

Stephanie Gricius proposes the following substitute bill:

Rules Review and General Oversight Committee Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Stephanie Gricius

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- amends provisions related to the Rules Review and General Oversight Committee (committee) and opening bill files for drafting legislation; and
- allows the committee to have closed meetings under certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

- (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
- (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
- 34 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
- 37 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
- 39 speaker of the House of Representatives shall appoint a member of the House
- 40 of Representatives to fill the vacancy.
- 41 (iii) The newly appointed member shall serve the remainder of the departing
- 42 member's unexpired term.
- 43 (d)(i) The president of the Senate shall designate a member of the Senate appointed
- 44 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
- 46 House of Representatives appointed under Subsection (1)(a)(ii) as a cochair of the
- 47 committee.
- 48 (e) Three representatives and three senators from the permanent members are a quorum
- 49 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
- 51 month to review new agency rules and court rules, amendments to existing agency
- 52 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
- 54 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
- 57 rulemaking process under Title 63G, Chapter 3, Utah Administrative Rulemaking
- 58 Act, and shall, for each general session of the Legislature, request legislation that
- 59 considers legislative reauthorization of agency rules as provided under Section
- 60 63G-3-502.
- 61 (b) The committee shall examine each agency rule, including any agency rule made
- 62 according to the emergency rulemaking procedure described in Section 63G-3-304,
- 63 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
- 67 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:

73 [~~(A)~~] (i) any executive order issued pursuant to Title 53, Chapter 2a, Part 2, Disaster

74 Response and Recovery Act;

75 [~~(B)~~] (ii) any public health order issued during a public health emergency declared in

76 accordance with Title 26A, Local Health Authorities, or Title 26B, Utah Health

77 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

83 a confidentiality agreement.

84 [(††)] (d) If the committee chooses to examine or review an order or policy described in

85 Subsection [~~(3)~~](e)(†) (3)(c), the agency that issued the order or policy shall, upon

86 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

90 Section 36-35-104.

91 (4)(a) To carry out the requirements of Subsection (3), the committee may examine any

92 other issues that the committee considers necessary.

93 (b) Notwithstanding anything to the contrary in this section, the committee may not

94 examine the internal policies, procedures, or practices of an agency or judicial branch

95 entity.

96 (c) In reviewing a rule, the committee shall follow generally accepted principles of

97 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
100 appropriation subcommittee that have jurisdiction over the agency or judicial branch
101 entity whose existing rule is being reviewed to participate as nonvoting, ex officio
102 members with the committee during the review of the rule; and
103 (b) may notify and refer the rule to the chairs of the interim committee that has
104 jurisdiction over a particular agency or judicial branch entity when the committee
105 determines that an issue involved in the rule may be more appropriately addressed by
106 that committee.
- 107 (6) The committee may request that the Office of the Legislative Fiscal Analyst prepare a
108 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
110 committee has all the powers granted to legislative interim committees under Section
111 36-12-11.
- 112 (8)(a) The committee may prepare written findings of the committee's review of a rule,
113 proposal for court rule, policy, practice, or procedure and may include any
114 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
121 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
124 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
126 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

132 the agency or judicial branch entity whose rule, policy, practice, or procedure is
 133 the subject of the finding;

134 (vi) the Senate and House chairs of the appropriation subcommittee that has
 135 jurisdiction over the agency or judicial branch entity that made the rule;

136 (vii) the governor; and

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)(a)(i) The committee may submit a report on the committee's review under this
 142 section to each member of the Legislature at each regular session.

143 (ii) The report shall include:

144 (A) any finding or recommendation the committee made under Subsection (8);

145 (B) any action an agency, the Supreme Court, or the Judicial Council took in
 146 response to a committee recommendation; and

147 (C) any recommendation by the committee for legislation.

148 (b) If the committee receives a recommendation not to reauthorize an agency rule, as
 149 described in Subsection 63G-3-301(13)(b), and the committee recommends to the
 150 Legislature reauthorization of the agency rule, the committee shall submit a report to
 151 each member of the Legislature detailing the committee's decision.

152 (c) [~~If the committee recommends legislation, the committee may prepare legislation for~~
 153 ~~consideration by the Legislature at the next general session.~~] The committee may
 154 open a committee bill file to draft legislation by:

155 (i) committee vote; or

156 (ii) the House and Senate chairs agreeing to open a committee bill file if:

157 (A) the committee has voted to grant the chairs the ability to open committee bill
 158 files in the first meeting of the committee after the Legislature has adjourned
 159 sine die from the annual general session; and

160 (B) the chairs open a committee bill during the calendar year in which the vote
 161 described in Subsection (9)(c)(ii)(A) has occurred.

162 (10) Notwithstanding any other provision of this section, when reviewing and discussing an
 163 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

- 166 and Public Meetings Act;
- 167 (ii) shall make reasonable efforts to identify and consider the concerns of all parties
- 168 to the case; and
- 169 (iii) may not make recommendations to the court, the division, or any other public or
- 170 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,
- 174 Government Records Access and Management Act; and
- 175 (c) any documents received by the committee from the Division of Child and Family
- 176 Services shall maintain the same classification under Title 63G, Chapter 2,
- 177 Government Records Access and Management Act, that was designated by the
- 178 Division of Child and Family Services.
- 179 (11) Notwithstanding any other provision of this section, when reviewing information
- 180 described in Subsection (3)(c)(v):
- 181 (a) the committee shall close the committee's meeting in accordance with Title 52,
- 182 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,
- 186 Government Records Access and Management Act; and
- 187 (c) any documents received by the committee when reviewing the information shall
- 188 maintain the same classification under Title 63G, Chapter 2, Government Records
- 189 Access and Management Act, that was designated by the government entity.
- 190 Section 2. Section **52-4-205** is amended to read:
- 191 **52-4-205 . Purposes of closed meetings -- Certain issues prohibited in closed**
- 192 **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
- 195 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;
- 198 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,
- 199 including any form of a water right or water shares, or to discuss a proposed

- 200 development agreement, project proposal, or financing proposal related to the
201 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
204 terms;
- 205 (e) strategy sessions to discuss the sale of real property, including any form of a water
206 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;
 - 209 or
 - 210 (B) prevent the public body from completing the transaction on the best possible
211 terms;
 - 212 (ii) the public body previously gave public notice that the property would be offered
213 for sale; and
 - 214 (iii) the terms of the sale are publicly disclosed before the public body approves the
215 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
219 relating to the receipt or review of ethics complaints;
- 220 (i) as relates to an ethics committee of the Legislature, a purpose permitted under
221 Subsection 52-4-204(1)(a)(iii)(C);
- 222 (j) as relates to the Independent Executive Branch Ethics Commission created in Section
223 63A-14-202, conducting business relating to an ethics complaint;
- 224 (k) as relates to a county legislative body, discussing commercial information as defined
225 in Section 59-1-404;
- 226 (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed
227 board of directors, discussing fiduciary or commercial information;
- 228 (m) deliberations, not including any information gathering activities, of a public body
229 acting in the capacity of:
- 230 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code,
231 during the process of evaluating responses to a solicitation, as defined in Section
232 63G-6a-103;
 - 233 (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a

- 234 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
- 236 Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part
- 237 17, Procurement Appeals Board;
- 238 (n) the purpose of considering information that is designated as a trade secret, as defined
- 239 in Section 13-24-2, if the public body's consideration of the information is necessary
- 240 to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement
- 241 Code;
- 242 (o) the purpose of discussing information provided to the public body during the
- 243 procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the
- 244 time of the meeting:
- 245 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be
- 246 disclosed to a member of the public or to a participant in the procurement process;
- 247 and
- 248 (ii) the public body needs to review or discuss the information to properly fulfill its
- 249 role and responsibilities in the procurement process;
- 250 (p) as relates to the governing board of a governmental nonprofit corporation, as that
- 251 term is defined in Section 11-13a-102, the purpose of discussing information that is
- 252 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
- 254 injury to the owner of the trade secret; and
- 255 (ii) discussion of the information is necessary for the governing board to properly
- 256 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
- 258 review confidential information regarding violations and security requirements in
- 259 relation to the operation of cannabis production establishments;
- 260 (r) considering a loan application, if public discussion of the loan application would
- 261 disclose:
- 262 (i) nonpublic personal financial information; or
- 263 (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business
- 264 financial information the disclosure of which would reasonably be expected to
- 265 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
- 267 in Section 11-59-201, regarding a potential tenant of point of the mountain state land,

- 268 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
- 272 described in Subsection 26B-1-506(1)(a), and a response to the report described in
- 273 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
- 276 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
- 279 of advising the Natural Resource Conservation Service of the United States
- 280 Department of Agriculture on a farm improvement project if the discussed
- 281 information is protected information under federal law;
- 282 (d) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the
- 283 purpose of reviewing petitions for a medical cannabis card in accordance with
- 284 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
- 287 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
- 290 63G-2-305(81);
- 291 (B) reveal a legal strategy relating to the state's claim to the use of the water in the
- 292 Colorado River system;
- 293 (C) harm the ability of the Colorado River Authority of Utah or river
- 294 commissioner to negotiate the best terms and conditions regarding the use of
- 295 water in the Colorado River system; or
- 296 (D) give an advantage to another state or to the federal government in negotiations
- 297 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
- 300 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

- 302 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
- 305 conditions relevant to a business decision regarding the value of a project entity
- 306 asset if the terms of the business decision are publicly disclosed before the
- 307 decision is finalized and a public discussion would:
- 308 (A) disclose the appraisal or estimated value of the project entity asset under
- 309 consideration; or
- 310 (B) prevent the project entity from completing on the best possible terms a
- 311 contemplated transaction concerning the project entity asset;
- 312 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could
- 313 cause commercial injury to, or confer a competitive advantage upon a potential or
- 314 actual competitor of, the project entity;
- 315 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of
- 316 which could cause commercial injury to, or confer a competitive advantage upon a
- 317 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
- 319 price on the market[-] ; and
- 320 (h) a meeting of the Rules Review and General Oversight Committee to review and
- 321 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
- 324 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,
- 328 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in
- 329 Elected Office; or
- 330 (c) discuss the character, professional competence, or physical or mental health of the
- 331 person whose name was submitted for consideration to fill a midterm vacancy or
- 332 temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and
- 333 Vacancy and Temporary Absence in Elected Office.

334 Section 3. **Effective Date.**

335 This bill takes effect on May 7, 2025.