

**HOUSE RULES RESOLUTION CREATING A  
GOVERNMENTAL OVERSIGHT COMMITTEE**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

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**LONG TITLE**

**General Description:**

This House resolution of the Legislature enacts House legislative rules related to governmental oversight.

**Highlighted Provisions:**

This resolution:

- ▶ creates the House Governmental Oversight Committee; and
- ▶ provides for the committee's membership, purposes, and responsibilities.

**Special Clauses:**

None

**Legislative Rules Affected:**

ENACTS:

**HR3-3-101**

**HR3-3-201**

**HR3-3-202**

**HR3-3-203**

**HR3-3-204**

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*Be it resolved by the House of Representatives of the state of Utah:*

Section 1. **HR3-3-101** is enacted to read:

**TITLE 3. RULES GOVERNING THE RULES COMMITTEE, STANDING**



COMMITTEES, AND GOVERNMENTAL OVERSIGHT COMMITTEE OF THE  
UTAH HOUSE OF REPRESENTATIVES

CHAPTER 3. HOUSE GOVERNMENTAL OVERSIGHT COMMITTEE

Part 1. General Provisions

**HR3-3-101. Definitions.**

As used in this chapter:

(1) "Committee" means the House Governmental Oversight Committee created under this chapter.

(2) (a) "State governmental entity" means:

(i) an agency, department, division, office, institution, bureau, or any other division of the executive branch of state government; and

(ii) an employee of an entity described in Subsection (2)(a)(i) when acting as an employee of that entity.

(b) "State governmental entity" does not include:

(i) the Legislature or an entity within the legislative branch of state government;

(ii) the judicial branch of state government or an entity within the judicial branch of state government; or

(iii) a local entity governed by:

(A) Utah Code Title 10, Utah Municipal Code;

(B) Utah Code Title 11, Cities, Counties, and Local Taxing Units;

(C) Utah Code Title 17, Counties;

(D) Utah Code Title 17B, Limited Purpose Local Government Entities - Local Districts;

(E) Utah Code Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act; or

(F) Utah Code Title 17D, Limited Purpose Local Government Entities - Other Entities.

Section 2. **HR3-3-201** is enacted to read:

**Part 2. Governmental Oversight Efforts**

**HR3-3-201. House Governmental Oversight Committee created -- Membership -- Quorum.**

(1) There is created the House Governmental Oversight Committee composed of the

59 following nine members of the House of Representatives, appointed by the speaker of the  
60 House:

61 (a) six members of the majority party; and

62 (b) three members of the minority party.

63 (2) The speaker of the House shall select a member of the committee who will serve as  
64 chair and a member of the committee who will serve as cochair.

65 (3) The speaker of the House may replace a member of the committee, or select a new  
66 chair or cochair, at any time.

67 (4) For the purpose of determining a quorum for the conduct of committee business, a  
68 majority is at least 50% of the committee members from one party and more than 50% from the  
69 other.

70 (5) The Office of Legislative Research and General Counsel and the Office of the  
71 Legislative Auditor General shall jointly provide staff support to the committee.

72 Section 3. **HR3-3-202** is enacted to read:

73 **HR3-3-202. Purposes of the committee.**

74 (1) After receiving an assignment or approval described in HR3-3-203, the committee  
75 shall fulfill the Legislature's responsibility to ensure the transparency, efficiency, effectiveness,  
76 and accountability of state governmental entities by studying and investigating the funds,  
77 functions, and other duties as prescribed by law of any state governmental entity.

78 (2) Subject to HR3-3-203, the committee may, in relation to a duty described in  
79 Subsection (1):

80 (a) meet as necessary to accomplish the committee's purpose;

81 (b) perform an investigation or study;

82 (c) recommend that a person that is the subject of the committee's investigation or  
83 study take an action that the committee specifies;

84 (d) make a request of an issuer described in Utah Code Section [36-14-2](#) to issue a  
85 legislative subpoena;

86 (e) refer a person to the applicable attorney for possible prosecution;

87 (f) make a recommendation to the Administrative Rules Review Committee created  
88 under Utah Code Section [11-49-201](#);

89 (g) open a bill file and recommend legislation for the Legislature's consideration;

(h) propose reforms to state law or administrative rules; or

(i) take other appropriate action in accordance with applicable law or rule.

(3) After receiving an assignment or approval described in HR3-3-203, the chairs of the committee may, before convening a meeting of the committee to discuss the issue:

(a) send a written request to the person or entity that the committee is studying or investigating, or to the person or entity that is responsible for the issue the committee is studying or investigating, that:

(i) describes the scope and reason for the study or investigation; and

(ii) requests that the person or entity provide evidence or explanation that might clarify or resolve the issue before the committee meets to discuss the issue; and

(b) decide not to proceed with the study or investigation if the person or entity to whom the committee sends a request under Subsection (3)(a) provides satisfactory explanation or evidence to indicate that the study or investigation is not needed.

(4) The committee may coordinate with the following regarding an issue the committee is studying or investigating when the issue is applicable to a matter over which the following may have jurisdiction:

(a) the Administrative Rules Review Committee created under Utah Code Section [63G-3-501](#);

(b) the Legislative Audit Subcommittee created under Utah Code Section [36-12-18](#);

(c) the Political Subdivisions Ethics Review Commission created under Utah Code Section [11-49-201](#);

(d) a local political subdivision ethics commission created under Utah Code Section [11-49-103](#);

(e) the Independent Legislative Ethics Commission created under Joint Rules Title 6, Chapter 2, House and Senate Ethics Committees and Independent Legislative Ethics Commission; or

(f) a legislative standing or interim committee.

Section 4. **HR3-3-203** is enacted to read:

**HR3-3-203. Initiating a study or investigation.**

(1) The committee may study or investigate an issue related to an item described in HR3-3-202(1) after:

121 (a) receiving an assignment:

122 (i) by resolution from the Legislature;

123 (ii) from the Legislative Management Committee;

124 (iii) from the Legislative Audit Subcommittee; or

125 (iv) from the speaker of the House; or

126 (b) receiving approval from the Legislative Management Committee or the speaker of  
127 the House regarding a request that the committee makes under Subsection (2).

128 (2) The committee may request approval from the Legislative Management Committee,  
129 speaker of the House, or House minority leader to investigate or study an issue related to an  
130 item described in HR3-3-202(1).

131 (3) The committee may hear a report from the Office of the Legislative Auditor  
132 General or the Office of the Utah State Auditor on an audit the respective office completes.

133 Section 5. **HR3-3-204** is enacted to read:

134 **HR3-3-204. Report of committee findings -- Annual report.**

135 (1) For each item the committee studies or investigates under HR3-3-202(1), the  
136 committee shall issue a report that:

137 (a) establishes the committee's findings;

138 (b) describes any actions the committee takes; and

139 (c) (i) describes any recommendations the committee makes; or

140 (ii) explains why the committee does not make any recommendations.

141 (2) The committee shall ensure that a recommendation described in Subsection  
142 (1)(c)(i):

143 (a) identifies a person that the committee recommends should take the action; and

144 (b) establishes a deadline and method by which the committee requests that the person  
145 described in Subsection (2)(a) report to the committee on whether the person has taken the  
146 action that the committee recommends.

147 (3) Each year, the committee shall submit a written report to the Legislative  
148 Management Committee detailing:

149 (a) the issues the committee investigated or studied since the last annual report the  
150 committee submitted to the Legislative Management Committee;

151 (b) any apparent violations of law, ordinance, or rule that the committee discovers in

152 relation to an issue the committee investigated or studied;

153 (c) any action that the committee takes regarding an issue the committee investigated  
154 or studied; and

155 (d) any other recommendations that the committee makes, including recommendations  
156 on proposed legislation.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**