

SB0268S02 compared with SB0268S01

~~{Omitted text}~~ shows text that was in SB0268S01 but was omitted in SB0268S02

inserted text shows text that was not in SB0268S01 but was inserted into SB0268S02

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1 Rules Review and General Oversight Committee Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Stephanie Gricius

2

3 LONG TITLE

4 General Description:

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

6 Highlighted Provisions:

7 This bill:

8 ▶ amends provisions related to the Rules Review and General Oversight Committee (committee)

and opening bill files for drafting legislation; ~~{and}~~

10 ▶ allows the committee to have closed meetings under certain circumstances~~{:}~~ ; and

11 ▶ allows the committee to delay the effective date of certain administrative rules.

12 Money Appropriated in this Bill:

13 None

14 Other Special Clauses:

15 None

17 AMENDS:

18 **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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19 **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

20 **63G-3-301** , as last amended by Laws of Utah 2024, Chapter 178 , as last amended by Laws
of Utah 2024, Chapter 178

21 ENACTS:

22 **63G-3-304.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

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

26 **36-35-102. Rules Review and General Oversight Committee.**

23 (1)

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

25 (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

27 (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.

30 (b) Each permanent member shall serve:

31 (i) for a two-year term; or

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

33 (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.

35 (ii) When a vacancy exists:

36 (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

38 (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.

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

43 (d)

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- (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.
- 45 (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.
- 48 (e) Three representatives and three senators from the permanent members are a quorum for the transaction of business at any meeting.
- 50 (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.
- 53 (ii) The committee chairs may suspend the meeting requirement described in Subsection (1)(f)(i) at the committee chairs' discretion.
- 55 (2) The office shall submit a copy of each issue of the bulletin to the committee.
- 56 (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.
- 61 (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:
- 64 (i) whether the agency rule is authorized by statute;
- 65 (ii) whether the agency rule complies with legislative intent;
- 66 (iii) the agency rule's impact on the economy and the government operations of the state and local political subdivisions;
- 68 (iv) the agency rule's impact on affected persons;
- 69 (v) the agency rule's total cost to entities regulated by the state;
- 70 (vi) the agency rule's benefit to the citizens of the state; and
- 71 (vii) whether adoption of the agency rule requires legislative review or approval.
- 72 (c)
- [(†)] The committee may examine and review:

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- 73 ~~[(A)]~~ (i) any executive order issued pursuant to Title 53, Chapter 2a, Part 2, Disaster Response and
 Recovery Act;
- 75 ~~[(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]~~
- 78 ~~[(C)]~~ (iii) any agency policy that:
- 79 ~~[(H)]~~ (A) affects a class of persons other than the agency; or
- 80 ~~[(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.
- 84 ~~[(H)]~~ (d) If the committee chooses to examine or review an order or policy described in Subsection
 ~~[(3)(e)(i)]~~ (3)(c), the agency that issued the order or policy shall, upon request by the committee,
 provide to the committee:
- 87 ~~[(A)]~~ (i) a copy of the order or policy; and
- 88 ~~[(B)]~~ (ii) information related to the order or policy.
- 89 ~~[(d)]~~ (e) The committee shall review court rules as provided in Section 36-35-103 and Section
 36-35-104.
- 91 (4)
- (a) To carry out the requirements of Subsection (3), the committee may examine any other issues that
 the committee considers necessary.
- 93 (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.
- 96 (c) In reviewing a rule, the committee shall follow generally accepted principles of statutory
 construction.
- 98 (5) When the committee reviews an existing rule, the committee chairs:
- 99 (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

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- (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.
- 107 (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.
- 109 (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.
- 112 (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:
- 115 (i) legislative action;
- 116 (ii) action by a standing committee or interim committee;
- 117 (iii) agency rulemaking action;
- 118 (iv) Supreme Court rulemaking action; or
- 119 (v) Judicial Council rulemaking action.
- 120 (b) When the committee reviews a rule, the committee shall provide to the agency or judicial branch
entity that enacted the rule:
- 122 (i) the committee's findings, if any; and
- 123 (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.
- 125 (c) The committee shall provide a copy of the committee's findings described in Subsection (8)(a), if
any, to:
- 127 (i) any member of the Legislature, upon request;
- 128 (ii) any person affected by the rule, upon request;
- 129 (iii) the president of the Senate;
- 130 (iv) the speaker of the House of Representatives;
- 131 (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;
- 134 (vi) the Senate and House chairs of the appropriation subcommittee that has jurisdiction over the agency
or judicial branch entity that made the rule;
- 136 (vii) the governor; and

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- 137 (viii) if the findings involve a court rule or judicial branch entity:
138 (A) the Judiciary Interim Committee;
139 (B) the Supreme Court; and
140 (C) the Judicial Council.
141 (9)
142 (a)
143 (i) The committee may submit a report on the committee's review under this section to each
144 member of the Legislature at each regular session.
145 (ii) The report shall include:
146 (A) any finding or recommendation the committee made under Subsection (8);
147 (B) any action an agency, the Supreme Court, or the Judicial Council took in response to a committee
148 recommendation; and
149 (C) any recommendation by the committee for legislation.
150 (b) If the committee receives a recommendation not to reauthorize an agency rule, as described in
151 Subsection 63G-3-301(13)(b), and the committee recommends to the Legislature reauthorization of
152 the agency rule, the committee shall submit a report to each member of the Legislature detailing the
153 committee's decision.
154 (c) ~~[If the committee recommends legislation, the committee may prepare legislation for consideration
155 by the Legislature at the next general session.] The committee may open a committee bill file to
156 draft legislation by:~~
157 (i) committee vote; or
158 (ii) the House and Senate chairs agreeing to open a committee bill file if:
159 (A) the committee has voted to grant the chairs the ability to open committee bill files in the first
160 meeting of the committee after the Legislature has adjourned sine die from the annual general
161 session; and
162 (B) the chairs open a committee bill during the calendar year in which the vote described in Subsection
163 (9)(c)(ii)(A) has occurred.
164 (10) Notwithstanding any other provision of this section, when reviewing and discussing an individual
165 child welfare case under Subsection (3)(c)(iv):
166 (a) the committee:

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- (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
- 169 (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.
- 194 Section 2. Section **52-4-205** is amended to read:
- 195 **52-4-205. Purposes of closed meetings -- Certain issues prohibited in closed meetings.**
- 193 (1) A closed meeting described under Section 52-4-204 may only be held for:
- 194 (a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual;
- 196 (b) strategy sessions to discuss collective bargaining;
- 197 (c) strategy sessions to discuss pending or reasonably imminent litigation;
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- (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:
- 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

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- 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;
- 238 (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:

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- 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);
- 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:

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- 308 (A) disclose the appraisal or estimated value of the project entity asset under consideration; or
310 (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.
- 338 Section 3. Section 63G-3-301 is amended to read:
339 **63G-3-301. Rulemaking procedure.**
340 (1) An agency authorized to make rules is also authorized to amend or repeal those rules.
341 (2) Except as provided in Sections 63G-3-303 and 63G-3-304, when making, amending, or repealing a
rule agencies shall comply with:
343 (a) the requirements of this section;
344 (b) consistent procedures required by other statutes;
345 (c) applicable federal mandates; and

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- 346 (d) rules made by the office to implement this chapter.
- 347 (3) Subject to the requirements of this chapter, each agency shall develop and use flexible approaches
in drafting rules that meet the needs of the agency and that involve persons affected by the agency's
rules.
- 350 (4)
- (a) Each agency shall file the agency's proposed rule and rule analysis with the office.
- 351 (b) Rule amendments shall be marked with new language underlined and deleted language struck out.
- 353 (c)
- (i) The office shall publish the information required under Subsection (8) on the rule analysis and the
text of the proposed rule in the next issue of the bulletin.
- 355 (ii) For rule amendments, only the section or subsection of the rule being amended need be printed.
- 357 (iii) If the director determines that the rule is too long to publish, the office shall publish the rule
analysis and shall publish the rule by reference to a copy on file with the office.
- 360 (5) Before filing a rule with the office, the agency shall conduct a thorough analysis, consistent with the
criteria established by the Governor's Office of Planning and Budget, of the fiscal impact a rule may
have on businesses, which criteria may include:
- 363 (a) the type of industries that will be impacted by the rule, and for each identified industry, an estimate
of the total number of businesses within the industry, and an estimate of the number of those
businesses that are small businesses;
- 366 (b) the individual fiscal impact that would incur to a typical business for a one-year period;
- 368 (c) the aggregated total fiscal impact that would incur to all businesses within the state for a one-year
period;
- 370 (d) the total cost that would incur to all impacted entities over a five-year period; and
- 371 (e) the department head's comments on the analysis.
- 372 (6) If the agency reasonably expects that a proposed rule will have a measurable negative fiscal impact
on small businesses, the agency shall consider, as allowed by federal law, each of the following
methods of reducing the impact of the rule on small businesses:
- 375 (a) establishing less stringent compliance or reporting requirements for small businesses;
- 376 (b) establishing less stringent schedules or deadlines for compliance or reporting requirements for small
businesses;
- 378 (c) consolidating or simplifying compliance or reporting requirements for small businesses;

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- 380 (d) establishing performance standards for small businesses to replace design or operational standards
required in the proposed rule; and
- 382 (e) exempting small businesses from all or any part of the requirements contained in the proposed rule.
- 384 (7) If during the public comment period an agency receives comment that the proposed rule will
cost small business more than one day's annual average gross receipts, and the agency had not
previously performed the analysis in Subsection (6), the agency shall perform the analysis described
in Subsection (6).
- 388 (8) The rule analysis shall contain:
- 389 (a) a summary of the rule or change;
- 390 (b) the purpose of the rule or reason for the change;
- 391 (c) the statutory authority or federal requirement for the rule;
- 392 (d) the anticipated cost or savings to:
- 393 (i) the state budget;
- 394 (ii) local governments;
- 395 (iii) small businesses; and
- 396 (iv) persons other than small businesses, businesses, or local governmental entities;
- 397 (e) the compliance cost for affected persons;
- 398 (f) how interested persons may review the full text of the rule;
- 399 (g) how interested persons may present their views on the rule;
- 400 (h) the time and place of any scheduled public hearing;
- 401 (i) the name and telephone number of an agency employee who may be contacted about the rule;
- 403 (j) the name of the agency head or designee who authorized the rule;
- 404 (k) the date on which the rule may become effective following the public comment period;
- 406 (l) the agency's analysis on the fiscal impact of the rule as required under Subsection (5);
- 407 (m) any additional comments the department head may choose to submit regarding the fiscal impact the
rule may have on businesses; and
- 409 (n) if applicable, a summary of the agency's efforts to comply with the requirements of Subsection (6).
- 411 (9)
- (a) For a rule being repealed and reenacted, the rule analysis shall contain a summary that generally
includes the following:

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- (i) a summary of substantive provisions in the repealed rule which are eliminated from the enacted rule; and
- 415 (ii) a summary of new substantive provisions appearing only in the enacted rule.
- 416 (b) The summary required under this Subsection (9) is to aid in review and may not be used to contest any rule on the ground of noncompliance with the procedural requirements of this chapter.
- 419 (10) A copy of the rule analysis shall be mailed to all persons who have made timely request of the agency for advance notice of the agency's rulemaking proceedings and to any other person who, by statutory or federal mandate or in the judgment of the agency, should also receive notice.
- 423 (11)
- (a) Following the publication date, the agency shall allow at least 30 days for public comment on the rule.
- 425 (b) The agency shall review and evaluate all public comments submitted in writing within the time period under Subsection (11)(a) or presented at public hearings conducted by the agency within the time period under Subsection (11)(a).
- 428 (12)
- (a) Except as provided in Sections 63G-3-303~~[-and]~~ , 63G-3-304, and 63G-3-304.1, a proposed rule becomes effective on any date specified by the agency that is:
- 430 (i) no fewer than seven calendar days after the day on which the public comment period closes under Subsection (11); and
- 432 (ii) no more than 120 days after the day on which the rule is published.
- 433 (b) The agency shall provide notice of the rule's effective date to the office in the form required by the office.
- 435 (c) The notice of effective date may not provide for an effective date before the day on which the office receives the notice.
- 437 (d) The office shall publish notice of the effective date of the rule in the next issue of the bulletin.
- 439 (e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is not filed with the office within 120 days after the day on which the rule is published.
- 441 (13)
- (a) Except as provided in Subsection (13)(d), before an agency enacts a rule, the agency shall submit to the appropriations subcommittee and interim committee with jurisdiction over the agency the

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agency's proposed rule for review, if the proposed rule, over a three-year period, has a fiscal impact of more than:

- 445 (i) \$250,000 to a single person; or
446 (ii) \$7,500,000 to a group of persons.
- 447 (b) An appropriations subcommittee or interim committee that reviews a rule submitted under
Subsection (13)(a) shall:
- 449 (i) before the review, directly inform the chairs of the Rules Review and General Oversight Committee
of the coming review, including the date, time, and place of the review; and
452 (ii) after the review, directly inform the chairs of the Rules Review and General Oversight Committee
of the outcome of the review, including any recommendation.
- 455 (c) An appropriations subcommittee or interim committee that reviews a rule submitted under
Subsection (13)(a) may recommend to the Rules Review and General Oversight Committee that the
Rules Review and General Oversight Committee not recommend reauthorization of the rule in the
legislation described in Section 63G-3-502.
- 460 (d) The requirement described in Subsection (13)(a) does not apply to:
- 461 (i) the State Tax Commission; or
462 (ii) the State Board of Education.
- 463 (14)
- (a) As used in this Subsection (14), "initiate rulemaking proceedings" means the filing, for the purposes
of publication in accordance with Subsection (4), of an agency's proposed rule that is required by
state statute.
- 466 (b) A state agency shall initiate rulemaking proceedings no later than 180 days after the day on
which the statutory provision that specifically requires the rulemaking takes effect, except under
Subsection (14)(c).
- 469 (c) When a statute is enacted that requires agency rulemaking and the affected agency already has rules
in place that meet the statutory requirement, the agency shall submit the rules to the Rules Review
and General Oversight Committee for review within 60 days after the day on which the statute
requiring the rulemaking takes effect.
- 473 (d) If a state agency does not initiate rulemaking proceedings in accordance with the time requirements
in Subsection (14)(b), the state agency shall appear before the legislative Rules Review and General
Oversight Committee and provide the reasons for the delay.

SB0268S01 compared with SB0268S02

477 Section 4. Section 4 is enacted to read:

478 **63G-3-304.1. Delaying the effective date of a proposed rule.**

- 479 (1) Upon a majority vote of the members of the committee, the Rules Review and General Oversight
Committee may delay the effective date of a proposed rule promulgated by the State Board of
Education to a date determined by the committee.
- 482 (2) The Rules Review and General Oversight Committee:
- 483 (a) may choose to delay the effective date of an entire proposed rule, a single section, or any complete
paragraph of a rule; and
- 485 (b) may not delay the effective day beyond May 15 of the calendar year after the day the vote is taken.
- 487 (3)
- (a) Upon a majority vote of the members of the committee, the Rules Review and General Oversight
Committee may remove the delay of effective date described in Subsection (1).
- 490 (b) A rule or section or paragraph of a rule that has had the delay of effective date removed under
Subsection (3)(a) goes into effect on a day designated by the State Board of Education.
- 493 (4) The Rules Review and General Oversight Committee shall notify the State Board of Education and
the office of the delay of the effective date.
- 495 (5) A State Board of Education proposed rule's effective date may not be delayed if:
- 496 (a) the rule is explicitly mandated by a federal law or regulation;
- 497 (b) a provision of Utah's constitution vests the State Board of Education with specific constitutional
authority to promulgate the rule; or
- 499 (c) the rule is an emergency rule filed under Section 63G-3-304.
- 500 (6) The office shall make rules in accordance with this chapter to determine how to bifurcate a rule that
has had a section or paragraph's effective date delayed under this section.

503 Section 5. **Effective date.**

Effective Date.

This bill takes effect on May 7, 2025.

3-5-25 1:19 PM