

# HB0075S02 compared with HB0075S01

~~{Omitted text}~~ shows text that was in HB0075S01 but was omitted in HB0075S02

inserted text shows text that was not in HB0075S01 but was inserted into HB0075S02

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## Reauthorization of Administrative Rules ~~{Process and Reauthorization}~~

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Daniel McCay

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### LONG TITLE

#### General Description:

This bill ~~{addresses administrative rules process and}~~ reauthorizes administrative rules.

#### Highlighted Provisions:

This bill:

- ~~{allows the Rules Review and General Oversight Committee to delay the effective date of a proposed administrative rule; and}~~

- reauthorizes administrative rules.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

This bill provides a special effective date.

#### Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL:

ENACTS:

~~{63G-3-304.1, Utah Code Annotated 1953, Utah Code Annotated 1953}~~

HB0075S01

## HB0075S01 compared with HB0075S02

AMENDS:

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

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

~~{Section 1. Section 63G-3-301 is amended to read: }~~

**63G-3-301. Rulemaking procedure.**

- (1) An agency authorized to make rules is also authorized to amend or repeal those rules.
- (2) Except as provided in Sections 63G-3-303 and 63G-3-304, when making, amending, or repealing a rule agencies shall comply with:
  - (a) the requirements of this section;
  - (b) consistent procedures required by other statutes;
  - (c) applicable federal mandates; and
  - (d) rules made by the office to implement this chapter.
- (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.
- (4)
  - (a) Each agency shall file the agency's proposed rule and rule analysis with the office.
  - (b) Rule amendments shall be marked with new language underlined and deleted language struck out.
  - (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.
    - (ii) For rule amendments, only the section or subsection of the rule being amended need be printed.
    - (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.
- (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:

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- (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;
- (b) the individual fiscal impact that would incur to a typical business for a one-year period;
- (c) the aggregated total fiscal impact that would incur to all businesses within the state for a one-year period;
- (d) the total cost that would incur to all impacted entities over a five-year period; and
- (e) the department head's comments on the analysis.
- (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:
  - (a) establishing less stringent compliance or reporting requirements for small businesses;
  - (b) establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
  - (c) consolidating or simplifying compliance or reporting requirements for small businesses;
  - (d) establishing performance standards for small businesses to replace design or operational standards required in the proposed rule; and
  - (e) exempting small businesses from all or any part of the requirements contained in the proposed rule.
- (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).
- (8) The rule analysis shall contain:
  - (a) a summary of the rule or change;
  - (b) the purpose of the rule or reason for the change;
  - (c) the statutory authority or federal requirement for the rule;
  - (d) the anticipated cost or savings to:
    - (i) the state budget;
    - (ii) local governments;
    - (iii) small businesses; and
    - (iv) persons other than small businesses, businesses, or local governmental entities;

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- (e) the compliance cost for affected persons;
  - (f) how interested persons may review the full text of the rule;
  - (g) how interested persons may present their views on the rule;
  - (h) the time and place of any scheduled public hearing;
  - (i) the name and telephone number of an agency employee who may be contacted about the rule;
  - (j) the name of the agency head or designee who authorized the rule;
  - (k) the date on which the rule may become effective following the public comment period;
  - (l) the agency's analysis on the fiscal impact of the rule as required under Subsection (5);
  - (m) any additional comments the department head may choose to submit regarding the fiscal impact the rule may have on businesses; and
  - (n) if applicable, a summary of the agency's efforts to comply with the requirements of Subsection (6).
- (9)
- (a) For a rule being repealed and reenacted, the rule analysis shall contain a summary that generally includes the following:
- (i) a summary of substantive provisions in the repealed rule which are eliminated from the enacted rule; and
  - (ii) a summary of new substantive provisions appearing only in the enacted rule.
- (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.
- (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.
- (11)
- (a) Following the publication date, the agency shall allow at least 30 days for public comment on the rule.
- (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).
- (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:

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- 116 (i) no fewer than seven calendar days after the day on which the public comment period closes  
under Subsection (11); and
- 118 (ii) no more than 120 days after the day on which the rule is published.
- 119 (b) The agency shall provide notice of the rule's effective date to the office in the form required by the  
office.
- 121 (c) The notice of effective date may not provide for an effective date before the day on which the office  
receives the notice.
- 123 (d) The office shall publish notice of the effective date of the rule in the next issue of the bulletin.
- 125 (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.
- 127 (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  
agency's proposed rule for review, if the proposed rule, over a three-year period, has a fiscal impact  
of more than:
- 131 (i) \$250,000 to a single person; or
- 132 (ii) \$7,500,000 to a group of persons.
- 133 (b) An appropriations subcommittee or interim committee that reviews a rule submitted under  
Subsection (13)(a) shall:
- 135 (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
- 138 (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.
- 141 (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.
- 146 (d) The requirement described in Subsection (13)(a) does not apply to:
- 147 (i) the State Tax Commission; or
- 148 (ii) the State Board of Education.
- 149 (14)

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- (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.
- (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).
- (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.
- (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.

Section 2. Section 2 is enacted to read:

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

- (1) Upon a majority vote of the members of the committee, the Rules Review and General Oversight Committee may delay the effective date of any proposed rule to May 15 of the calendar year following the day the vote is taken.
- (2) The Rules Review and General Oversight Committee may choose to delay the effective date of an entire proposed rule, a single section, or any complete paragraph of a rule.
- (3) The Rules Review and General Oversight Committee shall notify the agency proposing the rule and the office of the delay of the effective date.
- (4) An agency's proposed rule's effective date may not be delayed if:
- (a) the rule is explicitly mandated by a federal law or regulation;
- (b) a provision of Utah's constitution vests the agency with specific constitutional authority to regulate;  
or
- (c) the rule is an emergency rule filed under Section 63G-3-304.
- (5) 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.

### **Section 1. Rules reauthorization.**

All rules of Utah state agencies are reauthorized.

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19           Section 2. **Effective date.**

Effective Date.

This bill takes effect:

184       (1) except as provided in Subsection (2), May 7, 2025; or

185       (2) if approved by two-thirds of all the members elected to each house, the later of:

186       (a) May 1, 2025; or

187       (b)

      (i) upon approval by the governor;

188       (ii) without the governor's approval, the day following the constitutional time limit of Utah

Constitution, Article VII, Section 8; or

190       (iii) with the governor's veto and a vote of the Legislature to override the veto, the date of veto override.

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