



WAYNE STATE UNIVERSITY

Center for Urban Studies

Legislative Oversight in Utah

Capacity and Usage Assessment

Oversight through Analytic Bureaucracies:	Moderate
Oversight through the Appropriations Process:	Minimal
Oversight through Committees:	Limited
Oversight through Administrative Rule Review:	Moderate
Oversight through Advice and Consent:	Minimal
Oversight through Monitoring Contracts:	Minimal
Judgment of Overall Institutional Capacity for Oversight:	Limited
Judgment of Overall Use of Institutional Capacity for Oversight:	Moderate

Summary Assessment

The Utah legislature possesses adequate formal authority to engage in oversight over the executive branch. Yet, given its short legislative sessions, Utah’s legislature has little time to carry out extensive oversight of state agencies. Passing a budget consumes most of the legislative session. Even though Utah is a one-party state, there is conflict with the governor over the budget, leading the legislature to use checks and balances to restrain the executive. The legislature has expressed some interest in strengthening oversight, but its efforts to do so were hamstrung by Utah’s strong special interests, with the result that a proposed Joint Committee on Oversight was so thorough altered that the bill failed. Despite the limits on oversight through the committee process, Utah has a selective sunset review process and the administrative rules process incorporates annual and five-year review of administrative rules.

Major Strengths

Utah mandates annual reauthorization of rules and the review of specific rules every five years. Although it lacks the power to block administrative rules, the legislature has a rule review committee, the Administrative Rules Review Committee (ARRC) that can use the sunset provisions to convince agencies to comply with the legislature’s wishes on administrative rules. The budget process involves every legislator in the appropriations committee and subcommittees. There is extensive staff support during the budget process. The legislature has the power to create special investigation committees when an audit identifies a major problem, such in the case of child welfare. Special committees tend to perform oversight on a specific topic when a crisis puts agency performance on the public agenda.

Challenges

There seems to be only a limited interface between the Office of the Legislative Auditor General (OLAG) and the legislature. Despite having input into the audits conducted, the link between legislators and the OLAG appears to be informal. There is no evidence of audit reports being used consistently and systematically during budget hearings to elicit agency compliance with audit recommendations. When an audit is used by the legislature it is through the creation of a special committee specifically created to deal with the subject of the audit rather than through standing committees. A joint oversight committee could fill this lacuna.

Relevant Institutional Characteristics

Utah has a citizen legislature, with most legislators holding full time professions outside of their legislative responsibility. Utah is currently ranked 46th in terms of legislative professionalism according to the Squire Index (Squire 2017). The legislature meets annually, beginning the fourth Monday of January for no more than 45 calendar days. The legislators receive \$273 per calendar day and a per diem of up to \$141 in lodging and meal vouchers. During the session, there is one full-time secretary for the legislature. Utah's legislature employs 227 staff members, of which 133 are permanent.¹

Utah has a bicameral legislature with 75 members in the House of Representatives and 29 in the Senate. Representatives serve a two-year term and Senators serve a four-year term. There are no term limits imposed on either position. The absence of term limits allows legislators who win reelection to gain substantial experience in their roles. In 2012, the average Representative was beginning their sixth legislative term, having already served for 10 years. The average Senator, meanwhile, was "beginning a tenth year of cumulative legislative service, with 2.8 years served in the House and 7.1 in the Senate."²

In Utah, both the state constitution "and political expectations give significant power to the legislature," and "[m]any observers note that the governor must often appease the legislature in order to get things done" (Haider-Markel 2009). But while the legislative branch in Utah is viewed as powerful, the governor also has substantial formal power. The Utah governor is ranked as the 16th most powerful in the country (Ferguson 2015). There are no term limits for the position, and the governor has line item veto power in the appropriations process. The governor has the sole power to call a special session of the legislature, and there are few checks on executive orders. On the other hand, there are separate elections for several executive offices. In addition to the frequently elected position of attorney general, Utah elects top executive branch office holders such as the treasurer and the state auditor. Additionally, gubernatorial appointment power is constrained both by Senate confirmation and by involvement in candidate selection from boards and agencies the limits the governor's choices.

Utah's share of its workforce employed by state and local government (11.2%) is almost the national average of 11.3%, according to the CATO Institute (Edwards 2006). Slightly more of these employees are concentrated in education (6.5%) compared to 6.1% nationally.

¹ <http://www.ncsl.org/research/about-state-legislatures/staff-change-chart-1979-1988-1996-2003-2009.aspx>, accessed 06/0/18

² <http://utahdatapoints.com/2012/05/utah-legislators-serve-longer-than-they-used-to/>, accessed 06/04/18

Political Context

Utah has a socially conservative political culture.³ The state has been Republican dominated for 30 years, and no Democrat has been elected as Governor since 1980. Currently, the Senate has 24 Republicans and 5 Democrats, while the House has 63 Republicans and 12 Democrats. In recent years, and in response to perception of extreme partisanship in their respective parties,⁴ some centrist Republicans and Democrats have created a new political party, the United Utah Party. This party has branded itself a centrist party that represents the interests of Utahans: “The Party Platform calls for free religious expression, endorses the right to own guns, favors increased education spending and supports abortion in the case of rape, incest, and danger to the mother.”⁵ The 2018 election cycle will determine whether the new party is able to disrupt the longstanding Republican Party dominance seen in the state. The Utah House is ranked as the 19th most polarized in the country, with the Senate being ranked as 18th most polarized (Shor and McCarty, 2015).

Dimensions of Oversight

Oversight Through Analytic Bureaucracies

In Utah, the Office of the Legislative Auditor General is distinct from the publicly elected position of State Auditor. In 1975, the Utah State Legislature created the Office of the Legislative Auditor General (OLAG).⁶ OLAG is headed by a Legislative Auditor General, a constitutional position that is appointed by, and answerable only to, the legislature (UT Const. art. VI, sec. 33). The Legislative Auditor General must be a Certified Public Accountant or a Certified Internal Auditor, and he or she reports to the Legislative Audit Subcommittee of the Legislative Management Committee (UT Code Title 36 Ch. 12 Sec. 8). With a state appropriation of \$3.4 million to support its work, the Auditor General’s office currently employs approximately 45 staff members, including the Auditor General, auditors, and support staff. Additionally it can employ up to 14 interns (NASACT 2015). Most of the audit staff hold either and M.S. in accounting or are CPAs. It compensates for its small staff by working with CPA firms to conduct part of the state agency audits and also part of the state’s single audit. These firms are selected by the State Auditor and paid for with funds other than those appropriated by the OLAG (NASACT 2015).

The Audit Subcommittee has six members including the President of the Senate, the Speaker of the House, and the Senate and House Minority and Majority Leaders, is responsible for approving new audit requests, prioritizing approved audits, and hearing and releasing completed audit reports. Any legislator can make a request for an audit by submitting a letter in writing to the audit subcommittee, and OLAG has authority to audit any state agency, local government, or entity that receives state funding. In addition to audits requested by legislators,

³ <http://www.pewforum.org/religious-landscape-study/state/utah/political-ideology/> Accessed 06/04/18

⁴ <http://archive.satrib.com/article.php?id=5317869&itype=CMSID> Accessed 06/12/18

⁵ <https://www.deseretnews.com/article/865680509/Frustrated-Utah-Republicans-Democrats-form-new-centrist-political-party.html> Accessed 06/04/18

⁶ <https://le.utah.gov/audit/office.htm> Accessed 06/04/18

the Legislative Auditor General selects some audits, and outside requests for audits are also considered (NASACT 2015). The OLAG conducts a wide variety of audits, including financial audits, program audits, performance measures, and accounting reviews. It does not conduct IT audits or sunset reviews (NASACT 2015).

Audits fall into three categories: performance audits, financial and compliance audits, and miscellaneous audits, which may include cost/benefit analysis, short-term policy research, and assessments of performance measures and data. OLAG can issue subpoenas for information it needs, and it also has the authority to audit all local governments in the state as well as all state agencies (NSACT 2015). In 2017, OLAG completed 19 audits, 16 of which were “in-depth audits” and 3 of which were “special projects.” In addition, 15 “follow-up inquiries” were completed regarding previously completed audits from 2017 and 2016.⁷ Audits included a review of best practices for internal control of Utah’s limited purpose entities, a review of the procurement process for the University of Utah’s Heritage 1K Project, and a review of sources of funding and expenditures for homeless initiatives in the state. Agencies are required to submit a written response to an audit for the inclusion in the final audit report.

OLAG reports contain both agency and legislative recommendations, and progress on addressing these recommendations is tracked. Agencies must provide an update on the status of the recommendations within 6-18 months of audit. The 2017 Annual Report contained 122 agency recommendations and 36 legislative recommendations. At the time of the report, 73% of agency recommendations had been implemented, and 36% were in process. Meanwhile, 50% of the legislative recommendations had been implemented, and 39% of the recommendations were in process.⁸ Some bills passed by the legislature have performance notes attached that indicate program goals, objectives, outcomes, and performance measures. OLAG is responsible for reviewing programs that include performance notes as well.

The Legislative Management Committee appoints the Legislative Fiscal Analyst (LFA), who then needs to be approved by the whole legislature. The LFA is responsible for fiscal oversight and reviews the executive budget before the legislative session convenes and makes recommendations to the legislature on each item, program, and specific levels of funding. It also reports and makes recommendations to the appropriations subcommittees, responds to information requests from the Joint Appropriation Committee and prepares the appropriation bill to submit to the legislature. Additionally the LFA ensures that fiscal notes are provided on all proposed legislation and prepares revenue estimates for existing and proposed revenue acts. The office also proposes and analyzes statutory changes to ensure more effective administration and conducts organization and management improvement studies. At the end of each legislative session, the LFA reports on the fiscal impact of legislative action taken during that session.

Evidence suggests that the LFA’s recommendations are not always taken seriously by the legislature. Until 2017, it was routine for subcommittees, in response to pressure from the Republican Party leadership, to announce 2% cuts to the budget, “only to see the Executive Appropriations Committee restore about all of them later in the session.”⁹ This process, however, resulted in few meaningful cuts to the budget, and so for the 2018 budget session the LFA was enlisted to come up with a more specific set of spending reduction proposals. Those proposals, however, met resistance from legislators: “House and Senate leaders have already taken some of

⁷ https://le.utah.gov/audit/2018_annual_report.pdf. Accessed 06/04/18

⁸ https://le.utah.gov/audit/2018_annual_report.pdf. Accessed 06/04/18

⁹ <http://utahpolicy.com/index.php/features/today-at-utah-policy/15622-legislative-leaders-want-to-cut-162-million-from-the-base-budget-but-lawmakers-aren-t-taking-the-request-seriously> Accessed 06/04/18

the LFA's suggested cuts off the table, knowing lawmakers would never approve of them and not wanting to set some special interests hair on fire."¹⁰

Oversight Through the Appropriations Process

Although the governor shares budget power with the legislative branch, he is still able to set his agenda through the State of the State message and the budget. However, the Office of the Fiscal Analyst (OFA) and the Executive Appropriation Committee, along with numerous legislative appropriations subcommittees have power over the final budget and appropriations. The number of appropriations subcommittees fluctuates from year to year. In 2018, there were nine such subcommittees, up from eight in 2017. Prior to 2012, the Utah legislature had eleven joint subcommittees involved in the appropriations process. The large number of subcommittees means that every legislator serves on at least one appropriations subcommittee. Thus, "Utah's budgeting process actively involves every legislator in a bipartisan/bicameral process."¹¹

Each subcommittee deals with a particular topic: education, infrastructure, social services, etc. After the governor has submitted a budget, each subcommittee marks up the portion of the budget under its purview. One person in the Utah Senate who is familiar with the process notes that this is "an intensive process from start to finish" and that every agency with funding from the state—or any agency requesting state money—has to come before a pertinent subcommittee for questioning. After that, the budget moves into the Executive Appropriations Committee, a standing committee created under Joint Rule JR3-2-401. The committee is made up of the majority and minority leaders from each chamber of the legislature. Subcommittee co-chairs must defend their budget recommendations before the Executive Appropriations Committee, which then sorts through the subcommittee recommendation to put together a comprehensive budget bill.¹² Since portions of the budget have gone through extensive review in subcommittees, by the time the full budget comes up for a vote in the full chamber, major objections are rare.

Both the Legislative Fiscal Analyst and Executive Appropriations Committee are responsible for review and approval of certain federal funds. The LFA may include federal funds in the base budget appropriations act and will submit a federal funds request summary to the legislative appropriations subcommittee responsible for that agency's budget during each annual session.¹³ Each subcommittee reviews the federal funds summary and recommends the agency either accept or decline the federal funding. The Executive Appropriations Committee will review the subcommittee recommendations, determine whether the agency should be authorized to accept the funds, and direct the LFA on whether to include the funds in the annual appropriations act for legislative approval. The Committee also has an additional oversight function: each year, the Committee is responsible for selecting an agency, program, or institution for an in-depth budget review.¹⁴ Based on this review, the Committee makes recommendations for reduction or additions to the budget of that agency, institution, or program.

¹⁰ *ibid*

¹¹ <http://www.theutahbee.com/2017/12/05/utahs-budget-process/> Accessed 06/04/18

¹² <http://www.theutahbee.com/2017/12/05/utahs-budget-process/> Accessed 06/04/18

¹³ https://le.utah.gov/xcode/Title63J/Chapter5/C63J-5-S201_1800010118000101.pdf Accessed 06/12/18

¹⁴ <https://le.utah.gov/URC/LegislativeRules.pdf> Accessed 06/12/18

The governor's line-item veto power, however, means that the legislature's budget is often the subject of serious dispute between the legislature and the executive. This occurred in 2016, when the governor vetoed several million dollars from the legislature's budget, including \$250,000 for "Teen Chef Masters," a reality cooking television program favored by some legislators.¹⁵ However, reflecting the strong influence of special interests in Utah's legislative process,¹⁶ the Utah Restaurant Association successfully lobbied the legislature to pass bills restoring the funding for "Teen Chef Master." The lobbyist for the Utah Restaurant Association is the son of a senator who sits on the committee that recommended that the governor approve the money for the show, while the daughter of the director of the Utah Restaurant Association headed the production company that was producing "Teen Chef Master." These circumstances led to questions about the roles played by personal connections and special interests in appropriating taxpayer money for the program.¹⁷ The restoration of funding for the program occurred during a special session called by the governor himself in response to threats of holding a veto override session to reverse the governor's cuts.¹⁸

The role of special interests in Utah's appropriations process is also evident in what has been described as the state's "narrowing tax base" as a result of tax carve-outs, deductions and loopholes created to favor particular businesses or special interests," which the governor has advocated eliminating.¹⁹ What this and the Teen Chef Masters controversy suggest is that, while Utah's legislature has substantial power to exercise oversight over the appropriations process, it is the governor who, through the power of the bully pulpit and the line-item veto, sometimes serves as a check on the legislature and the special interests that often influence the appropriations process. At the same time, there is evidence that recommended cuts to agency budgets are either made and subsequently undone or simply ignored.

Despite the comprehensive staff support provided by the LFA and the extensive involvement of all legislators in the budget process, there is no evidence that the OLAG reports are part of this process. Nor is there a process through which the power of the purse is used to gain agency compliance with OLAG recommendations.

Oversight Through Committees

Because Utah's legislature only meets for 45 days, numerous standing committees and subcommittees are required to handle most of the work that occurs during the legislative session. The Utah Legislature has a total of 27 standing committees, with 15 House committees and 12 Senate committees. Committee meeting minutes indicate that committee meetings are focused on the movement of bills through committee. Although the standing committees do have the power to subpoena witnesses or documents, there is no evidence that the legislative standing committees functioned in any oversight capacity prior to 2018.

¹⁵ <https://www.sltrib.com/news/politics/2016/03/31/governor-uses-veto-pen-on-six-bills-including-one-for-tv-cooking-show/> Accessed 06/04/18

¹⁶ <https://www.sltrib.com/news/politics/2018/02/18/special-interests-find-that-the-best-way-to-utah-lawmakers-hearts-or-at-least-their-calendars-is-through-their-stomachs/> Accessed 06/04/18. See also Haider-Markel 2009.

¹⁷ <http://kutv.com/news/local/utah-senator-says-taxpayers-should-not-be-funding-tv-cooking-show> Accessed 06/04/18

¹⁸ <https://www.deseretnews.com/article/865652474/Governor-legislative-leaders-agree-to-restore-vetoed-education-funds.html> Accessed 06/04/18

¹⁹ <https://www.alec.org/article/state-of-the-state-utah-2/> Accessed 06/04/18

Sometimes, special joint interim committees are created to exercise oversight functions. One notable example is the Child Welfare Oversight Panel, which was a joint interim legislative committee created in 1995 to oversee the Child Welfare system in the state. This panel was created after a series of events indicated that the Utah Department of Human Services was not handling allegations of child abuse and neglect in a manner that was in the best interest of the children impacted. It is responsible for complete oversight of the child welfare system. The panel does case review, reviews court proceedings, completes studies on medicine use in foster children, conducts fatality reviews, and reviews child welfare legislation. Due to the oversight efforts of the panel,²⁰ a federal lawsuit originally filed in 1993 was finally dismissed December 2008.²¹

In the 2018 legislative session, however, the House of Representatives passed legislation (after previously rejecting a more expansive version of the same bill)²² that “would create a new legislative committee with power to investigate the state's executive branch of government.”²³ The proposed nine-member Joint Committee on Governmental Oversight, would be able to conduct investigations under direction of the Legislative Management Committee, the Legislative Audit Subcommittee, the House or Senate Leadership, or by resolution of the legislature as a whole.²⁴ Critics, however, claimed that HB 175 fails to implement truly robust oversight, since “the legislature caved to pressure from the very entities they created and exempted them from the jurisdiction of the proposed Joint Committee on Government Oversight.”²⁵ Originally, HB 175 would have investigated cities, counties and school boards, but the version that passed focused solely on executive branch agencies, particularly on rulemaking.²⁶ The revised bill failed to pass because it duplicates the existing rules review committee,²⁷ described below. This appears to be a missed opportunity to improve legislative oversight in Utah by tasking a specific committee with monitoring state agencies and local governments.

Oversight Through the Administrative Rules Process

The Utah legislature’s involvement in the administrative rules process occurs in two places. The first is simply when the legislature “creates a program and authorizes an agency to regulate.”²⁸ More substantively, the Legislature’s Administrative Rules Review Committee

²⁰ <http://www.standard.net/Government/2015/07/01/Child-Welfare-in-Utah-has-come-a-long-way> Accessed 06/12/18

²¹ <https://youthlaw.org/publication/utah-foster-care-lawsuit-permanently-dismissed/> Accessed 06/12/18

²² <https://www.deseretnews.com/article/900011026/utah-house-shoots-down-bill-to-create-legislative-oversight-committee.html> Accessed 06/04/18

²³ <https://www.deseretnews.com/article/900011585/utah-house-passes-bill-creating-government-oversight-committee.html> Accessed 06/04/18

²⁴ <http://le.utah.gov/~2018/bills/hbillamd/HB0175S04.pdf> Accessed 06/04/18

²⁵ <https://www.utahstandardnews.com/strong-oversight-committee-utah-leglistature/> Accessed 06/04/18

²⁶ <https://www.sltrib.com/news/politics/2018/02/02/cities-counties-team-with-governor-to-block-bill-that-would-create-powerful-new-oversight-committee-at-the-statehouse/> Accessed 06/04/18

²⁷ <https://le.utah.gov/~2018/bills/static/HB0175.html> Accessed 7-9-18.

²⁸ <https://rules.utah.gov/agencyresources/rulemakingprocess-overview.pdf> Accessed 06/04/18

(ARRC) “exercise[s] continuous oversight of the rulemaking process” by determining whether rules proposed by government agencies are authorized by statute, comply with legislative intent, and what impact they will have on the economy, the government, and affected persons (Utah Code 63G-3-501). Created in 1983, the committee includes ten permanent members, five from each chamber, and there can be no more than three members from each chamber from the same party. Members serve a two-year term on the committee (Utah Code 63G-3-501).

The committee reviews new agency rules and amendments to existing agency rules. Due to stringent sunset and reauthorization procedures, existing agency rules are often terminated. All agency rules must be reviewed every five years, and if the agency does not meet the deadlines to get a rule reauthorized, the rule is stricken. Even though it lacks formal authority to block a rule, the ARRC can use the sunset provisions to “encourage” agency compliance with its preferences (Schwartz 2010). This is a very demanding process. Therefore, since 1988 the committee has been provided with staff for use in reviewing existing rules. Since that time, the committee has worked to “delete the broad grants of rulemaking authority given to several state agencies, and [worked] with each affected agency to ensure the rewritten authorizing statutes would still provide needed specific rulemaking authority.”²⁹

In 2017, the committee reviewed rules related to charter schools, driver’s licenses and DUI hearings, firearms permit fees, and immunization exemptions for students, among other things. In reviews of existing rules, the committee can invite the appropriate standing committee chairs and appropriations chairs to participate as non-voting ex-officio members of the committee. The committee may also request that the LFA provide a fiscal note for any administrative rule change. The committee also has the power of legislative interim committees, including administering oaths, issuing subpoenas, compelling the attendance of witnesses and the production of documents (Utah Code 36-12-11).

However, the committee does not have any power of its own to block the adoption of new rules or force the repeal of existing ones. It can only prepare written recommendations, which may include legislative action. According to someone familiar with the process, if a rule passes out of the Administrative Rules Review Committee with a recommendation for approval by the whole legislature, then it is very likely that the rule will be adopted (interview notes 2018).

Oversight Through Advice and Consent

The governor has unchecked executive order powers. There is no legislative review or public filing. In 2017, the governor issued 18 executive orders, the majority of which were related to wildland fire management or convened a special session of the legislature. Other executive orders promulgated in 2017 created or repealed various boards and commissions.

The governor directly appoints 21 executive or administrative officials, not including members of boards and commissions. Out of the 21 officials, 19 require approval by the Senate (CSG 2016). These appointments are not usually objected to by the Senate: of 35 recent gubernatorial appointments, the confirmation committee voted to recommend all of them for confirmation by the full Senate. In addition, the governor has the power to appoint or confirm members to approximately 275 of the 400 executive boards, commissions, and committees

²⁹ <https://le.utah.gov/asp/interim/Commit.asp?Year=2017&Com=SPEADM> Accessed 06/04/18

functioning in the state. The remaining 125 are appointed by agency heads, advisory councils, commissioners, the Attorney General, or other executive officers, depending on the specific position.³⁰

In some cases, the legislature has opted to vest in the governor more power of appointment. During the 2018 legislative session, the legislature passed a bill reorganizing the Utah Transit Authority (UTA). Unlike other state agencies, the UTA is “a public transit district organized under the laws of the State of Utah.”³¹ One provision of the Senate bill³² that will overhaul the UTA will disband the 16 member Board of Trustees, which was previously appointed by city and county governments served by the UTA, and replace it with a 3 member, governor-appointed commission. In the words of one of the bill’s sponsors: “Here’s my favorite part of the bill: At any point of time, the governor can fire any of these members.”³³ Nominees, however, would still be subject to Senate approval.

Finally, a recent conflict between legislators and the governor over how to handle a special election has led the legislature to challenge the governor’s sole power to call special sessions (Roche 2017). According to the Utah House Majority Leader, “In certain circumstances, it looks like we [the legislature] need to be able to call ourselves in special session.”³⁴ The legislature was successful in getting a ballot initiative for the November 2018 election added to the ballot. This initiative, House Joint Resolution 18, calls for a constitutional amendment that would give the President of the Senate and the Speaker of the House the power to call a special session for up to 10 days with a 2/3 vote in each chamber.³⁵

Oversight Through Monitoring of State Contracts

The legislature does not have oversight over state contracts with vendors. The Division of Purchasing and General Services is responsible for all state cooperative and agency contracts. Although the legislature does not have oversight regarding state contracts, there is still opportunity for the legislature to act if there is concern. This was evident in 2014 when legislators raised concerns about the state’s purchasing interaction with WSCA-NASPO, a cooperative purchasing organization. WSCA-NASPO, which changed its name to NASPO ValuePoint Cooperative Purchasing Organization in 2013, is a public cooperative contracting organization which allows states to leverage their purchasing spending. There were several concerns with the Utah Division of Purchasing and General Services (UDP)’s relationship with WSCA-NASPO, including concerns that the arrangement may not be beneficial to the state, about whether the creation of the nonprofit status of the organization and the handling of high fund balances was being done correctly, and whether the Director of UDP had personally benefited from his position as the chair of the WSCA-NASPO management board. There was also concern that the agreement could be harming local vendors. When the Office of the

³⁰ <https://boards.utah.gov/Board> Accessed 06/12/18

³¹ <https://www.rideuta.com/-/media/Files/About-UTA/Ordinances/2016Ordinances.ashx?la=en> Accessed 06/04/18

³² <https://le.utah.gov/~2018/bills/sbillenr/SB0136.pdf> Accessed 06/04/18

³³ <https://www.sltrib.com/news/politics/2018/02/06/proposed-transportation-tax-hikes-raise-plenty-of-ire-while-uta-reorganization-now-seems-settled/> Accessed 06/04/18

³⁴ <https://www.deseretnews.com/article/865679313/Legislative-leader-looks-at-limiting-governors-power-to-call-special-session.html> Accessed 06/04/18

³⁵ <https://le.utah.gov/~2018/bills/hbillenr/HJR018.pdf> Accessed 06/04/18

Legislative Auditor General completed a review, however, it determined that the allegations were unfounded.³⁶

Oversight Through Automatic Mechanisms

Utah facilitates oversight through a selective sunset process (Utah Code 63I). Utah is one of 12 states that have a selective review process, meaning that only certain agencies and regulatory boards go through a review process (Baugus and Bose 2015). Any statute or agency that is scheduled for termination may be reviewed. The review is completed by interim committees under the direction of the Legislative Management Committee (CSG 2016). The statute or agency will terminate as listed in the code unless action is taken by the legislature to reauthorize it. Reauthorization cannot exceed 10 years. In addition, as noted above, administrative rules and regulations are subject to annual and five-year sunset reviews.

Methods and Limitations

The Utah Legislature provides agendas and minutes for committee hearings, and audio recordings of most committee hearings. These materials are easy to access. We were able to interview six of the 10 people to contacted for information about legislative oversight in Utah.

³⁶ https://le.utah.gov/audit/14_11rpt.pdf Accessed 06/04/18

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