

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

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**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;
- allows the committee to have closed meetings under certain circumstances; and
- allows the committee to delay the effective date of certain administrative rules.

**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

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

ENACTS:

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

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*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

- 30 three of whom may be from the same political party; and
- 31 (ii) five members of the House of Representatives appointed by the speaker of the
- 32 House of Representatives, no more than three of whom may be from the same
- 33 political party.
- 34 (b) Each permanent member shall serve:
- 35 (i) for a two-year term; or
- 36 (ii) until the permanent member's successor is appointed.
- 37 (c)(i) A vacancy exists when a permanent member ceases to be a member of the
- 38 Legislature, or when a permanent member resigns from the committee.
- 39 (ii) When a vacancy exists:
- 40 (A) if the departing member is a member of the Senate, the president of the Senate
- 41 shall appoint a member of the Senate to fill the vacancy; or
- 42 (B) if the departing member is a member of the House of Representatives, the
- 43 speaker of the House of Representatives shall appoint a member of the House
- 44 of Representatives to fill the vacancy.
- 45 (iii) The newly appointed member shall serve the remainder of the departing
- 46 member's unexpired term.
- 47 (d)(i) The president of the Senate shall designate a member of the Senate appointed
- 48 under Subsection (1)(a)(i) as a cochair of the committee.
- 49 (ii) The speaker of the House of Representatives shall designate a member of the
- 50 House of Representatives appointed under Subsection (1)(a)(ii) as a cochair of the
- 51 committee.
- 52 (e) Three representatives and three senators from the permanent members are a quorum
- 53 for the transaction of business at any meeting.
- 54 (f)(i) Subject to Subsection (1)(f)(ii), the committee shall meet at least once each
- 55 month to review new agency rules and court rules, amendments to existing agency
- 56 rules and court rules, and repeals of existing agency rules and court rules.
- 57 (ii) The committee chairs may suspend the meeting requirement described in
- 58 Subsection (1)(f)(i) at the committee chairs' discretion.
- 59 (2) The office shall submit a copy of each issue of the bulletin to the committee.
- 60 (3)(a) The committee shall exercise continuous oversight of the administrative
- 61 rulemaking process under Title 63G, Chapter 3, Utah Administrative Rulemaking
- 62 Act, and shall, for each general session of the Legislature, request legislation that
- 63 considers legislative reauthorization of agency rules as provided under Section

64 63G-3-502.

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

- 68 (i) whether the agency rule is authorized by statute;
- 69 (ii) whether the agency rule complies with legislative intent;
- 70 (iii) the agency rule's impact on the economy and the government operations of the  
71 state and local political subdivisions;
- 72 (iv) the agency rule's impact on affected persons;
- 73 (v) the agency rule's total cost to entities regulated by the state;
- 74 (vi) the agency rule's benefit to the citizens of the state; and
- 75 (vii) whether adoption of the agency rule requires legislative review or approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 98           examine the internal policies, procedures, or practices of an agency or judicial branch  
99           entity.
- 100          (c) In reviewing a rule, the committee shall follow generally accepted principles of  
101           statutory construction.
- 102          (5) When the committee reviews an existing rule, the committee chairs:
- 103           (a) shall invite the Senate and House chairs of the standing committee and of the  
104           appropriation subcommittee that have jurisdiction over the agency or judicial branch  
105           entity whose existing rule is being reviewed to participate as nonvoting, ex officio  
106           members with the committee during the review of the rule; and
- 107           (b) may notify and refer the rule to the chairs of the interim committee that has  
108           jurisdiction over a particular agency or judicial branch entity when the committee  
109           determines that an issue involved in the rule may be more appropriately addressed by  
110           that committee.
- 111          (6) The committee may request that the Office of the Legislative Fiscal Analyst prepare a  
112           fiscal note on any rule or proposal for court rule.
- 113          (7) In order to accomplish the committee's functions described in this chapter, the  
114           committee has all the powers granted to legislative interim committees under Section  
115           36-12-11.
- 116          (8)(a) The committee may prepare written findings of the committee's review of a rule,  
117           proposal for court rule, policy, practice, or procedure and may include any  
118           recommendation, including:
- 119           (i) legislative action;
- 120           (ii) action by a standing committee or interim committee;
- 121           (iii) agency rulemaking action;
- 122           (iv) Supreme Court rulemaking action; or
- 123           (v) Judicial Council rulemaking action.
- 124          (b) When the committee reviews a rule, the committee shall provide to the agency or  
125           judicial branch entity that enacted the rule:
- 126           (i) the committee's findings, if any; and
- 127           (ii) a request that the agency or judicial branch entity notify the committee of any  
128           changes the agency or judicial branch entity makes to the rule.
- 129          (c) The committee shall provide a copy of the committee's findings described in  
130           Subsection (8)(a), if any, to:
- 131           (i) any member of the Legislature, upon request;

- 132 (ii) any person affected by the rule, upon request;
- 133 (iii) the president of the Senate;
- 134 (iv) the speaker of the House of Representatives;
- 135 (v) the Senate and House chairs of the standing committee that has jurisdiction over
- 136 the agency or judicial branch entity whose rule, policy, practice, or procedure is
- 137 the subject of the finding;
- 138 (vi) the Senate and House chairs of the appropriation subcommittee that has
- 139 jurisdiction over the agency or judicial branch entity that made the rule;
- 140 (vii) the governor; and
- 141 (viii) if the findings involve a court rule or judicial branch entity:
- 142 (A) the Judiciary Interim Committee;
- 143 (B) the Supreme Court; and
- 144 (C) the Judicial Council.
- 145 (9)(a)(i) The committee may submit a report on the committee's review under this
- 146 section to each member of the Legislature at each regular session.
- 147 (ii) The report shall include:
- 148 (A) any finding or recommendation the committee made under Subsection (8);
- 149 (B) any action an agency, the Supreme Court, or the Judicial Council took in
- 150 response to a committee recommendation; and
- 151 (C) any recommendation by the committee for legislation.
- 152 (b) If the committee receives a recommendation not to reauthorize an agency rule, as
- 153 described in Subsection 63G-3-301(13)(b), and the committee recommends to the
- 154 Legislature reauthorization of the agency rule, the committee shall submit a report to
- 155 each member of the Legislature detailing the committee's decision.
- 156 (c) ~~[If the committee recommends legislation, the committee may prepare legislation for~~
- 157 ~~consideration by the Legislature at the next general session.]~~ The committee may
- 158 open a committee bill file to draft legislation by:
- 159 (i) committee vote; or
- 160 (ii) the House and Senate chairs agreeing to open a committee bill file if:
- 161 (A) the committee has voted to grant the chairs the ability to open committee bill
- 162 files in the first meeting of the committee after the Legislature has adjourned
- 163 sine die from the annual general session; and
- 164 (B) the chairs open a committee bill during the calendar year in which the vote
- 165 described in Subsection (9)(c)(ii)(A) has occurred.

- 166 (10) Notwithstanding any other provision of this section, when reviewing and discussing an  
 167 individual child welfare case under Subsection (3)(c)(iv):
- 168 (a) the committee:
- 169 (i) shall close the committee's meeting in accordance with Title 52, Chapter 4, Open  
 170 and Public Meetings Act;
- 171 (ii) shall make reasonable efforts to identify and consider the concerns of all parties  
 172 to the case; and
- 173 (iii) may not make recommendations to the court, the division, or any other public or  
 174 private entity regarding the disposition of an individual child welfare case;
- 175 (b) a record of the committee regarding an individual child welfare case:
- 176 (i) is classified as private under Section 63G-2-302; and
- 177 (ii) may be disclosed only in accordance with federal law and Title 63G, Chapter 2,  
 178 Government Records Access and Management Act; and
- 179 (c) any documents received by the committee from the Division of Child and Family  
 180 Services shall maintain the same classification under Title 63G, Chapter 2,  
 181 Government Records Access and Management Act, that was designated by the  
 182 Division of Child and Family Services.
- 183 (11) Notwithstanding any other provision of this section, when reviewing information  
 184 described in Subsection (3)(c)(v):
- 185 (a) the committee shall close the committee's meeting in accordance with Title 52,  
 186 Chapter 4, Open and Public Meetings Act;
- 187 (b) a record of the committee regarding the information:
- 188 (i) is classified as private under Section 63G-2-302; and
- 189 (ii) may be disclosed only in accordance with federal law and Title 63G, Chapter 2,  
 190 Government Records Access and Management Act; and
- 191 (c) any documents received by the committee when reviewing the information shall  
 192 maintain the same classification under Title 63G, Chapter 2, Government Records  
 193 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**  
 196 **meetings.**
- 197 (1) A closed meeting described under Section 52-4-204 may only be held for:
- 198 (a) except as provided in Subsection (3), discussion of the character, professional  
 199 competence, or physical or mental health of an individual;

- 200 (b) strategy sessions to discuss collective bargaining;
- 201 (c) strategy sessions to discuss pending or reasonably imminent litigation;
- 202 (d) strategy sessions to discuss the purchase, exchange, or lease of real property,  
203 including any form of a water right or water shares, or to discuss a proposed  
204 development agreement, project proposal, or financing proposal related to the  
205 development of land owned by the state, if public discussion would:
- 206 (i) disclose the appraisal or estimated value of the property under consideration; or  
207 (ii) prevent the public body from completing the transaction on the best possible  
208 terms;
- 209 (e) strategy sessions to discuss the sale of real property, including any form of a water  
210 right or water shares, if:
- 211 (i) public discussion of the transaction would:
- 212 (A) disclose the appraisal or estimated value of the property under consideration;  
213 or  
214 (B) prevent the public body from completing the transaction on the best possible  
215 terms;
- 216 (ii) the public body previously gave public notice that the property would be offered  
217 for sale; and
- 218 (iii) the terms of the sale are publicly disclosed before the public body approves the  
219 sale;
- 220 (f) discussion regarding deployment of security personnel, devices, or systems;
- 221 (g) investigative proceedings regarding allegations of criminal misconduct;
- 222 (h) as relates to the Independent Legislative Ethics Commission, conducting business  
223 relating to the receipt or review of ethics complaints;
- 224 (i) as relates to an ethics committee of the Legislature, a purpose permitted under  
225 Subsection 52-4-204(1)(a)(iii)(C);
- 226 (j) as relates to the Independent Executive Branch Ethics Commission created in Section  
227 63A-14-202, conducting business relating to an ethics complaint;
- 228 (k) as relates to a county legislative body, discussing commercial information as defined  
229 in Section 59-1-404;
- 230 (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed  
231 board of directors, discussing fiduciary or commercial information;
- 232 (m) deliberations, not including any information gathering activities, of a public body  
233 acting in the capacity of:

- 234 (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code,  
235 during the process of evaluating responses to a solicitation, as defined in Section  
236 63G-6a-103;
- 237 (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a  
238 decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
- 239 (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement  
240 Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part  
241 17, Procurement Appeals Board;
- 242 (n) the purpose of considering information that is designated as a trade secret, as defined  
243 in Section 13-24-2, if the public body's consideration of the information is necessary  
244 to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement  
245 Code;
- 246 (o) the purpose of discussing information provided to the public body during the  
247 procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the  
248 time of the meeting:
- 249 (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be  
250 disclosed to a member of the public or to a participant in the procurement process;  
251 and
- 252 (ii) the public body needs to review or discuss the information to properly fulfill its  
253 role and responsibilities in the procurement process;
- 254 (p) as relates to the governing board of a governmental nonprofit corporation, as that  
255 term is defined in Section 11-13a-102, the purpose of discussing information that is  
256 designated as a trade secret, as that term is defined in Section 13-24-2, if:
- 257 (i) public knowledge of the discussion would reasonably be expected to result in  
258 injury to the owner of the trade secret; and
- 259 (ii) discussion of the information is necessary for the governing board to properly  
260 discharge the board's duties and conduct the board's business;
- 261 (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board, to  
262 review confidential information regarding violations and security requirements in  
263 relation to the operation of cannabis production establishments;
- 264 (r) considering a loan application, if public discussion of the loan application would  
265 disclose:
- 266 (i) nonpublic personal financial information; or  
267 (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business



- 268 financial information the disclosure of which would reasonably be expected to  
269 result in unfair competitive injury to the person submitting the information;
- 270 (s) a discussion of the board of the Point of the Mountain State Land Authority, created  
271 in Section 11-59-201, regarding a potential tenant of point of the mountain state land,  
272 as defined in Section 11-59-102; or
- 273 (t) a purpose for which a meeting is required to be closed under Subsection (2).
- 274 (2) The following meetings shall be closed:
- 275 (a) a meeting of the Health and Human Services Interim Committee to review a report  
276 described in Subsection 26B-1-506(1)(a), and a response to the report described in  
277 Subsection 26B-1-506(2);
- 278 (b) a meeting of the Child Welfare Legislative Oversight Panel to:
- 279 (i) review a report described in Subsection 26B-1-506(1)(a), and a response to the  
280 report described in Subsection 26B-1-506(2); or
- 281 (ii) review and discuss an individual case, as described in Subsection 36-33-103(2);
- 282 (c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose  
283 of advising the Natural Resource Conservation Service of the United States  
284 Department of Agriculture on a farm improvement project if the discussed  
285 information is protected information under federal law;
- 286 (d) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the  
287 purpose of reviewing petitions for a medical cannabis card in accordance with  
288 Section 26B-1-421;
- 289 (e) a meeting of the Colorado River Authority of Utah if:
- 290 (i) the purpose of the meeting is to discuss an interstate claim to the use of the water  
291 in the Colorado River system; and
- 292 (ii) failing to close the meeting would:
- 293 (A) reveal the contents of a record classified as protected under Subsection  
294 63G-2-305(81);
- 295 (B) reveal a legal strategy relating to the state's claim to the use of the water in the  
296 Colorado River system;
- 297 (C) harm the ability of the Colorado River Authority of Utah or river  
298 commissioner to negotiate the best terms and conditions regarding the use of  
299 water in the Colorado River system; or
- 300 (D) give an advantage to another state or to the federal government in negotiations  
301 regarding the use of water in the Colorado River system;

- 302 (f) a meeting of the General Regulatory Sandbox Program Advisory Committee if:
- 303 (i) the purpose of the meeting is to discuss an application for participation in the
- 304 regulatory sandbox as defined in Section 63N-16-102; and
- 305 (ii) failing to close the meeting would reveal the contents of a record classified as
- 306 protected under Subsection 63G-2-305(82); ~~and~~
- 307 (g) a meeting of a project entity if:
- 308 (i) the purpose of the meeting is to conduct a strategy session to discuss market
- 309 conditions relevant to a business decision regarding the value of a project entity
- 310 asset if the terms of the business decision are publicly disclosed before the
- 311 decision is finalized and a public discussion would:
- 312 (A) disclose the appraisal or estimated value of the project entity asset under
- 313 consideration; or
- 314 (B) prevent the project entity from completing on the best possible terms a
- 315 contemplated transaction concerning the project entity asset;
- 316 (ii) the purpose of the meeting is to discuss a record, the disclosure of which could
- 317 cause commercial injury to, or confer a competitive advantage upon a potential or
- 318 actual competitor of, the project entity;
- 319 (iii) the purpose of the meeting is to discuss a business decision, the disclosure of
- 320 which could cause commercial injury to, or confer a competitive advantage upon a
- 321 potential or actual competitor of, the project entity; or
- 322 (iv) failing to close the meeting would prevent the project entity from getting the best
- 323 price on the market[-] ; and
- 324 (h) a meeting of the Rules Review and General Oversight Committee to review and
- 325 discuss:
- 326 (i) an individual child welfare case as described in Subsection 36-35-102(3)(c); or
- 327 (ii) information that is subject to a confidentiality agreement as described in
- 328 Subsection 36-35-102(3)(c).
- 329 (3) In a closed meeting, a public body may not:
- 330 (a) interview a person applying to fill an elected position;
- 331 (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A,
- 332 Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in
- 333 Elected Office; or
- 334 (c) discuss the character, professional competence, or physical or mental health of the
- 335 person whose name was submitted for consideration to fill a midterm vacancy or

336 temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and  
337 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  
342 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
- 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  
348 approaches in drafting rules that meet the needs of the agency and that involve persons  
349 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  
352 language struck out.
- 353 (c)(i) The office shall publish the information required under Subsection (8) on the  
354 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  
356 need be printed.
- 357 (iii) If the director determines that the rule is too long to publish, the office shall  
358 publish the rule analysis and shall publish the rule by reference to a copy on file  
359 with the office.
- 360 (5) Before filing a rule with the office, the agency shall conduct a thorough analysis,  
361 consistent with the criteria established by the Governor's Office of Planning and Budget,  
362 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  
364 industry, an estimate of the total number of businesses within the industry, and an  
365 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  
367 period;
- 368 (c) the aggregated total fiscal impact that would incur to all businesses within the state  
369 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  
373 fiscal impact on small businesses, the agency shall consider, as allowed by federal law,  
374 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  
377 requirements for small businesses;  
378 (c) consolidating or simplifying compliance or reporting requirements for small  
379 businesses;  
380 (d) establishing performance standards for small businesses to replace design or  
381 operational standards required in the proposed rule; and  
382 (e) exempting small businesses from all or any part of the requirements contained in the  
383 proposed rule.
- 384 (7) If during the public comment period an agency receives comment that the proposed rule  
385 will cost small business more than one day's annual average gross receipts, and the  
386 agency had not previously performed the analysis in Subsection (6), the agency shall  
387 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  
402 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  
405 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  
408 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  
410 Subsection (6).
- 411 (9)(a) For a rule being repealed and reenacted, the rule analysis shall contain a summary  
412 that generally includes the following:
- 413 (i) a summary of substantive provisions in the repealed rule which are eliminated  
414 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  
417 used to contest any rule on the ground of noncompliance with the procedural  
418 requirements of this chapter.
- 419 (10) A copy of the rule analysis shall be mailed to all persons who have made timely  
420 request of the agency for advance notice of the agency's rulemaking proceedings and to  
421 any other person who, by statutory or federal mandate or in the judgment of the agency,  
422 should also receive notice.
- 423 (11)(a) Following the publication date, the agency shall allow at least 30 days for public  
424 comment on the rule.
- 425 (b) The agency shall review and evaluate all public comments submitted in writing  
426 within the time period under Subsection (11)(a) or presented at public hearings  
427 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  
429 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  
431 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  
434 required by the office.
- 435 (c) The notice of effective date may not provide for an effective date before the day on  
436 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

- 438 bulletin.
- 439 (e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is  
440 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  
442 agency shall submit to the appropriations subcommittee and interim committee with  
443 jurisdiction over the agency the agency's proposed rule for review, if the proposed  
444 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  
448 under Subsection (13)(a) shall:
- 449 (i) before the review, directly inform the chairs of the Rules Review and General  
450 Oversight Committee of the coming review, including the date, time, and place of  
451 the review; and
  - 452 (ii) after the review, directly inform the chairs of the Rules Review and General  
453 Oversight Committee of the outcome of the review, including any  
454 recommendation.
- 455 (c) An appropriations subcommittee or interim committee that reviews a rule submitted  
456 under Subsection (13)(a) may recommend to the Rules Review and General  
457 Oversight Committee that the Rules Review and General Oversight Committee not  
458 recommend reauthorization of the rule in the legislation described in Section  
459 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  
464 filing, for the purposes of publication in accordance with Subsection (4), of an  
465 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  
467 day on which the statutory provision that specifically requires the rulemaking takes  
468 effect, except under Subsection (14)(c).
- 469 (c) When a statute is enacted that requires agency rulemaking and the affected agency  
470 already has rules in place that meet the statutory requirement, the agency shall submit  
471 the rules to the Rules Review and General Oversight Committee for review within 60

472 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  
474 time requirements in Subsection (14)(b), the state agency shall appear before the  
475 legislative Rules Review and General Oversight Committee and provide the reasons  
476 for the delay.

477 Section 4. Section **63G-3-304.1** 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  
480 Oversight Committee may delay the effective date of a proposed rule promulgated by  
481 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  
484 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  
486 vote is taken.
- 487 (3)(a) Upon a majority vote of the members of the committee, the Rules Review and  
488 General Oversight Committee may remove the delay of effective date described in  
489 Subsection (1).
- 490 (b) A rule or section or paragraph of a rule that has had the delay of effective date  
491 removed under Subsection (3)(a) goes into effect on a day designated by the State  
492 Board of Education.
- 493 (4) The Rules Review and General Oversight Committee shall notify the State Board of  
494 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  
498 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  
501 bifurcate a rule that has had a section or paragraph's effective date delayed under this  
502 section.

503 Section 5. **Effective Date.**

504 This bill takes effect on May 7, 2025.