

## Chapter 12 Legislative Organization

### 36-12-1 Definitions.

As used in this chapter:

- (1) "Interim committee" means the same as that term is defined in legislative rule.
- (2) "Legislative director" means the director of the Office of Legislative Research and General Counsel, the legislative fiscal analyst, or the legislative auditor general.
- (3) "Major political party" means either of the two political parties having the greatest number of members elected to the two chambers of the Legislature.
- (4) "Professional legislative staff" means the legislative directors and the members of their staffs.
- (5) "Standing committee" means a Senate or House committee established under Senate or House rule for the purpose of considering proposed legislation.

Amended by Chapter 425, 2024 General Session

### **36-12-6 Permanent committees -- House and Senate management -- Members -- Chair -- Legislative Management Committee -- Membership -- Chair and vice-chair -- Meetings -- Quorum.**

- (1) There are hereby established as permanent committees of the Legislature a House Management Committee and a Senate Management Committee. The House Management Committee shall consist of eight members of the House of Representatives, four from each major political party. The membership shall include the elected leadership of the House of Representatives and additional members chosen at the beginning of each annual general session by the minority party caucus as needed to complete the full membership. The chair of the committee shall be the speaker of the House of Representatives or the speaker's designee. The Senate Management Committee shall consist of eight members of the Senate, four from each major political party. The membership shall include the elected leadership of the Senate and additional members chosen at the beginning of each annual general session by the appropriate party caucus as needed to complete the full membership. The chair of the committee shall be the president of the Senate or the president's designee.
- (2)
  - (a) There is established a permanent committee of the Legislature known as the Legislative Management Committee.
  - (b) The committee shall consist of:
    - (i) the members of the House Management Committee; and
    - (ii) the members of the Senate Management Committee.
  - (c)
    - (i) The president of the Senate or the president's designee shall be chair during 1987, and the speaker of the House of Representatives or the speaker's designee shall be vice-chair of the committee during that year.
    - (ii) The positions of chair and vice-chair of the Legislative Management Committee shall rotate annually between these two officers in succeeding years.
  - (d) The committee shall meet as often as is necessary to perform its duties, but not less than once each quarter.
  - (e) If any vote of the committee results in a tie, the president of the Senate and speaker of the House of Representatives may together cast an additional vote to break the tie.

- (3) If a legislator declines membership on the committees established by this section, or if a vacancy occurs, a replacement shall be chosen by the leadership of the appropriate party of the chamber in which the vacancy occurs.
- (4) The committees established by this section shall meet not later than 60 days after the adjournment sine die of the annual general session held in even-numbered years and not later than 30 days after the adjournment sine die of the annual general session held in odd-numbered years for the purpose of effecting their organization and prescribing rules and policies pertaining to their respective powers and duties. A majority of the members of each committee constitutes a quorum, and a majority of a quorum has authority to act in any matter falling within the jurisdiction of the committee.

Amended by Chapter 425, 2024 General Session

**36-12-7 Legislative Management Committee -- Duties -- Litigation.**

- (1) The Senate or House Management Committee shall:
  - (a) receive legislative resolutions directing studies on legislative matters and may assign these studies to the appropriate interim committee of its chamber;
  - (b) assign to interim committees of the same chamber, matters of legislative study not specifically contained in a legislative resolution but considered significant to the welfare of the state;
  - (c) receive requests from interim committees of its chamber for matters to be included on the study agenda of the requesting committee. Appropriate bases for denying a study include inadequate funding to properly complete the study or duplication of the work;
  - (d) establish a budget account for interim committee day as designated by Legislative Management Committee and for all other legislative committees of its chamber and allocate to that account sufficient funds to adequately provide for the work of the committee; and
  - (e) designate the time and place for periodic meetings of the interim committees.
- (2) To maximize the use of legislators' available time, the Senate and House Management Committees should attempt to schedule the committee meetings of their respective chambers during the same one or two-day period each month. This does not preclude an interim committee from meeting at any time it determines necessary to complete its business.
- (3)
  - (a) The Legislative Management Committee shall:
    - (i) appoint, after recommendation of the appropriate subcommittee of the Legislative Management Committee, without regard to political affiliation, and subject to approval of a majority vote of both chambers, individuals qualified for the positions of director of the Office of Legislative Research and General Counsel, legislative fiscal analyst, legislative general counsel, and legislative auditor general;
    - (ii) develop policies for personnel management, compensation, and training of all professional legislative staff;
    - (iii) develop a policy within the limits of legislative appropriation for the authorization and payment to legislators of compensation and travel expenses, including out-of-state travel;
    - (iv) approve special study budget requests of the legislative directors; and
    - (v) assist the speaker-elect of the House of Representatives and the president-elect of the Senate, upon selection by their majority party caucus, to organize their respective chambers of the Legislature and assume the direction of the operation of the Legislature in the forthcoming annual general session.
  - (b)
    - (i)

- (A) An appointment under Subsection (3)(a)(i) is for a six-year term, subject to renewal by a majority vote of the Legislative Management Committee.
- (B) Each renewal is for an additional six-year term and is not subject to approval by the Legislature.
- (ii) The Legislature by a majority vote of both chambers or the Legislative Management Committee by a two-thirds vote may remove an individual appointed under this Subsection (3) before the expiration of the individual's term for such causes as inefficiency, incompetency, failure to maintain skills or adequate performance levels, insubordination, misfeasance, malfeasance, or nonfeasance in office.
- (c) If a vacancy occurs in a position appointed under this Subsection (3), the Legislative Management Committee shall appoint an individual to fill the vacancy until the Legislature approves or rejects the individual's appointment by a majority vote of both chambers.
- (4)
  - (a) The Legislature delegates to the Legislative Management Committee the authority, by means of a majority vote of the committee, to direct the legislative general counsel in matters involving the Legislature's participation in litigation.
  - (b) The Legislature has an unconditional right to intervene in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges:
    - (i) the constitutionality of a state statute;
    - (ii) the validity of legislation; or
    - (iii) any action of the Legislature.
  - (c) In a federal court action that challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature, the Legislature may seek to intervene, to file an amicus brief, or to present argument in accordance with federal rules of procedure.
  - (d) Intervention by the Legislature pursuant to Subsection (4)(b) or (c) does not limit the duty of the attorney general to appear and prosecute legal actions or defend state agencies, officers or employees as otherwise provided by law.
  - (e) In any action in which the Legislature intervenes or participates, legislative counsel and the attorney general shall function independently from each other in the representation of their respective clients.
  - (f) The attorney general shall notify the legislative general counsel of a claim in accordance with Subsection 67-5-1(1)(y).

Amended by Chapter 425, 2024 General Session

**36-12-8 Legislative Management Committee -- Research and General Counsel Subcommittee -- Budget Subcommittee -- Audit Subcommittee -- Duties -- Members -- Meetings.**

- (1) There are created within the Legislative Management Committee:
  - (a) the Research and General Counsel Subcommittee;
  - (b) the Budget Subcommittee; and
  - (c) the Audit Subcommittee.
- (2)
  - (a) The Research and General Counsel Subcommittee shall comprise:
    - (i) the president, majority leader, and minority leader of the Senate; and
    - (ii) the speaker, majority leader, and minority leader of the House of Representatives.

- (b) The Research and General Counsel Subcommittee shall recommend to the Legislative Management Committee a person or persons to hold the positions of director of the Office of Legislative Research and General Counsel and legislative general counsel.
- (3)
  - (a) The Budget Subcommittee shall comprise:
    - (i) the president, majority leader, and minority leader of the Senate; and
    - (ii) the speaker, majority leader, and minority leader of the House of Representatives.
  - (b) The Budget Subcommittee shall recommend to the Legislative Management Committee a person to hold the position of legislative fiscal analyst.
- (4)
  - (a) The Audit Subcommittee shall comprise:
    - (i) the president, majority leader, and minority leader of the Senate; and
    - (ii) the speaker, majority leader, and minority leader of the House of Representatives.
  - (b) The Audit Subcommittee shall:
    - (i) recommend to the Legislative Management Committee a person to hold the position of legislative auditor general; and
    - (ii)
      - (A) review all requests for audits;
      - (B) prioritize those requests;
      - (C) hear all audit reports and refer those reports to other legislative committees for their further review and action as appropriate; and
      - (D) when notified by the legislative auditor general that a subsequent audit has found that an entity has not implemented a previous audit recommendation, refer the audit report to an appropriate legislative committee and also ensure that an appropriate legislative committee conducts a review of the entity that has not implemented the previous audit recommendation.
- (5) Each subcommittee of the Legislative Management Committee:
  - (a) shall meet as often as necessary to perform its duties; and
  - (b) may meet during and between legislative sessions.

Amended by Chapter 403, 2024 General Session

Amended by Chapter 425, 2024 General Session

**36-12-8.1 Legislative Management Committee -- Subcommittee on Oversight -- Members -- Duties -- Meetings.**

- (1) There is created within the Legislative Management Committee a Subcommittee on Oversight comprised of the following members:
  - (a) from the Senate:
    - (i) the president;
    - (ii) the majority leader;
    - (iii) the minority leader; and
    - (iv) the minority whip;
  - (b) from the House of Representatives:
    - (i) the speaker;
    - (ii) the majority leader;
    - (iii) the minority leader; and
    - (iv) the minority whip.

- (2) The Subcommittee on Oversight shall meet no later than November 1 of each year to review and approve the budget for the Office of the Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, and the Office of the Legislative Auditor General.

Amended by Chapter 425, 2024 General Session

**36-12-8.2 Medical cannabis governance structure working group.**

- (1) The Legislative Management Committee shall establish a medical cannabis governance structure working group composed of six members of the Legislature.
- (2) The working group may:
  - (a) work with industry, patients, medical providers, and others to review the state's governance structure over medical cannabis;
  - (b) study various regulatory structures throughout the nation regarding state agency regulation of medical cannabis; and
  - (c) make recommendations to the Health and Human Services Interim Committee or the Natural Resources, Agriculture, and Environment Interim Committee regarding medical cannabis governance before or at the October interim meeting.

Amended by Chapter 273, 2023 General Session

**36-12-9 Legislative committees -- Minutes of meetings -- Official policies -- Closed meetings -- Private records.**

- (1) "Special investigative committee" means a committee or subcommittee created or designated by rule or resolution of the House, the Senate, or the Legislature to investigate a matter specified in the rule or resolution.
- (2) The House, Senate, and Legislative Management Committees, the subcommittees of the Legislative Management Committee, and each interim committee shall keep complete minutes of their meetings.
- (3) The official policies of the House, Senate and Legislative Management Committees made pursuant to their duties as assigned by law shall be written and available to all members of the Legislature.
- (4) Notwithstanding Subsection 52-4-204(2) or 52-4-205(1), a special investigative committee may hold a closed meeting if a majority of the members present vote to close the meeting for the purpose of:
  - (a) seeking or obtaining legal advice;
  - (b) discussing matters of strategy relating to an investigation, if discussing the matters in public would interfere with the effectiveness of the investigation; or
  - (c) questioning a witness, if questioning the witness in public would interfere with a criminal investigation.
- (5) The following records received by, or generated by or for, a special investigative committee are protected records, for purposes of Title 63G, Chapter 2, Government Records Access and Management Act, until the special investigative committee concludes its business or determines to remove the protected record classification described in this Subsection (5):
  - (a) records of a witness interview;
  - (b) records containing the mental impressions of special investigative committee members or staff to the special investigative committee;
  - (c) records containing information on investigative strategy; and
  - (d) records, the disclosure of which would interfere with the effectiveness of the investigation.

Amended by Chapter 1, 2013 Special Session 1  
Amended by Chapter 1, 2013 Special Session 1

**36-12-9.5 Obstructing a legislative proceeding.**

- (1) As used in this section, "legislative proceeding" means an investigation or audit conducted by:
- (a) the Legislature, or a chamber, committee, subcommittee, or task force of the Legislature; or
  - (b) an employee or independent contractor of an entity described in Subsection (1)(a), at or under the direction of an entity described in Subsection (1)(a).
- (2) Except as described in Subsection (3), a person is guilty of a class A misdemeanor if the person, with intent to hinder, delay, or prevent a legislative proceeding:
- (a) provides a person with a weapon;
  - (b) prevents a person, by force, intimidation, or deception, from performing any act that might aid the legislative proceeding;
  - (c) alters, destroys, conceals, or removes any item or other thing;
  - (d) makes, presents, or uses an item, document, or thing known by the person to be false;
  - (e) makes a false material statement, not under oath, to:
    - (i) the Legislature, or a chamber, committee, subcommittee, or task force of the Legislature; or
    - (ii) an employee or independent contractor of an entity described in Subsection (2)(e)(i);
  - (f) harbors or conceals a person;
  - (g) provides a person with transportation, disguise, or other means of avoiding discovery or service of process;
  - (h) warns any person of impending discovery or service of process;
  - (i) conceals an item, information, document, or thing that is not privileged after a legislative subpoena is issued for the item, information, document, or thing; or
  - (j) provides false information regarding a witness or a material aspect of the legislative proceeding.
- (3) Subsection (2) does not include:
- (a) false or inconsistent material statements, as described in Section 76-8-502;
  - (b) tampering with a witness or soliciting or receiving a bribe, as described in Section 76-8-508;
  - (c) retaliation against a witness, victim, or informant, as described in Section 76-8-508.3; or
  - (d) extortion or bribery to dismiss a criminal proceeding, as described in Section 76-8-509.

Amended by Chapter 425, 2024 General Session

**36-12-10 Right of members to attend meetings -- Voting -- Subject to open and public meeting requirements.**

Any member of the Legislature has the right to attend any meeting of the House, Senate, and Legislative Management Committees, the subcommittees of the Legislative Management Committee, or any interim committee and to present views on any subject under consideration, but no legislator has the right to vote on any decision of a committee of which he is not a member. All meetings of these committees shall be subject to Title 52, Chapter 4, Open and Public Meetings Act.

Amended by Chapter 14, 2006 General Session

**36-12-11 Interim committees' powers.**

Interim committees may:

- (1) administer oaths; and
- (2) issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents, any other tangible things, and testimony, by following the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

Amended by Chapter 174, 1989 General Session

**36-12-12 Office of Legislative Research and General Counsel established -- Powers, functions, and duties -- Organization of office -- Selection of director and general counsel.**

- (1) There is established an Office of Legislative Research and General Counsel as a permanent staff office for the Legislature.
- (2) The powers, functions, and duties of the Office of Legislative Research and General Counsel under the supervision of the director shall be:
  - (a) to provide research and legal staff assistance to all standing, special, and interim committees as follows:
    - (i) to assist each committee chairman in planning the work of the committee;
    - (ii) to prepare and present research and legal information in accordance with committee instructions or instructions of the committee chairman;
    - (iii) to prepare progress reports of committee work when requested; and
    - (iv) to prepare a final committee report in accordance with committee instructions, that includes relevant research information, committee policy recommendations, and recommended legislation;
  - (b) to collect and examine the acts and official reports of any state and report their contents to any committee or member of the Legislature;
  - (c) to provide research and legal analysis services to any interim committee, legislative standing committee, or individual legislator on actual or proposed legislation or subjects of general legislative concern;
  - (d)
    - (i) to exercise under the direction of the general counsel the constitutional authority provided in Utah Constitution, Article VI, Section 32, in serving as legal counsel to the Legislature, majority and minority leadership of the House or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff; and
    - (ii) to represent the Legislature, majority and minority leadership of the House of Representatives or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff in cases and controversies before courts and administrative agencies and tribunals;
  - (e) to prepare and assist in the preparation of legislative bills, resolutions, memorials, amendments, and other documents or instruments required in the legislative process and, under the direction of the general counsel, give advice and counsel regarding them to the Legislature, majority and minority leadership of the House of Representatives or Senate, any of its members or members-elect, any of its committees or subcommittees, or the legislative staff;
  - (f) under the direction of the general counsel:
    - (i) to review, examine, and correct any technical errors when:
      - (A) preparing legislation that passed both houses to enroll the legislation and prepare the laws for publication; or
      - (B) maintaining the accuracy of the electronic code database; and

- (ii) to deliver enrolled legislation to the House of Representatives and the Senate for submission to the governor for gubernatorial action;
  - (g)
    - (i) to exercise control over and to act as the repository and custodian of the official copy and database of the current version of the Utah Constitution;
    - (ii) to incorporate into the Utah Constitution any amendments to the Utah Constitution that pass during a regular general election; and
    - (iii) to update and maintain the bold face descriptive titles to sections of the Utah Constitution;
  - (h) to prepare the laws for publication;
  - (i)
    - (i) to maintain, exercise control over, and act as the repository and custodian of the official copy and database of the Utah Code, organized by title, chapter, part, and section; and
    - (ii) to keep the Utah Code database current, including updating the database to reflect:
      - (A) any duly enacted legislation making changes, including future changes, to the Utah Code; and
      - (B) any corrections of technical errors;
  - (j) to formulate recommendations for the revision, clarification, classification, arrangement, codification, annotation, and indexing of Utah statutes, and to develop proposed legislation to effectuate the recommendations;
  - (k) to appoint and develop a professional staff within budget limitations; and
  - (l) to prepare and submit the annual budget request for the Office of Legislative Research and General Counsel.
- (3)
- (a) If, under Utah Constitution, Article VI, Section 10, the House of Representatives or Senate determines that an individual is not qualified to serve in the House of Representatives or Senate, or expels an individual from the respective chamber, but the individual continues to hold his or her elected legislative office, the Office of Legislative Research and General Counsel may not provide legislative staff services, including legal services, to the individual.
  - (b) Notwithstanding Subsection (3)(a), the Office of Legislative Research and General Counsel may provide legal services for an individual described in Subsection (3)(a) if the legal services are approved by the Legislative Management Committee described in Section 36-12-7.
- (4) The statutory authorization of the Office of Legislative Research and General Counsel to correct technical errors provided in Subsection (2)(f), to prepare the laws for publication in Subsection (2)(h), and to modify the electronic record to correct technical errors under Subsection (2)(i)(ii)(B) includes:
- (a) adopting a uniform system of punctuation, capitalization, numbering, and wording for enrolled legislation and the Laws of Utah;
  - (b) eliminating duplication and the repeal of laws directly or by implication, including renumbering when necessary;
  - (c) correcting defective or inconsistent title, chapter, part, section, and subsection structure in the arrangement of the subject matter of existing statutes;
  - (d) eliminating obsolete and redundant words;
  - (e) correcting:
    - (i) obvious typographical and grammatical errors; and
    - (ii) other obvious inconsistencies, including those involving punctuation, capitalization, cross references, numbering, and wording;
  - (f) inserting or changing the boldface to more accurately reflect the substance of each section, part, chapter, or title;



- (g) merging or determining priority of any amendments, enactments, or repealers to the same code provisions that are passed by the Legislature;
  - (h) renumbering and rearranging of a title, chapter, part, section, or provisions of a section;
  - (i) transferring sections or dividing sections to assign separate sections numbers to distinct subject matters;
  - (j) modifying cross references to agree with renamed or renumbered titles, chapters, parts, or sections;
  - (k) substituting the proper section or chapter number for the terms "this act," "this bill," or similar terms;
  - (l) substituting the proper calendar date in the database and in the Laws of Utah;
  - (m) modifying the highlighted provisions of legislation to correct an inconsistency between the highlighted provisions and the enacted provisions of the legislation;
  - (n) correcting the names of agencies, departments, and similar units of government;
  - (o) rearranging any misplaced statutory material, incorporating any omitted statutory material, and correcting other obvious errors of addition or omission;
  - (p) correcting or incorporating a special clause that was publicly available on the Legislature's website but is errantly omitted, modified, or retained during the legislative process due to obvious technological or human error, including:
    - (i) a severability clause;
    - (ii) an effective date clause;
    - (iii) a retrospective operation clause;
    - (iv) an uncodified repeal date clause;
    - (v) a revisor instruction clause; or
    - (vi) a coordination clause;
  - (q) correcting the incorporation of an amendment due to obvious technological or human error; and
  - (r) alphabetizing definition sections.
- (5) In carrying out the duties provided for in this section, the director of the Office of Legislative Research and General Counsel may obtain access to all records, documents, and reports necessary to the scope of the director's duties according to the procedures contained in Chapter 14, Legislative Subpoena Powers.
- (6) In organizing the management of the Office of Legislative Research and General Counsel, the Legislative Management Committee may either:
- (a) select a person to serve as both the director of the office and as general counsel. In such case, the director of the office shall be a lawyer admitted to practice in Utah and shall have practical management experience or equivalent academic training; or
  - (b) select a person to serve as director of the office who would have general supervisory authority and select another person to serve as the legislative general counsel within the office. In such case, the director of the office shall have a master's degree in public or business administration, economics, or the equivalent in academic or practical experience and the legislative general counsel shall be a lawyer admitted to practice in Utah.

Amended by Chapter 21, 2023 General Session, (Coordination Clause)

Amended by Chapter 21, 2023 General Session

Amended by Chapter 291, 2023 General Session

### **36-12-12.1 Posting of required reports and policies -- Compliance.**

The Office of Legislative Research and General Counsel shall maintain a page on the Legislature's website that provides the following information:

- (1) an annual list of all reports that a government entity, government official, or government employee is required to submit to a committee of the Legislature, including for each:
  - (a) a brief description of the report;
  - (b) the name of the committee to which submission is required;
  - (c) the report submission deadline;
  - (d) a citation to the law requiring the report;
  - (e) an indication regarding whether the report is timely submitted, submitted late, or not submitted;
  - (f) an indication regarding whether the report contained the information required by law; and
  - (g) a link to the report; and
- (2) an annual list of each bill that becomes law that year that requires a government entity, government official, or government employee to adopt a policy, including for each:
  - (a) the bill number and short title;
  - (b) a citation to the law requiring the policy;
  - (c) a brief description of the policy;
  - (d) a list of the government entities, government officials, or government employees required to adopt the policy;
  - (e) the deadline for adopting the policy; and
  - (f) a link to the information described in Subsection 67-3-1(21).

Enacted by Chapter 480, 2023 General Session

**36-12-13 Office of the Legislative Fiscal Analyst established -- Powers, functions, and duties -- Qualifications.**

- (1) There is established an Office of the Legislative Fiscal Analyst as a permanent staff office for the Legislature.
- (2) The powers, functions, and duties of the Office of the Legislative Fiscal Analyst under the supervision of the fiscal analyst are:
  - (a)
    - (i) to estimate general revenue collections, including comparisons of:
      - (A) current estimates for each major tax type to long-term trends for that tax type;
      - (B) current estimates for federal fund receipts to long-term federal fund trends; and
      - (C) current estimates for tax collections and federal fund receipts to long-term trends deflated for the inflationary effects of debt monetization; and
    - (ii) to report the analysis required under Subsection (2)(a)(i) to the Legislature's Executive Appropriations Committee before each annual general session of the Legislature;
  - (b) to analyze in detail the state budget before the convening of each legislative session and make recommendations to the Legislature on each item or program appearing in the budget, including:
    - (i) funding for and performance of programs, acquisitions, and services currently undertaken by state government to determine whether each department, agency, institution, or program should:
      - (A) continue at its current level of expenditure;
      - (B) continue at a different level of expenditure; or
      - (C) be terminated; and

- (ii) increases or decreases to spending authority and other resource allocations for the current and future fiscal years;
- (c) to prepare on all proposed bills fiscal estimates that reflect:
  - (i) potential state government revenue impacts;
  - (ii) anticipated state government expenditure changes;
  - (iii) anticipated expenditure changes for county, municipal, special district, or special service district governments;
  - (iv) anticipated direct expenditure by Utah residents and businesses, including the unit cost, number of units, and total cost to all impacted residents and businesses; and
  - (v) if the proposed bill changes retirement benefits under a system or plan governed by Title 49, Utah State Retirement and Insurance Benefit Act, the anticipated effect on:
    - (A) each affected system's or plan's unfunded actuarial accrued liability and actuarial funded ratio, based on current employer contributions;
    - (B) employer contributions and member contributions;
    - (C) a retiree's retirement allowance;
    - (D) the total cost to active members and retirees; and
    - (E) the total cost to employers for all active members and retirees;
- (d) to indicate whether each proposed bill will impact the regulatory burden for Utah residents or businesses, and if so:
  - (i) whether the impact increases or decreases the regulatory burden; and
  - (ii) whether the change in burden is high, medium, or low;
- (e) beginning in 2017 and repeating every three years after 2017, to prepare the following cycle of analyses of long-term fiscal sustainability:
  - (i) in year one, the joint revenue volatility report required under Section 63J-1-205;
  - (ii) in year two, a long-term budget for programs appropriated from major funds and tax types; and
  - (iii) in year three, a budget stress test that, in consultation with the Governor's Office of Planning and Budget:
    - (A) compares estimated future revenue to and expenditure from major funds and tax types under various potential economic conditions;
    - (B) analyzes the economic and policy risks associated with funding for the Medicaid program and expansions of the Medicaid program;
    - (C) measures value at risk; and
    - (D) recommends budgetary actions to manage risk;
- (f) to report instances in which the administration may be failing to carry out the expressed intent of the Legislature;
- (g) to propose and analyze statutory changes for more effective operational economies or more effective administration;
- (h) to prepare, before each annual general session of the Legislature, a summary showing the current status of the following as compared to the past nine fiscal years:
  - (i) debt;
  - (ii) long-term liabilities;
  - (iii) contingent liabilities;
  - (iv) General Fund borrowing;
  - (v) reserves;
  - (vi) fund and nonlapsing balances; and
  - (vii) cash funded capital investments;

- (i) to make recommendations for addressing the items described in Subsection (2)(h) in the upcoming annual general session of the Legislature;
  - (j) to prepare, after each session of the Legislature, a summary showing the effect of the final legislative program on the financial condition of the state;
  - (k) to conduct organizational and management improvement studies in accordance with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process, and legislative rule;
  - (l) to prepare and deliver upon request of any interim committee or the Legislative Management Committee, reports on the finances of the state and on anticipated or proposed requests for appropriations;
  - (m) to recommend areas for research studies by the executive department or the interim committees;
  - (n) to appoint and develop a professional staff within budget limitations;
  - (o) to prepare and submit the annual budget request for the office;
  - (p) to develop a taxpayer receipt:
    - (i) available to taxpayers through a website; and
    - (ii) that allows a taxpayer to view on the website an estimate of how the taxpayer's tax dollars are expended for government purposes; and
  - (q) to publish or provide other information on taxation and government expenditures that may be accessed by the public.
- (3) The legislative fiscal analyst shall have a master's degree in public administration, political science, economics, accounting, or the equivalent in academic or practical experience.
- (4) In carrying out the duties provided for in this section, the legislative fiscal analyst may obtain access to all records, documents, and reports necessary to the scope of the legislative fiscal analyst's duties according to the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.
- (5) The Office of the Legislative Fiscal Analyst shall provide any information the State Board of Education reports in accordance with Subsection 53E-3-507(7) to:
- (a) the chief sponsor of the proposed bill; and
  - (b) upon request, any legislator.

Amended by Chapter 439, 2024 General Session

**36-12-15 Office of the Legislative Auditor General established -- Qualifications -- Powers, functions, and duties -- Reporting -- Criminal penalty -- Employment.**

- (1) As used in this section:
- (a) "Audit action" means an audit, examination, investigation, or review of an entity conducted by the office.
  - (b) "Entity" means:
    - (i) a government organization; or
    - (ii) a receiving organization.
  - (c) "Government organization" means:
    - (i) a state branch, department, or agency; or
    - (ii) a political subdivision, including a county, municipality, special district, special service district, school district, interlocal entity as defined in Section 11-13-103, or any other local government unit.
  - (d) "Office" means the Office of the Legislative Auditor General.

- (e) "Receiving organization" means an organization that receives public funds that is not a government organization.
- (2) There is created the Office of the Legislative Auditor General as a permanent staff office for the Legislature.
- (3) The legislative auditor general shall be a licensed certified public accountant or certified internal auditor with at least seven years of experience in the auditing or public accounting profession, or the equivalent, prior to appointment.
- (4) The legislative auditor general shall appoint and develop a professional staff within budget limitations.
- (5) The office shall exercise the constitutional authority provided in Utah Constitution, Article VI, Section 33.
- (6) Under the direction of the legislative auditor general, the office shall:
  - (a) conduct comprehensive and special purpose audits, examinations, investigations, or reviews of entity funds, functions, and accounts;
  - (b) prepare and submit a written report on each audit action to the Audit Subcommittee created in Section 36-12-8 and make the report available to all members of the Legislature within 75 days after the audit action is completed;
  - (c) monitor, conduct a risk assessment of, or audit any efficiency evaluations that the legislative auditor general determines necessary, in accordance with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process, and legislative rule;
  - (d) create, manage, and report to the Audit Subcommittee a list of high risk programs and operations that:
    - (i) threaten public funds or programs;
    - (ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or
    - (iii) require transformation;
  - (e) monitor and report to the Audit Subcommittee the health of a government organization's internal audit functions;
  - (f) make recommendations to increase the independence and value added of internal audit functions throughout the state;
  - (g) implement a process to track, monitor, and report whether the subject of an audit has implemented recommendations made in the audit report;
  - (h) establish, train, and maintain individuals within the office to conduct investigations and represent themselves as lawful investigators on behalf of the office;
  - (i) establish policies, procedures, methods, and standards of audit work and investigations for the office and staff;
  - (j) prepare and submit each audit and investigative report independent of any influence external of the office, including the content of the report, the conclusions reached in the report, and the manner of disclosing the legislative auditor general's findings;
  - (k) prepare and submit the annual budget request for the office; and
  - (l) perform other duties as prescribed by the Legislature.
- (7) In conducting an audit action of an entity, the office may include a determination of any or all of the following:
  - (a) the honesty and integrity of any of the entity's fiscal affairs;
  - (b) the accuracy and reliability of the entity's internal control systems and specific financial statements and reports;
  - (c) whether or not the entity's financial controls are adequate and effective to properly record and safeguard the entity's acquisition, custody, use, and accounting of public funds;
  - (d) whether the entity's administrators have complied with legislative intent;

- (e) whether the entity's operations have been conducted in an efficient, effective, and cost efficient manner;
  - (f) whether the entity's programs have been effective in accomplishing intended objectives; and
  - (g) whether the entity's management control and information systems are adequate and effective.
- (8)
- (a) If requested by the office, each entity that the legislative auditor general is authorized to audit under Utah Constitution, Article VI, Section 33, or this section shall, notwithstanding any other provision of law except as provided in Subsection (8)(b), provide the office with access to information, materials, or resources the office determines are necessary to conduct an audit, examination, investigation, or review, including:
    - (i) the following in the possession or custody of the entity in the format identified by the office:
      - (A) a record, document, and report; and
      - (B) films, tapes, recordings, and electronically stored information;
    - (ii) entity personnel; and
    - (iii) each official or unofficial recording of formal or informal meetings or conversations to which the entity has access.
  - (b) To the extent compliance would violate federal law, the requirements of Subsection (8)(a) do not apply.
- (9)
- (a) In carrying out the duties provided for in this section and under Utah Constitution, Article VI, Section 33, the legislative auditor general may issue a subpoena to access information, materials, or resources in accordance with Chapter 14, Legislative Subpoena Powers.
  - (b) The legislative auditor general may issue a subpoena, as described in Subsection (9)(a), to a financial institution or any other entity to obtain information as part of an investigation of fraud, waste, or abuse, including any suspected malfeasance, misfeasance, or nonfeasance involving public funds.
- (10) To preserve the professional integrity and independence of the office:
- (a) no legislator or public official may urge the appointment of any person to the office; and
  - (b) the legislative auditor general may not be appointed to serve on any board, authority, commission, or other agency of the state during the legislative auditor general's term as legislative auditor general.
- (11)
- (a) The following records in the custody or control of the legislative auditor general are protected records under Title 63G, Chapter 2, Government Records Access and Management Act:
    - (i) records and audit work papers that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee if the information or allegation cannot be corroborated by the legislative auditor general through other documents or evidence, and the records relating to the allegation are not relied upon by the legislative auditor general in preparing a final audit report;
    - (ii) records and audit workpapers that would disclose the identity of a person who, during the course of a legislative audit, communicated the existence of:
      - (A) unethical behavior;
      - (B) waste of public funds, property, or personnel; or

- (C) a violation or suspected violation of a United States, Utah state, or political subdivision law, rule, ordinance, or regulation, if the person disclosed on the condition that the identity of the person be protected;
  - (iii) before an audit is completed and the final audit report is released, records or drafts circulated to a person who is not an employee or head of an entity for review, response, or information;
  - (iv) records that would disclose:
    - (A) an outline;
    - (B) all or part of an audit survey, audit risk assessment plan, or audit program; or
    - (C) other procedural documents necessary to fulfill the duties of the office; and
  - (v) requests for audits, if disclosure would risk circumvention of an audit.
  - (b) The provisions of Subsection (11)(a) do not prohibit the disclosure of records or information to a government prosecutor or peace officer if those records or information relate to a violation of the law by an entity or entity employee.
  - (c) A record, as defined in Section 63G-2-103, created by the office in a closed meeting held in accordance with Section 52-4-205:
    - (i) is a protected record, as defined in Section 63G-2-103;
    - (ii) to the extent the record contains information:
      - (A) described in Section 63G-2-302, is a private record; or
      - (B) described in Section 63G-2-304, is a controlled record; and
    - (iii) may not be reclassified by the office.
  - (d) The provisions of this section do not limit the authority otherwise given to the legislative auditor general to maintain the private, controlled, or protected record status of a shared record in the legislative auditor general's possession or classify a document as public, private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act.
- (12) The legislative auditor general shall:
- (a) be available to the Legislature and to the Legislature's committees for consultation on matters relevant to areas of the legislative auditor general's professional competence;
  - (b) conduct special audits as requested by the Audit Subcommittee;
  - (c) report immediately to the Audit Subcommittee any apparent violation of penal statutes disclosed by the audit of an entity and furnish to the Audit Subcommittee all information relative to the apparent violation;
  - (d) report immediately to the Audit Subcommittee any apparent instances of malfeasance or nonfeasance by an entity officer or employee disclosed by the audit of an entity; and
  - (e) make any recommendations to the Audit Subcommittee with respect to the alteration or improvement of the accounting system used by an entity.
- (13) If the legislative auditor general conducts an audit of an entity that has previously been audited and finds that the entity has not implemented a recommendation made by the legislative auditor general in a previous audit report, the legislative auditor general shall report to the Audit Subcommittee that the entity has not implemented the recommendation.
- (14) Before each annual general session, the legislative auditor general shall:
- (a) prepare an annual report that:
    - (i) summarizes the audits, examinations, investigations, and reviews conducted by the office since the last annual report; and
    - (ii) evaluate and report the degree to which an entity that has been the subject of an audit has implemented the audit recommendations;

- (b) include in the report any items and recommendations that the legislative auditor general believes the Legislature should consider in the annual general session; and
  - (c) deliver the report to the Legislature and to the appropriate committees of the Legislature.
- (15)
- (a) If the chief officer of an entity has actual knowledge or reasonable cause to believe that there is misappropriation of the entity's public funds or assets, or another entity officer has actual knowledge or reasonable cause to believe that the chief officer is misappropriating the entity's public funds or assets, the chief officer or, alternatively, the other entity officer, shall immediately notify, in writing:
    - (i) the office;
    - (ii) the attorney general, county attorney, or district attorney; and
    - (iii)
      - (A) for a state government organization, the chief executive officer;
      - (B) for a political subdivision government organization, the legislative body or governing board; or
      - (C) for a receiving organization, the governing board or chief executive officer unless the chief executive officer is believed to be misappropriating the funds or assets, in which case the next highest officer of the receiving organization.
  - (b) As described in Subsection (15)(a), the entity chief officer or, if applicable, another entity officer, is subject to the protections of Title 67, Chapter 21, Utah Protection of Public Employees Act.
  - (c) If the Office of the Legislative Auditor General receives a notification under Subsection (15)(a) or other information of misappropriation of public funds or assets of an entity, the office shall inform the Audit Subcommittee.
  - (d) The attorney general, county attorney, or district attorney shall notify, in writing, the Office of the Legislative Auditor General whether the attorney general, county attorney, or district attorney pursued criminal or civil sanctions in the matter.
- (16)
- (a) An actor commits interference with a legislative audit if the actor uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with:
    - (i) a legislative audit action; or
    - (ii) the office's decisions relating to:
      - (A) the content of the office's report;
      - (B) the conclusions reached in the office's report; or
      - (C) the manner of disclosing the results and findings of the office.
  - (b) A violation of Subsection (16)(a) is a class B misdemeanor.
- (17)
- (a) The office may require any current employee, or any applicant for employment, to submit to a fingerprint-based local, regional, and criminal history background check as an ongoing condition of employment.
  - (b) An employee or applicant for employment shall provide a completed fingerprint card to the office upon request.
  - (c) The office shall require that an individual required to submit to a background check under this Subsection (17) also provide a signed waiver on a form provided by the office that meets the requirements of Subsection 53-10-108(4).
  - (d) For a noncriminal justice background search and registration in accordance with Subsection 53-10-108(13), the office shall submit to the Bureau of Criminal Identification:



- (i) the employee's or applicant's personal identifying information and fingerprints for a criminal history search of applicable local, regional, and national databases; and
  - (ii) a request for all information received as a result of the local, regional, and nationwide background check.
- (18) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the Legislative Auditor General shall conduct a feasibility study under Section 53G-3-301.1, 53G-3-301.2, 53G-3-301.3, or 53G-3-301.4.

Amended by Chapter 403, 2024 General Session

Amended by Chapter 526, 2024 General Session

### **36-12-15.1 Systemic performance audits.**

- (1) As used in this section, "entity" means:
- (a) an entity in the executive branch that receives an ongoing line item appropriation in an appropriations act; and
  - (b) any local education agency, as defined in Section 53E-1-102, that receives public funds.
- (2)
- (a) Each year, subject to the availability of work capacity and the discretion of the Audit Subcommittee created in Section 36-12-8, the Office of the Legislative Auditor General may, in addition to other audits performed by the office, perform a systemic performance audit of:
    - (i) one or more executive branch entities;
    - (ii) one or more local education agencies;
    - (iii) one or more institutions of higher education; and
    - (iv) one or more independent entities.
  - (b) An audit performed under Subsection (2)(a) shall, as is appropriate for each individual audit:
    - (i) evaluate the extent to which the entity has efficiently and effectively used the appropriation by identifying:
      - (A) the entity's appropriation history;
      - (B) the entity's spending and efficiency history; and
      - (C) historic trends in the entity's operational performance effectiveness;
    - (ii) evaluate whether the entity's size and operation are commensurate with the entity's spending history;
    - (iii) evaluate whether the entity is diligent in its stewardship of resources;
    - (iv) provide a systemic performance audit of the entity's operations performance improvements;
    - (v) if possible, incorporate the audit methodology of other audits performed by the Office of the Legislative Auditor General; and
    - (vi) be conducted according to the process established for the Audit Subcommittee.
  - (c) In conducting an audit of an institution of higher education under Subsection (2)(a)(iii), the Office of the Legislative Auditor General shall, in addition to the subjects of evaluation described in Subsection (2)(b), review the institution's admissions practices for:
    - (i) compliance with applicable laws, rules, and policies;
    - (ii) best practices; and
    - (iii) efficiency and effectiveness.
  - (d) After releasing an audit report under Subsection (2)(a), the Audit Subcommittee shall make the audit report available to:
    - (i) each member of the Senate and the House of Representatives; and
    - (ii) the governor or the governor's designee.
  - (e) The Office of the Legislative Auditor General shall:

- (i) summarize the findings of an audit described in Subsection (2)(a); and
  - (ii) provide a copy of each audit report and the annual report to the legislative fiscal analyst and director of the Office of Legislative Research and General Counsel as soon as each report is completed.
- (3) The Office of the Legislative Auditor General may consult with the Office of the Legislative Fiscal Analyst or the Office of Legislative Research and General Counsel in preparing the summary required by Subsection (2)(d).
- (4) The Legislature, in evaluating an entity's request for an increase in its base budget, shall:
- (a) review the audit report required by this section and any relevant audits; and
  - (b) consider the entity's request for an increase in its base budget in light of the entity's prior history of savings and efficiencies as evidenced by the audit report required by this section.

Amended by Chapter 403, 2024 General Session

**36-12-15.2 Elections audit.**

- (1) As used in this section, "office" means the Office of the Legislative Auditor General.
- (2) In addition to other audits performed by the office, the office shall, each even-numbered year, in accordance with this section and under the direction of the Legislative Audit Subcommittee, conduct a comprehensive performance audit of the state's election system and controls.
- (3) The audit may include the entire election process for the elections held in an even-numbered year, including:
- (a) procedures and practices that occur before or after the beginning of the year to prepare for the elections; and
  - (b) procedures, practices, and standards relating to:
    - (i) voter registration;
    - (ii) candidate filing and selection;
    - (iii) the preparation, printing, distribution, handling, examining, counting, and all other handling of ballots; and
    - (iv) the entire election process, including the regular primary election, the regular general election, and the determination of election results.
- (4) The audit extends to the functions of all persons involved in the election process, including the Office of the Lieutenant Governor, each county clerk's office, and each board of canvassers.
- (5) At a minimum, the office shall conduct a survey to audit the work of the Office of the Lieutenant Governor and each county election office.
- (6) Based on the results of the survey described in Subsection (5), the office shall conduct a more comprehensive audit of the jurisdictions or practices that, in the opinion of the office, present the highest risk.
- (7) In addition to auditing the jurisdictions and practices described in Subsection (6), the office may audit any other jurisdictions or entities, or any practices or procedures, that the office determines necessary to ensure the success of a comprehensive performance audit of the election system.
- (8) To conduct an audit described in this section, the office has the full authority described in Section 36-12-15, including:
- (a) full access to closely observe, examine, and copy all records, documents, recordings, and other information the office determines to be useful in conducting an audit described in this section;
  - (b) full access to closely observe, examine, and copy ballots, ballot envelopes, vote tallies, canvassing records, and voter registration records;

- (c) full access to closely observe and examine all facilities, storage areas, and equipment, and to closely observe, examine, or copy all materials, that the office determines to be useful in conducting an audit described in this section;
  - (d) full access to all staff, including full-time, part-time, and volunteer staff;
  - (e) full access to closely observe, examine, and copy all records and information relating to election audits that are conducted by the Office of the Lieutenant Governor, a county clerk, or any other person;
  - (f) the right to, within the scope of the audit, attend any meeting, including a closed meeting;
  - (g) the right to, within the scope of the audit, closely observe and examine any work or other process; and
  - (h) all other authority described in Section 36-12-15.
- (9) As with any audit conducted under the authority described in Section 36-12-15, all officials and staff shall fully assist, and cooperate with, the office in conducting an audit described in this section.
- (10) In conducting an audit described in this section, the office:
- (a) shall preserve the right of a voter to a secret ballot;
  - (b) shall, when examining election returns, allow the election officer or a designee of the election officer to be present to ensure the chain of custody of the election returns; and
  - (c) may not, while votes are being counted, communicate in any manner, directly or indirectly, by word or sign, the progress of the vote, the current result of the vote count, or any other information about the vote count.
- (11) An election officer, or an election officer's designee, who is present under Subsection (10)(b) may not interfere with the performance of the audit.

Enacted by Chapter 156, 2023 General Session

**36-12-15.3 Response to audit -- Chief officer -- Entity reporting requirements -- Audit response plan -- Semi-annual update.**

- (1) As used in this section:
- (a) "Alternative action" means a process, practice, or procedure that an entity implements in response to an audit report that is different from the process, practice, or procedure described in a recommendation.
  - (b) "Audit report" means a written report that the office issues that contains the office's findings and recommendations with respect to an audit of an entity.
  - (c) "Audit response plan" means a written document that an entity issues that contains the entity's response to an audit report of the entity.
  - (d) "Audit Subcommittee" means the subcommittee created in Subsection 36-12-8(1)(c).
  - (e) "Chief officer" means the individual who holds ultimate authority over the management or governance of an entity.
  - (f) "Entity" means:
    - (i) the same as that term is defined in Subsection 36-12-15(1); or
    - (ii) any other person that the office is authorized to audit under any other provision of law.
  - (g) "Legislative committee" means the committee to which the Audit Subcommittee refers an audit report under Subsection 36-12-8(2)(d)(ii)(C).
  - (h) "Office" means the Office of the Legislative Auditor General.
  - (i) "Recommendation" means a process, practice, or procedure described in an audit report that the office proposes an entity implement.

- (j) "Reply" means a written document that the office issues that contains the office's response to an entity's audit response plan.
- (2) In addition to any other information that the office is required to include or attach to an audit report, the office shall, for each audit report the office issues:
  - (a) include in the audit report:
    - (i) the identity of the chief officer; and
    - (ii) a notice to the chief officer that the chief officer must comply with the reporting requirements described in this section; and
  - (b) attach to the audit report:
    - (i) the audit response plan of the entity that is the subject of the audit report; and
    - (ii) at the discretion of the legislative auditor general, a reply to the entity's audit response plan.
- (3) The chief officer of an entity that is the subject of an audit report shall:
  - (a) prepare an audit response plan that:
    - (i) is in writing;
    - (ii) responds to the findings in the audit report; and
    - (iii) subject to Subsection (4), for each recommendation in the audit report:
      - (A) describes how the entity will implement the recommendation;
      - (B) identifies the individual employed by or otherwise affiliated with the entity who is responsible for implementing the recommendation;
      - (C) establishes a timetable that identifies benchmarks for the entity to implement the recommendation; and
      - (D) specifies an anticipated deadline by which the entity will fully implement the recommendation; and
  - (b) submit the audit response plan to the office before the office submits the audit report to the Audit Subcommittee under Subsection 36-12-15(6)(b).
- (4) If the chief officer described in Subsection (3) objects to implementing a recommendation in an audit report, the chief officer shall:
  - (a) prepare an audit response plan in accordance with Subsections (3)(a)(i) and (ii) that:
    - (i) explains the basis for the objection; and
    - (ii)
      - (A) identifies an alternative action that the entity will implement; or
      - (B) specifies that the entity will not implement the recommendation or an alternative action;and
  - (b) comply with submission requirements described in Subsection (3)(b).
- (5) A chief officer implementing an alternative action under Subsection (4)(a)(ii)(A) shall, as it relates to the alternative action, include in the audit response plan the information described in Subsection (3)(a)(iii).
- (6) Subject to Subsection (8), if the chief officer of an entity that is the subject of an audit report implements a recommendation under Subsection (3)(a)(iii), or an alternative action under Subsections (4)(a)(ii)(A) and (5), the chief officer shall, no later than 180 days after the day on which the Audit Subcommittee refers the audit report to a legislative committee:
  - (a) prepare an update to the entity's audit response plan that:
    - (i) is in writing; and
    - (ii) describes the entity's progress towards fully implementing:
      - (A) each recommendation addressed in the entity's audit response plan under Subsection (3)(a)(iii); or
      - (B) each alternative action addressed in the entity's audit response plan under Subsections (4)(a)(ii)(A) and (5); and

- (b) submit the update to the legislative committee and the legislative auditor general.
- (7) Subject to Subsection (8), after the chief officer described in Subsection (6) complies with the submission requirements described in Subsection (6)(b), the chief officer shall:
  - (a) continue to update the audit response plan in accordance with Subsection (6)(a); and
  - (b) submit the update to the legislative committee and the legislative auditor general at least semi-annually.
- (8) A chief officer's obligation to update an audit response plan under this section terminates when the legislative auditor general reports to the Audit Subcommittee that the entity which is the subject of the audit report has fully implemented:
  - (a) each recommendation addressed in the entity's audit response plan under Subsection (3)(a)(iii); or
  - (b) each alternative action addressed in the entity's audit response plan under Subsections (4)(a)(ii)(A) and (5).

Enacted by Chapter 403, 2024 General Session

**36-12-16 Legislative directors -- Authority to obtain assistance.**

Within budgetary limitations, the legislative directors shall have authority to obtain consulting help and professional outside contract assistance and fix the fees paid according to rates and schedules consistent with those generally accepted within the appropriate profession.

Enacted by Chapter 109, 1975 General Session

**36-12-17 Duties of presiding officer and majority and minority leaders of each house and chairman of Legislative Management Committee.**

- (1) It shall be the duty of the presiding officer and the majority and minority leaders of each house to perform the following for their respective house:
  - (a) to manage legislative space for their house within the state capitol;
  - (b) to acquire, manage, and supervise office equipment and machines, data processing equipment, public address equipment, and other equipment and facilities needed by their house and its committees, exclusive of equipment and facilities required by professional legislative staff;
  - (c) to employ, train, and supervise clerical help needed to serve all interim committees and the Legislative Management Committee, except clerical help employed to assist professional legislative staff;
  - (d) to supervise payment of per diem compensation and travel expenses of the members of their house while in session; and
  - (e) to approve requests by members of their house for out-of-state travel on legislative business and to supervise the reimbursement of actual and necessary expenses for such travel.
- (2) The speaker of the House of Representatives and the president of the Senate may perform additional services for legislators, including but not limited to the following:
  - (a) to provide at the state capitol secretarial services to all legislators of their house requesting assistance with files and correspondence directly related to legislative business; at the discretion of the minority political party, a secretary may be designated by the minority party; and
  - (b) to serve as an information source to the public in informing the citizenry of matters currently before the Legislature and its committees and to prepare and distribute material to instruct the general public on the functions and operation of the Legislature.

- (3) By agreement between the speaker of the House of Representatives and president of the Senate, any of the duties assigned to them by this section may be administered jointly for the two houses by the chairman of the Legislative Management Committee.
- (4) The chairman of the Legislative Management Committee shall supervise the payment of per diem compensation and in-state travel expenses of members of the Legislative Management Committee and all interim committees.

Amended by Chapter 47, 1985 General Session

**36-12-18 Offices for Legislative Management Committee and professional legislative staff -- Hours -- Library facilities available -- Documents, reports, and information available.**

The Legislative Management Committee and the professional legislative staff shall be provided with adequate quarters in the State Capitol Complex convenient to the members of the Legislature and other persons having official business with them. The offices shall be open during the time provided by law for other state offices, and when the Legislature is in session, at such hours as are convenient to the legislators. The facilities of the state library and other libraries maintained by the state shall be available for use by all legislative committees and subcommittees and the professional legislative staff. Each department, division, commission, agency, or other instrumentality of state government shall furnish to all the legislative committees and subcommittees and the professional legislative staff upon request any document, reports, or information available within the department.

Amended by Chapter 121, 2007 General Session

**36-12-19 Investigatory powers of the Legislature.**

In the discharge of its legislative investigatory powers, the Legislature, or either chamber or any committee thereof, may:

- (1) administer oaths; and
- (2) issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, other tangible things, and testimony, by following the procedures contained in Title 36, Chapter 14, Legislative Subpoena Powers.

Amended by Chapter 425, 2024 General Session

**36-12-21 Legislators serving in organizations without legislative sanction -- Prohibited participation.**

- (1) The Legislative IT Steering Committee created by the Legislative Management Committee on July 17, 2007, is dissolved.
- (2)
  - (a) Except as provided in Subsection (2)(b):
    - (i) a legislator may not serve on:
      - (A) the Committee on Children and Family Law created under Judicial Rule 1-205;
      - (B) the Governor's Child and Family Cabinet Council created under Executive Order 2007-0005;
      - (C) the Utah Commission on Literacy created under Executive Order 2004-0011;
      - (D) the Utah Developmental Disabilities Council created under Executive Order 2006-0001; or
      - (E) the Utah Multicultural Commission created under Executive Order EO/007/2013; and

- (ii) the speaker of the House of Representatives or the president of the Senate may not appoint a legislator, and a legislator may not serve in the legislator's capacity as a legislator, on the Utah Lake Commission.
- (b) The Legislative Management Committee may, on a case-by-case basis, approve:
  - (i) a legislator to serve on an entity described in Subsection (2)(a)(i); or
  - (ii) an action that is otherwise prohibited under Subsection (2)(a)(ii).

Enacted by Chapter 246, 2019 General Session

**36-12-22 Reports from legislative boards -- Annual reports -- Preparation of legislation.**

- (1) As used in this section:
  - (a) "Legislative board" means a board, commission, council, committee, working group, task force, study group, advisory group, or other body created in statute or by legislative rule:
    - (i) with a defined, limited membership;
    - (ii) that has operated or is intended to operate for more than six months; and
    - (iii)
      - (A) that has exclusive or majority legislative membership; or
      - (B) that receives staff support from a legislative staff office.
  - (b) "Legislative board" does not include:
    - (i) a standing, ethics, interim, appropriations, confirmation, or rules committee of the Legislature;
    - (ii) the Legislative Management Committee or a subcommittee of the Legislative Management Committee; or
    - (iii) an organization that is prohibited from having a member that is a member of the Legislature.
- (2)
  - (a) Before August 1, once every five years, beginning in calendar year 2024, each legislative board shall prepare and submit to the Office of Legislative Research and General Counsel a report that includes:
    - (i) the name of the legislative board;
    - (ii) a description of the legislative board's official function and purpose;
    - (iii) a description of actions taken by the legislative board in the five previous fiscal years;
    - (iv) recommendations on whether any statutory, rule, or other changes are needed to make the legislative board more effective; and
    - (v) a recommendation regarding whether the legislative board should continue to exist.
  - (b) The Office of Legislative Research and General Counsel shall compile and post each report described in Subsection (2)(a) to the Legislature's website before September 1 of a calendar year in which the Office of Legislative Research and General Counsel receives a report described in Subsection (2)(a).
- (3)
  - (a) Before September 1 of a calendar year in which the Office of Legislative Research and General Counsel receives a report described in Subsection (2)(a), the Office of Legislative Research and General Counsel shall prepare a report that includes, as of July 1 of that year:
    - (i) the total number of legislative boards that exist; and
    - (ii) a summary of the reports submitted to the Office of Legislative Research and General Counsel under Subsection (2), including:
      - (A) a list of each legislative board that submitted a report under Subsection (2);
      - (B) a list of each legislative board that did not submit a report under Subsection (2);
      - (C) an indication of any recommendations made under Subsection (2)(a)(iv); and

- (D) a list of any legislative boards that indicated under Subsection (2)(a)(v) that the legislative board should no longer exist.
- (b) The Office of Legislative Research and General Counsel shall:
  - (i) in accordance with Section 68-3-14, submit the report described in Subsection (3)(a) to:
    - (A) the president of the Senate;
    - (B) the speaker of the House of Representatives; and
    - (C) the Government Operations Interim Committee; and
  - (ii) post the report described in Subsection (3)(a) to the Legislature's website.
- (4)
  - (a) The Government Operations Interim Committee may prepare legislation to address a recommendation regarding:
    - (i) an executive board, as defined in Section 67-1-2.5, included in the report described in Section 67-1-2.5; or
    - (ii) a legislative board included in the report described in Subsection (3)(a).
  - (b) If an executive board or a legislative board is assigned to an interim committee for review under Title 63I, Chapter 1, Legislative Oversight and Sunset Act, the Government Operations Interim Committee may coordinate with the interim committee to prepare legislation described in Subsection (4)(a).

Amended by Chapter 154, 2020 General Session

***Superseded 10/1/2024***

**36-12-23 Legislative committees -- Staffing.**

- (1) As used in this section:
  - (a) "Chair" means a presiding officer or a co-presiding officer of a committee.
  - (b) "Committee" means a standing committee, interim committee, subcommittee, special committee, authority, commission, council, task force, panel, or board in which legislative participation is required by statute or legislative rule.
  - (c) "Legislative committee" means a committee:
    - (i) formed by the Legislature to study or oversee subjects of legislative concern; and
    - (ii) that is required by statute or legislative rule to have a chair who is a legislator.
  - (d) "Legislator" means a member of either chamber of the Legislature.
  - (e) "Professional legislative office" means the Office of Legislative Research and General Counsel, the Office of the Legislative Fiscal Analyst, the Office of the Legislative Auditor General, or similar office of the Legislature.
- (2)
  - (a) Except as provided in Subsections (3) and (4), a professional legislative office shall provide each legislative committee's staff support, regardless of whether statute or legislative rule directs another entity to provide the staff support.
  - (b) Unless a legislative committee's enacting statute or legislative rule names a particular professional legislative office to provide the legislative committee's staff support, the professional legislative offices shall select, based on subject matter expertise, which professional legislative office will staff the legislative committee.
- (3)
  - (a) Subject to Subsection (3)(b), the provisions of this section control over any conflicting provision of statute or legislative rule.
  - (b)



- (i) If another provision of statute or legislative rule directs an entity other than a professional legislative office to provide a legislative committee's staff support, notwithstanding Subsection (2), a legislator who is a chair of the legislative committee may elect to have the other entity provide the legislative committee's staff support.
  - (ii) If the legislative committee has more than one chair who is a legislator, the chairs who are legislators shall collectively make the election under Subsection (3)(b)(i).
  - (iii) A chair or chairs who make an election under Subsection (3)(b)(i) may change the chair's or chairs' election no more than once each calendar year.
- (4) This section does not apply to:
- (a) the Point of the Mountain State Land Authority created in Section 11-59-201;
  - (b) the Utah Broadband Center Advisory Commission created in Section 36-29-109;
  - (c) the Blockchain and Digital Innovation Task Force created in Section 36-29-110;
  - (d) the Criminal Justice Data Management Task Force created in Section 36-29-111;
  - (e) the Constitutional Defense Council created in Section 63C-4a-202;
  - (f) the Women in the Economy Subcommittee created in Section 63N-1b-402;
  - (g) the House Ethics Committee established under Legislative Joint Rule JR6-2-101; or
  - (h) the Senate Ethics Committee established under Legislative Joint Rule JR6-2-101.

Amended by Chapter 409, 2024 General Session

***Effective 10/1/2024***

**36-12-23 Legislative committees -- Staffing.**

- (1) As used in this section:
- (a) "Chair" means a presiding officer or a co-presiding officer of a committee.
  - (b) "Committee" means a standing committee, interim committee, subcommittee, special committee, authority, commission, council, task force, panel, or board in which legislative participation is required by statute or legislative rule.
  - (c) "Legislative committee" means a committee:
    - (i) formed by the Legislature to study or oversee subjects of legislative concern; and
    - (ii) that is required by statute or legislative rule to have a chair who is a legislator.
  - (d) "Legislator" means a member of either chamber of the Legislature.
  - (e) "Professional legislative office" means the Office of Legislative Research and General Counsel, the Office of the Legislative Fiscal Analyst, the Office of the Legislative Auditor General, or similar office of the Legislature.
- (2)
- (a) Except as provided in Subsections (3) and (4), a professional legislative office shall provide each legislative committee's staff support, regardless of whether statute or legislative rule directs another entity to provide the staff support.
  - (b) Unless a legislative committee's enacting statute or legislative rule names a particular professional legislative office to provide the legislative committee's staff support, the professional legislative offices shall select, based on subject matter expertise, which professional legislative office will staff the legislative committee.
- (3)
- (a) Subject to Subsection (3)(b), the provisions of this section control over any conflicting provision of statute or legislative rule.
  - (b)
    - (i) If another provision of statute or legislative rule directs an entity other than a professional legislative office to provide a legislative committee's staff support, notwithstanding

Subsection (2), a legislator who is a chair of the legislative committee may elect to have the other entity provide the legislative committee's staff support.

- (ii) If the legislative committee has more than one chair who is a legislator, the chairs who are legislators shall collectively make the election under Subsection (3)(b)(i).
  - (iii) A chair or chairs who make an election under Subsection (3)(b)(i) may change the chair's or chairs' election no more than once each calendar year.
- (4) This section does not apply to:
- (a) the Point of the Mountain State Land Authority created in Section 11-59-201;
  - (b) the Utah Broadband Center Advisory Commission created in Section 36-29-109;
  - (c) the Blockchain and Digital Innovation Task Force created in Section 36-29-110;
  - (d) the Public Safety Data Management Task Force created in Section 36-29-111;
  - (e) the Constitutional Defense Council created in Section 63C-4a-202;
  - (f) the Women in the Economy Subcommittee created in Section 63N-1b-402;
  - (g) the House Ethics Committee established under Legislative Joint Rule JR6-2-101; or
  - (h) the Senate Ethics Committee established under Legislative Joint Rule JR6-2-101.

Amended by Chapter 506, 2024 General Session

**36-12-24 Legislative counsel attendance at Supreme Court advisory committees.**

An attorney from the Office of Legislative Research and General Counsel shall, when practicable, attend meetings of the advisory committees of the Supreme Court.

Renumbered and Amended by Chapter 178, 2024 General Session