

### **Part 3**

## **Action Settlement Agreements**

#### **63G-10-301 Cost evaluation of action settlement agreements.**

- (1) Before legally binding the state to an action settlement agreement that might cost the state a total of \$100,000 or more to implement, an agency shall estimate the cost of implementing the action settlement agreement and submit that cost estimate to the governor and the Legislative Management Committee.
- (2) The Legislative Management Committee may:
  - (a) direct its staff to make an independent cost estimate of the cost of implementing the action settlement agreement; and
  - (b) affirmatively adopt a cost estimate as the benchmark for determining which authorizations established by this part are necessary.

Renumbered and Amended by Chapter 382, 2008 General Session

#### **63G-10-302 Governor to approve action settlement agreements.**

- (1) Before legally binding the state by executing an action settlement agreement that might cost government entities more than \$100,000 to implement, an agency shall submit the proposed settlement agreement to the governor for the governor's approval or rejection.
- (2) The governor shall approve or reject each action settlement agreement.
- (3)
  - (a) If the governor approves the action settlement agreement, the agency may execute the agreement.
  - (b) If the governor rejects the action settlement agreement, the agency may not execute the agreement.
- (4) If an agency executes an action settlement agreement without obtaining the governor's approval under this section, the governor may issue an executive order declaring the settlement agreement void.

Renumbered and Amended by Chapter 382, 2008 General Session

#### **63G-10-303 Legislative review and approval of action settlement agreements.**

- (1)
  - (a) Before legally binding the state by executing an action settlement agreement that might cost government entities more than \$500,000 to implement, an agency shall:
    - (i) submit the proposed action settlement agreement to the governor for the governor's approval or rejection as required by Section 63G-10-302; and
    - (ii) if the governor approves the action settlement agreement, submit the action settlement agreement to the Legislative Management Committee for its review and recommendations.
  - (b) The Legislative Management Committee shall review the action settlement agreement and may:
    - (i) recommend that the agency execute the settlement agreement;
    - (ii) recommend that the agency reject the settlement agreement; or
    - (iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the settlement agreement.
- (2)

- (a) Before legally binding the state by executing an action settlement agreement that might cost government entities more than \$1,000,000 to implement, an agency shall:
  - (i) submit the proposed action settlement agreement to the governor for the governor's approval or rejection as required by Section 63G-10-302; and
  - (ii) if the governor approves the action settlement agreement, submit the action settlement agreement to the Legislature for its approval in an annual general session or a special session.
- (b)
  - (i) If the Legislature approves the action settlement agreement, the agency may execute the agreement.
  - (ii) If the Legislature rejects the action settlement agreement, the agency may not execute the agreement.
- (c) If an agency executes an action settlement agreement without obtaining the Legislature's approval under this Subsection (2):
  - (i) the governor may issue an executive order declaring the action settlement agreement void;  
or
  - (ii) the Legislature may pass a joint resolution declaring the action settlement agreement void.

Renumbered and Amended by Chapter 382, 2008 General Session