

1 **JOINT RULES RESOLUTION CREATING A**
2 **GOVERNMENTAL OVERSIGHT COMMITTEE**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: Keven J. Stratton

8 **LONG TITLE**

9 **General Description:**

10 This joint resolution of the Legislature enacts joint legislative rules related to
11 governmental oversight.

12 **Highlighted Provisions:**

13 This resolution:

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

16 **Special Clauses:**

17 None

18 **Legislative Rules Affected:**

19 ENACTS:

20 **JR3-4-101**

21 **JR3-4-201**

22 **JR3-4-202**

23 **JR3-4-203**

24 **JR3-4-204**

26 *Be it resolved by the Legislature of the state of Utah:*

27 Section 1. **JR3-4-101** is enacted to read:



CHAPTER 4. GOVERNMENTAL OVERSIGHT COMMITTEE

Part 1. General Provisions

JR3-4-101. Definitions.

As used in this chapter:

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

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

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

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

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

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

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

(iii) a local entity governed by:

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

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

(C) Utah Code Title 17, Counties;

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

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

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

Section 2. **JR3-4-201** is enacted to read:

Part 2. Governmental Oversight Efforts

JR3-4-201. Governmental Oversight Committee created -- Membership -- Quorum.

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

(a) six members of the House of Representatives, appointed by the speaker of the

59 House, not more than four of whom may be from the same political party; and

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

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

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

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

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

71 Section 3. **JR3-4-202** is enacted to read:

72 **JR3-4-202. Purposes of the committee.**

73 (1) After receiving an assignment or approval described in JR3-4-203, the committee
74 shall fulfill the Legislature's responsibility to ensure the transparency, efficiency, effectiveness,
75 and accountability of state governmental entities by studying and investigating the funds,
76 functions, and other duties as prescribed by law of any state governmental entity.

77 (2) Subject to JR3-4-203, the committee may, in relation to a duty described in
78 Subsection (1):

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

80 (b) perform an investigation or study;

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

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

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

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

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

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

- 90 (i) take other appropriate action in accordance with applicable law or rule.
- 91 (3) After receiving an assignment or approval described in JR3-4-203, the chairs of the
- 92 committee may, before convening a meeting of the committee to discuss the issue:
- 93 (a) send a written request to the person or entity that the committee is studying or
- 94 investigating, or to the person or entity that is responsible for the issue the committee is
- 95 studying or investigating, that:
- 96 (i) describes the scope and reason for the study or investigation; and
- 97 (ii) requests that the person or entity provide evidence or explanation that might clarify
- 98 or resolve the issue before the committee meets to discuss the issue; and
- 99 (b) decide not to proceed with the study or investigation if the person or entity to whom
- 100 the committee sends a request under Subsection (3)(a) provides satisfactory explanation or
- 101 evidence to indicate that the study or investigation is not needed.
- 102 (4) The committee may coordinate with the following regarding an issue the committee
- 103 is studying or investigating when the issue is applicable to a matter over which the following
- 104 may have jurisdiction:
- 105 (a) the Administrative Rules Review Committee created under Utah Code Section
- 106 [63G-3-501](#);
- 107 (b) the Legislative Audit Subcommittee created under Utah Code Section [36-12-18](#);
- 108 (c) the Political Subdivisions Ethics Review Commission created under Utah Code
- 109 Section [11-49-201](#);
- 110 (d) a local political subdivision ethics commission created under Utah Code Section
- 111 [11-49-103](#);
- 112 (e) the Independent Legislative Ethics Commission created under Title 6, Chapter 2,
- 113 House and Senate Ethics Committees and Independent Legislative Ethics Commission; or
- 114 (f) a legislative standing or interim committee.
- 115 Section 4. **JR3-4-203** is enacted to read:
- 116 **JR3-4-203. Initiating a study or investigation.**
- 117 (1) The committee may study or investigate an issue related to an item described in
- 118 JR3-4-202(1) after:
- 119 (a) receiving an assignment:
- 120 (i) by resolution from the Legislature;

121 (ii) from the Legislative Management Committee;
122 (iii) from the Legislative Audit Subcommittee; or
123 (iv) from the speaker of the House or president of the Senate; or
124 (b) receiving approval from the Legislative Management Committee of a request that
125 the committee makes under Subsection (2).

126 (2) The committee may request approval from the Legislative Management Committee
127 to investigate or study an issue related to an item described in JR3-4-202(1).

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

130 Section 5. **JR3-4-204** is enacted to read:

131 **JR3-4-204. Report of committee findings -- Annual report.**

132 (1) For each item the committee studies or investigates under JR3-4-202(1), the
133 committee shall issue a report that:

- 134 (a) establishes the committee's findings;
- 135 (b) describes any actions the committee takes; and
- 136 (c) (i) describes any recommendations the committee makes; or
- 137 (ii) explains why the committee does not make any recommendations.

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

139 (1)(c)(i):

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

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

- 146 (a) the issues the committee investigated or studied since the last annual report the
147 committee submitted to the Legislative Management Committee;
- 148 (b) any apparent violations of law, ordinance, or rule that the committee discovers in
149 relation to an issue the committee investigated or studied;
- 150 (c) any action that the committee takes regarding an issue the committee investigated
151 or studied; and

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

Legislative Review Note
Office of Legislative Research and General Counsel