

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, investigation, or audit;
- ▶ establishes powers and requirements for the committee;
- ▶ grants the committee investigatory powers;
- ▶ requires the committee to create certain reports;
- ▶ allows the governor, upon recommendation from the committee, to direct an agency to repeal an administrative rule that the agency made;



- 26 ▶ allows certain persons to refer a proposed administrative rule to the Legislature for
- 27 approval before the rule takes effect;
- 28 ▶ establishes sunset dates; and
- 29 ▶ makes conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

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

42 ENACTS:

- 43 **36-31-101**, Utah Code Annotated 1953
- 44 **36-31-102**, Utah Code Annotated 1953
- 45 **36-31-103**, Utah Code Annotated 1953
- 46 **36-31-104**, Utah Code Annotated 1953
- 47 **36-31-105**, Utah Code Annotated 1953
- 48 **36-31-106**, Utah Code Annotated 1953
- 49 **63G-3-503**, Utah Code Annotated 1953

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

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

53 **36-14-2. Issuers.**

54 (1) Any of the following persons is an issuer, who may issue legislative subpoenas by

55 following the procedures set forth in this chapter:

56 (a) the speaker of the House of Representatives;

- 57 (b) the president of the Senate;
- 58 (c) a chair of any legislative standing committee;
- 59 (d) a chair of any legislative interim committee;
- 60 (e) a chair of any special committee established by the Legislative Management
- 61 Committee, the speaker of the House, or the president of the Senate;
- 62 (f) a chair of any subcommittee of the Legislative Management Committee;
- 63 (g) a chair of a special investigative committee;
- 64 (h) a chair of a Senate or House Ethics Committee;
- 65 (i) a chair of the Executive Appropriations Committee as created in [JR3-2-401](#);
- 66 (j) a chair of an appropriations subcommittee as created in [JR3-2-302](#);
- 67 (k) the chair of the Joint Committee on Governmental Oversight created in Section
- 68 [36-31-103](#);

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

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

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

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

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

79 **36-31-101. Title.**

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

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

82 **36-31-102. Definitions.**

83 As used in this chapter:

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

86 (2) (a) "Local governmental entity" means the following, or any of the following
 87 department, division, office, institution, bureau, governing board, or committee:

- 88 (i) a county;
- 89 (ii) a city;
- 90 (iii) a town;
- 91 (iv) a metro township;
- 92 (v) a local district governed by Title 17B, Limited Purpose Local Government Entities
- 93 - Local Districts;
- 94 (vi) a special service district governed by Title 17D, Chapter 1, Special Service District
- 95 Act;
- 96 (vii) an interlocal entity or a joint or cooperative undertaking, governed by Title 11,
- 97 Chapter 13, Interlocal Cooperation Act;
- 98 (viii) a community reinvestment agency governed by Title 17C, Limited Purpose Local
- 99 Government Entities - Community Reinvestment Agency Act;
- 100 (ix) a local building authority governed by Title 17D, Chapter 2, Local Building
- 101 Authority Act;
- 102 (x) a conservation district governed by Title 17D, Chapter 3, Conservation District
- 103 Act;
- 104 (xi) a school district;
- 105 (xii) a local school board;
- 106 (xiii) a public school;
- 107 (xiv) any other political subdivision of the state or an organization within a political
- 108 subdivision of the state; and
- 109 (xv) an employee of an entity described in Subsections (2)(a)(i) through (xiv) when
- 110 acting as an employee of that entity.
- 111 (b) "Local governmental entity" does not include:
- 112 (i) the Legislature or an entity within the legislative branch of state government;
- 113 (ii) the judicial branch of state government or an entity within the judicial branch of
- 114 state government; or
- 115 (iii) a justice court.
- 116 (3) (a) "State governmental entity" means the following, or any of the following
- 117 department, division, office, institution, bureau, governing board, or committee:
- 118 (i) an agency, department, division, office, institution, bureau, or any other division of

119 the executive branch of state government;

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

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

122 (iv) a public corporation;

123 (v) the State Board of Education;

124 (vi) the State Charter School Board;

125 (vii) a charter school governing board;

126 (viii) a charter school;

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

128 (x) an association governed by Title 53G, Chapter 4, Part 5, Utah School Boards

129 Association;

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

131 (xii) the State Board of Regents;

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

133 (xiv) an institution within the state system of higher education described in Section

134 [53B-1-102](#); and

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

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

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

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

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

142 **36-31-103. Creation of Joint Committee on Governmental Oversight.**

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

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

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

149 (2) The speaker of the House and president of the Senate shall each select a member of

150 the committee who will serve as cochair of the committee.

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

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

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

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

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

161 **36-31-104. Initiating a study or investigation.**

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

164 (a) receiving an assignment:

165 (i) by resolution from the Legislature;

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

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

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

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

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

175 (i) approves the request; or

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

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

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

181 **36-31-105. Purpose and powers.**

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

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

186 (b) investigating, in relation to the use of state legislative approved funding, the
187 accounting, expenditure, and handling of a state governmental entity's funds;

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

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

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

194 (f) investigating an action that a state governmental entity takes in response to state law
195 or administrative rule to determine whether the action is in accordance with state law or
196 administrative rule; or

197 (g) within the stewardship and authority granted to the Legislature by the Utah
198 Constitution and state law, and in coordination with appropriate standing and interim
199 committees of the Legislature, examining an action of a local governmental entity in relation to
200 the local governmental entity's:

201 (i) use of legislatively approved funding; or

202 (ii) application of a law passed or rule authorized by the Legislature.

203 (2) Subject to Section [36-31-104](#), the committee may, in relation to a duty described in
204 Subsection (1):

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

206 (b) perform an audit, subject to the prioritization of the Legislative Audit
207 Subcommittee, and take an action described in Subsection (4) in relation to the audit;

208 (c) perform an investigation or study;

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

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

- 212 (i) issue a subpoena;
213 (ii) compel the attendance of witnesses; or
214 (iii) compel a person to produce evidence or testimony;
215 (f) refer a person to the applicable county attorney for possible prosecution;
216 (g) after reviewing an administrative rule, except for an administrative rule described
217 in Subsection 63G-3-502(2)(b):
218 (i) recommend the rule for repeal and refer the rule to the governor for action in
219 accordance with Section 63G-3-503; or
220 (ii) recommend to the Legislative Management Committee that the Legislative
221 Management Committee direct the legislative general counsel to initiate litigation to challenge
222 or enjoin the rule;
223 (h) make a recommendation to the Administrative Rules Review Committee of the
224 Legislature;
225 (i) open a bill file and recommend legislation for the Legislature's consideration;
226 (j) propose reforms to state law or administrative rules; or
227 (k) take other appropriate action in accordance with applicable law or rule.
228 (3) After the committee recommends a rule for repeal in accordance with Subsection
229 (2)(g), the committee shall send a letter notifying the governor of the recommendation.
230 (4) After receiving an assignment or approval under Section 36-31-104 to investigate
231 or study an issue or perform an audit in accordance with Subsection (2)(b), the chairs of the
232 committee may, before convening a meeting of the committee to discuss the issue:
233 (a) send a written request to the person or entity that the committee is studying,
234 investigating, or auditing, or to the person or entity that is responsible for the issue the
235 committee is studying, investigating, or auditing, that:
236 (i) describes the scope and reason for the study, investigation, or audit; and
237 (ii) requests that the person or entity provide evidence or explanation that might clarify
238 or resolve the issue before the committee meets to discuss the issue; and
239 (b) decide not to proceed with the study, investigation, or audit if the person or entity to
240 whom the committee sends a request under Subsection (4)(a) provides satisfactory explanation
241 or evidence to indicate that the study, investigation, or audit is not needed.
242 (5) The committee may coordinate with the following regarding an issue the committee

243 is studying or investigating when the issue is applicable to a matter over which the following
 244 may have jurisdiction:

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

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

247 (c) the Political Subdivisions Ethics Review Commission created under Section
 248 [11-49-201](#);

249 (d) a local political subdivision ethics commission established under Section
 250 [11-49-103](#);

251 (e) the Independent Legislative Ethics Commission; or

252 (f) a legislative standing or interim committee.

253 Section 7. Section **36-31-106** is enacted to read:

254 **36-31-106. Report of committee findings -- Annual report.**

255 (1) For each item the committee studies or investigates under Subsection [36-31-105](#)(1),
 256 the committee shall issue a report that:

257 (a) establishes the committee's findings;

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

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

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

261 (2) The committee shall ensure that a recommendation described in Subsection

262 (1)(c)(i):

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

264 (b) establishes a deadline and method by which the committee requests that the person

265 described in Subsection (2)(a) report to the committee on whether the person has taken the

266 action that the committee recommends.

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

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

271 (b) any apparent violations of law, ordinance, or rule that the committee discovers in
 272 relation to an issue the committee investigated or studied;

273 (c) any action that the committee takes with regards to an issue the committee

274 investigated or studied; and

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

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

278 **63G-3-301. Rulemaking procedure.**

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

281 (2) Except as provided in Sections [63G-3-303](#) and [63G-3-304](#), and except for a rule the
282 governor directs an agency to repeal under Section [63G-3-503](#), when making, amending, or
283 repealing a rule agencies shall comply with:

284 (a) the requirements of this section;

285 (b) consistent procedures required by other statutes;

286 (c) applicable federal mandates; and

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

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

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

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

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

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

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

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

304 (a) the type of industries that will be impacted by the rule, and for each identified

305 industry, an estimate of the total number of businesses within the industry, and an estimate of
306 the number of those businesses that are small businesses;

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

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

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

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

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

316 (a) establishing less stringent compliance or reporting requirements for small
317 businesses;

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

320 (c) consolidating or simplifying compliance or reporting requirements for small
321 businesses;

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

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

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

330 (8) The rule analysis shall contain:

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

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

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

334 (d) the anticipated cost or savings to:

335 (i) the state budget;

- 336 (ii) local governments;
- 337 (iii) small businesses; and
- 338 (iv) persons other than small businesses, businesses, or local governmental entities;
- 339 (e) the compliance cost for affected persons;
- 340 (f) how interested persons may review the full text of the rule;
- 341 (g) how interested persons may present their views on the rule;
- 342 (h) the time and place of any scheduled public hearing;
- 343 (i) the name and telephone number of an agency employee who may be contacted
- 344 about the rule;
- 345 (j) the name of the agency head or designee who authorized the rule;
- 346 (k) the ~~[date]~~ day on which the rule may become effective ~~[following the public~~
- 347 ~~comment period]~~;
- 348 (l) the agency's analysis on the fiscal impact of the rule as required under Subsection
- 349 (5);
- 350 (m) any additional comments the department head may choose to submit regarding the
- 351 fiscal impact the rule may have on businesses; and
- 352 (n) if applicable, a summary of the agency's efforts to comply with the requirements of
- 353 Subsection (6).
- 354 (9) (a) For a rule being repealed and reenacted, the rule analysis shall contain a
- 355 summary that generally includes the following:
- 356 (i) a summary of substantive provisions in the repealed rule which are eliminated from
- 357 the enacted rule; and
- 358 (ii) a summary of new substantive provisions appearing only in the enacted rule.
- 359 (b) The summary required under this Subsection (9) is to aid in review and may not be
- 360 used to contest any rule on the ground of noncompliance with the procedural requirements of
- 361 this chapter.
- 362 (10) ~~[A]~~ The agency shall mail a copy of the rule analysis ~~[shall be mailed]~~ to:
- 363 (a) each currently seated legislator who sponsored the legislation that delegated the
- 364 rulemaking authority to the agency upon which the agency relies to make the rule;
- 365 (b) the current members of a legislative committee that, based on the subject matter of
- 366 the proposed rule and in the determination of the agency, should consider the proposed rule;

367 (c) all persons who have made timely request of the agency for advance notice of its
368 rulemaking proceedings; and [to]

369 (d) any other person who, by statutory or federal mandate or in the judgment of the
370 agency, should also receive notice.

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

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

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

380 **(b) If the governor, the agency making the rule, or the office makes a request for**
381 **legislative approval of a rule in accordance with Subsection (14)(a), the proposed rule becomes**
382 **effective in accordance with Subsection (15).**

383 ~~[(b)]~~ (c) The agency shall provide notice of the rule's effective date to the office in the
384 form ~~[required by]~~ the department requires.

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

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

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

391 (13) Within seven calendar days after the day on which an agency completes the public
392 comment period for a proposed rule, or, if the agency makes a change to the proposed rule
393 under Section [63G-3-303](#), within seven calendar days after the day on which the agency makes
394 the change, the agency shall submit the final text of the proposed rule to:

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

396 (b) the governor; and

397 (c) the office.

398 (14) (a) After the agency submits a proposed rule under Subsection (13) and before the
399 rule takes effect, the governor, the agency making the rule, or the office may make a request to
400 the Joint Committee on Governmental Oversight for legislative approval of a rule, in
401 accordance with this Subsection (14) and Subsections (15) and (16).

402 (b) If the governor, the agency making the rule, or the office makes a request described
403 in Subsection (14)(a), the rule may not take effect until:

404 (i) (A) the Legislature, through a concurrent resolution and without amendment,
405 approves the proposed rule before the end of the earlier of the next special session of the
406 Legislature for which the governor's call lists the proposed rule for the Legislature's
407 consideration or annual general session of the Legislature; and

408 (B) the governor signs the concurrent resolution; or

409 (ii) for a rule for which the governor or the office makes a request described in
410 Subsection (14)(a), the head of the agency that proposes the rule:

411 (A) finds a clear and convincing need for the rule to take expedited effect without the
412 Legislature's and governor's approval under Subsection (14)(b);

413 (B) creates a written statement detailing the head's finding under Subsection (14)(c)(i);

414 (C) posts the statement described in Subsection (14)(c)(ii) on the agency's website in a
415 conspicuous location; and

416 (D) submits the statement described in Subsection (14)(c)(ii) to the Office of
417 Legislative Research and General Counsel, the governor, and the office.

418 (c) An agency may not set a special effective date for a rule described in Subsection
419 (14)(a) that falls:

420 (i) (A) before the rule is approved by the Legislature and governor under this
421 Subsection (14); or

422 (B) before the head of the agency that proposes the rule complies with Subsection
423 (14)(b)(ii); or

424 (ii) more than 45 days after the effective date of the concurrent resolution described in
425 Subsection (15).

426 (15) A proposed rule takes effect:

427 (a) if the proposed rule is approved under Subsection (14)(b)(i), on the later of the
428 effective date:

429 (i) of the concurrent resolution approving the proposed rule; or

430 (ii) established in the proposed rule; or

431 (b) if the head of the agency complies with the requirements described in Subsection
432 (14)(b)(ii), on the effective date established in the proposed rule.

433 (16) If a rule takes effect without the Legislature's and governor's approval under
434 Subsection (14)(b)(ii), the rule is repealed one year after the day on which the rule takes effect
435 unless, within one year after the day on which the rule takes effect:

436 (a) the Legislature, through a concurrent resolution and without amendment, approves
437 the rule; and

438 (b) the governor signs the concurrent resolution.

439 ~~[(13)]~~ (17) (a) As used in this Subsection ~~[(13)]~~ (17), "initiate rulemaking proceedings"
440 means the filing, for the purposes of publication in accordance with Subsection (4), of an
441 agency's proposed rule that is required by state statute.

442 (b) A state agency shall initiate rulemaking proceedings no later than 180 days after the
443 effective date of the statutory provision that specifically requires the rulemaking, except under
444 Subsection ~~[(13)]~~ (17)(c).

445 (c) When a statute is enacted that requires agency rulemaking and the affected agency
446 already has rules in place that meet the statutory requirement, the agency shall submit the rules
447 to the Administrative Rules Review Committee for review within 60 days after the statute
448 requiring the rulemaking takes effect.

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

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

453 **Part 5. Oversight**

454 **63G-3-503. Repeal of rule referred by oversight committee.**

455 (1) (a) If the Joint Committee on Governmental Oversight recommends the repeal of an
456 administrative rule under Subsection [36-31-105\(2\)\(g\)](#), the governor may direct an agency to
457 repeal the administrative rule in accordance with this section.

458 (b) Nothing in this section prohibits the governor from independently recommending
459 that an agency repeal an administrative rule.

460 (2) Within 45 days after the day on which the governor receives a letter from the Joint
461 Committee on Governmental Oversight recommending the repeal of an administrative rule in
462 accordance with Subsection 36-31-105(3), after completing a review of the rule, the governor
463 may direct the agency that made the rule to repeal the rule.

464 (3) Notwithstanding Subsection (2), the governor may direct the agency to establish a
465 delayed effective date for the repeal of an administrative rule of up to 60 days after the day on
466 which the governor directs the agency to execute the repeal if a delayed effective date is
467 necessary to allow a state agency or a person that the rule effects time to prepare for the rule's
468 repeal.

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

470 (a) create a written statement that describes the governor's action;

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

472 (c) immediately send the statement to:

473 (i) the office; and

474 (ii) the Joint Committee on Governmental Oversight.

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

476 **63G-6a-204. Applicability of rules and regulations of Utah State Procurement**
477 **Policy Board and State Building Board -- Report to interim committee.**

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

480 (2) The building board rules governing procurement of construction, design
481 professional services, and leases apply to the procurement of construction, design professional
482 services, and leases of real property by the Division of Facilities Construction and
483 Management.

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

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

491 (5) Notwithstanding Subsection [63G-3-301](#)~~[(13)]~~(17)(b), an applicable rulemaking
492 authority is required to initiate rulemaking proceedings, for rules required to be made under
493 this chapter, on or before:

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

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

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

497 **63I-1-236. Repeal dates, Title 36.**

498 (1) Section [36-12-20](#) is repealed June 30, 2018.

499 (2) Sections [36-26-101](#) through [36-26-104](#) are repealed December 31, 2027.

500 (3) On June 30, 2023:

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

502 (b) Subsection [36-14-2](#)(1)(k) is repealed and the remaining subsections are renumbered
503 accordingly.

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

505 **63I-1-263. Repeal dates, Titles 63A to 63N.**

506 (1) Subsection [63A-5-104](#)(4)(h) is repealed on July 1, 2024.

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

508 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
509 1, 2018.

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

512 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
513 2020.

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

516 (7) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,
517 2018.

518 (8) On June 30, 2023:

519 (a) in Subsection [63G-3-301](#)(2) the language that states "and except for a rule the
520 governor directs an agency to repeal under Section [63G-3-503](#)," is repealed;

521 (b) Subsection [63G-3-301](#)(8)(k) is amended to read "(8)(k) the date on which the rule

522 may become effective following the public comment period;";

523 (c) Subsection [63G-3-301](#)(10) is amended to read "(10) The agency shall mail a copy
524 of the rule analysis to all persons who have made timely request of the agency for advance
525 notice of its rulemaking proceedings and to any other person who, by statutory or federal
526 mandate or in the judgment of the agency, should also receive notice.";

527 (d) Subsection [63G-3-301](#)(12) is amended to read:

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

532 (b) The agency shall provide notice of the rule's effective date to the office in the form
533 the department requires.

534 (c) The notice of effective date may not provide for an effective date prior to the date
535 the office receives the notice.

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

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

540 (e) Subsections [63G-3-301](#)(13), (14), (15), and (16) are repealed and the remaining
541 subsections are renumbered accordingly; and

542 (f) Section [63G-3-503](#) is repealed.

543 ~~[(8)]~~ (9) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July
544 1, 2023.

545 ~~[(9)]~~ (10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
546 July 1, 2020.

547 ~~[(10)]~~ (11) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,
548 2026.

549 ~~[(11)]~~ (12) On July 1, 2025:

550 (a) in Subsection [17-27a-404](#)(3)(c)(ii), the language that states "the Resource
551 Development Coordinating Committee," is repealed;

552 (b) Subsection [23-14-21](#)(2)(c) is amended to read "(c) provide notification of proposed

553 sites for the transplant of species to local government officials having jurisdiction over areas
554 that may be affected by a transplant.";

555 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development
556 Coordinating Committee" is repealed;

557 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
558 Coordinating Committee created in Section 63J-4-501 and" is repealed;

559 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
560 Coordinating Committee and" is repealed;

561 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
562 accordingly;

563 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

564 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
565 word "and" is inserted immediately after the semicolon;

566 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

567 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
568 and

569 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
570 renumbered accordingly.

571 [~~12~~] (13) (a) Subsection 63J-1-602.4(15) is repealed July 1, 2022.

572 (b) When repealing Subsection 63J-1-602.4(15), the Office of Legislative Research and
573 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
574 necessary changes to subsection numbering and cross references.

575 [~~13~~] (14) The Crime Victim Reparations and Assistance Board, created in Section
576 63M-7-504, is repealed July 1, 2027.

577 [~~14~~] (15) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
578 2027.

579 [~~15~~] (16) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2018.

580 [~~16~~] (17) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act,
581 is repealed January 1, 2021.

582 (b) Subject to Subsection [~~16~~] (17)(c), Sections 59-7-610 and 59-10-1007 regarding
583 tax credits for certain persons in recycling market development zones, are repealed for taxable

584 years beginning on or after January 1, 2021.

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

586 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
587 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

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

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

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

593 (ii) (A) for the purchase price of machinery or equipment described in Section
594 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
595 2020; or

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

598 [~~(17)~~] (18) Section 63N-2-512 is repealed on July 1, 2021.

599 [~~(18)~~] (19) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
600 January 1, 2021.

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

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

605 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
606 31, 2020; and

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

609 [~~(19)~~] (20) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
610 Program, is repealed January 1, 2023.

611 [~~(20)~~] (21) Title 63N, Chapter 12, Part 3, Utah Broadband Outreach Center, is repealed
612 July 1, 2018.

613 [~~(21)~~] (22) Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is
614 repealed July 1, 2018.