

Representative Keven J. Stratton proposes the following substitute bill:

OVERSIGHT COMMITTEE CREATION

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the Joint Committee on Governmental Oversight and establishes provisions related to the oversight of an administrative rule.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Joint Committee on Governmental Oversight and establishes the committee's membership;
- ▶ establishes that the purpose of the Joint Committee on Governmental Oversight is to increase the transparency, efficiency, effectiveness, and accountability of state and local governmental entities;
- ▶ requires the committee to receive certain approval before proceeding with a study or investigation;
- ▶ establishes powers and requirements for the committee;
- ▶ grants the committee investigatory powers;
- ▶ requires the committee to create certain reports;
- ▶ requires the governor, upon recommendation from the committee, to repeal an administrative rule unless the governor determines that the rules is necessary to the



- 26 discharge of the duties of the agency that made the rule;
- 27 ▶ requires a proposed administrative rule to be approved by the Legislature and
- 28 governor through a concurrent resolution before taking effect;
- 29 ▶ establishes sunset dates; and
- 30 ▶ makes conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **36-14-2**, as last amended by Laws of Utah 2014, Chapter 339
- 38 **63G-3-301**, as last amended by Laws of Utah 2017, Chapter 255
- 39 **63G-6a-204**, as last amended by Laws of Utah 2015, Chapter 218
- 40 **63I-1-236**, as last amended by Laws of Utah 2017, Chapter 192
- 41 **63I-1-263**, as last amended by Laws of Utah 2017, Chapters 23, 47, 95, 166, 205, 469,
- 42 and 470

43 ENACTS:

- 44 **36-31-101**, Utah Code Annotated 1953
- 45 **36-31-102**, Utah Code Annotated 1953
- 46 **36-31-103**, Utah Code Annotated 1953
- 47 **36-31-104**, Utah Code Annotated 1953
- 48 **36-31-105**, Utah Code Annotated 1953
- 49 **36-31-106**, Utah Code Annotated 1953
- 50 **63G-3-503**, Utah Code Annotated 1953

51

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

53 Section 1. Section **36-14-2** is amended to read:

54 **36-14-2. Issuers.**

55 (1) Any of the following persons is an issuer, who may issue legislative subpoenas by
56 following the procedures set forth in this chapter:

- 57 (a) the speaker of the House of Representatives;
- 58 (b) the president of the Senate;
- 59 (c) a chair of any legislative standing committee;
- 60 (d) a chair of any legislative interim committee;
- 61 (e) a chair of any special committee established by the Legislative Management
- 62 Committee, the speaker of the House, or the president of the Senate;
- 63 (f) a chair of any subcommittee of the Legislative Management Committee;
- 64 (g) a chair of a special investigative committee;
- 65 (h) a chair of a Senate or House Ethics Committee;
- 66 (i) a chair of the Executive Appropriations Committee as created in [JR3-2-401](#);
- 67 (j) a chair of an appropriations subcommittee as created in [JR3-2-302](#);
- 68 (k) the chair of the Joint Committee on Governmental Oversight created in Section

69 [36-31-103](#);

- 70 [~~k~~] (l) the director of the Office of Legislative Research and General Counsel;
- 71 [~~t~~] (m) the legislative auditor general;
- 72 [~~m~~] (n) the director of the Office of Legislative Fiscal Analyst; and
- 73 [~~n~~] (o) the legislative general counsel.

74 (2) A legislative body, a legislative office, an issuer, or a legislative staff member
75 designated by an issuer may:

- 76 (a) administer an oath or affirmation; and
- 77 (b) take evidence, including testimony.

78 Section 2. Section **36-31-101** is enacted to read:

79 **CHAPTER 31. JOINT COMMITTEE ON GOVERNMENTAL OVERSIGHT**

80 **36-31-101. Title.**

81 This chapter is known as "Joint Committee on Governmental Oversight."

82 Section 3. Section **36-31-102** is enacted to read:

83 **36-31-102. Definitions.**

84 As used in this chapter:

85 (1) "Committee" means the Joint Committee on Governmental Oversight created under
86 Section [36-31-103](#).

87 (2) (a) "Local governmental entity" means the following, or any of the following

88 department, division, office, institution, bureau, governing board, or committee:

89 (i) a county;

90 (ii) a city;

91 (iii) a town;

92 (iv) a metro township;

93 (v) a local district governed by Title 17B, Limited Purpose Local Government Entities

94 - Local Districts;

95 (vi) a special service district governed by Title 17D, Chapter 1, Special Service District

96 Act;

97 (vii) an interlocal entity or a joint or cooperative undertaking, governed by Title 11,

98 Chapter 13, Interlocal Cooperation Act;

99 (viii) a community reinvestment agency governed by Title 17C, Limited Purpose Local

100 Government Entities - Community Reinvestment Agency Act;

101 (ix) a local building authority governed by Title 17D, Chapter 2, Local Building

102 Authority Act;

103 (x) a conservation district governed by Title 17D, Chapter 3, Conservation District

104 Act;

105 (xi) a school district;

106 (xii) a local school board;

107 (xiii) a public school;

108 (xiv) any other political subdivision of the state or an organization within a political

109 subdivision of the state; and

110 (xv) an employee of an entity described in Subsections (2)(a)(i) through (xiv) when

111 acting as an employee of that entity.

112 (b) "Local governmental entity" does not include:

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

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

115 state government; or

116 (iii) a justice court.

117 (3) (a) "State governmental entity" means the following, or any of the following

118 department, division, office, institution, bureau, governing board, or committee:

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

121 (ii) an executive branch board, commission, task force, committee, or council;

122 (iii) an independent entity, as that term is defined in Section [63E-1-102](#);

123 (iv) a public corporation;

124 (v) the State Board of Education;

125 (vi) the State Charter School Board;

126 (vii) a charter school governing board;

127 (viii) a charter school;

128 (ix) an association, as that term is defined in Section [53A-1-1601](#);

129 (x) the Utah School Boards Association governed by Title 53A, Chapter 5, Utah
130 School Boards Association;

131 (xi) the Utah Schools for the Deaf and the Blind;

132 (xii) the State Board of Regents;

133 (xiii) the Utah System of Technical Colleges Board of Trustees;

134 (xiv) an institution within the state system of higher education described in Section
135 [53B-1-102](#); and

136 (xv) an employee of an entity described in Subsections (3)(a)(i) through (xiv) when
137 acting as an employee of that entity.

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

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

140 (ii) the judicial branch of state government or an entity within the judicial branch of
141 state government.

142 Section 4. Section **36-31-103** is enacted to read:

143 **36-31-103. Creation of Joint Committee on Governmental Oversight.**

144 (1) There is created the Joint Committee on Governmental Oversight composed of the
145 following nine members:

146 (a) six members of the House of Representatives, appointed by the speaker of the
147 House, not more than four of whom may be from the same political party; and

148 (b) three members of the Senate, appointed by the president of the Senate, not more
149 than two of whom may be from the same political party.

150 (2) The speaker of the House and president of the Senate shall each select a member of
151 the committee who will serve as cochair of the committee.

152 (3) The applicable appointing or selecting authority may replace a member of the
153 committee, or select a new cochair, at any time.

154 (4) For the purpose of determining a quorum for the conduct of committee business, a
155 majority is at least 50% of the committee members from one house of the Legislature and more
156 than 50% from the other.

157 (5) Compensation and expenses of a committee member are governed by Section
158 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

159 (6) The Office of Legislative Research and General Counsel and the Office of the
160 Legislative Auditor General shall jointly provide staff support to the committee.

161 Section 5. Section **36-31-104** is enacted to read:

162 **36-31-104. Initiating a study or investigation.**

163 (1) The committee may investigate or study an issue related to an item described in
164 Subsection 36-31-105(1) after:

165 (a) receiving an assignment:

166 (i) by resolution from the Legislature;

167 (ii) from the Legislative Management Committee, created under Section 36-12-6; or

168 (iii) from the speaker of the House or president of the Senate; or

169 (b) requesting and receiving approval under Subsection (2) from the Legislative
170 Management Committee.

171 (2) (a) The committee may request approval from the Legislative Management
172 Committee to investigate or study an issue related to an item described in Subsection
173 36-31-105(1).

174 (b) The committee may proceed with investigation or study that the committee requests
175 under Subsection (2)(a) if the Legislative Management Committee:

176 (i) approves the request; or

177 (ii) does not reject the request within 30 days after the date on which the Legislative
178 Management Committee receives the request.

179 Section 6. Section **36-31-105** is enacted to read:

180 **36-31-105. Purpose and powers.**

181 (1) Subject to Section 36-31-104, the committee shall increase the transparency,
182 efficiency, effectiveness, and accountability of state governmental entities and local
183 governmental entities by:

184 (a) investigating waste, fraud, misconduct, or abuse by a state governmental entity or a
185 local governmental entity;

186 (b) investigating the accounting, expenditure, and handling of a state governmental
187 entity's or a local governmental entity's funds;

188 (c) studying a state governmental entity's or a local governmental entity's application,
189 administration, or execution of a law that the Legislature passes;

190 (d) investigating whether a state governmental entity or a local governmental entity
191 complies with an applicable state law or administrative rule;

192 (e) investigating whether a state governmental entity creates and implements an
193 administrative rule in accordance with law; or

194 (f) investigating an action that a local governmental entity or state governmental entity
195 takes to determine whether the entity takes the action in accordance with best practices and the
196 best interest of the citizens that the entity serves.

197 (2) Subject to Section 36-31-104, the committee may, in relation to a duty described in
198 Subsection (1):

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

200 (b) subject to the prioritization of the Legislative Audit Subcommittee, perform an
201 audit;

202 (c) perform an investigation or study;

203 (d) recommend that a person that is the subject of the committee's investigation or
204 study take an action that the committee specifies;

205 (e) in accordance with Title 36, Chapter 14, Legislative Subpoena Powers:

206 (i) issue a subpoena;

207 (ii) compel the attendance of witnesses; or

208 (iii) compel a person to produce evidence or testimony;

209 (f) refer a person to the applicable county attorney for possible prosecution;

210 (g) by a vote of seven committee members, recommend an administrative rule, except
211 for an administrative rule described in Subsection 63G-3-502(2)(b), for repeal and refer the

212 administrative rule to the governor for review in accordance with Section [63G-3-503](#);
213 (h) make a recommendation to the Administrative Rules Review Committee of the
214 Legislature;
215 (i) open a bill file and recommend legislation for the Legislature's consideration;
216 (j) propose reforms to state law or administrative rules; or
217 (k) take other appropriate action in accordance with applicable law or rule.
218 (3) After the committee recommends a rule for repeal in accordance with Subsection
219 (2)(g), the committee shall send a letter notifying the governor of the recommendation.
220 (4) After receiving an assignment or approval under Section [36-31-104](#) to investigate
221 or study an issue, the chairs of the committee may, before convening a meeting of the
222 committee to discuss the issue:
223 (a) send a written request to the person that the committee is studying or investigating,
224 or to the person that is responsible for the issue the committee is studying or investigating, that:
225 (i) describes the scope and reason for the study or investigation; and
226 (ii) requests that the person provide evidence or explanation that might clarify or
227 resolve the issue before the committee meets to discuss the issue; and
228 (b) decide not to proceed with the study or investigation if the person to whom the
229 committee sends a request under Subsection (4)(a) provides satisfactory explanation or
230 evidence to indicate that the study or investigation is not needed.
231 (5) The committee shall coordinate with the following regarding an issue the
232 committee is studying or investigating when the issue is applicable to a matter over which the
233 following may have jurisdiction:
234 (a) the Administrative Rules Review Committee created under Section [63G-3-501](#);
235 (b) the Legislative Audit Subcommittee created under Section [36-12-18](#);
236 (c) the Political Subdivisions Ethics Review Commission created under Section
237 [11-49-201](#);
238 (d) a local political subdivision ethics commission established under Section
239 [11-49-103](#); or
240 (e) the Independent Legislative Ethics Commission.
241 Section 7. Section **36-31-106** is enacted to read:
242 **36-31-106. Report of committee findings -- Annual report.**

243 (1) For each item the committee studies or investigates under Subsection 36-31-105(1),
244 the committee shall issue a report that:

- 245 (a) establishes the committee's findings;
- 246 (b) describes any actions the committee takes; and
- 247 (c) (i) describes any recommendations the committee makes; or
- 248 (ii) explains why the committee does not make any recommendations.

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

- 251 (a) identifies a person that the committee recommends should take the action; and
- 252 (b) establishes a deadline and method by which the committee requests that the person
253 described in Subsection (2)(a) report to the committee on whether the person has taken the
254 action that the committee recommends.

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

- 257 (a) the issues the committee investigated or studied since the last annual report the
258 committee submitted to the Legislative Management Committee;
- 259 (b) any apparent violations of state or local law, ordinance, or rule that the committee
260 discovers in relation to an issue the committee investigated or studied;
- 261 (c) any action that the committee takes with regards to an issue the committee
262 investigated or studied; and
- 263 (d) any other recommendations that the committee makes, including recommendations
264 on proposed legislation.

265 Section 8. Section **63G-3-301** is amended to read:

266 **63G-3-301. Rulemaking procedure.**

267 (1) An agency authorized to make rules is also authorized to amend or repeal those
268 rules.

269 (2) Except as provided in Sections **63G-3-303** and **63G-3-304**, and except for a rule the
270 governor repeals under Section 63G-3-503, when making, amending, or repealing a rule
271 agencies shall comply with:

- 272 (a) the requirements of this section;
- 273 (b) consistent procedures required by other statutes;

274 (c) applicable federal mandates; and

275 (d) rules made by the department to implement this chapter.

276 (3) Subject to the requirements of this chapter, each agency shall develop and use
277 flexible approaches in drafting rules that meet the needs of the agency and that involve persons
278 affected by the agency's rules.

279 (4) (a) Each agency shall file its proposed rule and rule analysis with the office.

280 (b) Rule amendments shall be marked with new language underlined and deleted
281 language struck out.

282 (c) (i) The office shall publish the information required under Subsection (8) on the
283 rule analysis and the text of the proposed rule in the next issue of the bulletin.

284 (ii) For rule amendments, only the section or subsection of the rule being amended
285 need be printed.

286 (iii) If the executive director or the executive director's designee determines that the
287 rule is too long to publish, the office shall publish the rule analysis and shall publish the rule by
288 reference to a copy on file with the office.

289 (5) Before filing a rule with the office, the agency shall conduct a thorough analysis,
290 consistent with the criteria established by the Governor's Office of Management and Budget, of
291 the fiscal impact a rule may have on businesses, which criteria may include:

292 (a) the type of industries that will be impacted by the rule, and for each identified
293 industry, an estimate of the total number of businesses within the industry, and an estimate of
294 the number of those businesses that are small businesses;

295 (b) the individual fiscal impact that would incur to a typical business for a one-year
296 period;

297 (c) the aggregated total fiscal impact that would incur to all businesses within the state
298 for a one-year period;

299 (d) the total cost that would incur to all impacted entities over a five-year period; and

300 (e) the department head's comments on the analysis.

301 (6) If the agency reasonably expects that a proposed rule will have a measurable
302 negative fiscal impact on small businesses, the agency shall consider, as allowed by federal
303 law, each of the following methods of reducing the impact of the rule on small businesses:

304 (a) establishing less stringent compliance or reporting requirements for small

305 businesses;

306 (b) establishing less stringent schedules or deadlines for compliance or reporting
307 requirements for small businesses;

308 (c) consolidating or simplifying compliance or reporting requirements for small
309 businesses;

310 (d) establishing performance standards for small businesses to replace design or
311 operational standards required in the proposed rule; and

312 (e) exempting small businesses from all or any part of the requirements contained in
313 the proposed rule.

314 (7) If during the public comment period an agency receives comment that the proposed
315 rule will cost small business more than one day's annual average gross receipts, and the agency
316 had not previously performed the analysis in Subsection (6), the agency shall perform the
317 analysis described in Subsection (6).

318 (8) The rule analysis shall contain:

319 (a) a summary of the rule or change;

320 (b) the purpose of the rule or reason for the change;

321 (c) the statutory authority or federal requirement for the rule;

322 (d) the anticipated cost or savings to:

323 (i) the state budget;

324 (ii) local governments;

325 (iii) small businesses; and

326 (iv) persons other than small businesses, businesses, or local governmental entities;

327 (e) the compliance cost for affected persons;

328 (f) how interested persons may review the full text of the rule;

329 (g) how interested persons may present their views on the rule;

330 (h) the time and place of any scheduled public hearing;

331 (i) the name and telephone number of an agency employee who may be contacted
332 about the rule;

333 (j) the name of the agency head or designee who authorized the rule;

334 (k) the ~~[date]~~ day on which the rule may become effective following [~~the public~~
335 ~~comment period~~] legislative approval;

336 (l) the agency's analysis on the fiscal impact of the rule as required under Subsection
337 (5);

338 (m) any additional comments the department head may choose to submit regarding the
339 fiscal impact the rule may have on businesses; and

340 (n) if applicable, a summary of the agency's efforts to comply with the requirements of
341 Subsection (6).

342 (9) (a) For a rule being repealed and reenacted, the rule analysis shall contain a
343 summary that generally includes the following:

344 (i) a summary of substantive provisions in the repealed rule which are eliminated from
345 the enacted rule; and

346 (ii) a summary of new substantive provisions appearing only in the enacted rule.

347 (b) The summary required under this Subsection (9) is to aid in review and may not be
348 used to contest any rule on the ground of noncompliance with the procedural requirements of
349 this chapter.

350 (10) A copy of the rule analysis shall be mailed to all persons who have made timely
351 request of the agency for advance notice of its rulemaking proceedings and to any other person
352 who, by statutory or federal mandate or in the judgment of the agency, should also receive
353 notice.

354 (11) (a) Following the publication date, the agency shall allow at least 30 days for
355 public comment on the rule.

356 (b) The agency shall review and evaluate all public comments submitted in writing
357 within the time period under Subsection (11)(a) or presented at public hearings conducted by
358 the agency within the time period under Subsection (11)(a).

359 (12) (a) Except as provided in Sections [63G-3-303](#) and [63G-3-304](#), a proposed rule
360 becomes effective on ~~[any date specified by the agency that is no fewer than seven calendar~~
361 ~~days after the close of the public comment period under Subsection (11), nor more than 120~~
362 ~~days after the publication date.];~~

363 (i) the effective date of the concurrent resolution described in Subsection (15); or

364 (ii) a special effective date established in the rule in accordance with Subsection

365 (12)(c).

366 (b) The agency shall provide notice of the rule's effective date to the office in the form

367 required by the department.

368 ~~[(c) The notice of effective date may not provide for an effective date prior to the date~~
369 ~~it is received by the office.]~~

370 (c) A special effective date for a rule may not be:

371 (i) (A) before the rule is approved by the Legislature and governor under Subsection
372 (14); or

373 (B) before the head of the agency that proposes the rule complies with Subsection
374 (14)(b); or

375 (ii) more than 45 days after the effective date of the concurrent resolution described in
376 Subsection (14)(a).

377 (d) The office shall publish notice of the effective date of the rule in the next issue of
378 the bulletin.

379 (e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is
380 not filed with the office within 120 days of publication.

381 (13) Within seven calendar days after the day on which an agency completes the public
382 comment period for a proposed rule, or, if the agency makes a change to the proposed rule
383 under Section 63G-3-303, within seven calendar days after the day on which the agency makes
384 the change, the agency shall submit the final text of the proposed rule to:

385 (a) the Office of Legislative Research and General Counsel;

386 (b) the governor; and

387 (c) the office.

388 (14) After the agency submits a proposed rule under Subsection (13), the rule may not
389 take effect unless:

390 (a) (i) the Legislature, through a concurrent resolution and without amendment,
391 approves the proposed rule before the end of the earlier of the next:

392 (A) special session of the Legislature for which the governor's call lists the proposed
393 rule for the Legislature's consideration; or

394 (B) annual general session of the Legislature; and

395 (ii) the governor signs the concurrent resolution; or

396 (b) the head of the agency that proposes the rule:

397 (i) finds a clear and convincing need for the rule to take expedited effect without the

398 Legislature's and governor's approval under Subsection (14)(a);
399 (ii) creates a written statement detailing the head's finding under Subsection (14)(b)(i);
400 (iii) posts the statement described in Subsection (14)(b)(ii) on the agency's website in a
401 conspicuous location; and
402 (iv) submits the statement described in Subsection (14)(b)(ii) to:
403 (A) the Office of Legislative Research and General Counsel;
404 (B) the governor; and
405 (C) the office.
406 (15) A proposed rule takes effect:
407 (a) if the proposed rule is approved under Subsection (14)(a), on the later of the
408 effective date:
409 (i) of the concurrent resolution approving the proposed rule; or
410 (ii) established in the proposed rule; or
411 (b) if the head of the agency complies with the requirements described in Subsection
412 (14)(b), on the effective date established in the proposed rule.
413 (16) If a rule takes effect without the Legislature's and governor's approval under
414 Subsection (14)(a), the rule is repealed one year after the day on which the rule takes effect
415 unless, within one year after the day on which the rule takes effect:
416 (a) the Legislature, through a concurrent resolution and without amendment, approves
417 the rule; and
418 (b) the governor signs the concurrent resolution.
419 ~~[(13)]~~ (17) (a) As used in this Subsection ~~[(13)]~~ (17), "initiate rulemaking proceedings"
420 means the filing, for the purposes of publication in accordance with Subsection (4), of an
421 agency's proposed rule that is required by state statute.
422 (b) A state agency shall initiate rulemaking proceedings no later than 180 days after the
423 effective date of the statutory provision that specifically requires the rulemaking, except under
424 Subsection ~~[(13)]~~ (17)(c).
425 (c) When a statute is enacted that requires agency rulemaking and the affected agency
426 already has rules in place that meet the statutory requirement, the agency shall submit the rules
427 to the Administrative Rules Review Committee for review within 60 days after the statute
428 requiring the rulemaking takes effect.

429 (d) If a state agency does not initiate rulemaking proceedings in accordance with the
430 time requirements in Subsection [~~(13)~~] (17)(b), the state agency shall appear before the
431 legislative Administrative Rules Review Committee and provide the reasons for the delay.

432 Section 9. Section **63G-3-503** is enacted to read:

433 **Part 5. Oversight**

434 **63G-3-503. Governor's repeal of rule referred by oversight committee.**

435 (1) The governor may repeal an administrative rule in accordance with this section.

436 (2) Within 45 days after the day on which the governor receives a letter described in
437 Subsection [36-31-105](#)(3) from the Joint Committee on Governmental Oversight recommending
438 the repeal of an administrative rule, the governor shall repeal the administrative rule unless,
439 after completing a review of the rule, the governor determines that the rule:

440 (a) is necessary to the discharge of the duties of the agency that made the rule; and

441 (b) is not contrary to or outside the scope of the legislative grant of authority
442 underlying the rule.

443 (3) Notwithstanding Subsection (2), the governor may establish a delayed effective
444 date for the repeal of an administrative rule of up to 60 days after the day on which the
445 governor executes the repeal if a delayed effective date is necessary to allow a state agency or a
446 person affected by the rule time to prepare for the rule's repeal.

447 (4) After taking an action under Subsection (2) or (3), the governor shall:

448 (a) create a written statement that:

449 (i) describes the governor's action; and

450 (ii) provides reasons why the repealed rule does not meet the standards described in
451 Subsection (2);

452 (b) immediately publish the statement on the governor's website; and

453 (c) immediately send the statement to:

454 (i) the office;

455 (ii) the state agency that made the repealed rule; and

456 (iii) the Joint Committee on Governmental Oversight.

457 Section 10. Section **63G-6a-204** is amended to read:

458 **63G-6a-204. Applicability of rules and regulations of Utah State Procurement**
459 **Policy Board and State Building Board -- Report to interim committee.**

460 (1) Except as provided in Subsection (2), rules made by the board under this chapter
461 shall govern all procurement units for which the board is the applicable rulemaking authority.

462 (2) The building board rules governing procurement of construction, design
463 professional services, and leases apply to the procurement of construction, design professional
464 services, and leases of real property by the Division of Facilities Construction and
465 Management.

466 (3) An applicable rulemaking authority may make its own rules, consistent with this
467 chapter, governing procurement by a person over which the applicable rulemaking authority
468 has rulemaking authority.

469 (4) The board shall make a report on or before July 1 of each year to a legislative
470 interim committee, designated by the Legislative Management Committee created under
471 Section 36-12-6, on the establishment, implementation, and enforcement of the rules made
472 under Section 63G-6a-203.

473 (5) Notwithstanding Subsection 63G-3-301[(+3)](17)(b), an applicable rulemaking
474 authority is required to initiate rulemaking proceedings, for rules required to be made under
475 this chapter, on or before:

476 (a) May 13, 2014, if the applicable rulemaking authority is the board; or

477 (b) January 1, 2015, for each other applicable rulemaking authority.

478 Section 11. Section 63I-1-236 is amended to read:

479 **63I-1-236. Repeal dates, Title 36.**

480 (1) Section 36-12-20 is repealed June 30, 2018.

481 (2) Sections 36-26-101 through 36-26-104 are repealed December 31, 2027.

482 (3) On June 30, 2023:

483 (a) Title 36, Chapter 31, Joint Committee on Governmental Oversight, is repealed; and

484 (b) Subsection 36-14-2(1)(k) is repealed and the remaining subsections are renumbered
485 accordingly.

486 Section 12. Section 63I-1-263 is amended to read:

487 **63I-1-263. Repeal dates, Titles 63A to 63N.**

488 (1) Subsection 63A-5-104(4)(h) is repealed on July 1, 2024.

489 (2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

490 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July

491 1, 2018.

492 (4) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is
493 repealed November 30, 2019.

494 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
495 2020.

496 (6) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
497 repealed July 1, 2021.

498 (7) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,
499 2018.

500 (8) On June 30, 2023:

501 (a) in Subsection 63G-3-301(2) the language that states "and except for a rule the
502 governor repeals under Section 63G-3-503," is repealed;

503 (b) Subsection 63G-3-301(8)(k) is amended to read "(8)(k) the date on which the rule
504 may become effective following the public comment period;";

505 (c) Subsection 63G-3-301(12)(a) is amended to read "(12)(a) Except as provided in
506 Sections 63G-3-303 and 63G-3-304, a proposed rule becomes effective on a date specified by
507 the agency that is no fewer than seven calendar days after the close of the public comment
508 period under Subsection (11), and no more than 120 days after the rule's publication date.";

509 (d) Subsection 63G-3-301(12)(c) is amended to read "(12)(c) The notice of effective
510 date for a rule may note provide for an effective date that is before the day on which the office
511 receives the rule.";

512 (e) Subsections 63G-3-301(13), (14), (15), and (16) are repealed and the remaining
513 subsections are renumbered accordingly; and

514 (f) Section 63G-3-503 is repealed.

515 ~~[(8)]~~ (9) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July
516 1, 2023.

517 ~~[(9)]~~ (10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
518 July 1, 2020.

519 ~~[(10)]~~ (11) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
520 2026.

521 ~~[(11)]~~ (12) On July 1, 2025:

- 522 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
523 Development Coordinating Committee," is repealed;
- 524 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
525 sites for the transplant of species to local government officials having jurisdiction over areas
526 that may be affected by a transplant.";
- 527 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development
528 Coordinating Committee" is repealed;
- 529 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
530 Coordinating Committee created in Section 63J-4-501 and" is repealed;
- 531 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
532 Coordinating Committee and" is repealed;
- 533 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
534 accordingly;
- 535 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;
- 536 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
537 word "and" is inserted immediately after the semicolon;
- 538 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);
- 539 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
540 and
- 541 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
542 renumbered accordingly.
- 543 ~~[(12)]~~ (13) (a) Subsection 63J-1-602.4(15) is repealed July 1, 2022.
- 544 (b) When repealing Subsection 63J-1-602.4(15), the Office of Legislative Research and
545 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
546 necessary changes to subsection numbering and cross references.
- 547 ~~[(13)]~~ (14) The Crime Victim Reparations and Assistance Board, created in Section
548 63M-7-504, is repealed July 1, 2027.
- 549 ~~[(14)]~~ (15) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
550 2027.
- 551 ~~[(15)]~~ (16) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.
- 552 ~~[(16)]~~ (17) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act,

553 is repealed January 1, 2021.

554 (b) Subject to Subsection ~~[(16)]~~ (17)(c), Sections 59-7-610 and 59-10-1007 regarding
555 tax credits for certain persons in recycling market development zones, are repealed for taxable
556 years beginning on or after January 1, 2021.

557 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

558 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
559 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

560 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
561 the expenditure is made on or after January 1, 2021.

562 (d) Notwithstanding Subsections ~~[(16)]~~ (17)(b) and (c), a person may carry forward a
563 tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

564 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

565 (ii) (A) for the purchase price of machinery or equipment described in Section
566 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
567 2020; or

568 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
569 expenditure is made on or before December 31, 2020.

570 ~~[(17)]~~ (18) Section 63N-2-512 is repealed on July 1, 2021.

571 ~~[(18)]~~ (19) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
572 January 1, 2021.

573 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
574 calendar years beginning on or after January 1, 2021.

575 (c) Notwithstanding Subsection ~~[(18)]~~ (19)(b), an entity may carry forward a tax credit
576 in accordance with Section 59-9-107 if:

577 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
578 31, 2020; and

579 (ii) the qualified equity investment that is the basis of the tax credit is certified under
580 Section 63N-2-603 on or before December 31, 2023.

581 ~~[(19)]~~ (20) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
582 Program, is repealed January 1, 2023.

583 ~~[(20)]~~ (21) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed

584 July 1, 2018.

585 [~~(21)~~] (22) Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is

586 repealed July 1, 2018.