

1                                   **REGULATORY CERTAINTY AMENDMENTS**

2   2020 SIXTH SPECIAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Ronald Winterton**

5                                   House Sponsor: Carl R. Albrecht

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7 **LONG TITLE**

8 **General Description:**

9           This bill addresses a moratorium on rulemaking and fee changes.

10 **Highlighted Provisions:**

11           This bill:

- 12           ▶ prohibits the making, amending, or repealing of certain rules for a set period of time
- 13 unless certain conditions are met;
- 14           ▶ prohibits imposing new fees or increasing fees for a set period of time; and
- 15           ▶ provides for exceptions.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           This bill provides a special effective date.

20           This bill provides revisor instructions.

21 **Utah Code Sections Affected:**

22 ENACTS:

23           **19-1-207**, Utah Code Annotated 1953

24           **40-6-22**, Utah Code Annotated 1953

25 **Utah Code Sections Affected by Revisor Instructions:**

26           **19-1-207**, Utah Code Annotated 1953

27           **40-6-22**, Utah Code Annotated 1953

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

30 Section 1. Section **19-1-207** is enacted to read:

31 **19-1-207. Regulatory certainty to support economic recovery.**

32 (1) On or before June 30, 2021, the Air Quality Board or the Water Quality Board may  
33 not make, amend, or repeal a rule related to air or water quality pursuant to this title, if formal  
34 rulemaking was not initiated on or before July 1, 2020, unless the rule constitutes:

35 (a) a state rule related to a federally-delegated program;

36 (b) a rule mandated by statute to be made, amended, or repealed on or before July 1,  
37 2020; or

38 (c) subject to Subsection (2), a rule that is necessary because failure to make, amend, or  
39 repeal the rule will:

40 (i) cause an imminent peril to the public health, safety, or welfare;

41 (ii) cause an imminent budget reduction because of budget restraints or federal  
42 requirements;

43 (iii) place the agency in violation of federal or state law; or

44 (iv) fail to provide regulatory relief.

45 (2) In addition to complying with Title 63G, Chapter 3, Utah Administrative  
46 Rulemaking Act, the department shall report to the Administrative Rules Review Committee as  
47 to whether the need to act meets the requirements of Subsection (1)(c).

48 (3) On or after the effective date of this bill but on or before June 30, 2021, the Air  
49 Quality Board, Division of Air Quality, Water Quality Board, or Division of Water Quality  
50 may not impose a new fee or increase a fee related to air or water quality pursuant to this title  
51 or rules made under this title.

52 (4) Only the Legislature may extend the time limitations of this section.

53 (5) Notwithstanding the other provisions of this section, this section does not apply to a  
54 rule, fee, or fee increase to the extent that the rule, fee, or fee increase applies to an activity in a  
55 county of the first or second class.

56 (6) Notwithstanding the other provisions of this section, the agencies may engage with  
57 stakeholders in the process of discussing, developing, and drafting a rule, fee, or fee increase

58 on or after July 1, 2020, but on or before June 30, 2021.

59 Section 2. Section **40-6-22** is enacted to read:

60 **40-6-22. Regulatory certainty to support economic recovery.**

61 (1) On or before June 30, 2021, the board or division may not make, amend, or repeal a  
62 rule pursuant to this title, if formal rulemaking was not initiated on or before July 1, 2020,  
63 unless the rule constitutes:

64 (a) a state rule related to a federally-delegated program;

65 (b) a rule mandated by statute to be made, amended, or repealed on or before July 1,  
66 2020; or

67 (c) subject to Subsection (2), a rule that is necessary because failure to make, amend, or  
68 repeal the rule will:

69 (i) cause an imminent peril to the public health, safety, or welfare;

70 (ii) cause an imminent budget reduction because of budget restraints or federal  
71 requirements;

72 (iii) place the agency in violation of federal or state law; or

73 (iv) fail to provide regulatory relief.

74 (2) In addition to complying with Title 63G, Chapter 3, Utah Administrative  
75 Rulemaking Act, the board or division shall report to the Administrative Rules Review  
76 Committee as to whether the need to act meets the requirements of Subsection (1)(c).

77 (3) On or after the effective date of this bill but on or before June 30, 2021, the board  
78 or division may not impose a new fee or increase a fee pursuant to this title or rules made under  
79 this title.

80 (4) Only the Legislature may extend the time limitations of this section.

81 (5) Notwithstanding the other provisions of this section, this section does not apply to a  
82 rule, fee, or fee increase to the extent that the rule, fee, or fee increase applies to an activity in a  
83 county of the first or second class.

84 (6) Notwithstanding the other provisions of this section, the agencies may engage with  
85 stakeholders in the process of discussing, developing, and drafting a rule, fee, or fee increase

86 on or after July 1, 2020, but on or before June 30, 2021.

87 Section 3. **Effective date.**

88 If approved by two-thirds of all the members elected to each house, this bill takes effect  
89 upon approval by the governor, or the day following the constitutional time limit of Utah  
90 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
91 the date of veto override.

92 Section 4. **Revisor instructions.**

93 The Legislature intends that the Office of Legislative Research and General Counsel, in  
94 preparing the Utah Code database for publication, replace the references in Subsections  
95 [19-1-207\(3\)](#) and [40-6-22\(3\)](#) from "the effective date of this bill" to the bill's actual effective  
96 date.