

REGULATORY CERTAINTY AMENDMENTS

2020 SIXTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald Winterton

House Sponsor: Carl R. Albrecht

LONG TITLE

General Description:

This bill addresses a moratorium on rulemaking and fee changes.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides revisor instructions.

Utah Code Sections Affected:

ENACTS:

19-1-207, Utah Code Annotated 1953

40-6-22, Utah Code Annotated 1953

Utah Code Sections Affected by Revisor Instructions:

19-1-207, Utah Code Annotated 1953

40-6-22, Utah Code Annotated 1953



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

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

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

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

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

(b) a rule mandated by statute to be made, amended, or repealed on or before July 1, 2020; or

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

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

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

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

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

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

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

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

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

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

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

58 the rule constitutes:

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

60 (b) a rule mandated by statute to be made, amended, or repealed on or before July 1,
61 2020; or

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

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

65 (ii) cause an imminent budget reduction because of budget restraints or federal
66 requirements; or

67 (iii) place the agency in violation of federal or state law.

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

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

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

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

78 **Section 3. Effective date.**

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

83 **Section 4. Revisor instructions.**

84 The Legislature intends that the Office of Legislative Research and General Counsel, in
85 preparing the Utah Code database for publication, replace the references in Subsections
86 19-1-207(3) and 40-6-22(3) from "the effective date of this bill" to the bill's actual effective date.