbox Program Advisory Committee if:
- 299 (i) the purpose of the meeting is to discuss an application for participation in the regulatory sandbox as
defined in Section 63N-16-102; and
- 301 (ii) failing to close the meeting would reveal the contents of a record classified as protected under
Subsection 63G-2-305(82); [~~and~~]
- 303 (g) a meeting of a project entity if:
- 304 (i) the purpose of the meeting is to conduct a strategy session to discuss market conditions relevant to
a business decision regarding the value of a project entity asset if the terms of the business decision
are publicly disclosed before the decision is finalized and a public discussion would:
- 308 (A) disclose the appraisal or estimated value of the project entity asset under consideration; or
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- (B) prevent the project entity from completing on the best possible terms a contemplated transaction concerning the project entity asset;
- 312 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity;
- 315 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity; or
- 318 (iv) failing to close the meeting would prevent the project entity from getting the best price on the market[-] ; and
- 320 (h) a meeting of the Rules Review and General Oversight Committee to review and discuss:
- 322 (i) an individual child welfare case as described in Subsection 36-35-102(3)(c); or
- 323 (ii) a information that is subject to a confidentiality agreement as described in Subsection 36-35-102(3)(c).
- 325 (3) In a closed meeting, a public body may not:
- 326 (a) interview a person applying to fill an elected position;
- 327 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office; or
- 330 (c) discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

334 Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

3-3-25 8:12 AM