

**FEDERAL AGENCY REGULATORY REVIEW AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE****General Description:**

This bill addresses state agency review of federal regulations.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires certain state agencies to identify federal regulations impacted by the judicial doctrine of Chevron deference;
- ▶ requires certain state agencies to report all federal regulations impacted by Chevron deference to the Office of the Attorney General; and
- ▶ addresses a potential United States Supreme Court decision overturning the judicial doctrine of Chevron deference and the bringing of litigation by the attorney general in regard to federal regulations impacted by Chevron deference.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2025:

- ▶ to Department of Natural Resources - Public Lands Policy Coordinating Office - Public Lands Policy Coordinating Office as a one-time appropriation:
  - from the General Fund, One-time, (\$1,000,000)
- ▶ to Attorney General - Contract Attorneys - Contract Attorneys as a one-time appropriation:
  - from the General Fund, One-time, \$1,000,000



**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**63C-4a-406**, Utah Code Annotated 1953

REPEALS:

**63C-4a-401**, as enacted by Laws of Utah 2013, Chapter 101

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

Section 1. Section **63C-4a-406** is enacted to read:

**Part 4. Constitutional Defense Litigation**

**63C-4a-406. Challenges to federal regulations -- Chevron deference.**

(1) As used in this part:

(a) "Chevron deference" means deference given to a federal agency's interpretation of a federal statute by a court because the court determined that:

(i) the federal statute is ambiguous; and

(ii) the federal agency's interpretation is based on a reasonable interpretation of the statute.

(b) "Federal agency" means an agency, bureau, board, commission, council, department, office, or other instrumentality of the executive branch of the United States government.

(c) "Federal regulation" means a regulation adopted by a federal agency and published in the Code of Federal Regulations or the Federal Register.

(d) "State agency" means:

(i) the Department of Environmental Quality;

(ii) the Department of Agriculture and Food; and

(iii) the Department of Natural Resources.

(2) On or before January 1, 2025, each state agency shall:

(a) identify any federal regulation impacting that state agency for which:

(i) a federal agency issued the federal regulation to implement a federal statute; and

(ii) the federal agency received Chevron deference in the agency's interpretation of the

federal statute; and

(b) report any federal regulation identified under Subsection (2)(a) to the Office of the Attorney General.

(3) The attorney general may file suit on behalf of the state challenging any federal regulation impacted by Chevron deference if:

(a) before July 1, 2025, the United States Supreme Court:

(i) holds that a court may not give Chevron deference to a federal agency's interpretation of a federal statute; or

(ii) limits the deference that a court may give a federal agency's interpretation of a federal statute; and

(b) the attorney general determines that the state can successfully challenge the federal regulation.

(4) On or before July 1, 2025, the attorney general shall report to the Federalism Commission regarding any suit that the attorney general files, or intends to file, on behalf of the state under Subsection (3).

## Section 2. **Repealer.**

This bill repeals:

Section **63C-4a-401**, Title.

## Section 3. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for fiscal year 2025.

### Subsection 3(a). **Operating and Capital Budgets.**

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1 To Attorney General - Contract Attorneys

From General Fund, One-time	\$1,000,000
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Schedule of Programs:

Contract Attorneys	\$1,000,000
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The Legislature intends that the \$1,000,000 of one-time appropriations in Item 1 be used:

(2) only if the United States Supreme Court holds, before July 1, 2025, that a court may not give Chevron deference to an federal agency's interpretation of a federal statute or limits the deference that a court may give a federal agency's interpretation of a federal statute.

From General Fund, One-time (\$1,000,000)

### Schedule of Programs:

Public Lands Policy Coordinating Office	(\$1,000,000)
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#### Section 4. **Effective date.**

This bill takes effect on May 1, 2024.