

**DEPARTMENT OF GOVERNMENT OPERATIONS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Val L. Peterson

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**LONG TITLE**

**General Description:**

This bill combines the Department of Administrative Services, The Department of Technology Services, and the Department of Human Resource Management into one, new department, the Department of Government Operations.

**Highlighted Provisions:**

This bill:

- ▶ combines the Department of Administrative Services, the Department of Technology Services, and the Department of Human Resource Management into one, new department, the Department of Government Operations;
- ▶ transfers existing divisions and offices within the Department of Administrative Services to the Department of Government Operations;
- ▶ changes the Department of Technology Services and the Department of Human Resource Management to divisions within the Department of Government Operations;
- ▶ recodifies the following:
  - Title 63F, Utah Technology Governance Act;
  - Title 67, Chapter 19, Utah State Personnel Management Act;
  - Title 67, Chapter 19a, Grievance Procedures;
  - Title 67, Chapter 19d, State Post-Retirement Benefits Trust Fund Act;
  - Title 67, Chapter 19e, Administrative Law Judges;



- 28 • Title 67, Chapter 19f, State Employees' Annual Leave Trust Fund Act;
- 29 • Title 67, Chapter 25, General Requirements for State Officers and Employees;

30 and

- 31 • Title 67, Chapter 26, Utah Public Employees Healthy Workplace Act; and
- 32 ▶ makes conforming and technical changes.

**33 Money Appropriated in this Bill:**

34 None

**35 Other Special Clauses:**

36 This bill provides a special effective date.

37 This bill provides revisor instructions.

**38 Utah Code Sections Affected:**

39 AMENDS:

- 40 **4-41a-107**, as enacted by Laws of Utah 2019, Chapter 341
- 41 **11-38-102**, as last amended by Laws of Utah 2013, Chapter 310
- 42 **13-1a-3**, as last amended by Laws of Utah 2006, Chapter 139
- 43 **13-2-3**, as last amended by Laws of Utah 1999, Chapter 21
- 44 **15A-1-203**, as last amended by Laws of Utah 2020, Chapter 339
- 45 **20A-20-201**, as enacted by Laws of Utah 2020, Chapter 288
- 46 **26-61a-103**, as last amended by Laws of Utah 2020, Chapter 12
- 47 **26-61a-111**, as last amended by Laws of Utah 2020, Chapter 12
- 48 **31A-2-113**, as enacted by Laws of Utah 1985, Chapter 242
- 49 **35A-1-205**, as last amended by Laws of Utah 2010, Chapter 286
- 50 **35A-13-302**, as last amended by Laws of Utah 2017, Chapter 223
- 51 **36-11-307**, as last amended by Laws of Utah 2019, Chapter 339
- 52 **46-1-3**, as last amended by Laws of Utah 2019, Chapter 192
- 53 **46-4-503**, as last amended by Laws of Utah 2016, Chapter 348
- 54 **46-5-102**, as enacted by Laws of Utah 2018, Chapter 100
- 55 **49-11-406**, as last amended by Laws of Utah 2020, Chapter 24
- 56 **49-14-201**, as last amended by Laws of Utah 2016, Chapter 227
- 57 **49-15-201**, as last amended by Laws of Utah 2016, Chapter 227
- 58 **49-20-401**, as last amended by Laws of Utah 2019, Chapter 393

- 59 [49-20-410](#), as last amended by Laws of Utah 2018, Chapter 155
- 60 [53-1-106](#), as last amended by Laws of Utah 2019, Chapter 441
- 61 [53-2a-105](#), as last amended by Laws of Utah 2020, Chapter 85
- 62 [53-2a-802](#), as last amended by Laws of Utah 2020, Chapter 365
- 63 [53-6-104](#), as last amended by Laws of Utah 2006, Chapter 139
- 64 [53-10-108](#), as last amended by Laws of Utah 2019, Chapters 136, 192, and 404
- 65 [53B-17-105](#), as last amended by Laws of Utah 2020, Chapter 365
- 66 [53C-1-201](#), as last amended by Laws of Utah 2020, Chapter 363
- 67 [53D-1-103](#), as last amended by Laws of Utah 2019, Chapters 370 and 456
- 68 [53E-8-301](#), as last amended by Laws of Utah 2019, Chapter 186
- 69 [54-1-6](#), as last amended by Laws of Utah 2006, Chapter 139
- 70 [54-4a-3](#), as last amended by Laws of Utah 2006, Chapter 139
- 71 [61-1-18](#), as last amended by Laws of Utah 2009, Chapter 351
- 72 [61-2-201](#), as last amended by Laws of Utah 2016, Chapter 381
- 73 [62A-1-121](#), as renumbered and amended by Laws of Utah 2018, Chapter 367
- 74 [62A-1-122](#), as last amended by Laws of Utah 2019, Chapter 335
- 75 [62A-15-613](#), as last amended by Laws of Utah 2018, Chapter 322
- 76 [63A-1-101](#), as renumbered and amended by Laws of Utah 1993, Chapter 212
- 77 [63A-1-102](#), as renumbered and amended by Laws of Utah 1993, Chapter 212
- 78 [63A-1-103](#), as last amended by Laws of Utah 2016, Chapter 298
- 79 [63A-1-104](#), as renumbered and amended by Laws of Utah 1993, Chapter 212
- 80 [63A-1-109](#), as last amended by Laws of Utah 2016, Chapter 193
- 81 [63A-1-114](#), as last amended by Laws of Utah 2018, Chapter 137
- 82 [63A-1-201](#), as renumbered and amended by Laws of Utah 2019, Chapter 370
- 83 [63A-1-203](#), as renumbered and amended by Laws of Utah 2019, Chapter 370
- 84 [63A-2-101](#), as last amended by Laws of Utah 1997, Chapter 252
- 85 [63A-4-101](#), as last amended by Laws of Utah 2006, Chapter 275
- 86 [63A-5b-202](#), as enacted by Laws of Utah 2020, Chapter 152
- 87 [63A-9-101](#), as last amended by Laws of Utah 2017, Chapter 382
- 88 [63A-9-201](#), as enacted by Laws of Utah 1996, Chapter 334
- 89 [63A-9-301](#), as last amended by Laws of Utah 2010, Chapter 286

- 90            **63A-9-401**, as last amended by Laws of Utah 2015, Chapter 179
- 91            **63A-9-501**, as last amended by Laws of Utah 2006, Chapter 139
- 92            **63A-12-101**, as last amended by Laws of Utah 2019, Chapter 254
- 93            **63A-12-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 94            **63A-12-103**, as last amended by Laws of Utah 2019, Chapter 254
- 95            **63A-12-104**, as last amended by Laws of Utah 2020, Chapter 399
- 96            **63A-13-201**, as last amended by Laws of Utah 2019, Chapter 286
- 97            **63B-1-304**, as last amended by Laws of Utah 2020, Chapter 152
- 98            **63B-7-501**, as last amended by Laws of Utah 2008, Chapter 382
- 99            **63E-1-302**, as last amended by Laws of Utah 2006, Chapter 46
- 100           **63G-1-301**, as last amended by Laws of Utah 2018, Chapter 39
- 101           **63G-2-501**, as last amended by Laws of Utah 2020, Chapters 352 and 373
- 102           **63G-3-102**, as last amended by Laws of Utah 2020, Chapter 408
- 103           **63G-3-401**, as last amended by Laws of Utah 2020, Chapter 408
- 104           **63G-6a-106**, as last amended by Laws of Utah 2020, Chapter 257
- 105           **63G-6a-116**, as last amended by Laws of Utah 2017, Chapter 348
- 106           **63G-6a-202**, as last amended by Laws of Utah 2020, Chapter 365
- 107           **63G-6a-302**, as last amended by Laws of Utah 2020, Chapter 257
- 108           **63G-6a-303**, as last amended by Laws of Utah 2020, Chapter 257
- 109           **63G-6a-506**, as last amended by Laws of Utah 2020, Chapter 257
- 110           **63G-7-901**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 111           **63G-10-501**, as enacted by Laws of Utah 2015, Chapter 355
- 112           **63G-21-102**, as last amended by Laws of Utah 2018, Chapter 281
- 113           **63J-1-206**, as last amended by Laws of Utah 2020, Chapters 152, 231, 402 and last
- 114 amended by Coordination Clause, Laws of Utah 2020, Chapter 231
- 115           **63J-1-219**, as last amended by Laws of Utah 2020, Chapter 365
- 116           **63J-1-602.2**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapters 20
- 117 and 20
- 118           **67-1-8.1**, as last amended by Laws of Utah 2017, Chapter 181
- 119           **67-5-7**, as last amended by Laws of Utah 2007, Chapter 166
- 120           **67-5-22**, as last amended by Laws of Utah 2008, Chapter 161

- 121 **67-8-3**, as last amended by Laws of Utah 2020, Chapter 365
- 122 **67-8-5**, as last amended by Laws of Utah 2020, Chapter 432
- 123 **67-20-8**, as last amended by Laws of Utah 2006, Chapter 139
- 124 **67-22-2**, as last amended by Laws of Utah 2018, Chapter 39
- 125 **72-1-202**, as last amended by Laws of Utah 2020, Chapter 352
- 126 **79-2-401**, as renumbered and amended by Laws of Utah 2009, Chapter 344

127 ENACTS:

- 128 **63A-17-107**, Utah Code Annotated 1953
- 129 **63A-17-501**, Utah Code Annotated 1953

130 RENUMBERS AND AMENDS:

- 131 **63A-16-101**, (Renumbered from 63F-1-101, as enacted by Laws of Utah 2005, Chapter
- 132 169)
- 133 **63A-16-102**, (Renumbered from 63F-1-102, as last amended by Laws of Utah 2020,
- 134 Chapter 365)
- 135 **63A-16-103**, (Renumbered from 63F-1-103, as last amended by Laws of Utah 2009,
- 136 Chapter 183)
- 137 **63A-16-104**, (Renumbered from 63F-1-104, as last amended by Laws of Utah 2020,
- 138 Chapter 94)
- 139 **63A-16-105**, (Renumbered from 63F-1-106, as last amended by Laws of Utah 2017,
- 140 Chapter 238)
- 141 **63A-16-106**, (Renumbered from 63F-1-107, as enacted by Laws of Utah 2005, Chapter
- 142 169)
- 143 **63A-16-201**, (Renumbered from 63F-1-201, as last amended by Laws of Utah 2019,
- 144 Chapter 61)
- 145 **63A-16-202**, (Renumbered from 63F-1-203, as last amended by Laws of Utah 2019,
- 146 Chapter 246)
- 147 **63A-16-203**, (Renumbered from 63F-1-204, as last amended by Laws of Utah 2017,
- 148 Chapter 238)
- 149 **63A-16-204**, (Renumbered from 63F-1-205, as last amended by Laws of Utah 2018,
- 150 Chapter 81)
- 151 **63A-16-205**, (Renumbered from 63F-1-206, as last amended by Laws of Utah 2020,

152 Chapter 365)  
153 **63A-16-206**, (Renumbered from 63F-1-207, as last amended by Laws of Utah 2017,  
154 Chapter 238)  
155 **63A-16-207**, (Renumbered from 63F-1-208, as last amended by Laws of Utah 2017,  
156 Chapter 238)  
157 **63A-16-208**, (Renumbered from 63F-1-209, as last amended by Laws of Utah 2017,  
158 Chapter 238)  
159 **63A-16-209**, (Renumbered from 63F-1-210, as last amended by Laws of Utah 2017,  
160 Chapter 238)  
161 **63A-16-210**, (Renumbered from 63F-1-211, as enacted by Laws of Utah 2017, Chapter  
162 238)  
163 **63A-16-211**, (Renumbered from 63F-1-212, as last amended by Laws of Utah 2019,  
164 Chapter 61)  
165 **63A-16-212**, (Renumbered from 63F-1-603, as repealed and reenacted by Laws of Utah  
166 2017, Chapter 238)  
167 **63A-16-213**, (Renumbered from 63F-1-604, as last amended by Laws of Utah 2017,  
168 Chapter 238)  
169 **63A-16-301**, (Renumbered from 63F-1-301, as last amended by Laws of Utah 2009,  
170 Chapter 183)  
171 **63A-16-302**, (Renumbered from 63F-1-302, as last amended by Laws of Utah 2016,  
172 Chapter 287)  
173 **63A-16-303**, (Renumbered from 63F-1-303, as last amended by Laws of Utah 2020,  
174 Chapter 365)  
175 **63A-16-401**, (Renumbered from 63F-1-402, as enacted by Laws of Utah 2005, Chapter  
176 169)  
177 **63A-16-402**, (Renumbered from 63F-1-403, as repealed and reenacted by Laws of Utah  
178 2017, Chapter 238)  
179 **63A-16-403**, (Renumbered from 63F-1-404, as last amended by Laws of Utah 2017,  
180 Chapter 238)  
181 **63A-16-501**, (Renumbered from 63F-1-502, as last amended by Laws of Utah 2017,  
182 Chapter 238)

- 183            **63A-16-502**, (Renumbered from 63F-1-503, as repealed and reenacted by Laws of Utah
- 184 2017, Chapter 238)
- 185            **63A-16-503**, (Renumbered from 63F-1-504, as last amended by Laws of Utah 2017,
- 186 Chapter 238)
- 187            **63A-16-504**, (Renumbered from 63F-1-505, as enacted by Laws of Utah 2005, Chapter
- 188 169)
- 189            **63A-16-505**, (Renumbered from 63F-1-506, as last amended by Laws of Utah 2009,
- 190 Chapter 350)
- 191            **63A-16-506**, (Renumbered from 63F-1-507, as last amended by Laws of Utah 2019,
- 192 Chapter 35)
- 193            **63A-16-507**, (Renumbered from 63F-1-508, as last amended by Laws of Utah 2013,
- 194 Chapter 310)
- 195            **63A-16-508**, (Renumbered from 63F-1-509, as last amended by Laws of Utah 2020,
- 196 Chapter 154)
- 197            **63A-16-509**, (Renumbered from 63F-1-510, as last amended by Laws of Utah 2016,
- 198 Chapter 171)
- 199            **63A-16-601**, (Renumbered from 63F-1-701, as last amended by Laws of Utah 2020,
- 200 Chapter 154)
- 201            **63A-16-602**, (Renumbered from 63F-1-702, as enacted by Laws of Utah 2007, Chapter
- 202 249)
- 203            **63A-16-701**, (Renumbered from 63F-2-102, as last amended by Laws of Utah 2020,
- 204 Chapters 354 and 365)
- 205            **63A-16-702**, (Renumbered from 63F-2-103, as last amended by Laws of Utah 2016,
- 206 Chapter 13)
- 207            **63A-16-801**, (Renumbered from 63F-3-102, as last amended by Laws of Utah 2019,
- 208 Chapter 174)
- 209            **63A-16-802**, (Renumbered from 63F-3-103, as last amended by Laws of Utah 2020,
- 210 Chapter 270)
- 211            **63A-16-803**, (Renumbered from 63F-3-103.5, as last amended by Laws of Utah 2020,
- 212 Chapter 270)
- 213            **63A-16-804**, (Renumbered from 63F-3-104, as last amended by Laws of Utah 2019,

214 Chapter 174)  
215 **63A-16-901**, (Renumbered from 63F-4-102, as enacted by Laws of Utah 2018, Chapter  
216 144)  
217 **63A-16-902**, (Renumbered from 63F-4-201, as last amended by Laws of Utah 2019,  
218 Chapter 246)  
219 **63A-16-903**, (Renumbered from 63F-4-202, as last amended by Laws of Utah 2019,  
220 Chapter 246)  
221 **63A-17-101**, (Renumbered from 67-19-1, as enacted by Laws of Utah 1979, Chapter  
222 139)  
223 **63A-17-102**, (Renumbered from 67-19-3, as last amended by Laws of Utah 2017,  
224 Chapter 463)  
225 **63A-17-103**, (Renumbered from 67-19-3.1, as last amended by Laws of Utah 2010,  
226 Chapter 249)  
227 **63A-17-104**, (Renumbered from 67-19-4, as last amended by Laws of Utah 2003,  
228 Chapter 65)  
229 **63A-17-105**, (Renumbered from 67-19-5, as last amended by Laws of Utah 2009,  
230 Chapter 183)  
231 **63A-17-106**, (Renumbered from 67-19-6, as last amended by Laws of Utah 2018,  
232 Chapters 154 and 200)  
233 **63A-17-108**, (Renumbered from 67-19-29, as enacted by Laws of Utah 1979, Chapter  
234 139)  
235 **63A-17-109**, (Renumbered from 67-19-26, as last amended by Laws of Utah 2005,  
236 Chapter 181)  
237 **63A-17-201**, (Renumbered from 67-19-6.1, as last amended by Laws of Utah 2010,  
238 Chapter 249)  
239 **63A-17-202**, (Renumbered from 67-19-11, as last amended by Laws of Utah 2016,  
240 Chapters 228, 287 and last amended by Coordination Clause, Laws of Utah 2016,  
241 Chapter 287)  
242 **63A-17-301**, (Renumbered from 67-19-15, as last amended by Laws of Utah 2020,  
243 Chapter 360)  
244 **63A-17-302**, (Renumbered from 67-19-15.1, as last amended by Laws of Utah 2006,



245 Chapter 139)  
246 **63A-17-303**, (Renumbered from 67-19-15.6, as last amended by Laws of Utah 2020,  
247 Chapter 109)  
248 **63A-17-304**, (Renumbered from 67-19-15.7, as last amended by Laws of Utah 2017,  
249 Chapter 463)  
250 **63A-17-305**, (Renumbered from 67-19-16, as last amended by Laws of Utah 2010,  
251 Chapters 103 and 249)  
252 **63A-17-306**, (Renumbered from 67-19-18, as last amended by Laws of Utah 2010,  
253 Chapter 249)  
254 **63A-17-307**, (Renumbered from 67-19-12, as last amended by Laws of Utah 2017,  
255 Chapter 463)  
256 **63A-17-401**, (Renumbered from 67-19-13, as last amended by Laws of Utah 2006,  
257 Chapter 139)  
258 **63A-17-402**, (Renumbered from 67-19-13.5, as last amended by Laws of Utah 2016,  
259 Chapter 348)  
260 **63A-17-403**, (Renumbered from 67-19-42, as enacted by Laws of Utah 2004, Chapter  
261 130)  
262 **63A-17-502**, (Renumbered from 67-19-6.7, as last amended by Laws of Utah 2018,  
263 Chapter 39)  
264 **63A-17-503**, (Renumbered from 67-19-12.7, as last amended by Laws of Utah 2006,  
265 Chapter 139)  
266 **63A-17-504**, (Renumbered from 67-19-12.9, as last amended by Laws of Utah 2006,  
267 Chapter 139)  
268 **63A-17-505**, (Renumbered from 67-19-14, as last amended by Laws of Utah 2013,  
269 Chapter 109)  
270 **63A-17-506**, (Renumbered from 67-19-14.1, as last amended by Laws of Utah 2015,  
271 Chapter 155)  
272 **63A-17-507**, (Renumbered from 67-19-14.2, as last amended by Laws of Utah 2013,  
273 Chapter 277)  
274 **63A-17-508**, (Renumbered from 67-19-14.4, as last amended by Laws of Utah 2016,  
275 Chapter 227)

276           **63A-17-509**, (Renumbered from 67-19-14.5, as last amended by Laws of Utah 2017,  
277 Chapter 254)  
278           **63A-17-510**, (Renumbered from 67-19-14.6, as last amended by Laws of Utah 2015,  
279 Chapter 368)  
280           **63A-17-511 (Effective 07/01/21)**, (Renumbered from 67-19-14.7 (Effective 07/01/21),  
281 as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20)  
282           **63A-17-512**, (Renumbered from 67-19-27, as last amended by Laws of Utah 2012,  
283 Chapter 159)  
284           **63A-17-601**, (Renumbered from 67-19a-101, as last amended by Laws of Utah 2020,  
285 Chapter 155)  
286           **63A-17-602**, (Renumbered from 67-19a-102, as last amended by Laws of Utah 2020,  
287 Chapter 155)  
288           **63A-17-603**, (Renumbered from 67-19a-201, as last amended by Laws of Utah 2020,  
289 Chapter 373)  
290           **63A-17-604**, (Renumbered from 67-19a-202, as last amended by Laws of Utah 2020,  
291 Chapter 155)  
292           **63A-17-605**, (Renumbered from 67-19a-203, as last amended by Laws of Utah 2010,  
293 Chapter 249)  
294           **63A-17-606**, (Renumbered from 67-19a-204, as last amended by Laws of Utah 2015,  
295 Chapter 339)  
296           **63A-17-607**, (Renumbered from 67-19a-205, as enacted by Laws of Utah 2018,  
297 Chapter 390)  
298           **63A-17-608**, (Renumbered from 67-19a-301, as last amended by Laws of Utah 2018,  
299 Chapter 390)  
300           **63A-17-609**, (Renumbered from 67-19a-302, as repealed and reenacted by Laws of  
301 Utah 2018, Chapter 390)  
302           **63A-17-610**, (Renumbered from 67-19a-303, as last amended by Laws of Utah 2018,  
303 Chapter 390)  
304           **63A-17-611**, (Renumbered from 67-19a-401, as last amended by Laws of Utah 2018,  
305 Chapter 390)  
306           **63A-17-612**, (Renumbered from 67-19a-402, as last amended by Laws of Utah 2018,

307 Chapter 390)  
308 **63A-17-613**, (Renumbered from 67-19a-402.5, as last amended by Laws of Utah 2018,  
309 Chapter 390)  
310 **63A-17-614**, (Renumbered from 67-19a-403, as last amended by Laws of Utah 2010,  
311 Chapter 249)  
312 **63A-17-615**, (Renumbered from 67-19a-404, as last amended by Laws of Utah 2010,  
313 Chapter 249)  
314 **63A-17-616**, (Renumbered from 67-19a-405, as enacted by Laws of Utah 1989,  
315 Chapter 191)  
316 **63A-17-617**, (Renumbered from 67-19a-406, as last amended by Laws of Utah 2018,  
317 Chapters 127 and 390)  
318 **63A-17-618**, (Renumbered from 67-19a-501, as last amended by Laws of Utah 2020,  
319 Chapter 155)  
320 **63A-17-701**, (Renumbered from 67-19-30, as last amended by Laws of Utah 2010,  
321 Chapter 249)  
322 **63A-17-702**, (Renumbered from 67-19-31, as last amended by Laws of Utah 2008,  
323 Chapter 382)  
324 **63A-17-703**, (Renumbered from 67-19-32, as last amended by Laws of Utah 1997,  
325 Chapter 375)  
326 **63A-17-801**, (Renumbered from 67-26-102, as enacted by Laws of Utah 2020, Chapter  
327 155)  
328 **63A-17-802**, (Renumbered from 67-26-103, as enacted by Laws of Utah 2020, Chapter  
329 155)  
330 **63A-17-803**, (Renumbered from 67-26-201, as enacted by Laws of Utah 2020, Chapter  
331 155)  
332 **63A-17-804**, (Renumbered from 67-26-202, as enacted by Laws of Utah 2020, Chapter  
333 155)  
334 **63A-17-805**, (Renumbered from 67-26-203, as enacted by Laws of Utah 2020, Chapter  
335 155)  
336 **63A-17-806**, (Renumbered from 67-26-301, as renumbered and amended by Laws of  
337 Utah 2020, Chapter 155)

- 338            **63A-17-901**, (Renumbered from 67-19e-102, as last amended by Laws of Utah 2016,
- 339 Chapter 237)
- 340            **63A-17-902**, (Renumbered from 67-19e-103, as last amended by Laws of Utah 2016,
- 341 Chapter 237)
- 342            **63A-17-903**, (Renumbered from 67-19e-104, as last amended by Laws of Utah 2016,
- 343 Chapter 237)
- 344            **63A-17-904**, (Renumbered from 67-19e-104.5, as enacted by Laws of Utah 2016,
- 345 Chapter 237)
- 346            **63A-17-905**, (Renumbered from 67-19e-105, as enacted by Laws of Utah 2013,
- 347 Chapter 165)
- 348            **63A-17-906**, (Renumbered from 67-19e-106, as last amended by Laws of Utah 2016,
- 349 Chapter 237)
- 350            **63A-17-907**, (Renumbered from 67-19e-107, as enacted by Laws of Utah 2013,
- 351 Chapter 165)
- 352            **63A-17-908**, (Renumbered from 67-19e-108, as last amended by Laws of Utah 2016,
- 353 Chapter 237)
- 354            **63A-17-909**, (Renumbered from 67-19e-109, as enacted by Laws of Utah 2013,
- 355 Chapter 165)
- 356            **63A-17-910**, (Renumbered from 67-19e-110, as last amended by Laws of Utah 2018,
- 357 Chapter 200)
- 358            **63A-17-1001**, (Renumbered from 67-19-6.3, as last amended by Laws of Utah 2006,
- 359 Chapter 139)
- 360            **63A-17-1002**, (Renumbered from 67-19-12.2, as last amended by Laws of Utah 2010,
- 361 Chapter 249)
- 362            **63A-17-1003**, (Renumbered from 67-19-12.5, as last amended by Laws of Utah 2008,
- 363 Chapter 382)
- 364            **63A-17-1004**, (Renumbered from 67-19-14.3, as last amended by Laws of Utah 2005,
- 365 Chapters 15 and 114)
- 366            **63A-17-1005**, (Renumbered from 67-19-43, as last amended by Laws of Utah 2016,
- 367 Chapter 310)
- 368            **63A-17-1006**, (Renumbered from 67-19-45, as enacted by Laws of Utah 2020, Chapter

369 197)  
370 [63A-17-1007](#), (Renumbered from 67-19c-101, as last amended by Laws of Utah 2020,  
371 Chapter 365)  
372 [63A-17-1101](#), (Renumbered from 67-19d-102, as enacted by Laws of Utah 2007,  
373 Chapter 99)  
374 [63A-17-1102](#), (Renumbered from 67-19d-201, as last amended by Laws of Utah 2011,  
375 Chapter 342)  
376 [63A-17-1103](#), (Renumbered from 67-19d-201.5, as enacted by Laws of Utah 2012,  
377 Chapter 376)  
378 [63A-17-1104](#), (Renumbered from 67-19d-202, as last amended by Laws of Utah 2013,  
379 Chapter 310)  
380 [63A-17-1105](#), (Renumbered from 67-19d-301, as last amended by Laws of Utah 2012,  
381 Chapter 376)  
382 [63A-17-1106](#), (Renumbered from 67-19d-302, as enacted by Laws of Utah 2007,  
383 Chapter 99)  
384 [63A-17-1201](#), (Renumbered from 67-19f-102, as last amended by Laws of Utah 2015,  
385 Chapter 368)  
386 [63A-17-1202](#), (Renumbered from 67-19f-201, as last amended by Laws of Utah 2015,  
387 Chapter 368)  
388 [63A-17-1203](#), (Renumbered from 67-19f-202, as last amended by Laws of Utah 2015,  
389 Chapter 368)  
390 [63A-17-1204](#), (Renumbered from 67-19f-301, as enacted by Laws of Utah 2014,  
391 Chapter 437)  
392 [63A-17-1205](#), (Renumbered from 67-19f-302, as enacted by Laws of Utah 2014,  
393 Chapter 437)  
394 [63A-17-1301](#), (Renumbered from 67-25-102, as last amended by Laws of Utah 2013,  
395 Chapter 425)  
396 [63A-17-1302](#), (Renumbered from 67-25-201, as last amended by Laws of Utah 2013,  
397 Chapter 433)  
398 [63A-17-1303](#), (Renumbered from 67-25-302, as enacted by Laws of Utah 2013,  
399 Chapter 425)

400           **63A-17-1304**, (Renumbered from 67-19-19, as last amended by Laws of Utah 2006,  
401 Chapter 139)  
402           **63A-17-1401**, (Renumbered from 67-19-33, as last amended by Laws of Utah 2018,  
403 Third Special Session, Chapter 1)  
404           **63A-17-1402**, (Renumbered from 67-19-34, as last amended by Laws of Utah 2008,  
405 Chapter 382)  
406           **63A-17-1403**, (Renumbered from 67-19-35, as enacted by Laws of Utah 1990, Chapter  
407 280)  
408           **63A-17-1404**, (Renumbered from 67-19-36, as last amended by Laws of Utah 2006,  
409 Chapter 139)  
410           **63A-17-1405**, (Renumbered from 67-19-37, as last amended by Laws of Utah 2006,  
411 Chapter 139)  
412           **63A-17-1406**, (Renumbered from 67-19-38, as last amended by Laws of Utah 2006,  
413 Chapter 139)  
414           **63A-17-1407**, (Renumbered from 67-19-39, as last amended by Laws of Utah 2002,  
415 Chapter 185)  
416 REPEALS:  
417           **63F-1-105**, as last amended by Laws of Utah 2020, Chapter 352  
418           **63F-1-401**, as repealed and reenacted by Laws of Utah 2017, Chapter 238  
419           **63F-1-501**, as repealed and reenacted by Laws of Utah 2017, Chapter 238  
420           **63F-1-601**, as repealed and reenacted by Laws of Utah 2017, Chapter 238  
421           **63F-2-101**, as enacted by Laws of Utah 2015, Chapter 371  
422           **63F-3-101**, as last amended by Laws of Utah 2019, Chapter 174  
423           **63F-4-101**, as enacted by Laws of Utah 2018, Chapter 144  
424           **67-19d-101**, as enacted by Laws of Utah 2007, Chapter 99  
425           **67-19e-101**, as enacted by Laws of Utah 2013, Chapter 165  
426           **67-19f-101**, as last amended by Laws of Utah 2015, Chapter 368  
427           **67-25-101**, as enacted by Laws of Utah 2011, Chapter 442  
428           **67-25-301**, as enacted by Laws of Utah 2013, Chapter 425  
429           **67-26-101**, as enacted by Laws of Utah 2020, Chapter 155  
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431 *Be it enacted by the Legislature of the state of Utah:*

432 Section 1. Section **4-41a-107** is amended to read:

433 **4-41a-107. Notice to prospective and current public employees.**

434 (1) (a) A state employer or a political subdivision employer shall take the action  
435 described in Subsection (1)(b) before:

436 (i) giving to a current employee an assignment or duty that arises from or directly  
437 relates to an obligation under this chapter; or

438 (ii) hiring a prospective employee whose assignments or duties would include an  
439 assignment or duty that arises from or directly relates to an obligation under this chapter.

440 (b) The employer described in Subsection (1)(a) shall give the employee or prospective  
441 employee described in Subsection (1)(a) a written notice that notifies the employee or  
442 prospective employee:

443 (i) that the employee's or prospective employee's job duties may require the employee  
444 or prospective employee to engage in conduct which is in violation of the criminal laws of the  
445 United States; and

446 (ii) that in accepting a job or undertaking a duty described in Subsection (1)(a),  
447 although the employee or prospective employee is entitled to the protections of Title 67,  
448 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to  
449 carry out an assignment or duty that may be a violation of the criminal laws of the United  
450 States with respect to the manufacture, sale, or distribution of cannabis.

451 (2) The [~~Department~~] Division of Human Resource Management shall create, revise,  
452 and publish the form of the notice described in Subsection (1).

453 (3) Notwithstanding Subsection [67-21-3\(3\)](#), an employee who has signed the notice  
454 described in Subsection (1) may not:

455 (a) claim in good faith that the employee's actions violate or potentially violate the laws  
456 of the United States with respect to the manufacture, sale, or distribution of cannabis; or

457 (b) refuse to carry out a directive that the employee reasonably believes violates the  
458 criminal laws of the United States with respect to the manufacture, sale, or distribution of  
459 cannabis.

460 (4) An employer of an employee who has signed the notice described in Subsection (1)  
461 may not take retaliatory action as defined in Section [~~67-19a-101~~] [63A-17-601](#) against a

462 current employee who refuses to sign the notice described in Subsection (1).

463 Section 2. Section **11-38-102** is amended to read:

464 **11-38-102. Definitions.**

465 As used in this chapter:

466 (1) "Affordable housing" means housing occupied or reserved for occupancy by  
467 households with a gross household income equal to or less than 80% of the median gross  
468 income of the applicable municipal or county statistical area for households of the same size.

469 (2) "Agricultural land" has the same meaning as "land in agricultural use" under  
470 Section [59-2-502](#).

471 (3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial  
472 land where expansion or redevelopment is complicated by real or perceived environmental  
473 contamination.

474 (4) "Commission" means the Quality Growth Commission established in Section  
475 [11-38-201](#).

476 (5) "Infill development" means residential, commercial, or industrial development on  
477 unused or underused land, excluding open land and agricultural land, within existing, otherwise  
478 developed urban areas.

479 (6) "Local entity" means a county, city, or town.

480 (7) (a) "Open land" means land that is:

481 (i) preserved in or restored to a predominantly natural, open, and undeveloped  
482 condition; and

483 (ii) used for:

484 (A) wildlife habitat;

485 (B) cultural or recreational use;

486 (C) watershed protection; or

487 (D) another use consistent with the preservation of the land in or restoration of the land  
488 to a predominantly natural, open, and undeveloped condition.

489 (b) (i) "Open land" does not include land whose predominant use is as a developed  
490 facility for active recreational activities, including baseball, tennis, soccer, golf, or other  
491 sporting or similar activity.

492 (ii) The condition of land does not change from a natural, open, and undeveloped



493 condition because of the development or presence on the land of facilities, including trails,  
494 waterways, and grassy areas, that:

495 (A) enhance the natural, scenic, or aesthetic qualities of the land; or

496 (B) facilitate the public's access to or use of the land for the enjoyment of its natural,  
497 scenic, or aesthetic qualities and for compatible recreational activities.

498 (8) "Program" means the LeRay McAllister Critical Land Conservation Program  
499 established in Section [11-38-301](#).

500 (9) "Surplus land" means real property owned by the Department of [~~Administrative~~  
501 ~~Services~~] Government Operations, the Department of Agriculture and Food, the Department of  
502 Natural Resources, or the Department of Transportation that the individual department  
503 determines not to be necessary for carrying out the mission of the department.

504 Section 3. Section **13-1a-3** is amended to read:

505 **13-1a-3. Employment and compensation of personnel -- Compensation of**  
506 **director.**

507 The director, with the approval of the executive director, may employ personnel  
508 necessary to carry out the duties and responsibilities of the division at salaries established by  
509 the executive director according to standards established by the [~~Department~~] Division of  
510 Human Resource Management. The executive director shall establish the salary of the director  
511 according to standards established by the [~~Department~~] Division of Human Resource  
512 Management.

513 Section 4. Section **13-2-3** is amended to read:

514 **13-2-3. Employment of personnel -- Compensation of director.**

515 (1) The director, with the approval of the executive director, may employ personnel  
516 necessary to carry out the duties and responsibilities of the division at salaries established by  
517 the executive director according to standards established by the Department of [~~Administrative~~  
518 ~~Services~~] Government Operations.

519 (2) The executive director shall establish the salary of the director according to  
520 standards established by the Department of [~~Administrative Services~~] Government Operations.

521 (3) The director may employ specialists, technical experts, or investigators to  
522 participate or assist in investigations if they reasonably require expertise beyond that normally  
523 required for division personnel.

524 (4) An investigator employed pursuant to Subsection (3) may be designated a special  
525 function officer, as defined in Section 53-13-105, by the director, but is not eligible for  
526 retirement benefits under the Public Safety Employee's Retirement System.

527 Section 5. Section 15A-1-203 is amended to read:

528 **15A-1-203. Uniform Building Code Commission -- Unified Code Analysis**  
529 **Council.**

530 (1) There is created a Uniform Building Code Commission to advise the division with  
531 respect to the division's responsibilities in administering the codes.

532 (2) The commission shall consist of 11 members as follows:

533 (a) one member shall be from among candidates nominated by the Utah League of  
534 Cities and Towns and the Utah Association of Counties;

535 (b) one member shall be a licensed building inspector employed by a political  
536 subdivision of the state;

537 (c) one member shall be a licensed professional engineer;

538 (d) one member shall be a licensed architect;

539 (e) one member shall be a fire official;

540 (f) three members shall be contractors licensed by the state, of which one shall be a  
541 general contractor, one an electrical contractor, and one a plumbing contractor;

542 (g) two members shall be from the general public and have no affiliation with the  
543 construction industry or real estate development industry; and

544 (h) one member shall be from the Division of Facilities Construction and Management  
545 of the Department of [~~Administrative Services~~] Government Operations.

546 (3) (a) The executive director shall appoint each commission member after submitting  
547 a nomination to the governor for confirmation or rejection.

548 (b) If the governor rejects a nominee, the executive director shall submit an alternative  
549 nominee until the governor confirms the nomination. An appointment is effective after the  
550 governor confirms the nomination.

551 (4) (a) Except as required by Subsection (4)(b), as terms of commission members  
552 expire, the executive director shall appoint each new commission member or reappointed  
553 commission member to a four-year term.

554 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,

555 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms  
556 of commission members are staggered so that approximately half of the commission is  
557 appointed every two years.

558 (5) When a vacancy occurs in the commission membership for any reason, the  
559 executive director shall appoint a replacement for the unexpired term.

560 (6) (a) A commission member may not serve more than two full terms.

561 (b) A commission member who ceases to serve may not again serve on the commission  
562 until after the expiration of two years after the day on which service ceased.

563 (7) A majority of the commission members constitute a quorum and may act on behalf  
564 of the commission.

565 (8) A commission member may not receive compensation or benefits for the  
566 commission member's service, but may receive per diem and travel expenses in accordance  
567 with:

568 (a) Section 63A-3-106;

569 (b) Section 63A-3-107; and

570 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
571 63A-3-107.

572 (9) (a) The commission shall annually designate one of the commission's members to  
573 serve as chair of the commission.

574 (b) The division shall provide a secretary to facilitate the function of the commission  
575 and to record the commission's actions and recommendations.

576 (10) The commission shall:

577 (a) in accordance with Section 15A-1-204, report to the Business and Labor Interim  
578 Committee;

579 (b) act as an appeals board as provided in Section 15A-1-207;

580 (c) establish advisory peer committees on either a standing or ad hoc basis to advise the  
581 commission with respect to matters related to a code, including a committee to advise the  
582 commission regarding health matters related to a plumbing code; and

583 (d) assist the division in overseeing code-related training in accordance with Section  
584 15A-1-209.

585 (11) (a) In a manner consistent with Subsection (10)(c), the commission shall jointly

586 create with the Utah Fire Prevention Board an advisory peer committee known as the "Unified  
587 Code Analysis Council" to review fire prevention and construction code issues that require  
588 definitive and specific analysis.

589 (b) The commission and Utah Fire Prevention Board shall jointly, by rule made in  
590 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for:

591 (i) the appointment of members to the Unified Code Analysis Council; and

592 (ii) procedures followed by the Unified Code Analysis Council.

593 Section 6. Section **20A-20-201** is amended to read:

594 **20A-20-201. Utah Independent Redistricting Commission -- Creation --**

595 **Membership -- Term -- Quorum -- Action -- Meetings -- Staffing -- Website.**

596 (1) (a) There is created the Utah Independent Redistricting Commission.

597 (b) The commission is housed in the Department of [~~Administrative Services~~]

598 Government Operations for budgetary purposes only.

599 (c) The commission is not under the direction or control of the Department of  
600 [~~Administrative Services~~] Government Operations or any executive director, director, or other  
601 employee of the Department of [~~Administrative Services~~] Government Operations or any other  
602 government entity.

603 (2) Except as provided in Subsection (4), the commission comprises seven members  
604 appointed as follows:

605 (a) one member appointed by the governor, which member shall serve as chair of the  
606 commission;

607 (b) one member appointed by the president of the Senate;

608 (c) one member appointed by the speaker of the House of Representatives;

609 (d) one member appointed by the legislative leader of the largest minority political  
610 party in the Senate;

611 (e) one member appointed by the legislative leader of the largest minority political  
612 party in the House of Representatives;

613 (f) one member appointed jointly by the president of the Senate and the speaker of the  
614 House of Representatives; and

615 (g) one member appointed jointly by the legislative leader of the largest minority  
616 political party in the Senate and the legislative leader of the largest minority political party in

617 the House of Representatives.

618 (3) An appointing authority described in Subsection (2):

619 (a) shall make the appointments no later than:

620 (i) February 1 of the year immediately following a decennial year; or

621 (ii) if there is a change in the number of congressional, legislative, or other districts  
622 resulting from an event other than a national decennial enumeration made by the authority of  
623 the United States, the day on which the Legislature appoints a committee to draw maps in  
624 relation to the change;

625 (b) may remove a commission member appointed by the appointing authority, for  
626 cause; and

627 (c) shall, if a vacancy occurs in the position appointed by the appointing authority  
628 under Subsection (2), appoint another individual to fill the vacancy within 10 days after the day  
629 on which the vacancy occurs.

630 (4) (a) If the appointing authority described in Subsection (2)(a) fails to timely make  
631 the appointment, the legislative leader of the largest political party in the House of  
632 Representatives and the Senate, of which the governor is not a member, shall jointly make the  
633 appointment.

634 (b) If the appointing authority described in Subsection (2)(b) fails to timely make the  
635 appointment, the appointing authority described in Subsection (2)(d) shall make the  
636 appointment.

637 (c) If the appointing authority described in Subsection (2)(c) fails to timely make the  
638 appointment, the appointing authority described in Subsection (2)(e) shall make the  
639 appointment.

640 (d) If the appointing authority described in Subsection (2)(d) fails to timely make the  
641 appointment, the appointing authority described in Subsection (2)(b) shall make the  
642 appointment.

643 (e) If the appointing authority described in Subsection (2)(e) fails to timely make the  
644 appointment, the appointing authority described in Subsection (2)(c) shall make the  
645 appointment.

646 (f) If the appointing authority described in Subsection (2)(f) fails to timely make the  
647 appointment, the appointing authority described in Subsection (2)(g) shall make the

648 appointment.

649 (g) If the appointing authority described in Subsection (2)(g) fails to timely make the  
650 appointment, the appointing authority described in Subsection (2)(f) shall make the  
651 appointment.

652 (5) A member of the commission may not, during the member's service on the  
653 commission:

654 (a) be a lobbyist or principal, as those terms are defined in Section [36-11-102](#);

655 (b) be a candidate for or holder of any elective office, including federal elective office,  
656 state elective office, or local government elective office;

657 (c) be a candidate for or holder of any office of a political party, except for delegates to  
658 a political party's convention;

659 (d) be an employee of, or a paid consultant for, a political party, political party  
660 committee, personal campaign committee, or any political action committee affiliated with a  
661 political party or controlled by an elected official or candidate for elective office, including any  
662 local government office;

663 (e) serve in public office if the member is appointed to public office by the governor or  
664 the Legislature;

665 (f) be employed by the United States Congress or the Legislature; or

666 (g) hold any position that reports directly to an elected official, including a local  
667 elected official, or to any person appointed by the governor or Legislature to any other public  
668 office.

669 (6) In addition to the qualifications described in Subsection (5), a member of the  
670 commission described in Subsection (2)(f) or (g):

671 (a) may not have, during the two-year period immediately preceding the member's  
672 appointment to the commission:

673 (i) been affiliated with a political party under Section [20A-2-107](#);

674 (ii) voted in the regular primary election or municipal primary election of a political  
675 party; or

676 (iii) been a delegate to a political party convention; and

677 (b) may not, in the sole determination of the appointing authority, be an individual who  
678 is affiliated with a partisan organization or cause.

679 (7) Each commission member shall, upon appointment to the commission, sign and file  
680 a statement with the governor certifying that the commission member:

681 (a) meets the qualifications for appointment to the commission;

682 (b) will, during the member's service on the commission, comply with the requirements  
683 described in Subsection (5);

684 (c) will comply with the standards, procedures, and requirements described in this  
685 chapter that are applicable to a commission member; and

686 (d) will faithfully discharge the duties of a commission member in an independent,  
687 impartial, honest, and transparent manner.

688 (8) For a regular decennial redistricting, the commission is:

689 (a) formed and may begin conducting business on February 1 of the year immediately  
690 following a decennial year; and

691 (b) dissolved upon approval of the Legislature's redistricting maps by the governor, or  
692 the day following the constitutional time limit of Utah Constitution, Article VII, Section 8,  
693 without the governor's signature, or in the case of a veto, the date of veto override.

694 (9) (a) A member of the commission may not receive compensation or benefits for the  
695 member's service, but may receive per diem and travel expenses in accordance with:

696 (i) Section 63A-3-106;

697 (ii) Section 63A-3-107; and

698 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
699 63A-3-107.

700 (b) A member of the commission may decline to receive per diem or travel expenses.

701 (10) The commission shall meet upon the request of a majority of the commission  
702 members or when the chair calls a meeting.

703 (11) (a) A majority of the members of the commission constitutes a quorum.

704 (b) The commission takes official action by a majority vote of a quorum present at a  
705 meeting of the commission.

706 (12) Within appropriations from the Legislature, the commission may, to fulfill the  
707 duties of the commission:

708 (a) contract with or employ an attorney licensed in Utah, an executive director, and  
709 other staff; and

710 (b) purchase equipment and other resources, in accordance with Title 63G, Chapter 6a,  
711 Utah Procurement Code, to fulfill the duties of the commission.

712 (13) The commission shall maintain a website where the public may:

713 (a) access announcements and records of commission meetings and hearings;

714 (b) access maps presented to, or under consideration by, the commission;

715 (c) access evaluations described in Subsection 20A-20-302(8);

716 (d) submit a map to the commission; and

717 (e) submit comments on a map presented to, or under consideration by, the

718 commission.

719 Section 7. Section **26-61a-103** is amended to read:

720 **26-61a-103. Electronic verification system.**

721 (1) The Department of Agriculture and Food, the department, the Department of Public  
722 Safety, and the [~~Department~~] Division of Technology Services shall:

723 (a) enter into a memorandum of understanding in order to determine the function and  
724 operation of the state electronic verification system in accordance with Subsection (2);

725 (b) coordinate with the Division of Purchasing, under Title 63G, Chapter 6a, Utah  
726 Procurement Code, to develop a request for proposals for a third-party provider to develop and  
727 maintain the state electronic verification system in coordination with the [~~Department~~]

728 Division of Technology Services; and

729 (c) select a third-party provider who:

730 (i) meets the requirements contained in the request for proposals issued under  
731 Subsection (1)(b); and

732 (ii) may not have any commercial or ownership interest in a cannabis production  
733 establishment or a medical cannabis pharmacy.

734 (2) The Department of Agriculture and Food, the department, the Department of Public  
735 Safety, and the [~~Department~~] Division of Technology Services shall ensure that, on or before  
736 March 1, 2020, the state electronic verification system described in Subsection (1):

737 (a) allows an individual to apply for a medical cannabis patient card or, if applicable, a  
738 medical cannabis guardian card, provided that the card may not become active until the  
739 relevant qualified medical provider completes the associated medical cannabis  
740 recommendation;



741 (b) allows an individual to apply to renew a medical cannabis patient card or a medical  
742 cannabis guardian card in accordance with Section 26-61a-201;

743 (c) allows a qualified medical provider, or an employee described in Subsection (3)  
744 acting on behalf of the qualified medical provider, to:

745 (i) access dispensing and card status information regarding a patient:

746 (A) with whom the qualified medical provider has a provider-patient relationship; and  
747 (B) for whom the qualified medical provider has recommended or is considering  
748 recommending a medical cannabis card;

749 (ii) electronically recommend, after an initial face-to-face visit with a patient described  
750 in Subsection 26-61a-201(4)(b), treatment with cannabis in a medicinal dosage form or a  
751 cannabis product in a medicinal dosage form and optionally recommend dosing guidelines;

752 (iii) electronically renew a recommendation to a medical cannabis patient cardholder or  
753 medical cannabis guardian cardholder:

754 (A) using telehealth services, for the qualified medical provider who originally  
755 recommended a medical cannabis treatment during a face-to-face visit with the patient; or  
756 (B) during a face-to-face visit with the patient, for a qualified medical provider who  
757 did not originally recommend the medical cannabis treatment during a face-to-face visit; and

758 (iv) notate a determination of physical difficulty or undue hardship, described in  
759 Subsection 26-61a-202(1), to qualify a patient to designate a caregiver;

760 (d) connects with:

761 (i) an inventory control system that a medical cannabis pharmacy uses to track in real  
762 time and archive purchases of any cannabis in a medicinal dosage form, cannabis product in a  
763 medicinal dosage form, or a medical cannabis device, including:

764 (A) the time and date of each purchase;

765 (B) the quantity and type of cannabis, cannabis product, or medical cannabis device  
766 purchased;

767 (C) any cannabis production establishment, any medical cannabis pharmacy, or any  
768 medical cannabis courier associated with the cannabis, cannabis product, or medical cannabis  
769 device; and

770 (D) the personally identifiable information of the medical cannabis cardholder who  
771 made the purchase; and

772 (ii) any commercially available inventory control system that a cannabis production  
773 establishment utilizes in accordance with Section 4-41a-103 to use data that the Department of  
774 Agriculture and Food requires by rule, in accordance with Title 63G, Chapter 3, Utah  
775 Administrative Rulemaking Act, from the inventory tracking system that a licensee uses to  
776 track and confirm compliance;

777 (e) provides access to:

778 (i) the department to the extent necessary to carry out the department's functions and  
779 responsibilities under this chapter;

780 (ii) the Department of Agriculture and Food to the extent necessary to carry out the  
781 functions and responsibilities of the Department of Agriculture and Food under Title 4, Chapter  
782 41a, Cannabis Production Establishments; and

783 (iii) the Division of Occupational and Professional Licensing to the extent necessary to  
784 carry out the functions and responsibilities related to the participation of the following in the  
785 recommendation and dispensing of medical cannabis:

786 (A) a pharmacist licensed under Title 58, Chapter 17b, Pharmacy Practice Act;

787 (B) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
788 Practice Act;

789 (C) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or  
790 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

791 (D) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
792 Assistant Act;

793 (f) provides access to and interaction with the state central patient portal;

794 (g) provides access to state or local law enforcement:

795 (i) during a law enforcement encounter, without a warrant, using the individual's driver  
796 license or state ID, only for the purpose of determining if the individual subject to the law  
797 enforcement encounter has a valid medical cannabis card; or

798 (ii) after obtaining a warrant; and

799 (h) creates a record each time a person accesses the database that identifies the person  
800 who accesses the database and the individual whose records the person accesses.

801 (3) (a) Beginning on the earlier of January 1, 2021, or the date on which the electronic  
802 verification system is functionally capable of allowing employee access under this Subsection

803 (3), an employee of a qualified medical provider may access the electronic verification system  
804 for a purpose described in Subsection (2)(c) on behalf of the qualified medical provider if:

805 (i) the qualified medical provider has designated the employee as an individual  
806 authorized to access the electronic verification system on behalf of the qualified medical  
807 provider;

808 (ii) the qualified medical provider provides written notice to the department of the  
809 employee's identity and the designation described in Subsection (3)(a)(i); and

810 (iii) the department grants to the employee access to the electronic verification system.

811 (b) An employee of a business that employs a qualified medical provider may access  
812 the electronic verification system for a purpose described in Subsection (2)(c) on behalf of the  
813 qualified medical provider if:

814 (i) the qualified medical provider has designated the employee as an individual  
815 authorized to access the electronic verification system on behalf of the qualified medical  
816 provider;

817 (ii) the qualified medical provider and the employing business jointly provide written  
818 notice to the department of the employee's identity and the designation described in Subsection  
819 (3)(b)(i); and

820 (iii) the department grants to the employee access to the electronic verification system.

821 (4) (a) As used in this Subsection (4), "prescribing provider" means:

822 (i) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
823 Practice Act;

824 (ii) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title  
825 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

826 (iii) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician  
827 Assistant Act.

828 (b) Beginning on the earlier of January 1, 2021, or the date on which the electronic  
829 verification system is functionally capable of allowing provider access under this Subsection  
830 (4), a prescribing provider may access information in the electronic verification system  
831 regarding a patient the prescribing provider treats.

832 (5) The department may release limited data that the system collects for the purpose of:

833 (a) conducting medical and other department approved research;

834 (b) providing the report required by Section 26-61a-703; and

835 (c) other official department purposes.

836 (6) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah  
837 Administrative Rulemaking Act, to establish:

838 (a) the limitations on access to the data in the state electronic verification system as  
839 described in this section; and

840 (b) standards and procedures to ensure accurate identification of an individual  
841 requesting information or receiving information in this section.

842 (7) (a) Any person who knowingly and intentionally releases any information in the  
843 state electronic verification system in violation of this section is guilty of a third degree felony.

844 (b) Any person who negligently or recklessly releases any information in the state  
845 electronic verification system in violation of this section is guilty of a class C misdemeanor.

846 (8) (a) Any person who obtains or attempts to obtain information from the state  
847 electronic verification system by misrepresentation or fraud is guilty of a third degree felony.

848 (b) Any person who obtains or attempts to obtain information from the state electronic  
849 verification system for a purpose other than a purpose this chapter authorizes is guilty of a third  
850 degree felony.

851 (9) (a) Except as provided in Subsection (9)(e), a person may not knowingly and  
852 intentionally use, release, publish, or otherwise make available to any other person information  
853 obtained from the state electronic verification system for any purpose other than a purpose  
854 specified in this section.

855 (b) Each separate violation of this Subsection (9) is:

856 (i) a third degree felony; and

857 (ii) subject to a civil penalty not to exceed \$5,000.

858 (c) The department shall determine a civil violation of this Subsection (9) in  
859 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

860 (d) Civil penalties assessed under this Subsection (9) shall be deposited into the  
861 General Fund.

862 (e) This Subsection (9) does not prohibit a person who obtains information from the  
863 state electronic verification system under Subsection (2)(a), (c), or (f) from:

864 (i) including the information in the person's medical chart or file for access by a person

865 authorized to review the medical chart or file;

866 (ii) providing the information to a person in accordance with the requirements of the  
867 Health Insurance Portability and Accountability Act of 1996; or

868 (iii) discussing or sharing that information about the patient with the patient.

869 Section 8. Section **26-61a-111** is amended to read:

870 **26-61a-111. Nondiscrimination for medical care or government employment --**  
871 **Notice to prospective and current public employees -- No effect on private employers.**

872 (1) For purposes of medical care, including an organ or tissue transplant, a patient's  
873 use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis  
874 product in a medicinal dosage form:

875 (a) is considered the equivalent of the authorized use of any other medication used at  
876 the discretion of a physician; and

877 (b) does not constitute the use of an illicit substance or otherwise disqualify an  
878 individual from needed medical care.

879 (2) (a) Notwithstanding any other provision of law and except as provided in  
880 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical  
881 cannabis in accordance with this chapter or Section [58-37-3.7](#) in the same way the state or  
882 political subdivision treats employee use of any prescribed controlled substance.

883 (b) A state or political subdivision employee who has a valid medical cannabis card is  
884 not subject to adverse action, as that term is defined in Section [67-21-2](#), for failing a drug test  
885 due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired or  
886 otherwise adversely affected in the employee's job performance due to the use of medical  
887 cannabis.

888 (c) Subsections (2)(a) and (b) do not apply where the application of Subsection (2)(a) or  
889 (b) would jeopardize federal funding, a federal security clearance, or any other federal  
890 background determination required for the employee's position, or if the employee's position is  
891 dependent on a license that is subject to federal regulations.

892 (3) (a) (i) A state employer or a political subdivision employer shall take the action  
893 described in Subsection (3)(a)(ii) before:

894 (A) giving to a current employee an assignment or duty that arises from or directly  
895 relates to an obligation under this chapter; or

896 (B) hiring a prospective employee whose assignments or duties would include an  
897 assignment or duty that arises from or directly relates to an obligation under this chapter.

898 (ii) The employer described in Subsection (3)(a)(i) shall give the employee or  
899 prospective employee described in Subsection (3)(a)(i) a written notice that notifies the  
900 employee or prospective employee:

901 (A) that the employee's or prospective employee's job duties may require the employee  
902 or prospective employee to engage in conduct which is in violation of the criminal laws of the  
903 United States; and

904 (B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i),  
905 although the employee or prospective employee is entitled to the protections of Title 67,  
906 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to  
907 carry out an assignment or duty that may be a violation of the criminal laws of the United  
908 States with respect to the manufacture, sale, or distribution of cannabis.

909 (b) The ~~[Department]~~ Division of Human Resource Management shall create, revise,  
910 and publish the form of the notice described in Subsection (3)(a).

911 (c) Notwithstanding Subsection [67-21-3\(3\)](#), an employee who has signed the notice  
912 described in Subsection (3)(a) may not:

913 (i) claim in good faith that the employee's actions violate or potentially violate the laws  
914 of the United States with respect to the manufacture, sale, or distribution of cannabis; or

915 (ii) refuse to carry out a directive that the employee reasonably believes violates the  
916 criminal laws of the United States with respect to the manufacture, sale, or distribution of  
917 cannabis.

918 (d) An employer may not take retaliatory action as defined in Section ~~[[67-19a-101](#)]~~  
919 [63A-17-601](#) against a current employee who refuses to sign the notice described in Subsection  
920 (3)(a).

921 (4) Nothing in this section requires a private employer to accommodate the use of  
922 medical cannabis or affects the ability of a private employer to have policies restricting the use  
923 of medical cannabis by applicants or employees.

924 Section 9. Section **31A-2-113** is amended to read:

925 **31A-2-113. Supporting services.**

926 (1) The Department of ~~[Administrative Services]~~ Government Operations shall provide

927 suitable offices for the Insurance Department:

928 (a) in Salt Lake City; and

929 (b) elsewhere, if approved by the governor as necessary for the efficient operation of  
930 the department.

931 (2) The commissioner shall, in accordance with the rules of the Department of  
932 [~~Administrative Services~~] Government Operations or other applicable laws, procure or obtain  
933 access to all materials, supplies, and equipment necessary for the efficient operation of the  
934 Insurance Department, including reasonable library facilities and books.

935 Section 10. Section **35A-1-205** is amended to read:

936 **35A-1-205. Workforce Appeals Board -- Chair -- Appointment -- Compensation**  
937 **-- Qualifications.**

938 (1) There is created the Workforce Appeals Board within the department consisting of  
939 one or more panels to hear and decide appeals from the decision of an administrative law  
940 judge.

941 (2) (a) A panel shall consist of three impartial members appointed by the governor as  
942 follows:

943 (i) the board chair, appointed in accordance with Subsection (5);

944 (ii) one member appointed to represent employers; and in making this appointment, the  
945 governor shall consider nominations from employer organizations; and

946 (iii) one member appointed to represent employees; and in making this appointment,  
947 the governor shall consider nominations from employee organizations.

948 (b) No more than two members of a panel may belong to the same political party.

949 (3) (a) (i) The term of a member shall be six years beginning on March 1 of the year  
950 the member is appointed, except as otherwise provided in Subsection (3)(a)(ii).

951 (ii) The governor shall, at the time of appointment or reappointment, adjust the length  
952 of terms to ensure that the terms of members are staggered so that approximately one third of  
953 the members are appointed every two years.

954 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
955 appointed for the unexpired term.

956 (c) The governor may remove a member for inefficiency, neglect of duty, malfeasance  
957 or misfeasance in office, or other good and sufficient cause.

958 (d) A member shall hold office until a successor is appointed and has qualified.

959 (4) (a) Except as provided in Subsection (4)(b), a member may not receive  
960 compensation or benefits for the member's service, but may receive per diem and travel  
961 expenses in accordance with:

962 (i) Section 63A-3-106;

963 (ii) Section 63A-3-107; and

964 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
965 63A-3-107.

966 (b) The member appointed as board chair in accordance with Subsection (5) shall be  
967 compensated at an hourly rate determined by the [~~Department~~] Division of Human Resource  
968 Management in accordance with Title [~~67, Chapter 19~~] 63A, Chapter 17, Utah State Personnel  
969 Management Act.

970 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive  
971 and administrative head of the board.

972 (b) The chair shall be appointed by the governor to represent the public and may be  
973 removed from that position at the will of the governor.

974 (c) The chair shall be experienced in administration and possess any additional  
975 qualifications determined by the governor.

976 (6) (a) The chair shall designate an alternate from a panel appointed under this section:

977 (i) in the absence of a regular member or the chair; or

978 (ii) if the regular member or the chair has a conflict of interest.

979 (b) Each case shall be decided by a full three-member panel.

980 (7) The department shall provide the Workforce Appeals Board necessary staff  
981 support, except, the board may employ, retain, or appoint legal counsel.

982 Section 11. Section 35A-13-302 is amended to read:

983 **35A-13-302. Governor's Committee on Employment of People with Disabilities.**

984 (1) There is created the Governor's Committee on Employment of People with  
985 Disabilities, composed of the following 19 members:

986 (a) the director of the office;

987 (b) the state superintendent of public instruction or the superintendent's designee;

988 (c) the commissioner of higher education or the commissioner's designee;



989 (d) the [executive] director of the [Department] Division of Human Resource  
990 Management or the [executive] director's designee;

991 (e) the executive director of the Department of Human Services or the executive  
992 director's designee;

993 (f) the executive director of the Department of Health or the executive director's  
994 designee; and

995 (g) the following 13 members appointed by the governor:

996 (i) a representative of individuals who are blind or visually impaired;

997 (ii) a representative of individuals who are deaf or hard of hearing;

998 (iii) a representative of individuals who have disabilities;

999 (iv) seven representatives of business or industry;

1000 (v) a representative experienced in job training and placement;

1001 (vi) a representative of veterans; and

1002 (vii) a representative experienced in medical, health, or insurance professions.

1003 (2) (a) (i) Except as provided in Subsection (2)(a)(ii), the governor shall appoint the  
1004 committee members described in Subsection (1)(g) to serve four-year terms.

1005 (ii) In making the initial appointments to the committee, the governor shall appoint  
1006 approximately one-half of the members to two-year terms and one-half of the members to  
1007 four-year terms.

1008 (b) Committee members shall serve until their successors are appointed and qualified.

1009 (c) The governor shall fill any vacancy that occurs on the committee for any reason by  
1010 appointing a person according to the procedures of this section for the unexpired term of the  
1011 vacated member.

1012 (d) The director of the office shall select a chair of the committee from the  
1013 membership.

1014 (e) Ten members of the committee are a quorum for the transaction of business.

1015 (3) (a) The committee shall:

1016 (i) promote employment opportunities for individuals with disabilities;

1017 (ii) serve as the designated state liaison to the President's Committee on Employment  
1018 of People with Disabilities;

1019 (iii) provide training and technical assistance to employers in implementing the

1020 Americans with Disabilities Act;

1021 (iv) develop and disseminate appropriate information through workshops, meetings,  
1022 and other requests in response to needs to employers and others regarding employment of  
1023 individuals with disabilities;

1024 (v) establish contacts with various community representatives to identify and resolve  
1025 barriers to full participation in employment and community life;

1026 (vi) formally recognize exemplary contributions in the areas of employment, job  
1027 placement, training, rehabilitation, support services, medicine, media or public relations, and  
1028 personal achievements made by individuals with disabilities;

1029 (vii) advise, encourage, and motivate individuals with disabilities who are preparing  
1030 for or seeking employment to reach their full potential as qualified employees;

1031 (viii) advocate for policies and practices that promote full and equal rights for  
1032 individuals with disabilities;

1033 (ix) advise the office, the department, and the governor on issues that affect  
1034 employment and other requests for information on disability issues; and

1035 (x) prepare an annual report on the progress, accomplishments, and future goals of the  
1036 committee and present the report to the department for inclusion in the department's annual  
1037 report described in Section [35A-1-109](#).

1038 (b) The committee may, by following the procedures and requirements of Title 63J,  
1039 Chapter 5, Federal Funds Procedures Act, receive and accept federal funds, and may receive  
1040 and accept state funds, private gifts, donations, and funds from any source to carry out its  
1041 purposes.

1042 (4) The office shall staff the committee.

1043 Section 12. Section **36-11-307** is amended to read:

1044 **36-11-307. Ethics and unlawful harassment training course for lobbyists --**  
1045 **Internet availability -- Content -- Participation tracking -- Penalty.**

1046 (1) The lieutenant governor shall develop and maintain online training courses  
1047 educating lobbyists about:

1048 (a) federal workplace discrimination and harassment prohibitions and requirements;  
1049 (b) the Utah Senate's, Utah House's, and the executive branch's policies governing  
1050 workplace discrimination and harassment prohibitions, policies, and procedures; and

1051 (c) state and federal requirements governing lobbyists, including lobbyist ethical  
1052 requirements.

1053 (2) A training course described in Subsection (1) shall include training materials and  
1054 exercises that are available on the Internet to lobbyists and to the public.

1055 (3) The lieutenant governor shall design the ethics training course to assist lobbyists in  
1056 understanding and complying with current ethical and campaign finance requirements under  
1057 state law, legislative rules, and federal law.

1058 (4) The lieutenant governor may enter into an agreement with the [~~Department~~]  
1059 Division of Human Resource Management to assist the lieutenant governor in providing the  
1060 workplace discrimination and harassment training described in this section.

1061 (5) A training course described in this section shall include provisions for verifying  
1062 when a lobbyist has successfully completed the training.

1063 (6) (a) A lobbyist shall, within 30 days after the day on which the lobbyist applies for a  
1064 lobbying license or a lobbying license renewal:

1065 (i) successfully complete the training courses described in this section; and

1066 (ii) provide to the lieutenant governor a document, signed by the lobbyist, certifying  
1067 that the lobbyist has:

1068 (A) completed the training courses required by this section; and

1069 (B) received, read, understands, and will comply with the workplace discrimination  
1070 and harassment policies adopted by the Utah Senate, the Utah House, and Utah's executive  
1071 branch.

1072 (b) The lieutenant governor may not issue a lobbying license, or renew a lobbying  
1073 license, until the lieutenant governor has received from the lobbyist the document required by  
1074 Subsection (6)(a).

1075 (7) A signature described in Subsection (6)(b) may be an electronic signature.

1076 Section 13. Section **46-1-3** is amended to read:

1077 **46-1-3. Qualifications -- Application for notarial commission required -- Term.**

1078 (1) Except as provided in Subsection (4), and subject to Section **46-1-3.5**, the  
1079 lieutenant governor shall commission as a notary any qualified person who submits an  
1080 application in accordance with this chapter.

1081 (2) To qualify for a notarial commission an individual shall:

- 1082 (a) be at least 18 years old;
- 1083 (b) lawfully reside in the state for at least 30 days immediately before the individual
- 1084 applies for a notarial commission;
- 1085 (c) be able to read, write, and understand English;
- 1086 (d) submit an application to the lieutenant governor containing no significant
- 1087 misstatement or omission of fact, that includes:
  - 1088 (i) the individual's:
    - 1089 (A) name as it will appear on the commission;
    - 1090 (B) residential address;
    - 1091 (C) business address;
    - 1092 (D) daytime telephone number; and
    - 1093 (E) date of birth;
  - 1094 (ii) an affirmation that the individual meets the requirements of this section;
  - 1095 (iii) an indication of any criminal convictions the individual has received, including a
  - 1096 plea of admission or no contest;
  - 1097 (iv) all issuances, denials, revocations, suspensions, restrictions, and resignations of a
  - 1098 notarial commission or other professional license involving the applicant in this or any other
  - 1099 state;
  - 1100 (v) an indication that the individual has passed the examination described in
  - 1101 Subsection (6); and
  - 1102 (vi) payment of an application fee that the lieutenant governor establishes in
  - 1103 accordance with Section [63J-1-504](#);
- 1104 (e) (i) be a United States citizen; or
- 1105 (ii) have permanent resident status under Section 245 of the Immigration and
- 1106 Nationality Act; and
- 1107 (f) submit to a background check described in Subsection (3).
- 1108 (3) (a) The lieutenant governor shall:
  - 1109 (i) request the ~~[Department]~~ Division of Human Resource Management to perform a
  - 1110 criminal background check under Subsection [53-10-108](#)(16) on each individual who submits
  - 1111 an application under this section;
  - 1112 (ii) require an individual who submits an application under this section to provide a

1113 signed waiver on a form provided by the lieutenant governor that complies with Subsection  
1114 53-10-108(4); and

1115 (iii) provide the [~~Department~~] Division of Human Resource Management the personal  
1116 identifying information of each individual who submits an application under this section.

1117 (b) The [~~Department~~] Division of Human Resource Management shall:

1118 (i) perform a criminal background check under Subsection 53-10-108(16) on each  
1119 individual described in Subsection (3)(a)(i); and

1120 (ii) provide to the lieutenant governor all information that pertains to the individual  
1121 described in Subsection (3)(a)(i) that the department identifies or receives as a result of the  
1122 background check.

1123 (4) The lieutenant governor may deny an application based on:

1124 (a) the applicant's conviction for a crime involving dishonesty or moral turpitude;

1125 (b) any revocation, suspension, or restriction of a notarial commission or professional  
1126 license issued to the applicant by this or any other state;

1127 (c) the applicant's official misconduct while acting in the capacity of a notary; or

1128 (d) the applicant's failure to pass the examination described in Subsection (6).

1129 (5) (a) An individual whom the lieutenant governor commissions as a notary:

1130 (i) may perform notarial acts in any part of the state for a term of four years, unless the  
1131 person resigns or the commission is revoked or suspended under Section 46-1-19; and

1132 (ii) except through a remote notarization performed in accordance with this chapter,  
1133 may not perform a notarial act for another individual who is outside of the state.

1134 (b) (i) After an individual's commission expires, the individual may not perform a  
1135 notarial act until the individual obtains a new commission.

1136 (ii) An individual whose commission expires and who wishes to obtain a new  
1137 commission shall submit a new application, showing compliance with the requirements of this  
1138 section.

1139 (6) (a) Each applicant for a notarial commission shall take an examination that the  
1140 lieutenant governor approves and submit the examination to a testing center that the lieutenant  
1141 governor designates for purposes of scoring the examination.

1142 (b) The testing center that the lieutenant governor designates shall issue a written  
1143 acknowledgment to the applicant indicating whether the applicant passed or failed the

1144 examination.

1145 (7) (a) A notary shall maintain permanent residency in the state during the term of the  
1146 notary's notarial commission.

1147 (b) A notary who does not maintain permanent residency under Subsection (7)(a) shall  
1148 resign the notary's notarial commission in accordance with Section 46-1-21.

1149 Section 14. Section 46-4-503 is amended to read:

1150 **46-4-503. Government products and services provided electronically.**

1151 (1) Notwithstanding Section 46-4-501, a state governmental agency that administers  
1152 one or more of the following transactions shall allow those transactions to be conducted  
1153 electronically:

1154 (a) an application for or renewal of a professional or occupational license issued under  
1155 Title 58, Occupations and Professions;

1156 (b) the renewal of a drivers license;

1157 (c) an application for a hunting or fishing license;

1158 (d) the filing of:

1159 (i) a return under Title 59, Chapter 10, Individual Income Tax Act, or Title 59, Chapter  
1160 12, Sales and Use Tax Act;

1161 (ii) a court document, as defined by the Judicial Council; or

1162 (iii) a document under Title 70A, Uniform Commercial Code;

1163 (e) a registration for:

1164 (i) a product; or

1165 (ii) a brand;

1166 (f) a renewal of a registration of a motor vehicle;

1167 (g) a registration under:

1168 (i) Title 16, Corporations;

1169 (ii) Title 42, Names; or

1170 (iii) Title 48, Unincorporated Business Entity Act; or

1171 (h) submission of an application for benefits:

1172 (i) under Title 35A, Chapter 3, Employment Support Act;

1173 (ii) under Title 35A, Chapter 4, Employment Security Act; or

1174 (iii) related to accident and health insurance.

1175 (2) The state system of public education, in coordination with the Utah Education and  
1176 Telehealth Network, shall make reasonable progress toward making the following services  
1177 available electronically:

1178 (a) secure access by parents and students to student grades and progress reports;

1179 (b) email communications with:

1180 (i) teachers;

1181 (ii) parent-teacher associations; and

1182 (iii) school administrators;

1183 (c) access to school calendars and schedules; and

1184 (d) teaching resources that may include:

1185 (i) teaching plans;

1186 (ii) curriculum guides; and

1187 (iii) media resources.

1188 (3) A state governmental agency shall:

1189 (a) in carrying out the requirements of this section, take reasonable steps to ensure the  
1190 security and privacy of records that are private or controlled as defined by Title 63G, Chapter 2,  
1191 Government Records Access and Management Act;

1192 (b) in addition to those transactions listed in Subsections (1) and (2), determine any  
1193 additional services that may be made available to the public through electronic means; and

1194 (c) as part of the agency's information technology plan required by Section [~~63F-1-204~~]  
1195 [63A-16-203](#), report on the progress of compliance with Subsections (1) through (3).

1196 (4) Notwithstanding the other provisions of this part, a state governmental agency is  
1197 not required by this part to conduct a transaction electronically if:

1198 (a) conducting the transaction electronically is not required by federal law; and

1199 (b) conducting the transaction electronically is:

1200 (i) impractical;

1201 (ii) unreasonable; or

1202 (iii) not permitted by laws pertaining to privacy or security.

1203 (5) (a) For purposes of this Subsection (5), "one-stop shop" means the consolidation of  
1204 access to diverse services and agencies at one location including virtual colocation.

1205 (b) State agencies that provide services or offer direct assistance to the business

1206 community shall participate in the establishment, maintenance, and enhancement of an  
1207 integrated Utah business web portal known as Business.utah.gov. The purpose of the business  
1208 web portal is to provide "one-stop shop" assistance to businesses.

1209 (c) State agencies shall partner with other governmental and nonprofit agencies whose  
1210 primary mission is to provide services or offer direct assistance to the business community in  
1211 Utah in fulfilling the requirements of this section.

1212 (d) The following state entities shall comply with the provisions of this Subsection (5):

1213 (i) Governor's Office of Economic Development, which shall serve as the managing  
1214 partner for the website;

1215 (ii) Department of Workforce Services;

1216 (iii) Department of Commerce;

1217 (iv) Tax Commission;

1218 (v) Department of [~~Administrative Services~~] Government Operations - Division of  
1219 Purchasing and General Services, including other state agencies operating under a grant of  
1220 authority from the division to procure goods and services in excess of \$5,000;

1221 (vi) Department of Agriculture;

1222 (vii) Department of Natural Resources; and

1223 (viii) other state agencies that provide services or offer direct assistance to the business  
1224 sector.

1225 (e) The business services available on the business web portal may include:

1226 (i) business life cycle information;

1227 (ii) business searches;

1228 (iii) employment needs and opportunities;

1229 (iv) motor vehicle registration;

1230 (v) permit applications and renewal;

1231 (vi) tax information;

1232 (vii) government procurement bid notifications;

1233 (viii) general business information;

1234 (ix) business directories; and

1235 (x) business news.

1236 Section 15. Section **46-5-102** is amended to read:



1237 **46-5-102. Definitions.**

1238 In this chapter:

1239 (1) "Electronic" means relating to technology having electrical, digital, magnetic,  
1240 wireless, optical, electromagnetic, or similar capabilities.

1241 (2) "Legal material" means, whether or not in effect:

1242 (a) the Utah Constitution;

1243 (b) the Laws of Utah;

1244 (c) the Utah Code;

1245 (d) the Utah Administrative Code; or

1246 (e) the Utah State Bulletin.

1247 (3) "Official publisher" means:

1248 (a) for the Utah Constitution, the Office of Legislative Research and General Counsel;

1249 (b) for the Laws of Utah, the Office of Legislative Research and General Counsel;

1250 (c) for the Utah Code, the Office of Legislative Research and General Counsel;

1251 (d) for the Utah Administrative Code, the Office of Administrative Rules created in

1252 Section [63G-3-401](#) within the Department of [~~Administrative Services~~] Government1253 Operations; or

1254 (e) for the Utah State Bulletin, the Office of Administrative Rules.

1255 (4) "Publish" means to display, present, or release to the public, or cause to be  
1256 displayed, presented, or released to the public, by the official publisher.1257 (5) "Record" means information that is inscribed on a tangible medium or that is stored  
1258 in an electronic or other medium and is retrievable in perceivable form.1259 (6) "State" means a state of the United States, the District of Columbia, Puerto Rico,  
1260 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction  
1261 of the United States.1262 Section 16. Section **49-11-406** is amended to read:1263 **49-11-406. Governor's appointed executives and senior staff -- Appointed**  
1264 **legislative employees -- Transfer of value of accrued defined benefit -- Procedures.**

1265 (1) As used in this section:

1266 (a) "Defined benefit balance" means the total amount of the contributions made on  
1267 behalf of a member to a defined benefit system plus refund interest.

1268 (b) "Senior staff" means an at-will employee who reports directly to an elected official,  
1269 executive director, or director and includes a deputy director and other similar, at-will  
1270 employee positions designated by the governor, the speaker of the House, or the president of  
1271 the Senate and filed with the [~~Department~~] Division of Human Resource Management and the  
1272 Utah State Retirement Office.

1273 (2) In accordance with this section and subject to requirements under federal law and  
1274 rules made by the board, a member who has service credit from a system may elect to be  
1275 exempt from coverage under a defined benefit system and to have the member's defined benefit  
1276 balance transferred from the defined benefit system or plan to a defined contribution plan in the  
1277 member's own name if the member is:

- 1278 (a) the state auditor;
- 1279 (b) the state treasurer;
- 1280 (c) an appointed executive under Subsection 67-22-2(1)(a);
- 1281 (d) an employee in the Governor's Office;
- 1282 (e) senior staff in the Governor's Office of Management and Budget;
- 1283 (f) senior staff in the Governor's Office of Economic Development;
- 1284 (g) senior staff in the Commission on Criminal and Juvenile Justice;
- 1285 (h) a legislative employee appointed under Subsection 36-12-7(3)(a);
- 1286 (i) a legislative employee appointed by the speaker of the House of Representatives, the  
1287 House of Representatives minority leader, the president of the Senate, or the Senate minority  
1288 leader; or
- 1289 (j) senior staff of the Utah Science Technology and Research Initiative created under  
1290 Title 63M, Chapter 2, Utah Science Technology and Research Governing Authority Act.

1291 (3) An election made under Subsection (2):

- 1292 (a) is final, and no right exists to make any further election;
- 1293 (b) is considered a request to be exempt from coverage under a defined benefits  
1294 system; and

1295 (c) shall be made on forms provided by the office.

1296 (4) The board shall adopt rules to implement and administer this section.

1297 Section 17. Section 49-14-201 is amended to read:

1298 **49-14-201. System membership -- Eligibility.**

1299 (1) Except as provided in Section 49-15-201, a public safety service employee of a  
1300 participating employer participating in this system is eligible for service credit in this system at  
1301 the earliest of:

1302 (a) July 1, 1969, if the public safety service employee was employed by the  
1303 participating employer on July 1, 1969, and the participating employer was participating in this  
1304 system on that date;

1305 (b) the date the participating employer begins participating in this system if the public  
1306 safety service employee was employed by the participating employer on that date; or

1307 (c) the date the public safety service employee is employed by the participating  
1308 employer and is eligible to perform public safety service, except that a public safety service  
1309 employee initially entering employment with a participating employer on or after July 1, 2011,  
1310 who does not have service credit accrued before July 1, 2011, in a Tier I system or plan  
1311 administered by the board, may not participate in this system.

1312 (2) (a) (i) A participating employer that has public safety service and firefighter service  
1313 employees that require cross-training and duty shall enroll those dual purpose employees in the  
1314 system in which the greatest amount of time is actually worked.

1315 (ii) The employees shall either be full-time public safety service or full-time firefighter  
1316 service employees of the participating employer.

1317 (b) (i) Prior to transferring a dual purpose employee from one system to another, the  
1318 participating employer shall receive written permission from the office.

1319 (ii) The office may request documentation to verify the appropriateness of the transfer.

1320 (3) The board may combine or segregate the actuarial experience of participating  
1321 employers in this system for the purpose of setting contribution rates.

1322 (4) (a) (i) Each participating employer participating in this system shall annually  
1323 submit to the office a schedule indicating the positions to be covered under this system in  
1324 accordance with this chapter.

1325 (ii) The office may require documentation to justify the inclusion of any position under  
1326 this system.

1327 (b) If there is a dispute between the office and a participating employer or employee  
1328 over any position to be covered, the disputed position shall be submitted to the Peace Officer  
1329 Standards and Training Council established under Section 53-6-106 for determination.

1330 (c) (i) The Peace Officer Standards and Training Council's authority to decide  
1331 eligibility for public safety service credit is limited to claims for coverage under this system for  
1332 time periods after July 1, 1989.

1333 (ii) A decision of the Peace Officer Standards and Training Council may not be applied  
1334 to service credit earned in another system prior to July 1, 1989.

1335 (iii) Except as provided under Subsection (4)(c)(iv), a decision of the Peace Officer  
1336 Standards and Training Council granting a position coverage under this system may only be  
1337 applied prospectively from the date of that decision.

1338 (iv) A decision of the Peace Officer Standards and Training Council granting a position  
1339 coverage under this system may be applied retroactively only if:

1340 (A) the participating employer covered other similarly situated positions under this  
1341 system during the time period in question; and

1342 (B) the position otherwise meets all eligibility requirements for receiving service credit  
1343 in this system during the period for which service credit is to be granted.

1344 (5) The Peace Officer Standards and Training Council may use a subcommittee to  
1345 provide a recommendation to the council in determining disputes between the office and a  
1346 participating employer or employee over a position to be covered under this system.

1347 (6) The Peace Officer Standards and Training Council shall comply with Title 63G,  
1348 Chapter 4, Administrative Procedures Act, in resolving coverage disputes in this system.

1349 (7) A public safety employee who is transferred or promoted to an administration  
1350 position requiring the performance of duties that consist primarily of management or  
1351 supervision of public safety service employees shall continue to earn public safety service  
1352 credit in this system as long as the employee remains employed in the same department.

1353 (8) An employee of the Department of Corrections shall continue to earn public safety  
1354 service credit in this system if:

1355 (a) the employee's position is no longer covered under this system for new employees  
1356 hired on or after July 1, 2015; and

1357 (b) the employee:

1358 (i) remains employed by the Department of Corrections;

1359 (ii) meets the eligibility requirements of this system;

1360 (iii) was hired into a position covered by this system prior to July 1, 2015; and

1361 (iv) has not had a break in service on or after July 1, 2015.

1362 (9) An employee who is reassigned to the [~~Department~~] Division of Technology  
1363 Services or to the [~~Department~~] Division of Human Resource Management, and who was a  
1364 member of this system, is entitled to remain a member of this system.

1365 (10) (a) To determine that a position is covered under this system, the office and, if a  
1366 coverage dispute arises, the Peace Officer Standards and Training Council shall find that the  
1367 position requires the employee to:

1368 (i) except for a dispatcher, place the employee's life or personal safety at risk; and

1369 (ii) complete training as provided in Section 53-6-303, 53-13-103, 53-13-104, or  
1370 53-13-105.

1371 (b) If a position satisfies the requirements of Subsection (10)(a), the office and the  
1372 Peace Officer Standards and Training Council shall consider whether or not the position  
1373 requires the employee to:

1374 (i) perform duties that consist primarily of actively preventing or detecting crime and  
1375 enforcing criminal statutes or ordinances of this state or any of its political subdivisions;

1376 (ii) perform duties that consist primarily of providing community protection; and

1377 (iii) respond to situations involving threats to public safety and make emergency  
1378 decisions affecting the lives and health of others.

1379 (11) If a subcommittee is used to recommend the determination of disputes to the  
1380 Peace Officer Standards and Training Council, the subcommittee shall comply with the  
1381 requirements of Subsection (10) in making its recommendation.

1382 (12) A final order of the Peace Officer Standards and Training Council regarding a  
1383 dispute is a final agency action for purposes of Title 63G, Chapter 4, Administrative  
1384 Procedures Act.

1385 (13) Except as provided under Subsection (14), if a participating employer's public  
1386 safety service employees are not covered by this system or under Chapter 15, Public Safety  
1387 Noncontributory Retirement Act, as of January 1, 1998, those public safety service employees  
1388 who may otherwise qualify for membership in this system shall, at the discretion of the  
1389 participating employer, remain in their current retirement system.

1390 (14) (a) A public safety service employee employed by an airport police department,  
1391 which elects to cover its public safety service employees under the Public Safety

1392 Noncontributory Retirement System under Subsection (13), may elect to remain in the public  
1393 safety service employee's current retirement system.

1394 (b) The public safety service employee's election to remain in the current retirement  
1395 system under Subsection (14)(a):

1396 (i) shall be made at the time the employer elects to move its public safety service  
1397 employees to a public safety retirement system;

1398 (ii) documented by written notice to the participating employer; and

1399 (iii) is irrevocable.

1400 (15) (a) Subject to Subsection (16), beginning July 1, 2015, a public safety service  
1401 employee who is a dispatcher employed by:

1402 (i) the state shall be eligible for service credit in this system; and

1403 (ii) a participating employer other than the state shall be eligible for service credit in  
1404 this system if the dispatcher's participating employer elects to cover its dispatchers under this  
1405 system.

1406 (b) A participating employer's election to cover its dispatchers under this system under  
1407 Subsection (15)(a)(ii) is irrevocable and shall be documented by a resolution adopted by the  
1408 governing body of the participating employer in accordance with rules made by the office.

1409 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution  
1410 of a participating employer under Subsection (15)(b), is not eligible for service credit in this  
1411 system.

1412 (16) Notwithstanding any other provision of this section, a person initially entering  
1413 employment with a participating employer on or after July 1, 2011, who does not have service  
1414 credit accrued before July 1, 2011, in a Tier I system or plan administered by the board, may  
1415 not participate in this system.

1416 Section 18. Section **49-15-201** is amended to read:

1417 **49-15-201. System membership -- Eligibility.**

1418 (1) (a) A public safety service employee employed by the state after July 1, 1989, but  
1419 before July 1, 2011, is eligible for service credit in this system.

1420 (b) A public safety service employee employed by the state prior to July 1, 1989, may  
1421 either elect to receive service credit in this system or continue to receive service credit under  
1422 the system established under Chapter 14, Public Safety Contributory Retirement Act, by

1423 following the procedures established by the board under this chapter.

1424 (2) (a) Public safety service employees of a participating employer other than the state  
1425 that elected on or before July 1, 1989, to remain in the Public Safety Contributory Retirement  
1426 System shall be eligible only for service credit in that system.

1427 (b) (i) A participating employer other than the state that elected on or before July 1,  
1428 1989, to participate in this system shall, have allowed, prior to July 1, 1989, a public safety  
1429 service employee to elect to participate in either this system or the Public Safety Contributory  
1430 Retirement System.

1431 (ii) Except as expressly allowed by this title, the election of the public safety service  
1432 employee is final and may not be changed.

1433 (c) A public safety service employee hired by a participating employer other than the  
1434 state after July 1, 1989, but before July 1, 2011, shall become a member in this system.

1435 (d) A public safety service employee of a participating employer other than the state  
1436 who began participation in this system after July 1, 1989, but before July 1, 2011, is only  
1437 eligible for service credit in this system.

1438 (e) A person initially entering employment with a participating employer on or after  
1439 July 1, 2011, who does not have service credit accrued before July 1, 2011, in a Tier I system  
1440 or plan administered by the board, may not participate in this system.

1441 (3) (a) (i) A participating employer that has public safety service and firefighter service  
1442 employees that require cross-training and duty shall enroll those dual purpose employees in the  
1443 system in which the greatest amount of time is actually worked.

1444 (ii) The employees shall either be full-time public safety service or full-time firefighter  
1445 service employees of the participating employer.

1446 (b) (i) Prior to transferring a dual purpose employee from one system to another, the  
1447 participating employer shall receive written permission from the office.

1448 (ii) The office may request documentation to verify the appropriateness of the transfer.

1449 (4) The board may combine or segregate the actuarial experience of participating  
1450 employers in this system for the purpose of setting contribution rates.

1451 (5) (a) (i) Each participating employer participating in this system shall annually  
1452 submit to the office a schedule indicating the positions to be covered under this system in  
1453 accordance with this chapter.

1454 (ii) The office may require documentation to justify the inclusion of any position under  
1455 this system.

1456 (b) If there is a dispute between the office and a participating employer or employee  
1457 over any position to be covered, the disputed position shall be submitted to the Peace Officer  
1458 Standards and Training Council established under Section 53-6-106 for determination.

1459 (c) (i) The Peace Officer Standards and Training Council's authority to decide  
1460 eligibility for public safety service credit is limited to claims for coverage under this system for  
1461 time periods after July 1, 1989.

1462 (ii) A decision of the Peace Officer Standards and Training Council may not be applied  
1463 to service credit earned in another system prior to July 1, 1989.

1464 (iii) Except as provided under Subsection (5)(c)(iv), a decision of the Peace Officer  
1465 Standards and Training Council granting a position coverage under this system may only be  
1466 applied prospectively from the date of that decision.

1467 (iv) A decision of the Peace Officer Standards and Training Council granting a position  
1468 coverage under this system may be applied retroactively only if:

1469 (A) the participating employer covered other similarly situated positions under this  
1470 system during the time period in question; and

1471 (B) the position otherwise meets all eligibility requirements for receiving service credit  
1472 in this system during the period for which service credit is to be granted.

1473 (6) The Peace Officer Standards and Training Council may use a subcommittee to  
1474 provide a recommendation to the council in determining disputes between the office and a  
1475 participating employer or employee over a position to be covered under this system.

1476 (7) The Peace Officer Standards and Training Council shall comply with Title 63G,  
1477 Chapter 4, Administrative Procedures Act, in resolving coverage disputes in this system.

1478 (8) A public safety service employee who is transferred or promoted to an  
1479 administration position requiring the performance of duties that consist primarily of  
1480 management or supervision of public safety service employees shall continue to earn public  
1481 safety service credit in this system as long as the employee remains employed in the same  
1482 department.

1483 (9) An employee of the Department of Corrections shall continue to earn public safety  
1484 service credit in this system if:



1485 (a) the employee's position is no longer covered under this system for new employees  
1486 hired on or after July 1, 2015; and

1487 (b) the employee:

1488 (i) remains employed by the Department of Corrections;

1489 (ii) meets the eligibility requirements of this system;

1490 (iii) was hired into a position covered by this system prior to July 1, 2015; and

1491 (iv) has not had a break in service on or after July 1, 2015.

1492 (10) Any employee who is reassigned to the [~~Department~~] Division of Technology  
1493 Services or to the [~~Department~~] Division of Human Resource Management, and who was a  
1494 member in this system, shall be entitled to remain a member in this system.

1495 (11) (a) To determine that a position is covered under this system, the office and, if a  
1496 coverage dispute arises, the Peace Officer Standards and Training Council shall find that the  
1497 position requires the employee to:

1498 (i) except for a dispatcher, place the employee's life or personal safety at risk; and

1499 (ii) complete training as provided in Section 53-6-303, 53-13-103, 53-13-104, or  
1500 53-13-105.

1501 (b) If a position satisfies the requirements of Subsection (11)(a), the office and Peace  
1502 Officer Standards and Training Council shall consider whether the position requires the  
1503 employee to:

1504 (i) perform duties that consist primarily of actively preventing or detecting crime and  
1505 enforcing criminal statutes or ordinances of this state or any of its political subdivisions;

1506 (ii) perform duties that consist primarily of providing community protection; and

1507 (iii) respond to situations involving threats to public safety and make emergency  
1508 decisions affecting the lives and health of others.

1509 (12) If a subcommittee is used to recommend the determination of disputes to the  
1510 Peace Officer Standards and Training Council, the subcommittee shall comply with the  
1511 requirements of Subsection (11) in making its recommendation.

1512 (13) A final order of the Peace Officer Standards and Training Council regarding a  
1513 dispute is a final agency action for purposes of Title 63G, Chapter 4, Administrative  
1514 Procedures Act.

1515 (14) Except as provided under Subsection (15), if a participating employer's public

1516 safety service employees are not covered by this system or under Chapter 14, Public Safety  
1517 Contributory Retirement Act, as of January 1, 1998, those public safety service employees who  
1518 may otherwise qualify for membership in this system shall, at the discretion of the participating  
1519 employer, remain in their current retirement system.

1520 (15) (a) A public safety service employee employed by an airport police department,  
1521 which elects to cover its public safety service employees under the Public Safety  
1522 Noncontributory Retirement System under Subsection (14), may elect to remain in the public  
1523 safety service employee's current retirement system.

1524 (b) The public safety service employee's election to remain in the current retirement  
1525 system under Subsection (15)(a):

1526 (i) shall be made at the time the employer elects to move its public safety service  
1527 employees to a public safety retirement system;

1528 (ii) shall be documented by written notice to the participating employer; and

1529 (iii) is irrevocable.

1530 (16) (a) Subject to Subsection (17), beginning July 1, 2015, a public safety service  
1531 employee who is a dispatcher employed by:

1532 (i) the state shall be eligible for service credit in this system; and

1533 (ii) a participating employer other than the state shall be eligible for service credit in  
1534 this system if the dispatcher's participating employer elects to cover its dispatchers under this  
1535 system.

1536 (b) A participating employer's election to cover its dispatchers under this system under  
1537 Subsection (16)(a)(ii) is irrevocable and shall be documented by a resolution adopted by the  
1538 governing body of the participating employer in accordance with rules made by the office.

1539 (c) A dispatcher's service before July 1, 2015, or before a date specified by resolution  
1540 of a participating employer under Subsection (16)(b), is not eligible for service credit in this  
1541 system.

1542 (17) Notwithstanding any other provision of this section, a person initially entering  
1543 employment with a participating employer on or after July 1, 2011, who does not have service  
1544 credit accrued before July 1, 2011, in a Tier I system or plan administered by the board, may  
1545 not participate in this system.

1546 Section 19. Section **49-20-401** is amended to read:

- 1547           **49-20-401. Program -- Powers and duties.**
- 1548           (1) The program shall:
- 1549           (a) act as a self-insurer of employee benefit plans and administer those plans;
- 1550           (b) enter into contracts with private insurers or carriers to underwrite employee benefit
- 1551 plans as considered appropriate by the program;
- 1552           (c) indemnify employee benefit plans or purchase commercial reinsurance as
- 1553 considered appropriate by the program;
- 1554           (d) provide descriptions of all employee benefit plans under this chapter in cooperation
- 1555 with covered employers;
- 1556           (e) process claims for all employee benefit plans under this chapter or enter into
- 1557 contracts, after competitive bids are taken, with other benefit administrators to provide for the
- 1558 administration of the claims process;
- 1559           (f) obtain an annual actuarial review of all health and dental benefit plans and a
- 1560 periodic review of all other employee benefit plans;
- 1561           (g) consult with the covered employers to evaluate employee benefit plans and develop
- 1562 recommendations for benefit changes;
- 1563           (h) annually submit a budget and audited financial statements to the governor and
- 1564 Legislature which includes total projected benefit costs and administrative costs;
- 1565           (i) maintain reserves sufficient to liquidate the unrevealed claims liability and other
- 1566 liabilities of the employee benefit plans as certified by the program's consulting actuary;
- 1567           (j) submit, in advance, its recommended benefit adjustments for state employees to:
- 1568           (i) the Legislature; and
- 1569           (ii) the executive director of the state [~~Department~~] Division of Human Resource
- 1570 Management;
- 1571           (k) determine benefits and rates, upon approval of the board, for multi-employer risk
- 1572 pools, retiree coverage, and conversion coverage;
- 1573           (l) determine benefits and rates based on the total estimated costs and the employee
- 1574 premium share established by the Legislature, upon approval of the board, for state employees;
- 1575           (m) administer benefits and rates, upon ratification of the board, for single-employer
- 1576 risk pools;
- 1577           (n) request proposals for provider networks or health and dental benefit plans

1578 administered by third-party carriers at least once every three years for the purposes of:

1579       (i) stimulating competition for the benefit of covered individuals;

1580       (ii) establishing better geographical distribution of medical care services; and

1581       (iii) providing coverage for both active and retired covered individuals;

1582       (o) offer proposals which meet the criteria specified in a request for proposals and

1583 accepted by the program to active and retired state covered individuals and which may be

1584 offered to active and retired covered individuals of other covered employers at the option of the

1585 covered employer;

1586       (p) perform the same functions established in Subsections (1)(a), (b), (e), and (h) for

1587 the Department of Health if the program provides program benefits to children enrolled in the

1588 Utah Children's Health Insurance Program created in Title 26, Chapter 40, Utah Children's

1589 Health Insurance Act;

1590       (q) establish rules and procedures governing the admission of political subdivisions or

1591 educational institutions and their employees to the program;

1592       (r) contract directly with medical providers to provide services for covered individuals;

1593       (s) take additional actions necessary or appropriate to carry out the purposes of this

1594 chapter;

1595       (t) (i) require state employees and their dependents to participate in the electronic

1596 exchange of clinical health records in accordance with Section [26-1-37](#) unless the enrollee opts

1597 out of participation; and

1598       (ii) prior to enrolling the state employee, each time the state employee logs onto the

1599 program's website, and each time the enrollee receives written enrollment information from the

1600 program, provide notice to the enrollee of the enrollee's participation in the electronic exchange

1601 of clinical health records and the option to opt out of participation at any time; and

1602       (u) at the request of a procurement unit, as that term is defined in Section [63G-6a-103](#),

1603 that administers benefits to program recipients who are not covered by Title 26, Utah Health

1604 Code, provide services for:

1605       (i) drugs;

1606       (ii) medical devices; or

1607       (iii) other types of medical care.

1608       (2) (a) Funds budgeted and expended shall accrue from rates paid by the covered

1609 employers and covered individuals.

1610 (b) Administrative costs shall be approved by the board and reported to the governor  
1611 and the Legislature.

1612 (3) The [~~Department~~] Division of Human Resource Management shall include the  
1613 benefit adjustments described in Subsection (1)(j) in the total compensation plan recommended  
1614 to the governor required under Subsection [~~67-19-12~~] 63A-17-307(5)(a).

1615 Section 20. Section **49-20-410** is amended to read:

1616 **49-20-410. High deductible health plan -- Health savings account --**

1617 **Contributions.**

1618 (1) (a) In addition to other employee benefit plans offered under Subsection  
1619 49-20-201(1), the office shall offer at least one federally qualified high deductible health plan  
1620 with a health savings account as an optional health plan.

1621 (b) The provisions and limitations of the plan shall be:

1622 (i) determined by the office in accordance with federal requirements and limitations;

1623 and

1624 (ii) designed to promote appropriate health care utilization by consumers, including  
1625 preventive health care services.

1626 (c) A state employee hired on or after July 1, 2011, who is offered a plan under  
1627 Subsection 49-20-202(1)(a), shall be enrolled in a federally qualified high deductible health  
1628 plan unless the employee chooses a different health benefit plan during the employee's open  
1629 enrollment period.

1630 (2) The office shall:

1631 (a) administer the high deductible health plan in coordination with a health savings  
1632 account for medical expenses for each covered individual in the high deductible health plan;

1633 (b) offer to all employees training regarding all health plans offered to employees;

1634 (c) prepare online training as an option for the training required by Subsections (2)(b)

1635 and (4);

1636 (d) ensure the training offered under Subsections (2)(b) and (c) includes information on  
1637 changing coverages to the high deductible plan with a health savings account, including  
1638 coordination of benefits with other insurances, restrictions on other insurance coverages, and  
1639 general tax implications; and

1640 (e) coordinate annual open enrollment with the [~~Department~~] Division of Human  
1641 Resource Management to give state employees the opportunity to affirmatively select  
1642 preferences from among insurance coverage options.

1643 (3) (a) Contributions to the health savings account may be made by the employer.

1644 (b) The amount of the employer contributions under Subsection (3)(a) shall be  
1645 determined annually by the office, after consultation with the [~~Department~~] Division of Human  
1646 Resource Management and the Governor's Office of Management and Budget so that the  
1647 annual employer contribution amount is not less than the difference in the actuarial value  
1648 between the program's health maintenance organization coverage and the federally qualified  
1649 high deductible health plan coverage, after taking into account any difference in employee  
1650 premium contribution.

1651 (c) The office shall distribute the annual amount determined under Subsection (3)(b) to  
1652 employees in two equal amounts with a pay date in January and a pay date in July of each plan  
1653 year.

1654 (d) An employee may also make contributions to the health savings account.

1655 (e) If an employee is ineligible for a contribution to a health savings account under  
1656 federal law and would otherwise be eligible for the contribution under Subsection (3)(a), the  
1657 contribution shall be distributed into a health reimbursement account or other tax-advantaged  
1658 arrangement authorized under the Internal Revenue Code for the benefit of the employee.

1659 (4) (a) An employer participating in a plan offered under Subsection 49-20-202(1)(a)  
1660 shall require each employee to complete training on the health plan options available to the  
1661 employee.

1662 (b) The training required by Subsection (4)(a):

1663 (i) shall include materials prepared by the office under Subsection (2);

1664 (ii) may be completed online; and

1665 (iii) shall be completed:

1666 (A) before the end of the 2012 open enrollment period for current enrollees in the  
1667 program; and

1668 (B) for employees hired on or after July 1, 2011, before the employee's selection of a  
1669 plan in the program.

1670 Section 21. Section **53-1-106** is amended to read:

1671 **53-1-106. Department duties -- Powers.**

1672 (1) In addition to the responsibilities contained in this title, the department shall:

1673 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic  
1674 Code, including:1675 (i) setting performance standards for towing companies to be used by the department,  
1676 as required by Section 41-6a-1406; and1677 (ii) advising the Department of Transportation regarding the safe design and operation  
1678 of school buses, as required by Section 41-6a-1304;1679 (b) make rules to establish and clarify standards pertaining to the curriculum and  
1680 teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;

1681 (c) aid in enforcement efforts to combat drug trafficking;

1682 (d) meet with the [Department] Division of Technology Services to formulate  
1683 contracts, establish priorities, and develop funding mechanisms for dispatch and  
1684 telecommunications operations;1685 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for  
1686 Victims of Crime in conducting research or monitoring victims' programs, as required by  
1687 Section 63M-7-505;1688 (f) develop sexual assault exam protocol standards in conjunction with the Utah  
1689 Hospital Association;1690 (g) engage in emergency planning activities, including preparation of policy and  
1691 procedure and rulemaking necessary for implementation of the federal Emergency Planning  
1692 and Community Right to Know Act of 1986, as required by Section 53-2a-702;1693 (h) implement the provisions of Section 53-2a-402, the Emergency Management  
1694 Assistance Compact;1695 (i) ensure that any training or certification required of a public official or public  
1696 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
1697 22, State Training and Certification Requirements, if the training or certification is required:

1698 (i) under this title;

1699 (ii) by the department; or

1700 (iii) by an agency or division within the department; and

1701 (j) employ a law enforcement officer as a public safety liaison to be housed at the State

1702 Board of Education who shall work with the State Board of Education to:

1703 (i) support training with relevant state agencies for school resource officers as  
1704 described in Section [53G-8-702](#);

1705 (ii) coordinate the creation of model policies and memorandums of understanding for a  
1706 local education agency and a local law enforcement agency; and

1707 (iii) ensure cooperation between relevant state agencies, a local education agency, and  
1708 a local law enforcement agency to foster compliance with disciplinary related statutory  
1709 provisions, including Sections [53E-3-516](#) and [53G-8-211](#).

1710 (2) (a) The department shall establish a schedule of fees as required or allowed in this  
1711 title for services provided by the department.

1712 (b) All fees not established in statute shall be established in accordance with Section  
1713 [63J-1-504](#).

1714 (3) The department may establish or contract for the establishment of an Organ  
1715 Procurement Donor Registry in accordance with Section [26-28-120](#).

1716 Section 22. Section **53-2a-105** is amended to read:

1717 **53-2a-105. Emergency Management Administration Council created -- Function**  
1718 **-- Composition -- Expenses.**

1719 (1) There is created the Emergency Management Administration Council to provide  
1720 advice and coordination for state and local government agencies on government emergency  
1721 prevention, mitigation, preparedness, response, and recovery actions and activities.

1722 (2) The council shall meet at the call of the chair, but at least semiannually.

1723 (3) The council shall be made up of the:

1724 (a) lieutenant governor, or the lieutenant governor's designee;

1725 (b) attorney general, or the attorney general's designee;

1726 (c) heads of the following state agencies, or their designees:

1727 (i) Department of Public Safety;

1728 (ii) Division of Emergency Management;

1729 (iii) Department of Transportation;

1730 (iv) Department of Health;

1731 (v) Department of Environmental Quality;

1732 (vi) Department of Workforce Services;



- 1733 (vii) Department of Natural Resources;
- 1734 (viii) Department of Agriculture and Food;
- 1735 (ix) [~~Department~~] Division of Technology Services; and
- 1736 (x) Division of Indian Affairs;
- 1737 (d) adjutant general of the National Guard or the adjutant general's designee;
- 1738 (e) statewide interoperability coordinator of the Utah Communications Authority or the
- 1739 coordinator's designee;
- 1740 (f) two representatives with expertise in emergency management appointed by the Utah
- 1741 League of Cities and Towns;
- 1742 (g) two representatives with expertise in emergency management appointed by the
- 1743 Utah Association of Counties;
- 1744 (h) up to four additional members with expertise in emergency management, critical
- 1745 infrastructure, or key resources as these terms are defined under 6 U.S. Code Section 101
- 1746 appointed from the private sector, by the co-chairs of the council;
- 1747 (i) two representatives appointed by the Utah Emergency Management Association;
- 1748 (j) one representative from the Urban Area Working Group, appointed by the council
- 1749 co-chairs;
- 1750 (k) one representative from education, appointed by the council co-chairs; and
- 1751 (l) one representative from a volunteer or faith-based organization, appointed by the
- 1752 council co-chairs.
- 1753 (4) The commissioner and the lieutenant governor shall serve as co-chairs of the
- 1754 council.
- 1755 (5) A member may not receive compensation or benefits for the member's service, but
- 1756 may receive per diem and travel expenses in accordance with:
- 1757 (a) Section [63A-3-106](#);
- 1758 (b) Section [63A-3-107](#); and
- 1759 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 1760 [63A-3-107](#).
- 1761 (6) The council shall coordinate with existing emergency management related entities
- 1762 including:
- 1763 (a) the Emergency Management Regional Committees established by the Department

1764 of Public Safety;

1765 (b) the Statewide Mutual Aid Committee established under Section 53-2a-303; and

1766 (c) the Hazardous Chemical Emergency Response Commission designated under  
1767 Section 53-2a-703.

1768 (7) The council may appoint additional members or establish other committees and  
1769 task forces as determined necessary by the council to carry out the duties of the council.

1770 Section 23. Section 53-2a-802 is amended to read:

1771 **53-2a-802. Definitions.**

1772 (1) (a) "Absent" means:

1773 (i) not physically present or not able to be communicated with for 48 hours; or

1774 (ii) for local government officers, as defined by local ordinances.

1775 (b) "Absent" does not include a person who can be communicated with via telephone,  
1776 radio, or telecommunications.

1777 (2) "Department" means the Department of [~~Administrative Services~~] Government

1778 Operations, the Department of Agriculture and Food, the Alcoholic Beverage Control

1779 Commission, the Department of Commerce, the Department of Heritage and Arts, the

1780 Department of Corrections, the Department of Environmental Quality, the Department of

1781 Financial Institutions, the Department of Health, [~~the Department of Human Resource~~

1782 ~~Management~~,] the Department of Workforce Services, the Labor Commission, the National

1783 Guard, the Department of Insurance, the Department of Natural Resources, the Department of

1784 Public Safety, the Public Service Commission, the Department of Human Services, the State

1785 Tax Commission, [~~the Department of Technology Services~~,] the Department of Transportation,

1786 any other major administrative subdivisions of state government, the State Board of Education,

1787 the Utah Board of Higher Education, the Utah Housing Corporation, the State Retirement

1788 Board, and each institution of higher education within the system of higher education.

1789 (3) "Division" means the Division of Emergency Management established in Title 53,

1790 Chapter 2a, Part 1, Emergency Management Act.

1791 (4) "Emergency interim successor" means a person designated by this part to exercise

1792 the powers and discharge the duties of an office when the person legally exercising the powers

1793 and duties of the office is unavailable.

1794 (5) "Executive director" means the person with ultimate responsibility for managing

1795 and overseeing the operations of each department, however denominated.

1796 (6) (a) "Office" includes all state and local offices, the powers and duties of which are  
1797 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

1798 (b) "Office" does not include the office of governor or the legislative or judicial offices.

1799 (7) "Place of governance" means the physical location where the powers of an office  
1800 are being exercised.

1801 (8) "Political subdivision" includes counties, cities, towns, metro townships, districts,  
1802 authorities, and other public corporations and entities whether organized and existing under  
1803 charter or general law.

1804 (9) "Political subdivision officer" means a person holding an office in a political  
1805 subdivision.

1806 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and  
1807 the executive director of each department.

1808 (11) "Unavailable" means:

1809 (a) absent from the place of governance during a disaster that seriously disrupts normal  
1810 governmental operations, whether or not that absence or inability would give rise to a vacancy  
1811 under existing constitutional or statutory provisions; or

1812 (b) as otherwise defined by local ordinance.

1813 Section 24. Section **53-6-104** is amended to read:

1814 **53-6-104. Appointment of director of division -- Qualifications -- Appointment of**  
1815 **employees -- Term of office -- Compensation.**

1816 (1) The commissioner, upon recommendation of the council and with the approval of  
1817 the governor, shall appoint a director of the division.

1818 (2) The director is the executive and administrative head of the division and shall be  
1819 experienced in administration and possess additional qualifications as determined by the  
1820 commissioner and as provided by law.

1821 (3) The director shall be a full-time officer of the state.

1822 (4) The director may appoint deputies, consultants, clerks, and other employees from  
1823 eligibility lists authorized by the [~~Department~~] Division of Human Resource Management.

1824 (5) The director may be removed from his position at the will of the commissioner.

1825 (6) The director shall receive compensation as provided by Title [67] 63A, Chapter

1826 [19] 17, Utah State Personnel Management Act.

1827 Section 25. Section **53-10-108** is amended to read:

1828 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**  
1829 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**  
1830 **-- Missing children records -- Penalty for misuse of records.**

1831 (1) As used in this section:

1832 (a) "FBI Rap Back System" means the rap back system maintained by the Federal  
1833 Bureau of Investigation.

1834 (b) "Rap back system" means a system that enables authorized entities to receive  
1835 ongoing status notifications of any criminal history reported on individuals whose fingerprints  
1836 are registered in the system.

1837 (c) "WIN Database" means the Western Identification Network Database that consists  
1838 of eight western states sharing one electronic fingerprint database.

1839 (2) Dissemination of information from a criminal history record, including information  
1840 obtained from a fingerprint background check, name check, warrant of arrest information, or  
1841 information from division files, is limited to:

1842 (a) criminal justice agencies for purposes of administration of criminal justice and for  
1843 employment screening by criminal justice agencies;

1844 (b) (i) agencies or individuals pursuant to a specific agreement with a criminal justice  
1845 agency to provide services required for the administration of criminal justice;

1846 (ii) the agreement shall specifically authorize access to data, limit the use of the data to  
1847 purposes for which given, and ensure the security and confidentiality of the data;

1848 (c) a qualifying entity for employment background checks for their own employees and  
1849 persons who have applied for employment with the qualifying entity;

1850 (d) noncriminal justice agencies or individuals for any purpose authorized by statute,  
1851 executive order, court rule, court order, or local ordinance;

1852 (e) agencies or individuals for the purpose of obtaining required clearances connected  
1853 with foreign travel or obtaining citizenship;

1854 (f) agencies or individuals for the purpose of a preplacement adoptive study, in  
1855 accordance with the requirements of Sections [78B-6-128](#) and [78B-6-130](#);

1856 (g) private security agencies through guidelines established by the commissioner for

- 1857 employment background checks for their own employees and prospective employees;
- 1858 (h) state agencies for the purpose of conducting a background check for the following
- 1859 individuals:
- 1860 (i) employees;
- 1861 (ii) applicants for employment;
- 1862 (iii) volunteers; and
- 1863 (iv) contract employees;
- 1864 (i) governor's office for the purpose of conducting a background check on the
- 1865 following individuals:
- 1866 (i) cabinet members;
- 1867 (ii) judicial applicants; and
- 1868 (iii) members of boards, committees, and commissions appointed by the governor;
- 1869 (j) the office of the lieutenant governor for the purpose of conducting a background
- 1870 check on an individual applying to be a notary public under Section [46-1-3](#)[-];
- 1871 (k) agencies and individuals as the commissioner authorizes for the express purpose of
- 1872 research, evaluative, or statistical activities pursuant to an agreement with a criminal justice
- 1873 agency; and
- 1874 (l) other agencies and individuals as the commissioner authorizes and finds necessary
- 1875 for protection of life and property and for offender identification, apprehension, and
- 1876 prosecution pursuant to an agreement.
- 1877 (3) An agreement under Subsection (2)(k) shall specifically authorize access to data,
- 1878 limit the use of data to research, evaluative, or statistical purposes, preserve the anonymity of
- 1879 individuals to whom the information relates, and ensure the confidentiality and security of the
- 1880 data.
- 1881 (4) (a) Before requesting information, a qualifying entity under Subsection (2)(c), state
- 1882 agency, or other agency or individual described in Subsections (2)(d) through (j) shall obtain a
- 1883 signed waiver from the person whose information is requested.
- 1884 (b) The waiver shall notify the signee:
- 1885 (i) that a criminal history background check will be conducted;
- 1886 (ii) who will see the information; and
- 1887 (iii) how the information will be used.

1888 (c) A qualifying entity under Subsection (2)(c), state agency, or other agency or  
1889 individual described in Subsections (2)(d) through (g) that submits a request for a noncriminal  
1890 justice name based background check of local databases to the bureau shall provide to the  
1891 bureau:

- 1892 (i) personal identifying information for the subject of the background check; and
- 1893 (ii) the fee required by Subsection (15).

1894 (d) A qualifying entity under Subsection (2)(c), state agency, or other agency or  
1895 individual described in Subsections (2)(d) through (g) that submits a request for a WIN  
1896 database check and a nationwide background check shall provide to the bureau:

- 1897 (i) personal identifying information for the subject of the background check;
- 1898 (ii) a fingerprint card for the subject of the background check; and
- 1899 (iii) the fee required by Subsection (15).

1900 (e) Information received by a qualifying entity under Subsection (2)(c), state agency, or  
1901 other agency or individual described in Subsections (2)(d) through (j) may only be:

- 1902 (i) available to individuals involved in the hiring or background investigation of the job  
1903 applicant, employee, or notary applicant;
- 1904 (ii) used for the purpose of assisting in making an employment appointment, selection,  
1905 or promotion decision or for considering a notary applicant under Section 46-1-3; and
- 1906 (iii) used for the purposes disclosed in the waiver signed in accordance with Subsection  
1907 (4)(b).

1908 (f) An individual who disseminates or uses information obtained from the division  
1909 under Subsections (2)(c) through (j) for purposes other than those specified under Subsection  
1910 (4)(e), in addition to any penalties provided under this section, is subject to civil liability.

1911 (g) A qualifying entity under Subsection (2)(c), state agency, or other agency or  
1912 individual described in Subsections (2)(d) through (j) that obtains background check  
1913 information shall provide the subject of the background check an opportunity to:

- 1914 (i) review the information received as provided under Subsection (9); and
- 1915 (ii) respond to any information received.

1916 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1917 division may make rules to implement this Subsection (4).

1918 (i) The division or its employees are not liable for defamation, invasion of privacy,

1919 negligence, or any other claim in connection with the contents of information disseminated  
1920 under Subsections (2)(c) through (j).

1921 (5) (a) Any criminal history record information obtained from division files may be  
1922 used only for the purposes for which it was provided and may not be further disseminated,  
1923 except under Subsection (5)(b), (c), or (d).

1924 (b) A criminal history provided to an agency pursuant to Subsection (2)(f) may be  
1925 provided by the agency to the individual who is the subject of the history, another licensed  
1926 child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an  
1927 adoption.

1928 (c) A criminal history of a defendant provided to a criminal justice agency under  
1929 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel,  
1930 upon request during the discovery process, for the purpose of establishing a defense in a  
1931 criminal case.

1932 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public  
1933 Transit District Act, that is under contract with a state agency to provide services may, for the  
1934 purposes of complying with Subsection 62A-5-103.5(5), provide a criminal history record to  
1935 the state agency or the agency's designee.

1936 (6) The division may not disseminate criminal history record information to qualifying  
1937 entities under Subsection (2)(c) regarding employment background checks if the information is  
1938 related to charges:

1939 (a) that have been declined for prosecution;

1940 (b) that have been dismissed; or

1941 (c) regarding which a person has been acquitted.

1942 (7) (a) This section does not preclude the use of the division's central computing  
1943 facilities for the storage and retrieval of criminal history record information.

1944 (b) This information shall be stored so it cannot be modified, destroyed, or accessed by  
1945 unauthorized agencies or individuals.

1946 (8) Direct access through remote computer terminals to criminal history record  
1947 information in the division's files is limited to those agencies authorized by the commissioner  
1948 under procedures designed to prevent unauthorized access to this information.

1949 (9) (a) The commissioner shall establish procedures to allow an individual right of

1950 access to review and receive a copy of the individual's criminal history report.

1951 (b) A processing fee for the right of access service, including obtaining a copy of the  
1952 individual's criminal history report under Subsection (9)(a) shall be set in accordance with  
1953 Section [63J-1-504](#).

1954 (c) (i) The commissioner shall establish procedures for an individual to challenge the  
1955 completeness and accuracy of criminal history record information contained in the division's  
1956 computerized criminal history files regarding that individual.

1957 (ii) These procedures shall include provisions for amending any information found to  
1958 be inaccurate or incomplete.

1959 (10) The private security agencies as provided in Subsection (2)(g):

1960 (a) shall be charged for access; and

1961 (b) shall be registered with the division according to rules made by the division under  
1962 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1963 (11) Before providing information requested under this section, the division shall give  
1964 priority to criminal justice agencies needs.

1965 (12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,  
1966 use, disclose, or disseminate a record created, maintained, or to which access is granted by the  
1967 division or any information contained in a record created, maintained, or to which access is  
1968 granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or  
1969 policy of a governmental entity.

1970 (b) A person who discovers or becomes aware of any unauthorized use of records  
1971 created or maintained, or to which access is granted by the division shall inform the  
1972 commissioner and the director of the Utah Bureau of Criminal Identification of the  
1973 unauthorized use.

1974 (13) (a) Subject to Subsection (13)(b), a qualifying entity or an entity described in  
1975 Subsection (2) may request that the division register fingerprints taken for the purpose of  
1976 conducting current and future criminal background checks under this section with:

1977 (i) the WIN Database rap back system, or any successor system;

1978 (ii) the FBI Rap Back System; or

1979 (iii) a system maintained by the division.

1980 (b) A qualifying entity or an entity described in Subsection (2) may only make a



1981 request under Subsection (13)(a) if the entity:

1982 (i) has the authority through state or federal statute or federal executive order;

1983 (ii) obtains a signed waiver from the individual whose fingerprints are being registered;

1984 and

1985 (iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives  
1986 notifications for individuals with whom the entity maintains an authorizing relationship.

1987 (14) The division is authorized to submit fingerprints to the FBI Rap Back System to  
1988 be retained in the FBI Rap Back System for the purpose of being searched by future  
1989 submissions to the FBI Rap Back System, including latent fingerprint searches.

1990 (15) (a) The division shall impose fees set in accordance with Section 63J-1-504 for  
1991 the applicant fingerprint card, name check, and to register fingerprints under Subsection  
1992 (13)(a).

1993 (b) Funds generated under this Subsection (15) shall be deposited into the General  
1994 Fund as a dedicated credit by the department to cover the costs incurred in providing the  
1995 information.

1996 (c) The division may collect fees charged by an outside agency for services required  
1997 under this section.

1998 (16) For the purposes of conducting a criminal background check authorized under  
1999 Subsection (2)(h),(i), or (j), the [~~Department~~] Division of Human Resource Management, in  
2000 accordance with Title [~~67, Chapter 19~~] 63A, Chapter 17, Utah State Personnel Management  
2001 Act, and the governor's office shall have direct access to criminal background information  
2002 maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

2003 Section 26. Section **53B-17-105** is amended to read:

2004 **53B-17-105. Utah Education and Telehealth Network.**

2005 (1) There is created the Utah Education and Telehealth Network, or UETN.

2006 (2) UETN shall:

2007 (a) coordinate and support the telecommunications needs of public and higher  
2008 education, public libraries, and entities affiliated with the state systems of public and higher  
2009 education as approved by the Utah Education and Telehealth Network Board, including the  
2010 statewide development and implementation of a network for education, which utilizes satellite,  
2011 microwave, fiber-optic, broadcast, and other transmission media;

- 2012 (b) coordinate the various telecommunications technology initiatives of public and
- 2013 higher education;
- 2014 (c) provide high-quality, cost-effective Internet access and appropriate interface
- 2015 equipment for schools and school systems;
- 2016 (d) procure, install, and maintain telecommunication services and equipment on behalf
- 2017 of public and higher education;
- 2018 (e) develop or implement other programs or services for the delivery of distance
- 2019 learning and telehealth services as directed by law;
- 2020 (f) apply for state and federal funding on behalf of:
- 2021 (i) public and higher education; and
- 2022 (ii) telehealth services;
- 2023 (g) in consultation with health care providers from a variety of health care systems,
- 2024 explore and encourage the development of telehealth services as a means of reducing health
- 2025 care costs and increasing health care quality and access, with emphasis on assisting rural health
- 2026 care providers and special populations; and
- 2027 (h) in consultation with the Utah Department of Health, advise the governor and the
- 2028 Legislature on:
  - 2029 (i) the role of telehealth in the state;
  - 2030 (ii) the policy issues related to telehealth;
  - 2031 (iii) the changing telehealth needs and resources in the state; and
  - 2032 (iv) state budgetary matters related to telehealth.
- 2033 (3) In performing the duties under Subsection (2), UETN shall:
  - 2034 (a) provide services to schools, school districts, and the public and higher education
  - 2035 systems through an open and competitive bidding process;
  - 2036 (b) work with the private sector to deliver high-quality, cost-effective services;
  - 2037 (c) avoid duplicating facilities, equipment, or services of private providers or public
  - 2038 telecommunications service, as defined under Section [54-8b-2](#);
  - 2039 (d) utilize statewide economic development criteria in the design and implementation
  - 2040 of the educational telecommunications infrastructure; and
  - 2041 (e) assure that public service entities, such as educators, public service providers, and
  - 2042 public broadcasters, are provided access to the telecommunications infrastructure developed in

2043 the state.

2044 (4) The University of Utah shall provide administrative support for UETN.

2045 (5) (a) The Utah Education and Telehealth Network Board, which is the governing  
2046 board for UETN, is created.

2047 (b) The Utah Education and Telehealth Network Board shall have 13 members as  
2048 follows:

2049 (i) five members representing the state system of higher education, of which at least one  
2050 member represents technical colleges, appointed by the commissioner of higher education;

2051 (ii) four members representing the state system of public education appointed by the  
2052 State Board of Education;

2053 (iii) one member representing the state library appointed by the state librarian;

2054 (iv) two members representing hospitals as follows:

2055 (A) the members may not be employed by the same hospital system;

2056 (B) one member shall represent a rural hospital;

2057 (C) one member shall represent an urban hospital; and

2058 (D) the chief administrator or the administrator's designee for each hospital licensed in  
2059 this state shall select the two hospital representatives; and

2060 (v) one member representing the office of the governor, appointed by the governor.

2061 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
2062 appointed for the unexpired term.

2063 (d) (i) The board shall elect a chair.

2064 (ii) The chair shall set the agenda for the board meetings.

2065 (6) A member of the board may not receive compensation or benefits for the member's  
2066 service, but may receive per diem and travel expenses in accordance with:

2067 (a) Section 63A-3-106;

2068 (b) Section 63A-3-107; and

2069 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
2070 63A-3-107.

2071 (7) The board:

2072 (a) shall hire an executive director for UETN who may hire staff for UETN as  
2073 permitted by the budget;

- 2074 (b) may terminate the executive director's employment or assignment;
  - 2075 (c) shall determine the executive director's salary;
  - 2076 (d) shall annually conduct a performance evaluation of the executive director;
  - 2077 (e) shall establish policies the board determines are necessary for the operation of
  - 2078 UETN and the administration of UETN's duties; and
  - 2079 (f) shall advise UETN in:
    - 2080 (i) the development and operation of a coordinated, statewide, multi-option
    - 2081 telecommunications system to assist in the delivery of educational services and telehealth
    - 2082 services throughout the state; and
    - 2083 (ii) acquiring, producing, and distributing instructional content.
  - 2084 (8) The executive director of UETN shall be an at-will employee.
  - 2085 (9) UETN shall locate and maintain educational and telehealth telecommunication
  - 2086 infrastructure throughout the state.
  - 2087 (10) Educational institutions shall manage site operations under policy established by
  - 2088 UETN.
  - 2089 (11) Subject to future budget constraints, the Legislature shall provide an annual
  - 2090 appropriation to operate UETN.
  - 2091 (12) If the network operated by the [~~Department~~] Division of Technology Services is
  - 2092 not available, UETN may provide network connections to the central administration of counties
  - 2093 and municipalities for the sole purpose of transferring data to a secure facility for backup and
  - 2094 disaster recovery.
- 2095 Section 27. Section **53C-1-201** is amended to read:
- 2096 **53C-1-201. Creation of administration -- Purpose -- Director -- Participation in**
- 2097 **Risk Management Fund -- Closed meetings.**
- 2098 (1) (a) There is established within state government the School and Institutional Trust
  - 2099 Lands Administration.
  - 2100 (b) The administration shall manage all school and institutional trust lands and assets
  - 2101 within the state, except as otherwise provided in Title 53C, Chapter 3, Deposit and Allocation
  - 2102 of Revenue from Trust Lands, and Title 53D, Chapter 1, School and Institutional Trust Fund
  - 2103 Management Act.
  - 2104 (2) The administration is an independent state agency and not a division of any other

2105 department.

2106 (3) (a) The administration is subject to the usual legislative and executive department  
2107 controls except as provided in this Subsection (3).

2108 (b) (i) The director may make rules as approved by the board that allow the  
2109 administration to classify a business proposal submitted to the administration as protected  
2110 under Section [63G-2-305](#), for as long as is necessary to evaluate the proposal.

2111 (ii) The administration shall return the proposal to the party who submitted the  
2112 proposal, and incur no further duties under Title 63G, Chapter 2, Government Records Access  
2113 and Management Act, if the administration determines not to proceed with the proposal.

2114 (iii) The administration shall classify the proposal pursuant to law if the administration  
2115 decides to proceed with the proposal.

2116 (iv) Section [63G-2-403](#) does not apply during the review period.

2117 (c) The director shall make rules in compliance with Title 63G, Chapter 3, Utah  
2118 Administrative Rulemaking Act, except that the administration is not subject to Subsections  
2119 [63G-3-301](#)(5), (6), (7), and (13) and Section [63G-3-601](#), and the director, with the board's  
2120 approval, may establish a procedure for the expedited approval of rules, based on written  
2121 findings by the director showing:

2122 (i) the changes in business opportunities affecting the assets of the trust;

2123 (ii) the specific business opportunity arising out of those changes which may be lost  
2124 without the rule or changes to the rule;

2125 (iii) the reasons the normal procedures under Section [63G-3-301](#) cannot be met without  
2126 causing the loss of the specific opportunity;

2127 (iv) approval by at least five board members; and

2128 (v) that the director has filed a copy of the rule and a rule analysis, stating the specific  
2129 reasons and justifications for the director's findings, with the Office of Administrative Rules  
2130 and notified interested parties as provided in Subsection [63G-3-301](#)(10).

2131 (d) (i) The administration shall comply with Title ~~[67]~~ [63A](#), Chapter ~~[19]~~ [17](#), Utah  
2132 State Personnel Management Act, except as provided in this Subsection (3)(d).

2133 (ii) (A) The board may approve, upon recommendation of the director, that exemption  
2134 for specific positions under Subsections ~~[67-19-12(2) and 67-19-15(1)]~~ [63A-17-301](#)(1) and  
2135 [63A-17-307](#)(2) is required in order to enable the administration to efficiently fulfill the

2136 administration's responsibilities under the law.

2137 (B) The director shall consult with the [executive] director of the [Department]  
2138 Division of Human Resource Management before making a recommendation under Subsection  
2139 (3)(d)(ii)(A).

2140 (iii) The positions of director, deputy director, associate director, assistant director,  
2141 legal counsel appointed under Section [53C-1-305](#), administrative assistant, and public affairs  
2142 officer are exempt under Subsections [~~67-19-12(2)~~ and ~~67-19-15(1)~~] [63A-17-301\(1\)](#) and  
2143 [63A-17-307\(2\)](#).

2144 (iv) (A) The director shall set salaries for exempted positions, except for the director,  
2145 after consultation with the [executive] director of the [Department] Division of Human  
2146 Resource Management, within ranges approved by the board.

2147 (B) The board and director shall consider salaries for similar positions in private  
2148 enterprise and other public employment when setting salary ranges.

2149 (v) The board may create an annual incentive and bonus plan for the director and other  
2150 administration employees designated by the board, based upon the attainment of financial  
2151 performance goals and other measurable criteria defined and budgeted in advance by the board.

2152 (e) The administration shall comply with:

2153 (i) subject to Subsection (8), Title 52, Chapter 4, Open and Public Meetings Act;

2154 (ii) Title 63G, Chapter 2, Government Records Access and Management Act; and

2155 (iii) Title 63G, Chapter 6a, Utah Procurement Code, except where the board approves,  
2156 upon recommendation of the director, exemption from the Utah Procurement Code, and  
2157 simultaneous adoption of rules under Title 63G, Chapter 3, Utah Administrative Rulemaking  
2158 Act, for procurement, that enable the administration to efficiently fulfill the administration's  
2159 responsibilities under the law.

2160 (f) (i) Except as provided in Subsection (3)(f)(ii), the administration is not subject to  
2161 the fee agency requirements of Section [63J-1-504](#).

2162 (ii) The following fees of the administration are subject to Section [63J-1-504](#):

2163 (A) application;

2164 (B) assignment;

2165 (C) amendment;

2166 (D) affidavit for lost documents;

- 2167 (E) name change;
- 2168 (F) reinstatement;
- 2169 (G) grazing nonuse;
- 2170 (H) extension of time;
- 2171 (I) partial conveyance;
- 2172 (J) patent reissue;
- 2173 (K) collateral assignment;
- 2174 (L) electronic payment; and
- 2175 (M) processing.
- 2176 (g) (i) Notwithstanding Subsection [63J-1-206\(2\)\(c\)](#), the administration may transfer
- 2177 money between the administration's line items.
- 2178 (ii) Before transferring appropriated money between line items, the administration shall
- 2179 submit a proposal to the board for the board's approval.
- 2180 (iii) If the board gives approval to a proposal to transfer appropriated money between
- 2181 line items, the administration shall submit the proposal to the Legislative Executive
- 2182 Appropriations Committee for the Legislative Executive Appropriations Committee's review
- 2183 and recommendations.
- 2184 (iv) The Legislative Executive Appropriations Committee may recommend:
- 2185 (A) that the administration transfer the appropriated money between line items;
- 2186 (B) that the administration not transfer the appropriated money between line items; or
- 2187 (C) to the governor that the governor call a special session of the Legislature to
- 2188 supplement the appropriated budget for the administration.
- 2189 (4) The administration is managed by a director of school and institutional trust lands
- 2190 appointed by a majority vote of the board of trustees with the consent of the governor.
- 2191 (5) (a) The board of trustees shall provide policies for the management of the
- 2192 administration and for the management of trust lands and assets.
- 2193 (b) (i) The board shall provide policies for the ownership and control of Native
- 2194 American remains that are discovered or excavated on school and institutional trust lands in
- 2195 consultation with the Division of Indian Affairs and giving due consideration to Title 9,
- 2196 Chapter 9, Part 4, Native American Grave Protection and Repatriation Act.
- 2197 (ii) The director may make rules in accordance with Title 63G, Chapter 3, Utah

2198 Administrative Rulemaking Act, to implement policies provided by the board regarding Native  
2199 American remains.

2200 (6) In connection with joint ventures and other transactions involving trust lands and  
2201 minerals approved under Sections 53C-1-303 and 53C-2-401, the administration, with board  
2202 approval, may become a member of a limited liability company under Title 48, Chapter 3a,  
2203 Utah Revised Uniform Limited Liability Company Act, as appropriate pursuant to Section  
2204 48-3a-1405 and is considered a person under Section 48-3a-102.

2205 (7) Subject to Subsection 63E-1-304(2), the administration may participate in coverage  
2206 under the Risk Management Fund created by Section 63A-4-201.

2207 (8) (a) Notwithstanding Subsection (3), Subsection 52-4-204(2) or 52-4-205(1), and in  
2208 addition to the reasons to close a meeting under Section 52-4-205, the board may hold a closed  
2209 meeting if two-thirds of the members present when a quorum is present vote to close the  
2210 meeting for the purpose of:

2211 (i) conducting a strategy session to discuss market conditions relevant to the sale of  
2212 particular trust assets if the terms of the sale of any trust assets are publicly disclosed before the  
2213 board approves the sale and a public discussion would:

2214 (A) disclose the appraisal or estimated value of the trust assets under consideration; or

2215 (B) prevent the board from completing a contemplated transaction concerning the trust  
2216 assets on the best possible terms; or

2217 (ii) conducting a strategy session to evaluate the terms of a joint venture or other  
2218 business arrangement authorized under Subsection 53C-1-303(3)(e) if the terms of the joint  
2219 venture or other business arrangement are publicly disclosed before the board approves the  
2220 transaction and a public discussion of the transaction would:

2221 (A) disclose the appraisal or estimated value of the trust assets under consideration; or

2222 (B) prevent the board from completing the transaction concerning the joint venture or  
2223 other business arrangement on the best possible terms.

2224 (b) The board shall comply with the procedural requirements for closing a meeting  
2225 under Title 52, Chapter 4, Open and Public Meetings Act.

2226 Section 28. Section 53D-1-103 is amended to read:

2227 **53D-1-103. Application of other law.**

2228 (1) The office, board, and nominating committee are subject to:



- 2229 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
- 2230 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website.
- 2231 (2) Subject to Subsection [63E-1-304](#)(2), the office may participate in coverage under
- 2232 the Risk Management Fund, created in Section [63A-4-201](#).
- 2233 (3) The office and board are subject to:
- 2234 (a) Title 63G, Chapter 2, Government Records Access and Management Act, except
- 2235 for records relating to investment activities; and
- 2236 (b) Title 63G, Chapter 6a, Utah Procurement Code.
- 2237 (4) (a) In making rules under this chapter, the director is subject to and shall comply
- 2238 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except as provided in
- 2239 Subsection (4)(b).
- 2240 (b) Subsections [63G-3-301](#)(6) and (7) and Section [63G-3-601](#) do not apply to the
- 2241 director's making of rules under this chapter.
- 2242 (5) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to a board
- 2243 member to the same extent as it applies to an employee, as defined in Section [63G-7-102](#).
- 2244 (6) (a) A board member, the director, and an office employee or agent are subject to:
- 2245 (i) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and
- 2246 (ii) other requirements that the board establishes.
- 2247 (b) In addition to any restrictions or requirements imposed under Subsection (6)(a), a
- 2248 board member, the director, and an office employee or agent may not directly or indirectly
- 2249 acquire an interest in the trust fund or receive any direct benefit from any transaction dealing
- 2250 with trust fund money.
- 2251 (7) (a) Except as provided in Subsection (7)(b), the office shall comply with Title ~~[67]~~
- 2252 [63A](#), Chapter ~~[19]~~ [17](#), Utah State Personnel Management Act.
- 2253 (b) (i) Upon a recommendation from the director after the director's consultation with
- 2254 the ~~[executive]~~ director of the ~~[Department]~~ [Division](#) of Human Resource Management, the
- 2255 board may provide that specified positions in the office are exempt from Section ~~[67-19-12]~~
- 2256 [63A-17-307](#) and the career service provisions of Title ~~[67]~~ [63A](#), Chapter ~~[19]~~ [17](#), Utah State
- 2257 Personnel Management Act, as provided in Subsection ~~[67-19-15]~~ [63A-17-301](#)(1), if the board
- 2258 determines that exemption is required for the office to fulfill efficiently its responsibilities
- 2259 under this chapter.

2260 (ii) The director position is exempt from Section [~~67-19-12~~] [63A-17-307](#) and the career  
2261 service provisions of Title [~~67~~] [63A](#), Chapter [~~19~~] [17](#), Utah State Personnel Management Act,  
2262 as provided in Subsection [~~67-19-15~~] [63A-17-301](#)(1).

2263 (iii) (A) After consultation with the [~~executive~~] director of the [~~Department~~] Division  
2264 of Human Resource Management, the director shall set salaries for positions that are exempted  
2265 under Subsection (7)(b)(i), within ranges that the board approves.

2266 (B) In approving salary ranges for positions that are exempted under Subsection  
2267 (7)(b)(i), the board shall consider salaries for similar positions in private enterprise and other  
2268 public employment.

2269 (8) The office is subject to legislative appropriation, to executive branch budgetary  
2270 review and recommendation, and to legislative and executive branch review.

2271 Section 29. Section **53E-8-301** is amended to read:

2272 **53E-8-301. Educators exempt from Division of Human Resource Management**  
2273 **rules -- Collective bargaining agreement.**

2274 (1) Educators employed by the Utah Schools for the Deaf and the Blind are exempt  
2275 from mandatory compliance with rules of the [~~Department~~] Division of Human Resource  
2276 Management.

2277 (2) The state board may enter into a collective bargaining agreement to establish  
2278 compensation and other personnel policies with educators employed by the Utah Schools for  
2279 the Deaf and the Blind to replace rules of the [~~Department~~] Division of Human Resource  
2280 Management.

2281 (3) A collective bargaining agreement made under Subsection (2) is subject to the same  
2282 requirements that are imposed on local school boards by Section [53G-11-202](#).

2283 Section 30. Section **54-1-6** is amended to read:

2284 **54-1-6. Employment of staff -- Status and compensation -- Employees not to be**  
2285 **parties or witnesses and may not appeal commission decisions.**

2286 (1) The annual budget of the Public Service Commission shall provide sufficient funds  
2287 for the commission to hire, develop, and organize an advisory staff to assist the commission in  
2288 performing the powers, duties, and functions committed to it by statute.

2289 (a) The commission may hire:

2290 (i) economists, accountants, engineers, statisticians, lawyers, law clerks, and other

2291 professional and technical experts;

2292 (ii) court reporters, transcribers of tape recordings, clerks, secretaries, and other  
2293 administrative and support staff;

2294 (iii) additional experts as required for a particular matter; and

2295 (iv) administrative law judges, who shall be members of the Utah State Bar, and  
2296 constitute a separate organizational unit reporting directly to the commission.

2297 (b) The commission may provide for funds in the annual budget to acquire suitable  
2298 electronic recording equipment to maintain a verbatim record of proceedings before the  
2299 commission, any commissioner, or any administrative law judge.

2300 (2) (a) With the exception of clerical workers in nonconfidential positions, all staff of  
2301 the Public Service Commission are exempt employees under the State Personnel Management  
2302 Act and serve at the pleasure of the commission.

2303 (b) Administrative law judges are exempt employees under the State Personnel  
2304 Management Act and may only be removed from office upon due notice and by a unanimous  
2305 vote of the commission.

2306 (c) (i) The [~~Department~~] Division of Human Resource Management shall determine  
2307 pay schedules using standard techniques for determining compensation.

2308 (ii) The [~~Department~~] Division of Human Resource Management may make [~~its~~] the  
2309 division's compensation determinations based upon compensation practices common to utility  
2310 companies throughout the United States.

2311 (3) (a) The staff or other employees of the commission may not appear as parties or  
2312 witnesses in any proceeding before the commission, any commissioner, or any administrative  
2313 law judge.

2314 (b) The staff or other employees of the commission may not appeal any finding, order,  
2315 or decision of the commission.

2316 Section 31. Section **54-4a-3** is amended to read:

2317 **54-4a-3. Budget of division -- Employment of personnel.**

2318 (1) The annual budget of the Division of Public Utilities shall provide sufficient funds  
2319 for the division to hire, develop, and organize a technical and professional staff to perform the  
2320 duties, powers, and responsibilities committed to it by statute.

2321 (2) The division director may:

2322 (a) hire economists, accountants, engineers, inspectors, statisticians, lawyers, law  
2323 clerks, and other technical and professional experts as may be required;

2324 (b) retain additional experts as required for a particular matter, but only to the extent  
2325 that it is necessary to supplement division staff in order to fulfill its duties; and

2326 (c) employ necessary administrative and support staff.

2327 (3) (a) The [~~Department~~] Division of Human Resource Management shall determine  
2328 pay schedules using standard techniques for determining compensation.

2329 (b) The [~~Department~~] Division of Human Resource Management may make [~~its~~] the  
2330 division's compensation determinations based upon compensation common to utility  
2331 companies throughout the United States.

2332 Section 32. Section **61-1-18** is amended to read:

2333 **61-1-18. Division of Securities established -- Director -- Investigators.**

2334 (1) (a) There is established within the Department of Commerce a Division of  
2335 Securities.

2336 (b) The division is under the direction and control of a director. The executive director  
2337 shall appoint the director with the governor's approval.

2338 (c) Subject to Section **61-1-18.5**, the division shall administer and enforce this chapter.

2339 (d) The director shall hold office at the pleasure of the governor.

2340 (2) The director, with the approval of the executive director, may employ the staff  
2341 necessary to discharge the duties of the division or commission at salaries to be fixed by the  
2342 director according to standards established by the [~~Department~~] Division of Human Resource  
2343 Management.

2344 (3) An investigator employed pursuant to Subsection (2) who meets the training  
2345 requirements of Subsection **53-13-105**(3) may be designated a special function officer, as  
2346 defined in Section **53-13-105**, by the director, but is not eligible for retirement benefits under  
2347 the Public Safety Employee's Retirement System.

2348 Section 33. Section **61-2-201** is amended to read:

2349 **61-2-201. Division of Real Estate created -- Director appointed -- Personnel.**

2350 (1) There is created within the department a Division of Real Estate. The division is  
2351 responsible for the administration and enforcement of:

2352 (a) this chapter;

- 2353 (b) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;
- 2354 (c) Title 57, Chapter 19, Timeshare and Camp Resort Act;
- 2355 (d) Title 57, Chapter 23, Real Estate Cooperative Marketing Act;
- 2356 (e) Title 57, Chapter 29, Undivided Fractionalized Long-term Estate Sales Practices

2357 Act;

- 2358 (f) Chapter 2c, Utah Residential Mortgage Practices and Licensing Act;
- 2359 (g) Chapter 2e, Appraisal Management Company Registration and Regulation Act;
- 2360 (h) Chapter 2f, Real Estate Licensing and Practices Act; and

2361 (i) Chapter 2g, Real Estate Appraiser Licensing and Certification Act.

2362 (2) The division is under the direction and control of a director appointed by the  
2363 executive director of the department with the approval of the governor. The director holds the  
2364 office of director at the pleasure of the governor.

2365 (3) The director, with the approval of the executive director, may employ personnel  
2366 necessary to discharge the duties of the division at salaries to be fixed by the director according  
2367 to standards established by the Department of [~~Administrative Services~~] Government  
2368 Operations.

2369 Section 34. Section **62A-1-121** is amended to read:

2370 **62A-1-121. Tracking effects of abuse of alcoholic products.**

2371 (1) There is created a committee within the department known as the "Alcohol Abuse  
2372 Tracking Committee" that consists of:

2373 (a) the executive director or the executive director's designee;

2374 (b) the executive director of the Department of Health or that executive director's  
2375 designee;

2376 (c) the commissioner of the Department of Public Safety or the commissioner's  
2377 designee;

2378 (d) the director of the Department of Alcoholic Beverage Control or that director's  
2379 designee;

2380 (e) the executive director of the Department of Workforce Services or that executive  
2381 director's designee;

2382 (f) the chair of the Utah Substance Use and Mental Health Advisory Council or the  
2383 chair's designee;

2384 (g) the state court administrator or the state court administrator's designee; and  
2385 (h) the [executive] director of the [~~Department~~] Division of Technology Services or  
2386 that [executive] director's designee.

2387 (2) The executive director or the executive director's designee shall chair the  
2388 committee.

2389 (3) (a) Four members of the committee constitute a quorum.

2390 (b) A vote of the majority of the committee members present when a quorum is present  
2391 is an action of the committee.

2392 (4) The committee shall meet at the call of the chair, except that the chair shall call a  
2393 meeting at least twice a year:

2394 (a) with one meeting held each year to develop the report required under Subsection  
2395 (7); and

2396 (b) with one meeting held to review and finalize the report before the report is issued.

2397 (5) The committee may adopt additional procedures or requirements for:

2398 (a) voting, when there is a tie of the committee members;

2399 (b) how meetings are to be called; and

2400 (c) the frequency of meetings.

2401 (6) The committee shall establish a process to collect for each calendar year the  
2402 following information:

2403 (a) the number of individuals statewide who are convicted of, plead guilty to, plead no  
2404 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a  
2405 violation related to underage drinking of alcohol;

2406 (b) the number of individuals statewide who are convicted of, plead guilty to, plead no  
2407 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a  
2408 violation related to driving under the influence of alcohol;

2409 (c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act,  
2410 related to over-serving or over-consumption of an alcoholic product;

2411 (d) the cost of social services provided by the state related to abuse of alcohol,  
2412 including services provided by the Division of Child and Family Services;

2413 (e) the location where the alcoholic products that result in the violations or costs  
2414 described in Subsections (6)(a) through (d) are obtained; and

2415 (f) any information the committee determines can be collected and relates to the abuse  
2416 of alcoholic products.

2417 (7) The committee shall report the information collected under Subsection (6) annually  
2418 to the governor and the Legislature by no later than the July 1 immediately following the  
2419 calendar year for which the information is collected.

2420 Section 35. Section **62A-1-122** is amended to read:

2421 **62A-1-122. Child pornography.**

2422 (1) As used in this section:

2423 (a) "Child pornography" means the same as that term is defined in Section [76-5b-103](#).

2424 (b) "Secure" means to prevent and prohibit access, electronic upload, transmission, or  
2425 transfer of an image.

2426 (2) The department or a division within the department may not retain child  
2427 pornography longer than is necessary to comply with the requirements of this section.

2428 (3) When the department or a division within the department obtains child  
2429 pornography as a result of an employee unlawfully viewing child pornography, the department  
2430 or division shall consult with and follow the guidance of the [~~Department~~] Division of Human  
2431 Resource Management regarding personnel action and local law enforcement regarding  
2432 retention of the child pornography.

2433 (4) When the department or a division within the department obtains child  
2434 pornography as a result of a report or an investigation, the department or division shall  
2435 immediately secure the child pornography, or the electronic device if the child pornography is  
2436 digital, and contact the law enforcement office that has jurisdiction over the area where the  
2437 division's case is located.

2438 Section 36. Section **62A-15-613** is amended to read:

2439 **62A-15-613. Appointment of superintendent -- Qualifications -- Powers and**  
2440 **responsibilities.**

2441 (1) The director, with the consent of the executive director, shall appoint a  
2442 superintendent of the state hospital, who shall hold office at the will of the director.

2443 (2) The superintendent shall have a bachelor's degree from an accredited university or  
2444 college, be experienced in administration, and be knowledgeable in matters concerning mental  
2445 health.

2446 (3) The superintendent has general responsibility for the buildings, grounds, and  
 2447 property of the state hospital. The superintendent shall appoint, with the approval of the  
 2448 director, as many employees as necessary for the efficient and economical care and  
 2449 management of the state hospital, and shall fix the employees' compensation and administer  
 2450 personnel functions according to the standards of the [~~Department~~] Division of Human  
 2451 Resource Management.

2452 Section 37. Section **63A-1-101** is amended to read:

2453 **TITLE 63A. UTAH GOVERNMENT OPERATIONS CODE**

2454 **CHAPTER 1. DEPARTMENT OF GOVERNMENT OPERATIONS**

2455 **63A-1-101. Title.**

2456 (1) This title is known as the "Utah [~~Administrative Services~~] Government Operations  
 2457 Code."

2458 (2) This chapter is known as "Department of Government Operations."

2459 Section 38. Section **63A-1-102** is amended to read:

2460 **63A-1-102. Purposes.**

2461 The department shall:

2462 (1) provide specialized agency support services commonly needed;

2463 (2) provide effective, coordinated management of state [~~administrative~~] government  
 2464 operations services;

2465 (3) serve the public interest by providing services in a cost-effective and efficient  
 2466 manner, eliminating unnecessary duplication;

2467 (4) enable administrators to respond effectively to technological improvements;

2468 (5) emphasize the service role of state administrative service agencies in meeting the  
 2469 service needs of user agencies;

2470 (6) use flexibility in meeting the service needs of state agencies; and

2471 (7) protect the public interest by [~~insuring~~] ensuring the integrity of the fiscal  
 2472 accounting procedures and policies that govern the operation of agencies and institutions to  
 2473 assure that funds are expended properly and lawfully.

2474 Section 39. Section **63A-1-103** is amended to read:

2475 **63A-1-103. Definitions.**

2476 As used in this title:



2477 (1) "Agency" means a board, commission, institution, department, division, officer,  
2478 council, office, committee, bureau, or other administrative unit of the state, including the  
2479 agency head, agency employees, or other persons acting on behalf of or under the authority of  
2480 the agency head, the Legislature, the courts, or the governor, but does not mean a political  
2481 subdivision of the state, or any administrative unit of a political subdivision of the state.

2482 (2) "Department" means the Department of [~~Administrative Services~~] Government  
2483 Operations.

2484 (3) "Executive director" means the executive director of the Department of  
2485 [~~Administrative Services~~] Government Operations.

2486 Section 40. Section **63A-1-104** is amended to read:

2487 **63A-1-104. Creation of department.**

2488 There is created within state government the Department of [~~Administrative Services~~]  
2489 Government Operations, to be administered by an executive director.

2490 Section 41. Section **63A-1-109** is amended to read:

2491 **63A-1-109. Divisions of department -- Administration.**

2492 (1) The department [~~shall be~~] is composed of:

2493 (a) the following divisions:

2494 [~~(i) archives and records;~~]

2495 [~~(ii) facilities construction and management;~~]

2496 [~~(iii) finance;~~]

2497 [~~(iv) fleet operations;~~]

2498 [~~(v) state purchasing and general services; and~~]

2499 [~~(vi) risk management; and~~]

2500 [~~(b) the Office of Administrative Rules.~~]

2501 (i) the Division of Purchasing and General Services, created in Section [63A-2-101](#);

2502 (ii) the Division of Finance, created in Section [63A-3-101](#);

2503 (iii) the Division of Facilities Construction and Management, created in Section  
2504 [63A-5b-301](#);

2505 (iv) the Division of Fleet Operations, created in Section [63A-9-201](#);

2506 (v) the Division of Archives and Records Service, created in Section [63A-12-101](#);

2507 (vi) the Division of Technology Services, created in Section [63A-16-103](#);

2508 (vii) the Division of Human Resource Management, created in Section 63A-17-105;

2509 and

2510 (viii) the Division of Risk Management, created in Section 63A-4-101; and

2511 (b) the Utah Office of Administrative Rules, created in Section 63G-3-401.

2512 (2) Each division described in Subsection (1)(a) shall be administered and managed by  
2513 a division director.

2514 Section 42. Section **63A-1-114** is amended to read:

2515 **63A-1-114. Rate committee -- Membership -- Duties.**

2516 (1) (a) There is created a rate committee consisting of the executive directors,  
2517 commissioners, or superintendents of seven state agencies, which may include the State Board  
2518 of Education, that use services and pay rates to one of the department internal service funds, or  
2519 their designee, that the governor appoints for a two-year term.

2520 [~~(b) (i) Of the seven state agencies represented on the rate committee under Subsection~~  
2521 ~~(1)(a), only one of the following may be represented on the committee, if at all, at any one~~  
2522 ~~time:]~~

2523 [~~(A) the Governor's Office of Management and Budget; or]~~

2524 [~~(B) the Department of Technology Services.]~~

2525 [~~(ii)~~] (b) The department may not have a representative on the rate committee.

2526 (c) (i) The committee shall elect a chair from [~~its~~] the committee's members.

2527 (ii) Members of the committee who are state government employees and who do not  
2528 receive salary, per diem, or expenses from their agency for their service on the committee shall  
2529 receive no compensation, benefits, per diem, or expenses for the members' service on the  
2530 committee.

2531 (d) The [~~Department of Administrative Services]~~ department shall provide staff  
2532 services to the committee.

2533 (2) (a) A division described in Section 63A-1-109 that manages an internal service  
2534 fund shall submit to the committee a proposed rate and fee schedule for services rendered by  
2535 the division to an executive branch entity or an entity that subscribes to services rendered by  
2536 the division.

2537 (b) The committee shall:

2538 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings

2539 Act;

2540 (ii) meet at least once each calendar year to:

2541 (A) discuss the service performance of each internal service fund;

2542 (B) review the proposed rate and fee schedules;

2543 (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee

2544 schedules described in Subsection (2)(b)(ii)(B); and

2545 (D) discuss any prior or potential adjustments to the service level received by state

2546 agencies that pay rates to an internal service fund;

2547 (iii) recommend a proposed rate and fee schedule for each internal service fund to:

2548 (A) the Governor's Office of Management and Budget; and

2549 (B) each legislative appropriations subcommittee that, in accordance with Section

2550 [63J-1-410](#), approves the internal service fund agency's rates, fees, and budget; and

2551 (iv) review and approve, increase or decrease an interim rate, fee, or amount when an

2552 internal service fund agency begins a new service or introduces a new product between annual

2553 general sessions of the Legislature.

2554 (c) The committee may in accordance with Subsection [63J-1-410](#)(4), decrease a rate,

2555 fee, or amount that has been approved by the Legislature.

2556 Section 43. Section [63A-1-201](#) is amended to read:

2557 **[63A-1-201](#). Definitions.**

2558 As used in this part:

2559 (1) "Board" means the Utah Transparency Advisory Board created under Section

2560 [63A-1-203](#).

2561 [~~(2) "Department" means the Department of Administrative Services.~~]

2562 [~~(3)~~] (2) (a) "Independent entity," except as provided in Subsection [~~(3)~~] (2)(c), means

2563 the same as that term is defined in Section [63E-1-102](#).

2564 (b) "Independent entity" includes an entity that is part of an independent entity

2565 described in this Subsection [~~(3)~~] (2), if the entity is considered a component unit of the

2566 independent entity under the governmental accounting standards issued by the Governmental

2567 Accounting Standards Board.

2568 (c) "Independent entity" does not include the Utah State Retirement Office created in

2569 Section [49-11-201](#).

2570 [~~(4)~~] (3) "Participating local entity" means each of the following local entities:  
2571 (a) a county;  
2572 (b) a municipality;  
2573 (c) a local district under Title 17B, Limited Purpose Local Government Entities - Local  
2574 Districts;  
2575 (d) a special service district under Title 17D, Chapter 1, Special Service District Act;  
2576 (e) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;  
2577 (f) a school district;  
2578 (g) a charter school;  
2579 (h) except for a taxed interlocal entity as defined in Section 11-13-602:  
2580 (i) an interlocal entity as defined in Section 11-13-103;  
2581 (ii) a joint or cooperative undertaking as defined in Section 11-13-103; and  
2582 (iii) any project, program, or undertaking entered into by interlocal agreement in  
2583 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;  
2584 (i) except for a taxed interlocal entity as defined in Section 11-13-602, an entity that is  
2585 part of an entity described in Subsections [~~(4)~~] (3)(a) through (h), if the entity is considered a  
2586 component unit of the entity described in Subsections [~~(4)~~] (3)(a) through (h) under the  
2587 governmental accounting standards issued by the Governmental Accounting Standards Board;  
2588 and  
2589 (j) a conservation district under Title 17D, Chapter 3, Conservation District Act.  
2590 [~~(5)~~] (4) (a) "Participating state entity" means the state of Utah, including its executive,  
2591 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,  
2592 councils, committees, and institutions.  
2593 (b) "Participating state entity" includes an entity that is part of an entity described in  
2594 Subsection [~~(5)~~] (4)(a), if the entity is considered a component unit of the entity described in  
2595 Subsection [~~(5)~~] (4)(a) under the governmental accounting standards issued by the  
2596 Governmental Accounting Standards Board.  
2597 [~~(6)~~] (5) "Public financial information" means records that are required to be made  
2598 available on the Utah Public Finance Website, a participating local entity's website, or an  
2599 independent entity's website as required by this part, and as the term "public financial  
2600 information" is defined by rule under Section 63A-1-204.

2601 Section 44. Section **63A-1-203** is amended to read:

2602 **63A-1-203. Utah Transparency Advisory Board -- Creation -- Membership --**  
2603 **Duties.**

2604 (1) There is created within the department the Utah Transparency Advisory Board  
2605 comprised of members knowledgeable about public finance or providing public access to  
2606 public information.

2607 (2) The board consists of:

2608 (a) the state auditor or the state auditor's designee;

2609 (b) an individual appointed by the executive director of the department;

2610 (c) an individual appointed by the executive director of the Governor's Office of  
2611 Management and Budget;

2612 (d) an individual appointed by the governor on advice from the Legislative Fiscal  
2613 Analyst;

2614 (e) one member of the Senate, appointed by the governor on advice from the president  
2615 of the Senate;

2616 (f) one member of the House of Representatives, appointed by the governor on advice  
2617 from the speaker of the House of Representatives;

2618 (g) an individual appointed by the director of the [~~Department~~] Division of Technology  
2619 Services;

2620 (h) the director of the Division of Archives and Records Service created in Section  
2621 **63A-12-101** or the director's designee;

2622 (i) an individual who is a member of the State Records Committee created in Section  
2623 **63G-2-501**, appointed by the governor;

2624 (j) an individual representing counties, appointed by the governor;

2625 (k) an individual representing municipalities, appointed by the governor;

2626 (l) an individual representing special districts, appointed by the governor;

2627 (m) an individual representing the State Board of Education, appointed by the State  
2628 Board of Education; and

2629 (n) one individual who is a member of the public and who has knowledge, expertise, or  
2630 experience in matters relating to the board's duties under Subsection (10), appointed by the  
2631 board members identified in Subsections (2)(a) through (m).

- 2632 (3) The board shall:
- 2633 (a) advise the state auditor and the department on matters related to the implementation  
2634 and administration of this part;
- 2635 (b) develop plans, make recommendations, and assist in implementing the provisions  
2636 of this part;
- 2637 (c) determine what public financial information shall be provided by a participating  
2638 state entity, independent entity, and participating local entity, if the public financial  
2639 information:
- 2640 (i) only includes records that:
- 2641 (A) are classified as public under Title 63G, Chapter 2, Government Records Access  
2642 and Management Act, or, subject to any specific limitations and requirements regarding the  
2643 provision of financial information from the entity described in Section [63A-1-202](#), if an entity  
2644 is exempt from Title 63G, Chapter 2, Government Records Access and Management Act,  
2645 records that would normally be classified as public if the entity were not exempt from Title  
2646 63G, Chapter 2, Government Records Access and Management Act;
- 2647 (B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or  
2648 revenues, regardless of the source; and
- 2649 (C) are owned, held, or administered by the participating state entity, independent  
2650 entity, or participating local entity that is required to provide the record; and
- 2651 (ii) is of the type or nature that should be accessible to the public via a website based  
2652 on considerations of:
- 2653 (A) the cost effectiveness of providing the information;
- 2654 (B) the value of providing the information to the public; and
- 2655 (C) privacy and security considerations;
- 2656 (d) evaluate the cost effectiveness of implementing specific information resources and  
2657 features on the website;
- 2658 (e) require participating local entities to provide public financial information in  
2659 accordance with the requirements of this part, with a specified content, reporting frequency,  
2660 and form;
- 2661 (f) require an independent entity's website or a participating local entity's website to be  
2662 accessible by link or other direct route from the Utah Public Finance Website if the

2663 independent entity or participating local entity does not use the Utah Public Finance Website;

2664 (g) determine the search methods and the search criteria that shall be made available to  
2665 the public as part of a website used by an independent entity or a participating local entity  
2666 under the requirements of this part, which criteria may include:

2667 (i) fiscal year;

2668 (ii) expenditure type;

2669 (iii) name of the agency;

2670 (iv) payee;

2671 (v) date; and

2672 (vi) amount; and

2673 (h) analyze ways to improve the information on the Utah Public Finance Website so  
2674 the information is more relevant to citizens, including through the use of:

2675 (i) infographics that provide more context to the data; and

2676 (ii) geolocation services, if possible.

2677 (4) Every two years, the board shall elect a chair and a vice chair from its members.

2678 (5) (a) Each member shall serve a four-year term.

2679 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
2680 appointed for a four-year term.

2681 (6) To accomplish its duties, the board shall meet as it determines necessary.

2682 (7) Reasonable notice shall be given to each member of the board before any meeting.

2683 (8) A majority of the board constitutes a quorum for the transaction of business.

2684 (9) (a) A member who is not a legislator may not receive compensation or benefits for  
2685 the member's service, but may receive per diem and travel expenses as allowed in:

2686 (i) Section [63A-3-106](#);

2687 (ii) Section [63A-3-107](#); and

2688 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
2689 [63A-3-107](#).

2690 (b) Compensation and expenses of a member who is a legislator are governed by  
2691 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

2692 (10) (a) As used in Subsections (10) and (11):

2693 (i) "Information website" means a single Internet website containing public information

2694 or links to public information.

2695 (ii) "Public information" means records of state government, local government, or an  
2696 independent entity that are classified as public under Title 63G, Chapter 2, Government  
2697 Records Access and Management Act, or, subject to any specific limitations and requirements  
2698 regarding the provision of financial information from the entity described in Section  
2699 [63A-1-202](#), if an entity is exempt from Title 63G, Chapter 2, Government Records Access and  
2700 Management Act, records that would normally be classified as public if the entity were not  
2701 exempt from Title 63G, Chapter 2, Government Records Access and Management Act.

2702 (b) The board shall:

2703 (i) study the establishment of an information website and develop recommendations for  
2704 its establishment;

2705 (ii) develop recommendations about how to make public information more readily  
2706 available to the public through the information website;

2707 (iii) develop standards to make uniform the format and accessibility of public  
2708 information posted to the information website; and

2709 (iv) identify and prioritize public information in the possession of a state agency or  
2710 political subdivision that may be appropriate for publication on the information website.

2711 (c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by  
2712 principles that encourage:

2713 (i) (A) the establishment of a standardized format of public information that makes the  
2714 information more easily accessible by the public;

2715 (B) the removal of restrictions on the reuse of public information;

2716 (C) minimizing limitations on the disclosure of public information while appropriately  
2717 safeguarding sensitive information; and

2718 (D) balancing factors in favor of excluding public information from an information  
2719 website against the public interest in having the information accessible on an information  
2720 website;

2721 (ii) (A) permanent, lasting, open access to public information; and

2722 (B) the publication of bulk public information;

2723 (iii) the implementation of well-designed public information systems that ensure data  
2724 quality, create a public, comprehensive list or index of public information, and define a process



2725 for continuous publication of and updates to public information;

2726 (iv) the identification of public information not currently made available online and the  
2727 implementation of a process, including a timeline and benchmarks, for making that public  
2728 information available online; and

2729 (v) accountability on the part of those who create, maintain, manage, or store public  
2730 information or post it to an information website.

2731 (d) The department shall implement the board's recommendations, including the  
2732 establishment of an information website, to the extent that implementation:

2733 (i) is approved by the Legislative Management Committee;

2734 (ii) does not require further legislative appropriation; and

2735 (iii) is within the department's existing statutory authority.

2736 (11) The department shall, in consultation with the board and as funding allows,  
2737 modify the information website described in Subsection (10) to:

2738 (a) by January 1, 2015, serve as a point of access for Government Records Access and  
2739 Management requests for executive agencies;

2740 (b) by January 1, 2016, serve as a point of access for Government Records Access and  
2741 Management requests for:

2742 (i) school districts;

2743 (ii) charter schools;

2744 (iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit  
2745 District Act;

2746 (iv) counties; and

2747 (v) municipalities;

2748 (c) by January 1, 2017, serve as a point of access for Government Records Access and  
2749 Management requests for:

2750 (i) local districts under Title 17B, Limited Purpose Local Government Entities - Local  
2751 Districts; and

2752 (ii) special service districts under Title 17D, Chapter 1, Special Service District Act;

2753 (d) except as provided in Subsection (12)(a), provide link capabilities to other existing  
2754 repositories of public information, including maps, photograph collections, legislatively  
2755 required reports, election data, statute, rules, regulations, and local ordinances that exist on

2756 other agency and political subdivision websites;

2757 (e) provide multiple download options in different formats, including nonproprietary,  
2758 open formats where possible;

2759 (f) provide any other public information that the board, under Subsection (10),  
2760 identifies as appropriate for publication on the information website; and

2761 (g) incorporate technical elements the board identifies as useful to a citizen using the  
2762 information website.

2763 (12) (a) The department, in consultation with the board, shall establish by rule any  
2764 restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on  
2765 the website described in Subsection (10) if the inclusion would pose a potential security  
2766 concern.

2767 (b) The website described in Subsection (10) may not publish any record that is  
2768 classified as private, protected, or controlled under Title 63G, Chapter 2, Government Records  
2769 Access and Management Act.

2770 Section 45. Section **63A-2-101** is amended to read:

2771 **63A-2-101. Creation.**

2772 There is created the Division of Purchasing and General Services within the  
2773 [~~Department of Administrative Services~~] department.

2774 Section 46. Section **63A-4-101** is amended to read:

2775 **63A-4-101. Risk manager -- Appointment -- Duties.**

2776 (1) (a) There is created within the department the Division of Risk Management.

2777 (b) The executive director shall appoint a risk manager as the division director, who  
2778 shall be qualified by education and experience in the management of general property and  
2779 casualty insurance.

2780 (2) The risk manager shall:

2781 (a) acquire and administer the following purchased by the state:

2782 (i) all property, casualty insurance; and

2783 (ii) subject to Section [34A-2-203](#), workers' compensation insurance;

2784 (b) recommend that the executive director make rules:

2785 (i) prescribing reasonable and objective underwriting and risk control standards for  
2786 state agencies;

2787 (ii) prescribing the risks to be covered by the Risk Management Fund and the extent to  
2788 which these risks will be covered;

2789 (iii) prescribing the properties, risks, deductibles, and amount limits eligible for  
2790 payment out of the fund;

2791 (iv) prescribing procedures for making claims and proof of loss; and

2792 (v) establishing procedures for the resolution of disputes relating to coverage or claims,  
2793 which may include binding arbitration;

2794 (c) implement a risk management and loss prevention program for state agencies for  
2795 the purpose of reducing risks, accidents, and losses to assist state officers and employees in  
2796 fulfilling their responsibilities for risk control and safety;

2797 (d) coordinate and cooperate with any state agency having responsibility to manage and  
2798 protect state properties, including:

2799 (i) the state fire marshal;

2800 (ii) the director of the Division of Facilities Construction and Management;

2801 (iii) the Department of Public Safety; and

2802 (iv) institutions of higher education;

2803 (e) maintain records necessary to fulfill the requirements of this section;

2804 (f) manage the fund in accordance with economically and actuarially sound principles  
2805 to produce adequate reserves for the payment of contingencies, including unpaid and  
2806 unreported claims, and may purchase any insurance or reinsurance considered necessary to  
2807 accomplish this objective; and

2808 (g) inform the agency's governing body and the governor when any agency fails or  
2809 refuses to comply with reasonable risk control recommendations made by the risk manager.

2810 (3) Before the effective date of any rule, the risk manager shall provide a copy of the  
2811 rule to each agency affected by it.

2812 Section 47. Section **63A-5b-202** is amended to read:

2813 **63A-5b-202. State Building Board powers and duties.**

2814 (1) The board may, in accordance with Title 63G, Chapter 3, Utah Administrative  
2815 Rulemaking Act, make rules that are necessary to discharge the board's duties.

2816 (2) The board shall:

2817 (a) review and approve agency master plans of structures built or contemplated;

- 2818 (b) submit capital development recommendations and priorities to the Legislature as  
2819 [~~set forth~~] described in Section 63A-5b-402;
- 2820 (c) submit recommendations for dedicated projects and prioritize nondedicated projects  
2821 as provided in Section 63A-5b-403;
- 2822 (d) make a finding that the requirements of Section 53B-2a-112 are met before the  
2823 board may consider a funding request from the UTech board pertaining to new capital facilities  
2824 and land purchases; and
- 2825 (e) fulfill the board's responsibilities under:
- 2826 (i) Section 63A-5b-802, relating to the approval of leases with terms of more than 10  
2827 years;
- 2828 (ii) Section 63A-5b-907, relating to vacant division-owned property; and
- 2829 (iii) Section 63A-5b-1003, relating to the approval of loans from the state facility  
2830 energy efficiency fund.
- 2831 (3) The board may:
- 2832 (a) authorize capital development projects without Legislative approval only as  
2833 authorized in Section 63A-5b-404; and
- 2834 (b) make rules relating to the categorical delegation of projects as provided in  
2835 Subsection 63A-5b-604(4).
- 2836 Section 48. Section 63A-9-101 is amended to read:
- 2837 **63A-9-101. Definitions.**
- 2838 As used in this part:
- 2839 (1) (a) "Agency" means each department, commission, board, council, agency,  
2840 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
2841 unit, bureau, panel, or other administrative unit of the state.
- 2842 (b) "Agency" includes the State Board of Education and each higher education  
2843 institution described in Section 53B-1-102.
- 2844 (c) "Agency" includes the legislative and judicial branches.
- 2845 (2) "Committee" means the Motor Vehicle Review Committee created by this chapter.
- 2846 (3) "Director" means the director of the division.
- 2847 (4) "Division" means the Division of Fleet Operations created by this chapter.
- 2848 (5) "Executive director" means the executive director of the Department of

2849 [~~Administrative Services~~] Government Operations.

2850 (6) "Local agency" means:

2851 (a) a county;

2852 (b) a municipality;

2853 (c) a school district;

2854 (d) a local district;

2855 (e) a special service district;

2856 (f) an interlocal entity as defined under Section 11-13-103; or

2857 (g) any other political subdivision of the state, including a local commission, board, or

2858 other governmental entity that is vested with the authority to make decisions regarding the

2859 public's business.

2860 (7) (a) "Motor vehicle" means a self-propelled vehicle capable of carrying passengers.

2861 (b) "Motor vehicle" includes vehicles used for construction and other nontransportation  
2862 purposes.

2863 (8) "State vehicle" means each motor vehicle owned, operated, or in the possession of  
2864 an agency.

2865 Section 49. Section 63A-9-201 is amended to read:

2866 **63A-9-201. Creation.**

2867 (1) There is created the Division of Fleet Operations within the [~~Department of~~  
2868 ~~Administrative Services~~] department.

2869 (2) The division of fleet operations is an internal service fund agency and its financial  
2870 affairs shall be accounted for as an internal service fund.

2871 Section 50. Section 63A-9-301 is amended to read:

2872 **63A-9-301. Motor Vehicle Review Committee -- Composition.**

2873 (1) There is created a Motor Vehicle Review Committee to advise the division.

2874 (2) The committee shall be composed of nine members as follows:

2875 (a) the executive director of the [~~Department of Administrative Services~~] department or  
2876 the director's designee;

2877 (b) a member from a state agency other than higher education, the Department of  
2878 Transportation, the Department of Public Safety, or the Department of Natural Resources, who  
2879 uses the division's services;

2880 (c) the director of the Division of Purchasing and General Services or the director's  
2881 designee;

2882 (d) one member from:

2883 (i) higher education, designated annually by the executive director of the Department  
2884 of [~~Administrative Services~~] Government Operations;

2885 (ii) the Department of Transportation, designated annually by the executive director of  
2886 the Department of [~~Administrative Services~~] Government Operations;

2887 (iii) the Department of Public Safety, designated annually by the executive director of  
2888 the Department of [~~Administrative Services~~] Government Operations; and

2889 (iv) the Department of Natural Resources, designated annually by the executive  
2890 director of the Department of [~~Administrative Services~~] Government Operations; and

2891 (e) two public members with experience in fleet operations and maintenance appointed  
2892 by the governor.

2893 (3) (a) Except as required by Subsection (3)(b), the governor shall appoint each public  
2894 member to a four-year term.

2895 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
2896 time of appointment, adjust the length of terms to ensure that the terms of public members are  
2897 staggered so that one of the public members is appointed every two years.

2898 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
2899 appointed for the unexpired term.

2900 (4) A member may not receive compensation or benefits for the member's service, but  
2901 may receive per diem and travel expenses in accordance with:

2902 (a) Section [63A-3-106](#);

2903 (b) Section [63A-3-107](#); and

2904 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2905 [63A-3-107](#).

2906 (5) Five members of the committee are a quorum.

2907 (6) The executive director of the Department of [~~Administrative Services~~] Government  
2908 Operations is chair of the committee.

2909 Section 51. Section **63A-9-401** is amended to read:

2910 **63A-9-401. Division -- Duties.**

- 2911 (1) The division shall:
- 2912 (a) perform all administrative duties and functions related to management of state
- 2913 vehicles;
- 2914 (b) coordinate all purchases of state vehicles;
- 2915 (c) establish one or more fleet automation and information systems for state vehicles;
- 2916 (d) make rules establishing requirements for:
- 2917 (i) maintenance operations for state vehicles;
- 2918 (ii) use requirements for state vehicles;
- 2919 (iii) fleet safety and loss prevention programs;
- 2920 (iv) preventative maintenance programs;
- 2921 (v) procurement of state vehicles, including:
- 2922 (A) vehicle standards;
- 2923 (B) alternative fuel vehicle requirements;
- 2924 (C) short-term lease programs;
- 2925 (D) equipment installation; and
- 2926 (E) warranty recovery programs;
- 2927 (vi) fuel management programs;
- 2928 (vii) cost management programs;
- 2929 (viii) business and personal use practices, including commute standards;
- 2930 (ix) cost recovery and billing procedures;
- 2931 (x) disposal of state vehicles;
- 2932 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;
- 2933 (xii) standard use and rate structures for state vehicles; and
- 2934 (xiii) insurance and risk management requirements;
- 2935 (e) establish a parts inventory;
- 2936 (f) create and administer a fuel dispensing services program that meets the
- 2937 requirements of Subsection (2);
- 2938 (g) emphasize customer service when dealing with agencies and agency employees;
- 2939 (h) conduct an annual audit of all state vehicles for compliance with division
- 2940 requirements;
- 2941 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a

2942 subscriber of services other than an executive branch agency:

2943           (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established

2944 in Section [63A-1-114](#); and

2945           (ii) obtain the approval of the Legislature as required by Section [63J-1-410](#); and

2946           (j) conduct an annual market analysis of proposed rates and fees, which analysis shall

2947 include a comparison of the division's rates and fees with the fees of other public or private

2948 sector providers where comparable services and rates are reasonably available.

2949           (2) The division shall operate a fuel dispensing services program in a manner that:

2950               (a) reduces the risk of environmental damage and subsequent liability for leaks

2951 involving state-owned underground storage tanks;

2952               (b) eliminates fuel site duplication and reduces overall costs associated with fuel

2953 dispensing;

2954               (c) provides efficient fuel management and efficient and accurate accounting of

2955 fuel-related expenses;

2956               (d) where practicable, privatizes portions of the state's fuel dispensing system;

2957               (e) provides central planning for fuel contingencies;

2958               (f) establishes fuel dispensing sites that meet geographical distribution needs and that

2959 reflect usage patterns;

2960               (g) where practicable, uses alternative sources of energy; and

2961               (h) provides safe, accessible fuel supplies in an emergency.

2962           (3) The division shall:

2963               (a) ensure that the state and each of its agencies comply with state and federal law and

2964 state and federal rules and regulations governing underground storage tanks;

2965               (b) coordinate the installation of new state-owned underground storage tanks and the

2966 upgrading or retrofitting of existing underground storage tanks;

2967               (c) by no later than June 30, 2025, ensure that an underground storage tank qualifies for

2968 a rebate, provided under Subsection [19-6-410.5\(5\)\(d\)](#), of a portion of the environmental

2969 assurance fee described in Subsection [19-6-410.5\(4\)](#), if the underground storage tank is owned

2970 by:

2971               (i) the state;

2972               (ii) a state agency; or



2973 (iii) a county, municipality, school district, local district, special service district, or  
2974 federal agency that has subscribed to the fuel dispensing service provided by the division under  
2975 Subsection (6)(b);

2976 (d) report to the Natural Resources, Agriculture, and Environmental Quality

2977 Appropriations Subcommittee by no later than:

2978 (i) November 30, 2020, on the status of the requirements of Subsection (3)(c); and

2979 (ii) November 30, 2024, on whether:

2980 (A) the requirements of Subsection (3)(c) have been met; and

2981 (B) additional funding is needed to accomplish the requirements of Subsection (3)(c);

2982 and

2983 (e) ensure that counties, municipalities, school districts, local districts, and special  
2984 service districts subscribing to services provided by the division sign a contract that:

2985 (i) establishes the duties and responsibilities of the parties;

2986 (ii) establishes the cost for the services; and

2987 (iii) defines the liability of the parties.

2988 (4) In fulfilling the requirements of Subsection (3)(c), the division may give priority to  
2989 underground storage tanks owned by the state or a state agency under Subsections (3)(c)(i) and  
2990 (ii).

2991 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2992 the director of the Division of Fleet Operations:

2993 (i) may make rules governing fuel dispensing; and

2994 (ii) shall make rules establishing standards and procedures for purchasing the most  
2995 economically appropriate size and type of vehicle for the purposes and driving conditions for  
2996 which the vehicle will be used, including procedures for granting exceptions to the standards  
2997 by the executive director of the Department of [~~Administrative Services~~] Government  
2998 Operations.

2999 (b) Rules made under Subsection (5)(a)(ii):

3000 (i) shall designate a standard vehicle size and type that shall be designated as the  
3001 statewide standard vehicle for fleet expansion and vehicle replacement;

3002 (ii) may designate different standard vehicle size and types based on defined categories  
3003 of vehicle use;

3004 (iii) may, when determining a standard vehicle size and type for a specific category of  
3005 vehicle use, consider the following factors affecting the vehicle class:

- 3006 (A) size requirements;
- 3007 (B) economic savings;
- 3008 (C) fuel efficiency;
- 3009 (D) driving and use requirements;
- 3010 (E) safety;
- 3011 (F) maintenance requirements;
- 3012 (G) resale value; and
- 3013 (H) the requirements of Section [63A-9-403](#); and

3014 (iv) shall require agencies that request a vehicle size and type that is different from the  
3015 standard vehicle size and type to:

3016 (A) submit a written request for a nonstandard vehicle to the division that contains the  
3017 following:

- 3018 (I) the make and model of the vehicle requested, including acceptable alternate vehicle  
3019 makes and models as applicable;
- 3020 (II) the reasons justifying the need for a nonstandard vehicle size or type;
- 3021 (III) the date of the request; and
- 3022 (IV) the name and signature of the person making the request; and
- 3023 (B) obtain the division's written approval for the nonstandard vehicle.

3024 (6) (a) (i) Each state agency and each higher education institution shall subscribe to the  
3025 fuel dispensing services provided by the division.

3026 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,  
3027 systems, or products other than those provided by the division.

3028 (b) Counties, municipalities, school districts, local districts, special service districts,  
3029 and federal agencies may subscribe to the fuel dispensing services provided by the division if:

- 3030 (i) the county or municipal legislative body, the school district, or the local district or  
3031 special service district board recommends that the county, municipality, school district, local  
3032 district, or special service district subscribe to the fuel dispensing services of the division; and
- 3033 (ii) the division approves participation in the program by that government unit.

3034 (7) The director, with the approval of the executive director, may delegate functions to

3035 institutions of higher education, by contract or other means authorized by law, if:

3036 (a) the agency or institution of higher education has requested the authority;

3037 (b) in the judgment of the director, the state agency or institution has the necessary  
3038 resources and skills to perform the delegated responsibilities; and

3039 (c) the delegation of authority is in the best interest of the state and the function  
3040 delegated is accomplished according to provisions contained in law or rule.

3041 Section 52. Section **63A-9-501** is amended to read:

3042 **63A-9-501. Complaints about misuse or illegal operation of state vehicles --**

3043 **Disposition.**

3044 (1) The division shall refer complaints from the public about misuse or illegal  
3045 operation of state vehicles to the agency that is the owner or lessor of the vehicle.

3046 (2) Each agency head or his designee shall investigate all complaints about misuse or  
3047 illegal operation of state vehicles and shall discipline each employee that is found to have  
3048 misused or illegally operated a vehicle by following the procedures set forth in the rules  
3049 adopted by the [~~Department~~] Division of Human Resource Management as authorized by  
3050 Section [~~67-19-18~~] 63A-17-306.

3051 (3) (a) Each agency shall report the findings of each investigation conducted as well as  
3052 any action taken as a result of the investigation to the directors of the Divisions of Fleet  
3053 Operations and Risk Management.

3054 (b) Misuse or illegal operation of state vehicles may result in suspension or revocation  
3055 of state vehicle driving privileges as governed in rule.

3056 Section 53. Section **63A-12-101** is amended to read:

3057 **63A-12-101. Division of Archives and Records Service created -- Duties.**

3058 (1) There is created the Division of Archives and Records Service within the  
3059 [~~Department of Administrative Services~~] department.

3060 (2) The state archives shall:

3061 (a) administer the state's archives and records management programs, including storage  
3062 of records, central microphotography programs, and quality control;

3063 (b) apply fair, efficient, and economical management methods to the collection,  
3064 creation, use, maintenance, retention, preservation, disclosure, and disposal of records and  
3065 documents;

3066 (c) establish standards, procedures, and techniques for the effective management and  
3067 physical care of records;

3068 (d) conduct surveys of office operations and recommend improvements in current  
3069 records management practices, including the use of space, equipment, automation, and supplies  
3070 used in creating, maintaining, storing, and servicing records;

3071 (e) establish standards for the preparation of schedules providing for the retention of  
3072 records of continuing value and for the prompt and orderly disposal of state records no longer  
3073 possessing sufficient administrative, historical, legal, or fiscal value to warrant further  
3074 retention;

3075 (f) establish, maintain, and operate centralized microphotography lab facilities and  
3076 quality control for the state;

3077 (g) provide staff and support services to the Records Management Committee created  
3078 in Section [63A-12-112](#) and the State Records Committee created in Section [63G-2-501](#);

3079 (h) develop training programs to assist records officers and other interested officers and  
3080 employees of governmental entities to administer this chapter and Title 63G, Chapter 2,  
3081 Government Records Access and Management Act;

3082 (i) provide access to public records deposited in the archives;

3083 (j) administer and maintain the Utah Public Notice Website established under Section  
3084 [~~63F-1-701~~] [63A-16-601](#);

3085 (k) provide assistance to any governmental entity in administering this chapter and  
3086 Title 63G, Chapter 2, Government Records Access and Management Act;

3087 (l) prepare forms for use by all governmental entities for a person requesting access to  
3088 a record; and

3089 (m) if the department operates the Division of Archives and Records Service as an  
3090 internal service fund agency in accordance with Section [63A-1-109.5](#), submit to the Rate  
3091 Committee established in Section [63A-1-114](#):

3092 (i) the proposed rate and fee schedule as required by Section [63A-1-114](#); and

3093 (ii) other information or analysis requested by the Rate Committee.

3094 (3) The state archives may:

3095 (a) establish a report and directives management program; and

3096 (b) establish a forms management program.

3097 (4) The executive director [~~of the Department of Administrative Services~~] may direct  
3098 the state archives to administer other functions or services consistent with this chapter and Title  
3099 63G, Chapter 2, Government Records Access and Management Act.

3100 Section 54. Section **63A-12-102** is amended to read:

3101 **63A-12-102. State archivist -- Duties.**

3102 (1) With the approval of the governor, the executive director [~~of the Department of~~  
3103 ~~Administrative Services~~] shall appoint the state archivist to serve as director of the state  
3104 archives. The state archivist shall be qualified by archival training, education, and experience.

3105 (2) The state archivist is charged with custody of the following:

3106 (a) the enrolled copy of the Utah constitution;

3107 (b) the acts and resolutions passed by the Legislature;

3108 (c) all records kept or deposited with the state archivist as provided by law;

3109 (d) the journals of the Legislature and all bills, resolutions, memorials, petitions, and  
3110 claims introduced in the Senate or the House of Representatives;

3111 (e) Indian war records; and

3112 (f) oaths of office of all state officials.

3113 (3) (a) The state archivist is the official custodian of all noncurrent records of  
3114 permanent or historic value that are not required by law to remain in the custody of the  
3115 originating governmental entity.

3116 (b) Upon the termination of any governmental entity, its records shall be transferred to  
3117 the state archives.

3118 Section 55. Section **63A-12-103** is amended to read:

3119 **63A-12-103. Duties of governmental entities.**

3120 The chief administrative officer of each governmental entity shall:

3121 (1) establish and maintain an active, continuing program for the economical and  
3122 efficient management of the governmental entity's records as provided by this chapter and Title  
3123 63G, Chapter 2, Government Records Access and Management Act;

3124 (2) appoint one or more records officers who will be trained to work with the state  
3125 archives in the care, maintenance, scheduling, disposal, classification, designation, access, and  
3126 preservation of records;

3127 (3) ensure that officers and employees of the governmental entity that receive or

3128 process records requests receive required training on the procedures and requirements of this  
3129 chapter and Title 63G, Chapter 2, Government Records Access and Management Act;

3130 (4) make and maintain adequate and proper documentation of the organization,  
3131 functions, policies, decisions, procedures, and essential transactions of the governmental entity  
3132 designed to furnish information to protect the legal and financial rights of persons directly  
3133 affected by the entity's activities;

3134 (5) submit to the state archivist proposed schedules of records for final approval by the  
3135 Records Management Committee created in Section 63A-12-112;

3136 (6) cooperate with the state archivist in conducting surveys made by the state archivist;

3137 (7) comply with rules issued by the Department of [~~Administrative Services~~]

3138 Government Operations as provided by Section 63A-12-104;

3139 (8) report to the state archives the designation of record series that it maintains;

3140 (9) report to the state archives the classification of each record series that is classified;

3141 and

3142 (10) establish and report to the state archives retention schedules for objects that the  
3143 governmental entity determines are not defined as a record under Section 63G-2-103, but that  
3144 have historical or evidentiary value.

3145 Section 56. Section 63A-12-104 is amended to read:

3146 **63A-12-104. Rulemaking authority.**

3147 (1) The executive director of the [~~Department of Administrative Services~~] department,  
3148 with the recommendation of the state archivist, may make rules as provided by Title 63G,  
3149 Chapter 3, Utah Administrative Rulemaking Act, to implement provisions of this chapter and  
3150 Title 63G, Chapter 2, Government Records Access and Management Act, dealing with  
3151 procedures for the collection, storage, designation, classification, access, mediation for records  
3152 access, and management of records.

3153 (2) A governmental entity that includes divisions, boards, departments, committees,  
3154 commissions, or other subparts that fall within the definition of a governmental entity under  
3155 this chapter, may, by rule, specify at which level the requirements specified in this chapter shall  
3156 be undertaken.

3157 Section 57. Section 63A-13-201 is amended to read:

3158 **63A-13-201. Creation of office -- Inspector general -- Appointment -- Term.**

- 3159 (1) There is created an independent entity within the [~~Department of Administrative~~  
3160 ~~Services~~] department known as the "Office of Inspector General of Medicaid Services."  
3161 (2) The governor shall:  
3162 (a) appoint the inspector general of Medicaid services with the advice and consent of  
3163 the Senate; and  
3164 (b) establish the salary for the inspector general of Medicaid services based upon a  
3165 recommendation from the [~~Department~~] Division of Human Resource Management which shall  
3166 be based on a market salary survey conducted by the [~~Department~~] Division of Human  
3167 Resource Management.  
3168 (3) A person appointed as the inspector general shall have the following qualifications:  
3169 (a) a general knowledge of the type of methodology and controls necessary to audit,  
3170 investigate, and identify fraud, waste, and abuse;  
3171 (b) strong management skills;  
3172 (c) extensive knowledge of performance audit methodology;  
3173 (d) the ability to oversee and execute an audit; and  
3174 (e) strong interpersonal skills.  
3175 (4) The inspector general of Medicaid services:  
3176 (a) shall serve a term of four years; and  
3177 (b) may be removed by the governor, for cause.  
3178 (5) If the inspector general is removed for cause, a new inspector general shall be  
3179 appointed, with the advice and consent of the Senate, to serve the remainder of the term of the  
3180 inspector general of Medicaid services who was removed for cause.  
3181 (6) The Office of Inspector General of Medicaid Services:  
3182 (a) is not under the supervision of, and does not take direction from, the executive  
3183 director, except for administrative purposes;  
3184 (b) shall use the legal services of the state attorney general's office;  
3185 (c) shall submit a budget for the office directly to the [~~Department of Administrative~~  
3186 ~~Services~~] department;  
3187 (d) except as prohibited by federal law, is subject to:  
3188 (i) Title 51, Chapter 5, Funds Consolidation Act;  
3189 (ii) Title 51, Chapter 7, State Money Management Act;

- 3190 (iii) Title 63A, Utah [~~Administrative Services~~] Government Operations Code;
- 3191 (iv) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 3192 (v) Title 63G, Chapter 4, Administrative Procedures Act;
- 3193 (vi) Title 63G, Chapter 6a, Utah Procurement Code;
- 3194 (vii) Title 63J, Chapter 1, Budgetary Procedures Act;
- 3195 (viii) Title 63J, Chapter 2, Revenue Procedures and Control Act;
- 3196 (ix) [~~Title 67, Chapter 19~~] Chapter 17, Utah State Personnel Management Act;
- 3197 (x) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
- 3198 (xi) Title 52, Chapter 4, Open and Public Meetings Act;
- 3199 (xii) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 3200 (xiii) coverage under the Risk Management Fund created under Section [63A-4-201](#);
- 3201 (e) when requested, shall provide reports to the governor, the president of the Senate,
- 3202 or the speaker of the House; and
- 3203 (f) shall adopt administrative rules to establish policies for employees that are
- 3204 substantially similar to the administrative rules adopted by the Department of Human Resource
- 3205 Management.

3206 Section 58. Section **63A-16-101**, which is renumbered from Section 63F-1-101 is

3207 renumbered and amended to read:

3208 **CHAPTER 16. UTAH TECHNOLOGY GOVERNANCE ACT**

3209 **Part 1. General Provisions**

3210 [~~63F-1-101~~]. **63A-16-101. Title.**

3211 [(+)] This [title] chapter is known as the "Utah Technology Governance Act."

3212 [(2)] This chapter is known as the "Department of Technology Services."

3213 Section 59. Section **63A-16-102**, which is renumbered from Section 63F-1-102 is

3214 renumbered and amended to read:

3215 [~~63F-1-102~~]. **63A-16-102. Definitions.**

3216 As used in this [title] chapter:

3217 (1) "Chief information officer" means the chief information officer appointed under

3218 Section [~~63F-1-201~~] [63A-16-201](#).

3219 (2) "Data center" means a centralized repository for the storage, management, and

3220 dissemination of data.



- 3221 (3) [~~"Department" means the Department~~] "Division" means the Division of  
3222 Technology Services.
- 3223 (4) "Enterprise architecture" means:
- 3224 (a) information technology that can be applied across state government; and
- 3225 (b) support for information technology that can be applied across state government,  
3226 including:
- 3227 (i) technical support;
- 3228 (ii) master software licenses; and
- 3229 (iii) hardware and software standards.
- 3230 (5) (a) "Executive branch agency" means an agency or administrative subunit of state  
3231 government.
- 3232 (b) "Executive branch agency" does not include:
- 3233 (i) the legislative branch;
- 3234 (ii) the judicial branch;
- 3235 (iii) the State Board of Education;
- 3236 (iv) the Utah Board of Higher Education;
- 3237 (v) institutions of higher education;
- 3238 (vi) independent entities as defined in Section [63E-1-102](#); [~~and~~] or
- 3239 (vii) the following elective constitutional offices of the executive department [~~which~~  
3240 ~~includes~~]:
- 3241 (A) the state auditor;
- 3242 (B) the state treasurer; and
- 3243 (C) the attorney general.
- 3244 (6) "Executive branch strategic plan" means the executive branch strategic plan created  
3245 under Section [~~63F-1-203~~] [63A-16-202](#).
- 3246 (7) "Individual with a disability" means an individual with a condition that meets the  
3247 definition of "disability" in 42 U.S.C. Sec. 12102.
- 3248 (8) "Information technology" means all computerized and auxiliary automated  
3249 information handling, including:
- 3250 (a) systems design and analysis;
- 3251 (b) acquisition, storage, and conversion of data;

- 3252 (c) computer programming;
- 3253 (d) information storage and retrieval;
- 3254 (e) voice, video, and data communications;
- 3255 (f) requisite systems controls;
- 3256 (g) simulation; and
- 3257 (h) all related interactions between people and machines.
- 3258 (9) "State information architecture" means a logically consistent set of principles,
- 3259 policies, and standards that guide the engineering of state government's information technology
- 3260 and infrastructure in a way that ensures alignment with state government's business and service
- 3261 needs.

3262 Section 60. Section **63A-16-103**, which is renumbered from Section 63F-1-103 is

3263 renumbered and amended to read:

3264 ~~**[63F-1-103].**~~ **63A-16-103. Division of Technology Services.**

3265 (1) There is created within ~~[state government the Department]~~ the department the

3266 Division of Technology Services ~~[which has all of the policymaking functions, regulatory and~~

3267 ~~enforcement powers, rights, duties, and responsibilities outlined in this title].~~

3268 (2) The ~~[department]~~ division has authority to operate as an internal service fund

3269 agency as provided in Section [63J-1-410](#).

3270 Section 61. Section **63A-16-104**, which is renumbered from Section 63F-1-104 is

3271 renumbered and amended to read:

3272 ~~**[63F-1-104].**~~ **63A-16-104. Duties of division.**

3273 The ~~[department]~~ division shall:

- 3274 (1) lead state executive branch agency efforts to establish and reengineer the state's
- 3275 information technology architecture with the goal of coordinating central and individual agency
- 3276 information technology in a manner that:
  - 3277 (a) ensures compliance with the executive branch agency strategic plan; and
  - 3278 (b) ensures that cost-effective, efficient information and communication systems and
  - 3279 resources are being used by agencies to:
    - 3280 (i) reduce data, hardware, and software redundancy;
    - 3281 (ii) improve system interoperability and data accessibility between agencies; and
    - 3282 (iii) meet the agency's and user's business and service needs;

- 3283 (2) coordinate an executive branch strategic plan for all agencies;
- 3284 (3) develop and implement processes to replicate information technology best practices  
3285 and standards throughout the executive branch;
- 3286 (4) at least once every odd-numbered year:
- 3287 (a) evaluate the adequacy of the [~~department's~~] division's and the executive branch  
3288 agencies' data and information technology system security standards through an independent  
3289 third party assessment; and
- 3290 (b) communicate the results of the independent third party assessment to the  
3291 appropriate executive branch agencies and to the president of the Senate and the speaker of the  
3292 House of Representatives;
- 3293 (5) oversee the expanded use and implementation of project and contract management  
3294 principles as they relate to information technology projects within the executive branch;
- 3295 (6) serve as general contractor between the state's information technology users and  
3296 private sector providers of information technology products and services;
- 3297 (7) work toward building stronger partnering relationships with providers;
- 3298 (8) develop service level agreements with executive branch departments and agencies  
3299 to ensure quality products and services are delivered on schedule and within budget;
- 3300 (9) develop standards for application development including a standard methodology  
3301 and cost-benefit analysis that all agencies shall utilize for application development activities;
- 3302 (10) determine and implement statewide efforts to standardize data elements;
- 3303 (11) coordinate with executive branch agencies to provide basic website standards for  
3304 agencies that address common design standards and navigation standards, including:
- 3305 (a) accessibility for individuals with disabilities in accordance with:
- 3306 (i) the standards of 29 U.S.C. Sec. 794d; and
- 3307 (ii) Section [~~63F-1-210~~] 63A-16-209;
- 3308 (b) consistency with standardized government security standards;
- 3309 (c) designing around user needs with data-driven analysis influencing management and  
3310 development decisions, using qualitative and quantitative data to determine user goals, needs,  
3311 and behaviors, and continual testing of the website, web-based form, web-based application, or  
3312 digital service to ensure that user needs are addressed;
- 3313 (d) providing users of the website, web-based form, web-based application, or digital

3314 service with the option for a more customized digital experience that allows users to complete  
 3315 digital transactions in an efficient and accurate manner; and

3316 (e) full functionality and usability on common mobile devices;

3317 (12) consider, when making a purchase for an information system, cloud computing  
 3318 options, including any security benefits, privacy, data retention risks, and cost savings  
 3319 associated with cloud computing options;

3320 (13) develop systems and methodologies to review, evaluate, and prioritize existing  
 3321 information technology projects within the executive branch and report to the governor and the  
 3322 Public Utilities, Energy, and Technology Interim Committee in accordance with ~~[63F-1-201]~~  
 3323 Section 63A-16-201 on a semiannual basis regarding the status of information technology  
 3324 projects;

3325 (14) assist the Governor's Office of Management and Budget with the development of  
 3326 information technology budgets for agencies; and

3327 (15) ensure that any training or certification required of a public official or public  
 3328 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter  
 3329 22, State Training and Certification Requirements, if the training or certification is required:

3330 (a) under this ~~[title]~~ chapter;

3331 (b) by the department; or

3332 (c) by ~~[an agency or division within the department]~~ the division.

3333 Section 62. Section 63A-16-105, which is renumbered from Section 63F-1-106 is  
 3334 renumbered and amended to read:

3335 ~~[63F-1-106].~~ 63A-16-105. Director -- Authority.

3336 ~~[(1) The executive director of the department:]~~

3337 (1) The executive director shall appoint the director.

3338 (2) The director:

3339 (a) shall exercise all powers given to, and perform all duties imposed on, the division;

3340 ~~[(a)]~~ (b) has administrative jurisdiction over [each office in the department and the  
 3341 director of each office] the division and each office within the division;

3342 ~~[(b)]~~ (c) may make changes in [department] division personnel and [each office's]  
 3343 service functions [in the divisions] under the director's administrative jurisdiction; and

3344 ~~[(c)]~~ (d) may authorize a designee to perform appropriate responsibilities.

3345 (2) The ~~[executive]~~ director may, to facilitate ~~[department]~~ division management,  
 3346 establish offices and bureaus to perform division functions ~~[such as budgeting, planning, and~~  
 3347 ~~personnel administration]~~.

3348 (3) (a) The ~~[executive]~~ director may hire employees in the ~~[department, divisions,]~~  
 3349 division and offices of the division as permitted by ~~[department]~~ division resources.

3350 (b) Except as provided in Subsection (4), each employee of the ~~[department]~~ division is  
 3351 exempt from career service or classified service status as provided in Section ~~[67-19-15]~~  
 3352 [63A-17-301](#).

3353 (4) (a) An employee of an executive branch agency who was a career service employee  
 3354 as of July 1, 2005, who ~~[is]~~ was transferred to the division at the time it was newly created as  
 3355 the Department of Technology Services continues in the employee's career service status  
 3356 during the employee's service to the ~~[Department of Technology Services]~~ division if the duties  
 3357 of the position in the ~~[new department]~~ division are substantially similar to those in the  
 3358 employee's previous position.

3359 (b) A career service employee transferred ~~[to the new department]~~ under the provisions  
 3360 of Subsection (4)(a), whose duties or responsibilities subsequently change, may not be  
 3361 converted to exempt status without the review process required by Subsection ~~[67-19-15]~~  
 3362 [63A-17-301](#)(3).

3363 Section 63. Section **63A-16-106**, which is renumbered from Section 63F-1-107 is  
 3364 renumbered and amended to read:

3365 ~~[63F-1-107]~~. **63A-16-106. Offices within the division -- Administration.**

3366 (1) The ~~[department shall be composed of]~~ division includes the following ~~[divisions]~~  
 3367 offices:

- 3368 (a) the ~~[Division]~~ Office of Enterprise Technology;  
 3369 (b) the ~~[Division]~~ Office of Integrated Technology; and  
 3370 (c) the ~~[Division]~~ Office of Agency Services.

3371 (2) Each ~~[division]~~ office shall be administered and managed by ~~[a division director]~~  
 3372 an office manager.

3373 Section 64. Section **63A-16-201**, which is renumbered from Section 63F-1-201 is  
 3374 renumbered and amended to read:

3375 **Part 2. Chief Information Officer**

3376 ~~[63F-1-201]~~. 63A-16-201. **Chief information officer -- Appointment --**  
3377 **Powers -- Reporting.**

3378 (1) The director of the [~~department~~] division shall serve as the state's chief information  
3379 officer.

3380 (2) The chief information officer shall:

3381 (a) advise the governor on information technology policy; and

3382 (b) perform those duties given the chief information officer by statute.

3383 (3) (a) The chief information officer shall report annually to:

3384 (i) the governor; and

3385 (ii) the Public Utilities, Energy, and Technology Interim Committee.

3386 (b) The report required under Subsection (3)(a) shall:

3387 (i) summarize the state's current and projected use of information technology;

3388 (ii) summarize the executive branch strategic plan including a description of major  
3389 changes in the executive branch strategic plan;

3390 (iii) provide a brief description of each state agency's information technology plan;

3391 (iv) include the status of information technology projects described in Subsection

3392 [~~63F-1-104~~] 63A-16-104(11);

3393 (v) include the performance report described in Section [~~63F-1-212~~] 63A-16-211; and

3394 (vi) include the expenditure of the funds provided for electronic technology,  
3395 equipment, and hardware.

3396 Section 65. Section **63A-16-202**, which is renumbered from Section 63F-1-203 is  
3397 renumbered and amended to read:

3398 ~~[63F-1-203]~~. 63A-16-202. **Executive branch information technology**  
3399 **strategic plan.**

3400 (1) In accordance with this section, the chief information officer shall prepare an  
3401 executive branch information technology strategic plan:

3402 (a) that complies with this chapter; and

3403 (b) that includes:

3404 (i) a strategic plan for the:

3405 (A) interchange of information related to information technology between executive  
3406 branch agencies;

3407 (B) coordination between executive branch agencies in the development and  
3408 maintenance of information technology and information systems, including the coordination of  
3409 agency information technology plans described in Section [~~63F-1-204~~] 63A-16-203; and

3410 (C) protection of the privacy of individuals who use state information technology or  
3411 information systems, including the implementation of industry best practices for data and  
3412 system security;

3413 (ii) priorities for the development and implementation of information technology or  
3414 information systems including priorities determined on the basis of:

3415 (A) the importance of the information technology or information system; and

3416 (B) the time sequencing of the information technology or information system; and

3417 (iii) maximizing the use of existing state information technology resources.

3418 (2) In the development of the executive branch strategic plan, the chief information  
3419 officer shall consult with all cabinet level officials.

3420 (3) (a) Unless withdrawn by the chief information officer or the governor in accordance  
3421 with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on  
3422 which the executive branch strategic plan is submitted to:

3423 (i) the governor; and

3424 (ii) the Public Utilities, Energy, and Technology Interim Committee.

3425 (b) The chief information officer or the governor may withdraw the executive branch  
3426 strategic plan submitted under Subsection (3)(a) if the governor or chief information officer  
3427 determines that the executive branch strategic plan:

3428 (i) should be modified; or

3429 (ii) for any other reason should not take effect.

3430 (c) The Public Utilities, Energy, and Technology Interim Committee may make  
3431 recommendations to the governor and to the chief information officer if the commission  
3432 determines that the executive branch strategic plan should be modified or for any other reason  
3433 should not take effect.

3434 (d) Modifications adopted by the chief information officer shall be resubmitted to the  
3435 governor and the Public Utilities, Energy, and Technology Interim Committee for their review  
3436 or approval as provided in Subsections (3)(a) and (b).

3437 (4) (a) The chief information officer shall annually, on or before January 1, [~~2014~~, and

3438 ~~each year thereafter,]~~ modify the executive branch information technology strategic plan to  
3439 incorporate security standards that:

3440 (i) are identified as industry best practices in accordance with Subsections [~~63F-1-104~~]  
3441 [63A-16-104](#)(3) and (4); and

3442 (ii) can be implemented within the budget of the department or the executive branch  
3443 agencies.

3444 (b) The chief information officer shall inform the speaker of the House of  
3445 Representatives and the president of the Senate on or before January 1 of each year if best  
3446 practices identified in Subsection (4)(a)(i) are not adopted due to budget issues considered  
3447 under Subsection (4)(a)(ii).

3448 (5) Each executive branch agency shall implement the executive branch strategic plan  
3449 by adopting an agency information technology plan in accordance with Section [~~63F-1-204~~]  
3450 [63A-16-203](#).

3451 Section 66. Section **63A-16-203**, which is renumbered from Section 63F-1-204 is  
3452 renumbered and amended to read:

3453 [~~63F-1-204~~]. **[63A-16-203](#). Agency information technology plans.**

3454 (1) (a) [~~By~~] On or before July 1 [~~of~~] each year, each executive branch agency shall  
3455 submit an agency information technology plan to the chief information officer at the  
3456 department level, unless the governor or the chief information officer request an information  
3457 technology plan be submitted by a subunit of a department, or by an executive branch agency  
3458 other than a department.

3459 (b) The information technology plans required by this section shall be in the form and  
3460 level of detail required by the chief information officer, by administrative rule adopted in  
3461 accordance with Section [~~63F-1-206~~] [63A-16-205](#), and shall include, at least:

3462 (i) the information technology objectives of the agency;

3463 (ii) any performance measures used by the agency for implementing the agency's  
3464 information technology objectives;

3465 (iii) any planned expenditures related to information technology;

3466 (iv) the agency's need for appropriations for information technology;

3467 (v) how the agency's development of information technology coordinates with other  
3468 state and local governmental entities;



3469 (vi) any efforts the agency has taken to develop public and private partnerships to  
3470 accomplish the information technology objectives of the agency;

3471 (vii) the efforts the executive branch agency has taken to conduct transactions  
3472 electronically in compliance with Section [46-4-503](#); and

3473 (viii) the executive branch agency's plan for the timing and method of verifying the  
3474 department's security standards, if an agency intends to verify the department's security  
3475 standards for the data that the agency maintains or transmits through the department's servers.

3476 (2) (a) Except as provided in Subsection (2)(b), an agency information technology plan  
3477 described in Subsection (1) shall comply with the executive branch strategic plan established in  
3478 accordance with Section [~~63F-1-203~~] [63A-16-202](#).

3479 (b) If the executive branch agency submitting the agency information technology plan  
3480 justifies the need to depart from the executive branch strategic plan, an agency information  
3481 technology plan may depart from the executive branch strategic plan to the extent approved by  
3482 the chief information officer.

3483 (3) The chief information officer shall review each agency plan to determine:

3484 (a) (i) whether the agency plan complies with the executive branch strategic plan and  
3485 state information architecture; or

3486 (ii) to the extent that the agency plan does not comply with the executive branch  
3487 strategic plan or state information architecture, whether the executive branch entity is justified  
3488 in departing from the executive branch strategic plan, or state information architecture; and

3489 (b) whether the agency plan meets the information technology and other needs of:

3490 (i) the executive branch agency submitting the plan; and

3491 (ii) the state.

3492 (4) After the chief information officer conducts the review described in Subsection (3)  
3493 of an agency information technology plan, the chief information officer may:

3494 (a) approve the agency information technology plan;

3495 (b) disapprove the agency information technology plan; or

3496 (c) recommend modifications to the agency information technology plan.

3497 (5) An executive branch agency or the department may not submit a request for  
3498 appropriation related to information technology or an information technology system to the  
3499 governor in accordance with Section [63J-1-201](#) until after the executive branch agency's

3500 information technology plan is approved by the chief information officer.

3501 Section 67. Section **63A-16-204**, which is renumbered from Section 63F-1-205 is  
3502 renumbered and amended to read:

3503 ~~[63F-1-205]~~. **63A-16-204. Approval of acquisitions of information**  
3504 **technology.**

3505 (1) (a) In accordance with Subsection (2), the chief information officer shall approve  
3506 the acquisition by an executive branch agency of:

- 3507 (i) information technology equipment;
- 3508 (ii) telecommunications equipment;
- 3509 (iii) software;
- 3510 (iv) services related to the items listed in Subsections (1)(a)(i) through (iii); and
- 3511 (v) data acquisition.

3512 (b) The chief information officer may negotiate the purchase, lease, or rental of private  
3513 or public information technology or telecommunication services or facilities in accordance with  
3514 this section.

3515 (c) Where practical, efficient, and economically beneficial, the chief information  
3516 officer shall use existing private and public information technology or telecommunication  
3517 resources.

3518 (d) Notwithstanding another provision of this section, an acquisition authorized by this  
3519 section shall comply with rules made by the applicable rulemaking authority under Title 63G,  
3520 Chapter 6a, Utah Procurement Code.

3521 (2) Before negotiating a purchase, lease, or rental under Subsection (1) for an amount  
3522 that exceeds the value established by the chief information officer by rule in accordance with  
3523 Section ~~[63F-1-206]~~ 63A-16-205, the chief information officer shall:

3524 (a) conduct an analysis of the needs of executive branch agencies and subscribers of  
3525 services and the ability of the proposed information technology or telecommunications services  
3526 or supplies to meet those needs; and

3527 (b) for purchases, leases, or rentals not covered by an existing statewide contract,  
3528 certify in writing to the chief procurement officer in the Division of Purchasing and General  
3529 Services that:

3530 (i) the analysis required in Subsection (2)(a) was completed; and

3531 (ii) based on the analysis, the proposed purchase, lease, rental, or master contract of  
3532 services, products, or supplies is practical, efficient, and economically beneficial to the state  
3533 and the executive branch agency or subscriber of services.

3534 (3) In approving an acquisition described in Subsections (1) and (2), the chief  
3535 information officer shall:

3536 (a) establish by administrative rule, in accordance with Section [~~63F-1-206~~]  
3537 [63A-16-205](#), standards under which an agency must obtain approval from the chief information  
3538 officer before acquiring the items listed in Subsections (1) and (2);

3539 (b) for those acquisitions requiring approval, determine whether the acquisition is in  
3540 compliance with:

3541 (i) the executive branch strategic plan;

3542 (ii) the applicable agency information technology plan;

3543 (iii) the budget for the executive branch agency or department as adopted by the  
3544 Legislature;

3545 (iv) Title 63G, Chapter 6a, Utah Procurement Code; and

3546 (v) the information technology accessibility standards described in Section [~~63F-1-210~~]  
3547 [63A-16-209](#); and

3548 (c) in accordance with Section [~~63F-1-207~~] [63A-16-206](#), require coordination of  
3549 acquisitions between two or more executive branch agencies if it is in the best interests of the  
3550 state.

3551 (4) Each executive branch agency shall provide the chief information officer with  
3552 complete access to all information technology records, documents, and reports:

3553 (a) at the request of the chief information officer; and

3554 (b) related to the executive branch agency's acquisition of any item listed in Subsection  
3555 (1).

3556 (5) (a) In accordance with administrative rules established by the department under  
3557 Section [~~63F-1-206~~] [63A-16-205](#), an executive branch agency and the department may not  
3558 initiate a new technology project unless the technology project is described in a formal project  
3559 plan and a business case analysis is approved by the chief information officer and the highest  
3560 ranking executive branch agency official.

3561 (b) The project plan and business case analysis required by this Subsection (5) shall

3562 include:

- 3563 (i) a statement of work to be done and existing work to be modified or displaced;  
3564 (ii) total cost of system development and conversion effort, including system analysis  
3565 and programming costs, establishment of master files, testing, documentation, special  
3566 equipment cost and all other costs, including overhead;  
3567 (iii) savings or added operating costs that will result after conversion;  
3568 (iv) other advantages or reasons that justify the work;  
3569 (v) source of funding of the work, including ongoing costs;  
3570 (vi) consistency with budget submissions and planning components of budgets; and  
3571 (vii) whether the work is within the scope of projects or initiatives envisioned when the  
3572 current fiscal year budget was approved.

3573 (c) The chief information officer shall determine the required form of the project plan  
3574 and business case analysis described in this Subsection (5).

3575 (6) The chief information officer and the Division of Purchasing and General Services  
3576 within the [~~Department of Administrative Services~~] department shall work cooperatively to  
3577 establish procedures under which the chief information officer shall monitor and approve  
3578 acquisitions as provided in this section.

3579 Section 68. Section **63A-16-205**, which is renumbered from Section 63F-1-206 is  
3580 renumbered and amended to read:

3581 ~~[63F-1-206]~~. **63A-16-205. Rulemaking -- Policies.**

3582 (1) (a) Except as provided in Subsection (2), the chief information officer shall, by rule  
3583 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

3584 (i) provide standards that impose requirements on executive branch agencies that:

3585 (A) are related to the security of the statewide area network; and

3586 (B) establish standards for when an agency must obtain approval before obtaining  
3587 items listed in Subsection [~~63F-1-205~~] 63A-16-204(1);

3588 (ii) specify the detail and format required in an agency information technology plan  
3589 submitted in accordance with Section [~~63F-1-204~~] 63A-16-203;

3590 (iii) provide for standards related to the privacy policies of websites operated by or on  
3591 behalf of an executive branch agency;

3592 (iv) provide for the acquisition, licensing, and sale of computer software;

3593 (v) specify the requirements for the project plan and business case analysis required by  
3594 Section [~~63F-1-205~~] [63A-16-204](#);

3595 (vi) provide for project oversight of agency technology projects when required by  
3596 Section [~~63F-1-205~~] [63A-16-204](#);

3597 (vii) establish, in accordance with Subsection [~~63F-1-205~~] [63A-16-204](#)(2), the  
3598 implementation of the needs assessment for information technology purchases;

3599 (viii) establish telecommunications standards and specifications in accordance with  
3600 Section [~~63F-1-404~~] [63A-16-403](#); and

3601 (ix) establish standards for accessibility of information technology by individuals with  
3602 disabilities in accordance with Section [~~63F-1-210~~] [63A-16-209](#).

3603 (b) The rulemaking authority granted by this Subsection (1) is in addition to any other  
3604 rulemaking authority granted [~~by this title~~] under this chapter.

3605 (2) (a) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
3606 and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines  
3607 procedures to be followed by the chief information officer in facilitating the implementation of  
3608 this title by executive branch agencies if the policy:

3609 (i) is consistent with the executive branch strategic plan; and

3610 (ii) is not required to be made by rule under Subsection (1) or Section [63G-3-201](#).

3611 (b) (i) A policy adopted by the chief information officer under Subsection (2)(a) may  
3612 not take effect until 30 days after the day on which the chief information officer submits the  
3613 policy to:

3614 (A) the governor; and

3615 (B) all cabinet level officials.

3616 (ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials  
3617 may review and comment on a policy submitted under Subsection (2)(b)(i).

3618 (3) (a) Notwithstanding Subsection (1) or (2) or Title 63G, Chapter 3, Utah  
3619 Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the  
3620 chief information officer may adopt a security procedure to be followed by executive branch  
3621 agencies to protect the statewide area network if:

3622 (i) broad communication of the security procedure would create a significant potential  
3623 for increasing the vulnerability of the statewide area network to breach or attack; and

3624 (ii) after consultation with the chief information officer, the governor agrees that broad  
3625 communication of the security procedure would create a significant potential increase in the  
3626 vulnerability of the statewide area network to breach or attack.

3627 (b) A security procedure described in Subsection (3)(a) is classified as a protected  
3628 record under Title 63G, Chapter 2, Government Records Access and Management Act.

3629 (c) The chief information officer shall provide a copy of the security procedure as a  
3630 protected record to:

3631 (i) the chief justice of the Utah Supreme Court for the judicial branch;

3632 (ii) the speaker of the House of Representatives and the president of the Senate for the  
3633 legislative branch;

3634 (iii) the chair of the Utah Board of Higher Education; and

3635 (iv) the chair of the State Board of Education.

3636 Section 69. Section **63A-16-206**, which is renumbered from Section 63F-1-207 is  
3637 renumbered and amended to read:

3638 ~~[63F-1-207]~~. **63A-16-206. Coordination within the executive branch --**  
3639 **Cooperation with other branches.**

3640 (1) In accordance with the executive branch strategic plan and the requirements of this  
3641 title, the chief information officer shall coordinate the development of information technology  
3642 systems between two or more executive branch agencies subject to:

3643 (a) the budget approved by the Legislature; and

3644 (b) Title 63J, Chapter 1, Budgetary Procedures Act.

3645 (2) In addition to the coordination described in Subsection (1), the chief information  
3646 officer shall promote cooperation regarding information technology between branches of state  
3647 government.

3648 Section 70. Section **63A-16-207**, which is renumbered from Section 63F-1-208 is  
3649 renumbered and amended to read:

3650 ~~[63F-1-208]~~. **63A-16-207. Delegation of department functions.**

3651 (1) (a) If the conditions of Subsections (1)(b) and (2) are met and subject to the other  
3652 provisions of this section, the chief information officer may delegate a function of the  
3653 ~~[department]~~ division to another executive branch agency or an institution of higher education  
3654 by contract or other means authorized by law.

3655 (b) The chief information officer may delegate a function of the [~~department~~] division  
3656 as provided in Subsection (1)(a) if in the judgment of the director of the executive branch  
3657 agency and the chief information officer:

3658 (i) the executive branch agency or institution of higher education has requested that the  
3659 function be delegated;

3660 (ii) the executive branch agency or institution of higher education has the necessary  
3661 resources and skills to perform or control the function to be delegated; and

3662 (iii) the function to be delegated is a unique or mission-critical function of the agency  
3663 or institution of higher education.

3664 (2) The chief information officer may delegate a function of the [~~department~~] division  
3665 only when the delegation results in net cost savings or improved service delivery to the state as  
3666 a whole or to the unique mission critical function of the executive branch agency.

3667 (3) The delegation of a function under this section shall:

3668 (a) be in writing;

3669 (b) contain all of the following:

3670 (i) a precise definition of each function to be delegated;

3671 (ii) a clear description of the standards to be met in performing each function  
3672 delegated;

3673 (iii) a provision for periodic administrative audits by the [~~department~~] division;

3674 (iv) a date on which the agreement shall terminate if the agreement has not been  
3675 previously terminated or renewed; and

3676 (v) any delegation of [~~department~~] division staff to the agency to support the function  
3677 in-house with the agency and rates to be charged for the delegated staff; and

3678 (c) include a cost-benefit analysis justifying the delegation.

3679 (4) An agreement to delegate functions to an executive branch agency or an institution  
3680 of higher education may be terminated by the [~~department~~] division if the results of an  
3681 administrative audit conducted by the [~~department~~] division reveals a lack of compliance with  
3682 the terms of the agreement by the executive branch agency or institution of higher education.

3683 Section 71. Section **63A-16-208**, which is renumbered from Section 63F-1-209 is  
3684 renumbered and amended to read:

3685 [~~63F-1-209~~]. **63A-16-208**. **Delegation of division staff to executive branch**

3686 **agencies -- Prohibition against executive branch agency information technology staff.**

3687 (1) (a) The chief information officer shall assign [~~department~~] division staff to serve an  
3688 agency in-house if the chief information officer and the executive branch agency director  
3689 jointly determine it is appropriate to provide information technology services to:

3690 (i) the agency's unique mission-critical functions and applications;

3691 (ii) the agency's participation in and use of statewide enterprise architecture; and

3692 (iii) the agency's use of coordinated technology services with other agencies that share  
3693 similar characteristics with the agency.

3694 (b) (i) An agency may request the chief information officer to assign in-house staff  
3695 support from the [~~department~~] division.

3696 (ii) The chief information officer shall respond to the agency's request for in-house  
3697 staff support in accordance with Subsection (1)(a).

3698 (c) The [~~department~~] division shall enter into service agreements with an agency when  
3699 [~~department~~] division staff is assigned in-house to the agency under the provisions of this  
3700 section.

3701 (d) An agency that receives in-house staff support assigned from the [~~department~~]  
3702 division under the provision of this section is responsible for paying the rates charged by the  
3703 [~~department~~] division for that staff as established under Section [~~63F-1-301~~] 63A-16-301.

3704 (2) (a) An executive branch agency may not create a full-time equivalent position or  
3705 part-time position, or request an appropriation to fund a full-time equivalent position or  
3706 part-time position under the provisions of Section 63J-1-201 for the purpose of providing  
3707 information technology services to the agency unless:

3708 (i) the chief information officer has approved a delegation under Section [~~63F-1-208~~]  
3709 63A-16-207; and

3710 (ii) the [~~department~~] division conducts an audit under Section [~~63F-1-604~~] 63A-16-213  
3711 and finds that the delegation of information technology services to the agency meets the  
3712 requirements of Section [~~63F-1-208~~] 63A-16-207.

3713 (b) The prohibition against a request for appropriation under Subsection (2)(a) does not  
3714 apply to a request for appropriation needed to pay rates imposed under Subsection (1)(d).

3715 Section 72. Section **63A-16-209**, which is renumbered from Section 63F-1-210 is  
3716 renumbered and amended to read:



3717 ~~[63F-1-210]~~. 63A-16-209. **Accessibility standards for executive branch**  
 3718 **agency information technology.**

3719 (1) The chief information officer shall establish, by rule made in accordance with Title  
 3720 63G, Chapter 3, Utah Administrative Rulemaking Act:

3721 (a) minimum standards for accessibility of executive branch agency information  
 3722 technology by an individual with a disability that:

3723 (i) include accessibility criteria for:

3724 (A) agency websites;

3725 (B) hardware and software procured by an executive branch agency; and

3726 (C) information systems used by executive branch agency employees;

3727 (ii) include a protocol to evaluate the standards via testing by individuals with a variety  
 3728 of access limitations; and

3729 (iii) are, at minimum, consistent with the most recent Web Content Accessibility  
 3730 guidelines published by the World Wide Web Consortium; and

3731 (b) grievance procedures for an individual with a disability who is unable to access  
 3732 executive branch agency information technology, including:

3733 (i) a process for an individual with a disability to report the access issue to the chief  
 3734 information officer; and

3735 (ii) a mechanism through which the chief information officer can respond to the report.

3736 (2) The chief information officer shall update the standards described in Subsection

3737 (1)(a) at least every three years to reflect advances in technology.

3738 Section 73. Section **63A-16-210**, which is renumbered from Section 63F-1-211 is  
 3739 renumbered and amended to read:

3740 ~~[63F-1-211]~~. 63A-16-210. **Chief information security officer.**

3741 (1) The chief information officer shall appoint a chief information security officer.

3742 (2) The chief information security officer described in Subsection (1) shall:

3743 (a) assess cybersecurity risks;

3744 (b) coordinate with executive branch agencies to assess the sensitivity of information;

3745 and

3746 (c) manage cybersecurity support for the department and executive branch agencies.

3747 Section 74. Section **63A-16-211**, which is renumbered from Section 63F-1-212 is

3748 renumbered and amended to read:

3749 ~~[63F-1-212]~~. **63A-16-211. Report to the Legislature.**

3750 The ~~[department]~~ division shall, in accordance with Section ~~[63F-1-201]~~ 63F-16-201,  
3751 before November 1 ~~[of]~~ each year, report to the Public Utilities, Energy, and Technology  
3752 Interim Committee on:

3753 (1) performance measures that the ~~[department]~~ division uses to assess the  
3754 ~~[department's]~~ division's effectiveness in performing the ~~[department's]~~ division's duties under  
3755 this ~~[chapter]~~ part; and

3756 (2) the ~~[department's]~~ division's performance, evaluated in accordance with the  
3757 performance measures described in Subsection (1).

3758 Section 75. Section **63A-16-212**, which is renumbered from Section 63F-1-603 is  
3759 renumbered and amended to read:

3760 ~~[63F-1-603]~~. **63A-16-212. Agency services -- Chief information officer**  
3761 **manages.**

3762 The chief information officer shall manage the ~~[department's]~~ division's duties related  
3763 to agency services.

3764 Section 76. Section **63A-16-213**, which is renumbered from Section 63F-1-604 is  
3765 renumbered and amended to read:

3766 ~~[63F-1-604]~~. **63A-16-213. Duties of the division -- Agency services.**

3767 The ~~[department]~~ division shall:

3768 (1) be responsible for providing support to executive branch agencies for an agency's  
3769 information technology assets and functions that are unique to the executive branch agency and  
3770 are mission critical functions of the agency;

3771 (2) provide in-house information technology staff support to executive branch  
3772 agencies;

3773 (3) establish a committee composed of agency user groups for the purpose of  
3774 coordinating ~~[department]~~ division services with agency needs; and

3775 (4) assist executive branch agencies in complying with the requirements of any rule  
3776 adopted by the chief information officer.

3777 Section 77. Section **63A-16-301**, which is renumbered from Section 63F-1-301 is  
3778 renumbered and amended to read:

3779 **Part 3. Information Technology Rate Committee**

3780 ~~[63F-1-301].~~ **63A-16-301. Cost based services -- Fees -- Rate committee.**

3781 (1) The chief information officer shall:

3782 (a) at the lowest practical cost, manage the delivery of efficient and cost-effective

3783 information technology and telecommunication services for:

3784 (i) all executive branch agencies; and

3785 (ii) entities that subscribe to the services in accordance with Section ~~[63F-1-303]~~

3786 63A-16-303; and

3787 (b) provide priority service to public safety agencies.

3788 (2) (a) In accordance with this Subsection (2), the chief information officer shall

3789 prescribe a schedule of fees for all services rendered by the ~~[department]~~ division to:

3790 (i) an executive branch entity; or

3791 (ii) an entity that subscribes to services rendered by the ~~[department]~~ division in

3792 accordance with Section ~~[63F-1-303]~~ 63A-16-303.

3793 (b) Each fee included in the schedule of fees required by Subsection (2)(a):

3794 (i) shall be equitable;

3795 (ii) should be based upon a zero based, full cost accounting of activities necessary to

3796 provide each service for which a fee is established; and

3797 (iii) for each service multiplied by the projected consumption of the service recovers

3798 no more or less than the full cost of each service.

3799 (c) Before charging a fee for its services to an executive branch agency or to a

3800 subscriber of services other than an executive branch agency, the chief information officer

3801 shall:

3802 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established

3803 in Section ~~[63F-1-302]~~ 63A-16-302; and

3804 (ii) obtain the approval of the Legislature as required by Section 63J-1-410.

3805 (d) The chief information officer shall periodically conduct a market analysis ~~[by July~~

3806 ~~1, 2006, and periodically thereafter,]~~ of proposed rates and fees, which analysis shall include a

3807 comparison of the ~~[department's]~~ division's rates with the fees of other public or private sector

3808 providers where comparable services and rates are reasonably available.

3809 Section 78. Section **63A-16-302**, which is renumbered from Section 63F-1-302 is

3810 renumbered and amended to read:

3811 ~~[63F-1-302].~~ 63A-16-302. Information Technology Rate Committee --

3812 **Membership -- Duties.**

3813 (1) (a) There is created an Information Technology Rate Committee, which shall  
3814 consist of the executive directors, or the executive director's designee, of seven executive  
3815 branch agencies that use services and pay rates to one of the [department] division's internal  
3816 service funds, appointed by the governor for a two-year term.

3817 ~~[(b) (i) Of the seven executive agencies represented on the rate committee under~~  
3818 ~~Subsection (1)(a), only one of the following may be represented on the committee, if at all, at~~  
3819 ~~any one time:]~~

3820 ~~[(A) the Governor's Office of Management and Budget;]~~

3821 ~~[(B) the Division of Finance; or]~~

3822 ~~[(C) the Department of Administrative Services.]~~

3823 ~~[(ii) The department may not have a representative on the rate committee.]~~

3824 (b) Neither the department nor the division may have a representative on the rate  
3825 committee.

3826 (c) (i) The committee shall elect a chair from its members.

3827 (ii) Members of the committee who are state government employees and who do not  
3828 receive salary, per diem, or expenses from their agency for their service on the committee shall  
3829 receive no compensation, benefits, per diem, or expenses for the member's service on the  
3830 committee.

3831 (d) The [department] division shall provide staff services to the committee.

3832 (2) (a) Any internal service funds managed by the [department] division shall submit to  
3833 the committee a proposed rate and fee schedule for services rendered by the [department]  
3834 division to an executive branch agency or an entity that subscribes to services rendered by the  
3835 [department] division.

3836 (b) The committee shall:

3837 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings  
3838 Act;

3839 (ii) meet at least once each calendar year to:

3840 (A) discuss the service performance of each internal service fund;

- 3841 (B) review the proposed rate and fee schedules;
- 3842 (C) determine whether each proposed fee is based on cost recovery as required by
- 3843 Subsection [~~63F-1-301~~] 63A-16-301(2)(b);
- 3844 (D) at the rate committee's discretion, approve, increase, or decrease the rate and fee
- 3845 schedules described in Subsection (2)(b)(ii)(B); and
- 3846 (E) discuss any prior or potential adjustments to the service level received by state
- 3847 agencies that pay rates to an internal service fund;
- 3848 (iii) recommend a proposed rate and fee schedule for each internal service fund to:
- 3849 (A) the Governor's Office of Management and Budget; and
- 3850 (B) the Office of Legislative Fiscal Analyst for review by the Legislature in accordance
- 3851 with Section 63J-1-410, which requires the Legislature to approve the internal service fund
- 3852 agency's rates, fees, and budget in an appropriations act; and
- 3853 (iv) in accordance with Section 63J-1-410, review and approve, increase or decrease an
- 3854 interim rate, fee, or amount when an internal service fund agency begins a new service or
- 3855 introduces a new product between annual general sessions of the Legislature, which rate, fee, or
- 3856 amount shall be submitted to the Legislature at the next annual general session.
- 3857 (c) The committee may, in accordance with Subsection 63J-1-410(4), decrease a rate,
- 3858 fee, or amount that has been approved by the Legislature.
- 3859 Section 79. Section **63A-16-303**, which is renumbered from Section 63F-1-303 is
- 3860 renumbered and amended to read:
- 3861 ~~[63F-1-303]~~. **63A-16-303. Executive branch agencies -- Subscription by**
- 3862 **institutions.**
- 3863 (1) An executive branch agency in accordance with its agency information technology
- 3864 plan approved by the chief information officer shall:
- 3865 (a) subscribe to the information technology services provided by the [department]
- 3866 division; or
- 3867 (b) contract with one or more alternate private providers of information technology
- 3868 services if the chief information officer determines that the purchase of the services from a
- 3869 private provider will:
- 3870 (i) result in:
- 3871 (A) cost savings;

- 3872 (B) increased efficiency; or
- 3873 (C) improved quality of services; and
- 3874 (ii) not impair the interoperability of the state's information technology services.

3875 (2) An institution of higher education may subscribe to the services provided by the  
 3876 [department] division if:

- 3877 (a) the president of the institution recommends that the institution subscribe to the
- 3878 services of the [department] division; and
- 3879 (b) the Utah Board of Higher Education determines that subscription to the services of
- 3880 the [department] division will result in cost savings or increased efficiency to the institution.

3881 (3) The following may subscribe to information technology services by requesting that  
 3882 the services be provided from the [department] division:

- 3883 (a) the legislative branch;
- 3884 (b) the judicial branch;
- 3885 (c) the State Board of Education;
- 3886 (d) a political subdivision of the state;
- 3887 (e) an agency of the federal government;
- 3888 (f) an independent entity as defined in Section [63E-1-102](#); and
- 3889 (g) an elective constitutional officer of the executive department as defined in
- 3890 Subsection [\[63F-1-102\] 63A-16-102\(5\)\(b\)\(vii\)](#).

3891 Section 80. Section **63A-16-401**, which is renumbered from Section 63F-1-402 is  
 3892 renumbered and amended to read:

**Part 4. Enterprise Technology**

**~~[63F-1-402].~~ 63A-16-401. Definitions.**

3895 As used in this [chapter] part, "enterprise architecture" means information technology  
 3896 assets and functions that can be applied across state government and include:

- 3897 (1) computing devices such as mainframes, servers, desktop devices, and peripherals;
- 3898 (2) networks;
- 3899 (3) enterprise wide applications;
- 3900 (4) maintenance and help desk functions for common hardware and applications;
- 3901 (5) standards for other computing devices, operating systems, common applications,
- 3902 and software; and

3903 (6) master contracts that are available for use by agencies for various systems such as  
3904 operating systems, database, enterprise resource planning and customer relationship  
3905 management software, application development services, and enterprise integration.

3906 Section 81. Section **63A-16-402**, which is renumbered from Section 63F-1-403 is  
3907 renumbered and amended to read:

3908 ~~[63F-1-403]~~. **63A-16-402. Enterprise technology -- Chief information**  
3909 **officer manages.**

3910 The chief information officer shall manage the ~~[department's]~~ division's duties related  
3911 to enterprise technology.

3912 Section 82. Section **63A-16-403**, which is renumbered from Section 63F-1-404 is  
3913 renumbered and amended to read:

3914 ~~[63F-1-404]~~. **63A-16-403. Duties of the division -- Enterprise technology.**

3915 The ~~[department]~~ division shall:

3916 (1) develop and implement an effective enterprise architecture governance model for  
3917 the executive branch;

3918 (2) provide oversight of information technology projects that impact statewide  
3919 information technology services, assets, or functions of state government to:

3920 (a) control costs;

3921 (b) ensure business value to a project;

3922 (c) maximize resources;

3923 (d) ensure the uniform application of best practices; and

3924 (e) avoid duplication of resources;

3925 (3) develop a method of accountability to agencies for services provided by the  
3926 department through service agreements with the agencies;

3927 (4) serve as a project manager for enterprise architecture which includes the  
3928 management of applications, standards, and procurement of enterprise architecture;

3929 (5) coordinate the development and implementation of advanced state  
3930 telecommunication systems;

3931 (6) provide services including technical assistance:

3932 (a) to executive branch agencies and subscribers to the services; and

3933 (b) related to information technology or telecommunications;

- 3934 (7) establish telecommunication system specifications and standards for use by:
- 3935 (a) one or more executive branch agencies; or
- 3936 (b) one or more entities that subscribe to the telecommunication systems in accordance
- 3937 with Section [~~63F-1-303~~] [63A-16-303](#);
- 3938 (8) coordinate state telecommunication planning in cooperation with:
- 3939 (a) state telecommunication users;
- 3940 (b) executive branch agencies; and
- 3941 (c) other subscribers to the state's telecommunication systems;
- 3942 (9) cooperate with the federal government, other state entities, counties, and
- 3943 municipalities in the development, implementation, and maintenance of:
- 3944 (a) (i) governmental information technology; or
- 3945 (ii) governmental telecommunication systems; and
- 3946 (b) (i) as part of a cooperative organization; or
- 3947 (ii) through means other than a cooperative organization;
- 3948 (10) establish, operate, manage, and maintain:
- 3949 (a) one or more state data centers; and
- 3950 (b) one or more regional computer centers;
- 3951 (11) design, implement, and manage all state-owned, leased, or rented land, mobile, or
- 3952 radio telecommunication systems that are used in the delivery of services for state government
- 3953 or its political subdivisions; and
- 3954 (12) in accordance with the executive branch strategic plan, implement minimum
- 3955 standards to be used by the [~~department~~] division for purposes of compatibility of procedures,
- 3956 programming languages, codes, and media that facilitate the exchange of information within
- 3957 and among telecommunication systems.

3958 Section 83. Section **63A-16-501**, which is renumbered from Section 63F-1-502 is

3959 renumbered and amended to read:

**Part 5. Integrated Technology**

~~[63F-1-502]~~. **63A-16-501. Definitions.**

As used in this part:

- 3963 (1) "Center" means the Automated Geographic Reference Center created in Section
- 3964 [~~63F-1-506~~] [63A-16-505](#).



3965 (2) "Database" means the State Geographic Information Database created in Section  
 3966 [~~63F-1-507~~] 63A-16-506.

3967 (3) "Geographic Information System" or "GIS" means a computer driven data  
 3968 integration and map production system that interrelates disparate layers of data to specific  
 3969 geographic locations.

3970 (4) "Office" means the Office of Integrated Technology, created in Section  
 3971 63A-16-502.

3972 [~~(4)~~] (5) "State Geographic Information Database" means the database created in  
 3973 Section [~~63F-1-507~~] 63A-16-506.

3974 [~~(5)~~] (6) "Statewide Global Positioning Reference Network" or "network" means the  
 3975 network created in Section [~~63F-1-509~~] 63A-16-508.

3976 Section 84. Section **63A-16-502**, which is renumbered from Section 63F-1-503 is  
 3977 renumbered and amended to read:

3978 [~~63F-1-503~~]. **63A-16-502. Office of Integrated Technology.**

3979 (1) There is created within the division the Office of Integrated Technology.

3980 (2) The chief information officer shall manage the [~~department's~~] division's duties  
 3981 related to integrated technology.

3982 Section 85. Section **63A-16-503**, which is renumbered from Section 63F-1-504 is  
 3983 renumbered and amended to read:

3984 [~~63F-1-504~~]. **63A-16-503. Duties of the division -- Integrated technology.**

3985 The [~~department~~] division shall:

3986 (1) establish standards for the information technology needs of a collection of  
 3987 executive branch agencies or programs that share common characteristics relative to the types  
 3988 of stakeholders they serve, including:

- 3989 (a) project management;
- 3990 (b) application development; and
- 3991 (c) procurement;

3992 (2) provide oversight of information technology standards that impact multiple  
 3993 executive branch agency information technology services, assets, or functions to:

- 3994 (a) control costs;
- 3995 (b) ensure business value to a project;

- 3996 (c) maximize resources;
- 3997 (d) ensure the uniform application of best practices; and
- 3998 (e) avoid duplication of resources; and
- 3999 (3) establish a system of accountability to user agencies through the use of service
- 4000 agreements.

4001 Section 86. Section **63A-16-504**, which is renumbered from Section 63F-1-505 is

4002 renumbered and amended to read:

4003 ~~[63F-1-505]~~. **63A-16-504. Information technology plan.**

4004 (1) In accordance with this section, the ~~[division]~~ office shall submit an information

4005 technology plan to the chief information officer.

4006 (2) The information technology plan submitted by the ~~[division]~~ office under this

4007 section shall include:

- 4008 (a) the information required by Section ~~[63F-1-203]~~ 63A-16-202;
- 4009 (b) a list of the services the ~~[division]~~ office offers or plans to offer; and
- 4010 (c) a description of the performance measures used by the ~~[division]~~ office to measure
- 4011 the quality of the services described in Subsection (2)(b).

4012 (3) (a) In submitting ~~[its]~~ the information technology plan under this section, the

4013 ~~[division]~~ office shall comply with Section ~~[63F-1-204]~~ 63A-16-203.

4014 (b) The information technology plan submitted by the ~~[division]~~ office under this

4015 section is subject to the approval of the chief information officer as provided in Section

4016 ~~[63F-1-204]~~ 63A-16-203.

4017 Section 87. Section **63A-16-505**, which is renumbered from Section 63F-1-506 is

4018 renumbered and amended to read:

4019 ~~[63F-1-506]~~. **63A-16-505. Automated Geographic Reference Center.**

4020 (1) There is created the Automated Geographic Reference Center as part of the

4021 ~~[division]~~ office.

4022 (2) The center shall:

- 4023 (a) provide geographic information system services to state agencies under rules
- 4024 adopted in accordance with Section ~~[63F-1-504]~~ 63A-16-503 and policies established by the
- 4025 ~~[division]~~ office;

4026 (b) provide geographic information system services to federal government, local

4027 political subdivisions, and private persons under rules and policies established by the [~~division~~]  
4028 office;

4029 (c) manage the State Geographic Information Database; and

4030 (d) establish standard format, lineage, and other requirements for the database.

4031 (3) (a) There is created a position of surveyor within the center.

4032 (b) The surveyor under this Subsection (3) shall:

4033 (i) be licensed as a professional land surveyor under Title 58, Chapter 22, Professional  
4034 Engineers and Professional Land Surveyors Licensing Act;

4035 (ii) provide technical support to the office of lieutenant governor in the lieutenant  
4036 governor's evaluation under Section 67-1a-6.5 of a proposed boundary action, as defined in  
4037 Section 17-23-20;

4038 (iii) as requested by a county surveyor, provide technical assistance to the county  
4039 surveyor with respect to the county surveyor's responsibilities under Section 17-23-20;

4040 (iv) fulfill the duties described in Section 17-50-105, if engaged to do so as provided in  
4041 that section;

4042 (v) assist the State Tax Commission in processing and quality assurance of boundary  
4043 descriptions or maps into digital format for inclusion in the State Geographic Information  
4044 Database;

4045 (vi) coordinate with county recorders and surveyors to create a statewide parcel layer in  
4046 the State Geographic Information Database containing parcel boundary, parcel identifier, parcel  
4047 address, owner type, and county recorder contact information; and

4048 (vii) facilitate and integrate the collection efforts of local government and federal  
4049 agencies for data collection to densify and enhance the statewide Public Land Survey System  
4050 reference network in the State Geographic Information Database.

4051 (4) The [~~division~~] office may:

4052 (a) make rules and establish policies to govern the center and its operations; and

4053 (b) set fees for the services provided by the center.

4054 (5) The state may not sell information obtained from counties under Subsection  
4055 (3)(b)(v).

4056 Section 88. Section 63A-16-506, which is renumbered from Section 63F-1-507 is  
4057 renumbered and amended to read:

4058 ~~[63F-1-507]~~. 63A-16-506. State Geographic Information Database.

4059 (1) There is created a State Geographic Information Database to be managed by the  
4060 center.

4061 (2) The database shall:

4062 (a) serve as the central reference for all information contained in any GIS database by  
4063 any state agency;

4064 (b) serve as a clearing house and repository for all data layers required by multiple  
4065 users;

4066 (c) serve as a standard format for geographic information acquired, purchased, or  
4067 produced by any state agency;

4068 (d) include an accurate representation of all civil subdivision boundaries of the state;  
4069 and

4070 (e) for each public highway, as defined in Section 72-1-102, in the state, include an  
4071 accurate representation of the highway's centerline, physical characteristics, and associated  
4072 street address ranges.

4073 (3) The center shall, in coordination with municipalities, counties, emergency  
4074 communications centers, and the Department of Transportation:

4075 (a) develop the information described in Subsection (2)(e); and

4076 (b) update the information described in Subsection (2)(e) in a timely manner after a  
4077 county recorder records a final plat.

4078 (4) Each state agency that acquires, purchases, or produces digital geographic  
4079 information data shall:

4080 (a) inform the center of the existence of the data layers and their geographic extent;

4081 (b) allow the center access to all data classified public; and

4082 (c) comply with any database requirements established by the center.

4083 (5) At least annually, the State Tax Commission shall deliver to the center information  
4084 the State Tax Commission receives under Section 67-1a-6.5 relating to the creation or  
4085 modification of the boundaries of political subdivisions.

4086 (6) The boundary of a political subdivision within the State Geographic Information  
4087 Database is the official boundary of the political subdivision for purposes of meeting the needs  
4088 of the United States Bureau of the Census in identifying the boundary of the political

4089 subdivision.

4090 Section 89. Section **63A-16-507**, which is renumbered from Section 63F-1-508 is  
4091 renumbered and amended to read:

4092 ~~[63F-1-508]~~. **63A-16-507. Committee to award grants to counties for**  
4093 **inventory and mapping of R.S. 2477 rights-of-way -- Use of grants -- Request for**  
4094 **proposals.**

4095 (1) There is created within the center a committee to award grants to counties to  
4096 inventory and map R.S. 2477 rights-of-way, associated structures, and other features as  
4097 provided by Subsection (5).

4098 (2) (a) The committee shall consist of:

4099 (i) the center manager;

4100 (ii) a representative of the Governor's Office of Management and Budget;

4101 (iii) a representative of Utah State University Extension;

4102 (iv) a representative of the Utah Association of Counties; and

4103 (v) three county commissioners.

4104 (b) The committee members specified in Subsections (2)(a)(ii) through (2)(a)(iv) shall  
4105 be selected by the organizations they represent.

4106 (c) The committee members specified in Subsection (2)(a)(v) shall be:

4107 (i) selected by the Utah Association of Counties;

4108 (ii) from rural counties; and

4109 (iii) from different regions of the state.

4110 (3) (a) The committee shall select a chair from ~~[its]~~ the committee's membership.

4111 (b) The committee shall meet upon the call of the chair or a majority of the committee  
4112 members.

4113 (c) Four members ~~[shall constitute]~~ of the committee constitutes a quorum.

4114 (4) (a) Committee members who are state government employees shall receive no  
4115 additional compensation for their work on the committee.

4116 (b) Committee members who are not state government employees shall receive no  
4117 compensation or expenses from the state for their work on the committee.

4118 (5) (a) The committee shall award grants to counties to:

4119 (i) inventory and map R.S. 2477 rights-of-way using Global Positioning System (GPS)

4120 technology; and

4121 (ii) photograph:

4122 (A) roads and other evidence of construction of R.S. 2477 rights-of-way;

4123 (B) structures or natural features that may be indicative of the purpose for which an  
4124 R.S. 2477 right-of-way was created, such as mines, agricultural facilities, recreational  
4125 facilities, or scenic overlooks; and

4126 (C) evidence of valid and existing rights on federal lands, such as mines and  
4127 agricultural facilities.

4128 (b) (i) The committee may allow counties, while they are conducting the activities  
4129 described in Subsection (5)(a), to use grant money to inventory, map, or photograph other  
4130 natural or cultural resources.

4131 (ii) Activities funded under Subsection (5)(b)(i) must be integrated with existing  
4132 programs underway by state agencies, counties, or institutions of higher education.

4133 (c) Maps and other data acquired through the grants shall become a part of the State  
4134 Geographic Information Database.

4135 (d) Counties shall provide an opportunity to interested parties to submit information  
4136 relative to the mapping and photographing of R.S. 2477 rights-of-way and other structures as  
4137 provided in Subsections (5)(a) and (5)(b).

4138 (6) (a) The committee shall develop a request for proposals process and issue a request  
4139 for proposals.

4140 (b) The request for proposals shall require each grant applicant to submit an  
4141 implementation plan and identify any monetary or in-kind contributions from the county.

4142 (c) In awarding grants, the committee shall give priority to proposals to inventory, map,  
4143 and photograph R.S. 2477 rights-of-way and other structures as specified in Subsection (5)(a)  
4144 which are located on federal lands that:

4145 (i) a federal land management agency proposes for special management, such as lands  
4146 to be managed as an area of critical environmental concern or primitive area; or

4147 (ii) are proposed to receive a special designation by Congress, such as lands to be  
4148 designated as wilderness or a national conservation area.

4149 (7) Each county that receives a grant under the provision of this section shall provide a  
4150 copy of all data regarding inventory and mapping to the AGRC for inclusion in the state

4151 database.

4152 Section 90. Section **63A-16-508**, which is renumbered from Section 63F-1-509 is  
4153 renumbered and amended to read:

4154 ~~[63F-1-509]~~. **63A-16-508. Statewide Global Positioning Reference**  
4155 **Network created -- Rulemaking authority.**

4156 (1) (a) There is created the Statewide Global Positioning Reference Network to  
4157 improve the quality of geographic information system data and the productivity, efficiency, and  
4158 cost-effectiveness of government services.

4159 (b) The network shall provide a system of permanently mounted, fully networked,  
4160 global positioning system base stations that will provide real time radio navigation and  
4161 establish a standard statewide coordinate reference system.

4162 (c) The center shall administer the network.

4163 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
4164 the chief information officer shall make rules providing for operating policies and procedures  
4165 for the network.

4166 (b) When making rules under this section, the chief information officer shall consider:

4167 (i) network development that serves a public purpose;

4168 (ii) increased productivity and efficiency for state agencies; and

4169 (iii) costs and longevity of the network.

4170 Section 91. Section **63A-16-509**, which is renumbered from Section 63F-1-510 is  
4171 renumbered and amended to read:

4172 ~~[63F-1-510]~~. **63A-16-509. Monument Replacement and Restoration**  
4173 **Committee.**

4174 (1) As used in this section:

4175 (a) "Committee" means the Monument Replacement and Restoration Committee  
4176 created in this section.

4177 (b) "Corner" means the same as that term is defined in Section [17-23-17.5](#).

4178 (c) "Monument" means the same as that term is defined in Section [17-23-17.5](#).

4179 (2) (a) There is created the Monument Replacement and Restoration Committee  
4180 composed of the following seven members:

4181 (i) five members appointed by an organization or association that represents Utah

4182 counties:

4183 (A) that have knowledge and understanding of the Public Land Survey System; and

4184 (B) who each represents a different county; and

4185 (ii) two members, appointed by the center, who have a knowledge and understanding  
4186 of the Public Land Survey System.

4187 (b) (i) Except as provided in Subsection (2)(b)(ii), a member appointed to the  
4188 committee is appointed for a four-year term.

4189 (ii) The director of the center shall, at the time an entity appoints or reappoints an  
4190 individual to serve on the committee, adjust the length of the appointed individual's term, as  
4191 necessary, to ensure that the terms of committee members are staggered so that approximately  
4192 half of the committee members are appointed every two years.

4193 (iii) When a vacancy occurs on the committee for any reason, the replacement  
4194 appointee shall serve on the committee for the unexpired term.

4195 (c) The committee shall elect one committee member to serve as chair of the  
4196 committee for a term of two years.

4197 (d) A majority of the committee constitutes a quorum, and the action of a majority of a  
4198 quorum constitutes the action of the committee.

4199 (e) (i) The center shall provide staff support to the committee.

4200 (ii) An individual who is a member of the committee may not serve as staff to the  
4201 committee.

4202 (f) A member of the committee may not receive compensation for the member's service  
4203 on the committee.

4204 (g) The committee may adopt bylaws to govern the committee's operation.

4205 (3) (a) The committee shall administer a grant program to assist counties in  
4206 maintaining and protecting corners or monuments.

4207 (b) A county wishing to receive a grant under the program described in Subsection  
4208 (3)(a) shall submit to the committee an application that:

4209 (i) identifies one or more monuments in the county that are in need of protection or  
4210 rehabilitation;

4211 (ii) establishes a plan that is consistent with federal law or rule to protect or rehabilitate  
4212 each monument identified under Subsection (3)(b)(i); and



4213 (iii) requests a specific amount of funding to complete the plan established under  
4214 Subsection (3)(b)(ii).

4215 (c) The committee shall:

4216 (i) adopt criteria to:

4217 (A) evaluate whether a monument identified by a county under Subsection (3)(b)(i)  
4218 needs protection or rehabilitation; and

4219 (B) identify which monuments identified by a county under Subsection (3)(b)(i) have  
4220 the greatest need of protection or rehabilitation;

4221 (ii) evaluate each application submitted by a county under Subsection (3)(b) using the  
4222 criteria adopted by the committee under Subsection (3)(c)(i);

4223 (iii) subject to sufficient funding and Subsection (3)(d), award grants to counties whose  
4224 applications are most favorably evaluated under Subsection (3)(c)(ii); and

4225 (iv) establish a date by which a county awarded a grant under Subsection (3)(c)(iii)  
4226 shall report back to the committee.

4227 (d) The committee may not award a grant to a county under this section in an amount  
4228 greater than \$100,000.

4229 (4) A county that is awarded a grant under this section shall:

4230 (a) document the work performed by the county, pursuant to the plan established by the  
4231 county under Subsection (3)(b)(ii), to protect or rehabilitate a monument; and

4232 (b) before the date established under Subsection (3)(c)(iv), report to the committee on  
4233 the work performed by the county.

4234 (5) (a) If the committee has not expended all of the funds appropriated to the  
4235 committee by the Legislature for the fulfillment of the committee's duties under this section  
4236 before December 31, 2017, the committee shall disburse any remaining funds equally among  
4237 all counties that have established a dedicated monument preservation fund by ordinance as  
4238 provided in Section [17-23-19](#).

4239 (b) A county to which the center has disbursed funds under Subsection (5)(a) shall:

4240 (i) deposit the funds into the county's monument preservation fund; and

4241 (ii) expend the funds, in consultation with the committee, for the maintenance and  
4242 preservation of monuments in the county.

4243 Section 92. Section **63A-16-601**, which is renumbered from Section 63F-1-701 is

4244 renumbered and amended to read:

4245 **Part 6. Utah Public Notice Website**

4246 ~~[63F-1-701].~~ **63A-16-601. Utah Public Notice Website -- Establishment**  
4247 **and administration.**

4248 (1) As used in this part:

4249 ~~[(a) "Division" means the Division of Archives and Records Service of the Department~~  
4250 ~~of Administrative Services.]~~

4251 ~~[(b)]~~ (a) "Executive board" means the same as that term is defined in Section 67-1-2.5.

4252 ~~[(c)]~~ (b) "Public body" means the same as that term is defined in Section 52-4-103.

4253 ~~[(d)]~~ (c) "Public information" means a public body's public notices, minutes, audio  
4254 recordings, and other materials that are required to be posted to the website under Title 52,  
4255 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.

4256 ~~[(e)]~~ (d) "Website" means the Utah Public Notice Website created ~~[under]~~ in this  
4257 section.

4258 (2) There is created the Utah Public Notice Website to be administered by the Division  
4259 of Archives and Records Service.

4260 (3) The website shall consist of an Internet website provided to assist the public to find  
4261 posted public information.

4262 (4) The ~~[division]~~ Division of Archives and Records Service, with the technical  
4263 assistance of the ~~[Department]~~ Division of Technology Services, shall create the website that  
4264 shall:

4265 (a) allow a public body, or other certified entity, to easily post any public information,  
4266 including the contact information required under Subsections 17B-1-303(9) and  
4267 17D-1-106(1)(b)(ii);

4268 (b) allow the public to easily search the public information by:

4269 (i) public body name;

4270 (ii) date of posting of the notice;

4271 (iii) date of any meeting or deadline included as part of the public information; and

4272 (iv) any other criteria approved by the ~~[division]~~ Division of Archives and Records  
4273 Service;

4274 (c) allow the public to easily search and view past, archived public information;

- 4275 (d) allow an individual to subscribe to receive updates and notices associated with a  
4276 public body or a particular type of public information;
- 4277 (e) be easily accessible by the public from the State of Utah home page;
- 4278 (f) have a unique and simplified website address;
- 4279 (g) be directly accessible via a link from the main page of the official state website; and
- 4280 (h) include other links, features, or functionality that will assist the public in obtaining  
4281 and reviewing public information posted on the website, as may be approved by the division.

4282 (5) (a) Subject to Subsection (5)(b), the [~~division~~] Division of Archives and Records  
4283 Service and the governor's office shall coordinate to ensure that the website, the database  
4284 described in Section 67-1-2.5, and the website described in Section 67-1-2.5 automatically  
4285 share appropriate information in order to ensure that:

4286 (i) an individual who subscribes to receive information under Subsection (4)(d) for an  
4287 executive board automatically receives notifications of vacancies on the executive board that  
4288 will be publicly filled, including a link to information regarding how an individual may apply  
4289 to fill the vacancy; and

4290 (ii) an individual who accesses an executive board's information on the website has  
4291 access to the following through the website:

4292 (A) the executive board's information in the database, except an individual's physical  
4293 address, e-mail address, or phone number; and

4294 (B) the portal described in Section 67-1-2.5 through which an individual may provide  
4295 input on an appointee to, or member of, the executive board.

4296 (b) The [~~division~~] Division of Archives and Records Service and the governor's office  
4297 shall comply with Subsection (5)(a) as soon as reasonably possible within existing funds  
4298 appropriated to the [~~division~~] Division of Archives and Records Service and the governor's  
4299 office.

4300 (6) Before August 1 of each year, the [~~division~~] Division of Archives and Records  
4301 Service shall:

4302 (a) identify each executive board that is a public body that did not submit to the  
4303 website a notice of a public meeting during the previous fiscal year; and

4304 (b) report the name of each identified executive board to the governor's boards and  
4305 commissions administrator.

4306 (7) The ~~[division]~~ Division of Archives and Records Service is responsible for:

4307 (a) establishing and maintaining the website, including the provision of equipment,  
4308 resources, and personnel as is necessary;

4309 (b) providing a mechanism for public bodies or other certified entities to have access to  
4310 the website for the purpose of posting and modifying public information; and

4311 (c) maintaining an archive of all public information posted to the website.

4312 (8) A public body is responsible for the content the public body is required to post to  
4313 the website and the timing of posting of that information.

4314 Section 93. Section **63A-16-602**, which is renumbered from Section 63F-1-702 is  
4315 renumbered and amended to read:

4316 ~~[63F-1-702]~~. **63A-16-602. Notice and training by the Division of Archives**  
4317 **and Records Service.**

4318 (1) The ~~[division]~~ Division of Archives and Records Service shall provide notice of the  
4319 provisions and requirements of this chapter to all public bodies that are subject to the provision  
4320 of Subsection 52-4-202(3)(a)(ii).

4321 (2) The ~~[division]~~ Division of Archives and Records Service shall, as necessary,  
4322 provide periodic training on the use of the Utah Public Notice Website to public bodies that are  
4323 authorized to post notice on the website.

4324 Section 94. Section **63A-16-701**, which is renumbered from Section 63F-2-102 is  
4325 renumbered and amended to read:

4326 **Part 7. Data Security Management Council**

4327 ~~[63F-2-102]~~. **63A-16-701. Data Security Management Council --**  
4328 **Membership -- Duties.**

4329 (1) There is created the Data Security Management Council ~~[composed of]~~ comprising  
4330 eight members as follows:

4331 (a) the chief information officer appointed under Section ~~[63F-1-201]~~ 63A-16-201, or  
4332 the chief information officer's designee;

4333 (b) one individual appointed by the governor;

4334 (c) one individual appointed by the speaker of the House of Representatives and the  
4335 president of the Senate; and

4336 (d) the highest ranking information technology official, or the highest ranking

- 4337 information technology official's designee, from each of:
- 4338 (i) the Judicial Council;
- 4339 (ii) the Utah Board of Higher Education;
- 4340 (iii) the State Board of Education;
- 4341 (iv) the State Tax Commission; and
- 4342 (v) the Office of the Attorney General.
- 4343 (2) The council shall elect a chair of the council by majority vote.
- 4344 (3) (a) A majority of the members of the council constitutes a quorum.
- 4345 (b) Action by a majority of a quorum of the council constitutes an action of the council.
- 4346 (4) The [~~Department~~] Division of Technology Services shall provide staff to the
- 4347 council.
- 4348 (5) The council shall meet quarterly, or as often as necessary, to:
- 4349 (a) review existing state government data security policies;
- 4350 (b) assess ongoing risks to state government information technology;
- 4351 (c) create a method to notify state and local government entities of new risks;
- 4352 (d) coordinate data breach simulation exercises with state and local government
- 4353 entities; and
- 4354 (e) develop data security best practice recommendations for state government that
- 4355 include recommendations regarding:
- 4356 (i) hiring and training a chief information security officer for each government entity;
- 4357 (ii) continuous risk monitoring;
- 4358 (iii) password management;
- 4359 (iv) using the latest technology to identify and respond to vulnerabilities;
- 4360 (v) protecting data in new and old systems; and
- 4361 (vi) best procurement practices.
- 4362 (6) A member who is not a member of the Legislature may not receive compensation
- 4363 or benefits for the member's service but may receive per diem and travel expenses as provided
- 4364 in:
- 4365 (a) Section [63A-3-106](#);
- 4366 (b) Section [63A-3-107](#); and
- 4367 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

4368 Section 95. Section **63A-16-702**, which is renumbered from Section 63F-2-103 is  
4369 renumbered and amended to read:

4370 ~~[63F-2-103]~~. **63A-16-702. Data Security Management Council -- Report to**  
4371 **Legislature -- Recommendations.**

4372 (1) The council chair or the council chair's designee shall report annually no later than  
4373 October 1 of each year to the Public Utilities, Energy, and Technology Interim Committee.

4374 (2) The council's annual report shall contain:

4375 (a) a summary of topics the council studied during the year;

4376 (b) best practice recommendations for state government; and

4377 (c) recommendations for implementing the council's best practice recommendations.

4378 Section 96. Section **63A-16-801**, which is renumbered from Section 63F-3-102 is  
4379 renumbered and amended to read:

4380 **Part 8. Single Sign-on Portal**

4381 ~~[63F-3-102]~~. **63A-16-801. Definitions.**

4382 As used in this ~~[chapter]~~ part:

4383 (1) "Business data" means data collected by the state about a person doing business in  
4384 the state.

4385 (2) "Single sign-on business portal" means the web portal described in Section  
4386 ~~[63F-3-103]~~ [63A-16-802](#).

4387 (3) "Single sign-on citizen portal" means the web portal described in Section  
4388 ~~[63F-3-103.5]~~ [63A-16-803](#).

4389 (4) "Web portal" means an Internet webpage that can be accessed by a person that  
4390 enters the person's unique user information in order to access secure information.

4391 Section 97. Section **63A-16-802**, which is renumbered from Section 63F-3-103 is  
4392 renumbered and amended to read:

4393 ~~[63F-3-103]~~. **63A-16-802. Single sign-on business portal -- Creation.**

4394 (1) The ~~[department]~~ division shall, in consultation with the entities described in  
4395 Subsection (4), design and create a single sign-on business portal that is:

4396 (a) a web portal through which a person may access data described in Subsection (2),  
4397 as agreed upon by the entities described in Subsection (4); and

4398 (b) secure, centralized, and interconnected.

4399 (2) The ~~[department]~~ division shall ensure that the single sign-on business portal  
 4400 allows a person doing business in the state to access, at a single point of entry, all relevant  
 4401 state-collected business data about the person, including information related to:  
 4402 (a) business registration;  
 4403 (b) workers' compensation;  
 4404 (c) beginning December 1, 2020, tax liability and payment; and  
 4405 (d) other information collected by the state that the department determines is relevant  
 4406 to a person doing business in the state.

4407 (3) The department shall develop the single sign-on business portal:

4408 (a) using an open platform that:

4409 (i) facilitates participation in the web portal by a state entity;

4410 (ii) allows for optional participation by a political subdivision of the state; and

4411 (iii) contains a link to the State Tax Commission website; and

4412 (b) in a manner that anticipates the creation of the single sign-on citizen portal

4413 described in Section ~~[63F-3-103.5]~~ [63A-16-803](#).

4414 (4) In developing the single sign-on business portal, the department shall consult with:

4415 (a) the Department of Commerce;

4416 (b) the State Tax Commission;

4417 (c) the Labor Commission;

4418 (d) the Department of Workforce Services;

4419 (e) the Governor's Office of Management and Budget;

4420 (f) the Utah League of Cities and Towns;

4421 (g) the Utah Association of Counties; and

4422 (h) the business community that is likely to use the single sign-on business portal.

4423 (5) The ~~[department]~~ division shall ensure that the single sign-on business portal is  
 4424 fully operational no later than May 1, 2021.

4425 Section 98. Section **63A-16-803**, which is renumbered from Section 63F-3-103.5 is  
 4426 renumbered and amended to read:

4427 ~~[63F-3-103.5]~~. **63A-16-803. Single sign-on citizen portal -- Creation.**

4428 (1) The ~~[department]~~ division shall, in consultation with the entities described in  
 4429 Subsection (4), design and create a single sign-on citizen portal that is:

- 4430 (a) a web portal through which an individual may access information and services  
4431 described in Subsection (2), as agreed upon by the entities described in Subsection (4); and  
4432 (b) secure, centralized, and interconnected.
- 4433 (2) The ~~[department]~~ division shall ensure that the single sign-on citizen portal allows  
4434 an individual, at a single point of entry, to:
- 4435 (a) access and submit an application for:
- 4436 (i) medical and support programs including:
- 4437 (A) a medical assistance program administered under Title 26, Chapter 18, Medical  
4438 Assistance Act, including Medicaid;
- 4439 (B) the Children's Health Insurance Program under Title 26, Chapter 40, Utah  
4440 Children's Health Insurance Act;
- 4441 (C) the Primary Care Network as defined in Section [26-18-416](#); and  
4442 (D) the Women, Infants, and Children program administered under 42 U.S.C. Sec.  
4443 1786;
- 4444 (ii) unemployment insurance under Title 35A, Chapter 4, Employment Security Act;  
4445 (iii) workers' compensation under Title 34A, Chapter 2, Workers' Compensation Act;  
4446 (iv) employment with a state agency;
- 4447 (v) a driver license or state identification card renewal under Title 53, Chapter 3,  
4448 Uniform Driver License Act;
- 4449 (vi) a birth or death certificate under Title 26, Chapter 2, Utah Vital Statistics Act; and  
4450 (vii) a hunting or fishing license under Title 23, Chapter 19, Licenses, Permits, and  
4451 Tags;
- 4452 (b) access the individual's:
- 4453 (i) transcripts from an institution of higher education described in Section [53B-2-101](#);  
4454 and
- 4455 (ii) immunization records maintained by the Utah Department of Health;
- 4456 (c) register the individual's vehicle under Title 41, Chapter 1a, Part 2, Registration,  
4457 with the Motor Vehicle Division of the State Tax Commission;
- 4458 (d) file the individual's state income taxes under Title 59, Chapter 10, Individual  
4459 Income Tax Act, beginning December 1, 2020;
- 4460 (e) access information about positions available for employment with the state; and



4461 (f) access any other service or information the department determines is appropriate in  
4462 consultation with the entities described in Subsection (4).

4463 (3) The [department] division shall develop the single sign-on citizen portal using an  
4464 open platform that:

4465 (a) facilitates participation in the portal by a state entity;

4466 (b) allows for optional participation in the portal by a political subdivision of the state;

4467 and

4468 (c) contains a link to the State Tax Commission website.

4469 (4) In developing the single sign-on citizen portal, the department shall consult with:

4470 (a) each state executive branch agency that administers a program, provides a service,  
4471 or manages applicable information described in Subsection (2);

4472 (b) the Utah League of Cities and Towns;

4473 (c) the Utah Association of Counties; and

4474 (d) other appropriate state executive branch agencies.

4475 (5) The [department] division shall ensure that the single sign-on citizen portal is fully  
4476 operational no later than January 1, 2025.

4477 Section 99. Section **63A-16-804**, which is renumbered from Section 63F-3-104 is  
4478 renumbered and amended to read:

4479 ~~[63F-3-104].~~ **63A-16-804. Report.**

4480 (1) The [department] division shall report to the Public Utilities, Energy, and  
4481 Technology Interim Committee before November 30 of each year regarding:

4482 (a) the progress the [department] division has made in developing the single sign-on  
4483 business portal and the single sign-on citizen portal and, once that development is complete,  
4484 regarding the operation of the single sign-on business portal and the single sign-on citizen  
4485 portal;

4486 (b) the [department's] division's goals and plan for each of the next five years to fulfill  
4487 the [department's] division's responsibilities described in this part; and

4488 (c) whether the [department] division recommends any change to the single sign-on fee  
4489 being charged under Section [13-1-2](#).

4490 (2) The Public Utilities, Energy, and Technology Interim Committee shall annually:

4491 (a) review the single sign-on fee being charged under Section [13-1-2](#);

4492 (b) determine whether the revenue from the single sign-on fee is adequate for designing  
4493 and developing and then, once developed, operating and maintaining the single sign-on web  
4494 portal; and

4495 (c) make any recommendation to the Legislature that the committee considers  
4496 appropriate concerning:

4497 (i) the single sign-on fee; and

4498 (ii) the development or operation of the single sign-on business portal and the single  
4499 sign-on citizen portal.

4500 Section 100. Section **63A-16-901**, which is renumbered from Section 63F-4-102 is  
4501 renumbered and amended to read:

4502 **Part 9. Technology Innovation Act**

4503 ~~[63F-4-102]~~. **63A-16-901. Definitions.**

4504 As used in this [chapter] part:

4505 (1) "Executive branch agency" means a department, division, or other agency within  
4506 the executive branch of state government.

4507 (2) "Governor's budget office" means the Governor's Office of Management and  
4508 Budget, created in Section **63J-4-201**.

4509 (3) "Review board" means the Architecture Review Board established within the  
4510 department.

4511 (4) "Technology innovation" means a new information technology not previously in  
4512 use or a substantial adaptation or modification of an existing information technology.

4513 (5) "Technology proposal" means a proposal to implement a technology innovation  
4514 designed to result in a greater efficiency in a government process or a cost saving in the  
4515 delivery of a government service, or both.

4516 Section 101. Section **63A-16-902**, which is renumbered from Section 63F-4-201 is  
4517 renumbered and amended to read:

4518 ~~[63F-4-201]~~. **63A-16-902. Submitting a technology proposal -- Review**  
4519 **process.**

4520 (1) Multiple executive branch agencies may jointly submit to the chief information  
4521 officer a technology proposal, on a form or in a format specified by the [department] division.

4522 (2) The chief information officer shall transmit to the review board each technology

4523 proposal the chief information officer determines meets the form or format requirements of the  
4524 [~~department~~] division.

4525 (3) The review board shall:

4526 (a) conduct a technical review of a technology proposal transmitted by the chief  
4527 information officer;

4528 (b) determine whether the technology proposal merits further review and consideration  
4529 by the chief information officer, based on the technology proposal's likelihood to:

4530 (i) be capable of being implemented effectively; and

4531 (ii) result in greater efficiency in a government process or a cost saving in the delivery  
4532 of a government service, or both; and

4533 (c) transmit a technology proposal to the chief information officer and to the governor's  
4534 budget office, if the review board determines that the technology proposal merits further review  
4535 and consideration by the chief information officer.

4536 Section 102. Section **63A-16-903**, which is renumbered from Section 63F-4-202 is  
4537 renumbered and amended to read:

4538 ~~[63F-4-202]~~. **63A-16-903. Chief information officer review and approval**  
4539 **of technology proposals.**

4540 (1) The chief information officer shall review and evaluate each technology proposal  
4541 that the review board transmits to the chief information officer.

4542 (2) The chief information officer may approve and recommend that the [~~department~~]  
4543 division provide funding from legislative appropriations for a technology proposal if, after the  
4544 chief information officer's review and evaluation of the technology proposal:

4545 (a) the chief information officer determines that there is a reasonably good likelihood  
4546 that the technology proposal:

4547 (i) is capable of being implemented effectively; and

4548 (ii) will result in greater efficiency in a government process or a cost saving in the  
4549 delivery of a government service, or both; and

4550 (b) the chief information officer receives approval from the governor's budget office  
4551 for the technology proposal.

4552 (3) The chief information officer may:

4553 (a) prioritize multiple approved technology proposals based on their relative likelihood

4554 of achieving the goals described in Subsection (2); and

4555 (b) recommend funding based on the chief information officer's prioritization under  
4556 Subsection (3)(a).

4557 (4) The ~~[department]~~ division shall:

4558 (a) track the implementation and success of a technology proposal approved by the  
4559 chief information officer;

4560 (b) evaluate the level of the technology proposal's implementation effectiveness and  
4561 whether the implementation results in greater efficiency in a government process or a cost  
4562 saving in the delivery of a government service, or both; and

4563 (c) report the results of the ~~[department's]~~ division's tracking and evaluation:

4564 (i) to the chief information officer, as frequently as the chief information officer  
4565 requests; and

4566 (ii) at least annually to the Public Utilities, Energy, and Technology Interim  
4567 Committee.

4568 (5) The ~~[department]~~ division may expend money appropriated by the Legislature to  
4569 pay for expenses incurred by executive branch agencies in implementing a technology proposal  
4570 that the chief information officer has approved.

4571 Section 103. Section **63A-17-101**, which is renumbered from Section 67-19-1 is  
4572 renumbered and amended to read:

4573 **CHAPTER 17. UTAH STATE PERSONNEL MANAGEMENT ACT**

4574 **Part 1. General Provisions**

4575 ~~[67-19-1].~~ **63A-17-101. Title.**

4576 This chapter ~~[shall be known and may be cited]~~ is known as the "Utah State Personnel  
4577 Management Act."

4578 Section 104. Section **63A-17-102**, which is renumbered from Section 67-19-3 is  
4579 renumbered and amended to read:

4580 ~~[67-19-3].~~ **63A-17-102. Definitions.**

4581 As used in this chapter:

4582 (1) "Agency" means any department or unit of Utah state government with authority to  
4583 employ personnel.

4584 (2) "Career service" means positions under schedule B as defined in Section ~~[67-19-15]~~

4585 [63A-17-301](#).

4586 (3) "Career service employee" means an employee who has successfully completed a  
4587 probationary period of service in a position covered by the career service.

4588 (4) "Career service status" means status granted to employees who successfully  
4589 complete probationary periods for competitive career service positions.

4590 (5) "Classified service" means those positions subject to the classification and  
4591 compensation provisions of Section ~~[67-19-12]~~ [63A-17-307](#).

4592 (6) "Controlled substance" means controlled substance as defined in Section [58-37-2](#).

4593 (7) (a) "Demotion" means a disciplinary action resulting in a reduction of an  
4594 employee's current actual wage.

4595 (b) "Demotion" does not mean:

4596 (i) a nondisciplinary movement of an employee to another position without a reduction  
4597 in the current actual wage; or

4598 (ii) a reclassification of an employee's position under the provisions of Subsection  
4599 ~~[67-19-12]~~ [63A-17-307](#)(3) and rules made by the department.

4600 ~~[(8) "Department" means the Department of Human Resource Management.]~~

4601 (8) "Director" means the director of the division.

4602 (9) "Disability" means a physical or mental disability as defined and protected under  
4603 the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq.

4604 (10) "Division" means the Division of Human Resource Management, created in  
4605 Section [63A-17-105](#).

4606 ~~[(11) "Employee" means any individual in a paid status covered by the career~~  
4607 ~~service or classified service provisions of this chapter.~~

4608 ~~[(12) "Examining instruments" means written or other types of proficiency tests.~~

4609 ~~[(12) "Executive director," except where otherwise specified, means the executive~~  
4610 ~~director of the Department of Human Resource Management.]~~

4611 (13) "Human resource function" means those duties and responsibilities specified:

4612 (a) under Section ~~[67-19-6]~~ [63A-17-106](#);

4613 (b) under rules of the ~~[department]~~ division; and

4614 (c) under other state or federal statute.

4615 (14) "Market comparability adjustment" means a salary range adjustment determined

4616 necessary through a market survey of salary data and other relevant information.

4617 (15) "Probationary employee" means an employee serving a probationary period in a  
4618 career service position but who does not have career service status.

4619 (16) "Probationary period" means that period of time determined by the [department]  
4620 division that an employee serves in a career service position as part of the hiring process before  
4621 career service status is granted to the employee.

4622 (17) "Probationary status" means the status of an employee between the employee's  
4623 hiring and the granting of career service status.

4624 (18) "Structure adjustment" means a [department] division modification of salary  
4625 ranges.

4626 (19) "Temporary employee" means career service exempt employees described in  
4627 Subsection [~~67-19-15~~] [63A-17-301](#)(1)(q).

4628 (20) "Total compensation" means salaries and wages, bonuses, paid leave, group  
4629 insurance plans, retirement, and all other benefits offered to state employees as inducements to  
4630 work for the state.

4631 Section 105. Section **63A-17-103**, which is renumbered from Section 67-19-3.1 is  
4632 renumbered and amended to read:

4633 ~~[67-19-3.1]~~. **63A-17-103. Principles guiding interpretation of chapter and**  
4634 **adoption of rules.**

4635 (1) The [department] division shall establish a career service system designed in a  
4636 manner that will provide for the effective implementation of the following merit principles:

4637 (a) recruiting, selecting, and advancing employees on the basis of their relative ability,  
4638 knowledge, and skills, including open consideration of qualified applicants for initial  
4639 appointment;

4640 (b) providing for equitable and competitive compensation;

4641 (c) training employees as needed to assure high-quality performance;

4642 (d) retaining employees on the basis of the adequacy of their performance and  
4643 separating employees whose inadequate performance cannot be corrected;

4644 (e) fair treatment of applicants and employees in all aspects of human resource  
4645 administration without regard to race, color, religion, sex, national origin, political affiliation,  
4646 age, or disability, and with proper regard for their privacy and constitutional rights as citizens;

4647 (f) providing information to employees regarding their political rights and the  
4648 prohibited practices under the Hatch Act; and

4649 (g) providing a formal procedure for advancing grievances of employees:

4650 (i) without discrimination, coercion, restraint, or reprisal; and

4651 (ii) in a manner that is fair, expeditious, and inexpensive for the employee and the  
4652 agency.

4653 (2) The principles in Subsection (1) shall govern interpretation and implementation of  
4654 this chapter.

4655 Section 106. Section **63A-17-104**, which is renumbered from Section 67-19-4 is  
4656 renumbered and amended to read:

4657 ~~[67-19-4].~~ **63A-17-104. Discriminatory or prohibited employment practices.**

4658 The state, its officers, and employees shall be governed by the provisions of Section  
4659 **34A-5-106** of the Utah Antidiscrimination Act concerning discriminatory or prohibited  
4660 employment practices.

4661 Section 107. Section **63A-17-105**, which is renumbered from Section 67-19-5 is  
4662 renumbered and amended to read:

4663 ~~[67-19-5].~~ **63A-17-105. Division of Human Resource Management created --**  
4664 **Director -- Staff.**

4665 (1) There is created ~~[the Department]~~ within the department, the Division of Human  
4666 Resource Management.

4667 (2) (a) The ~~[department]~~ division shall be administered by ~~[an executive]~~ a director  
4668 appointed by the ~~[governor with the consent of the Senate]~~ executive director.

4669 (b) The ~~[executive]~~ director shall be a person with experience in human resource  
4670 management and shall be accountable to the ~~[governor for the]~~ executive director for the  
4671 director's performance in office.

4672 (3) The ~~[executive]~~ director may:

4673 (a) appoint a personal secretary and a deputy director, both of whom shall be exempt  
4674 from career service; and

4675 (b) appoint ~~[division directors]~~ office and program managers who may be career  
4676 service exempt.

4677 ~~[(4)(a) The executive director shall have full responsibility and accountability for the~~

4678 administration of the statewide human resource management system.]

4679       ~~[(b) Except as provided in Section 67-19-6.1, an agency may not perform human~~  
4680 ~~resource functions without the consent of the executive director.]~~

4681       ~~[(5) Statewide human resource management rules adopted by the Department of~~  
4682 ~~Human Resource Management in accordance with Title 63G, Chapter 3, Utah Administrative~~  
4683 ~~Rulemaking Act, shall take precedence if there is a conflict with agency rules, policies, or~~  
4684 ~~practices.]~~

4685       ~~[(6) The department may operate as an internal service fund agency in accordance with~~  
4686 ~~Section 63J-1-410 for the human resource functions the department provides.]~~

4687       (4) The director shall advise the governor on human resource matters.

4688       Section 108. Section **63A-17-106**, which is renumbered from Section 67-19-6 is  
4689 renumbered and amended to read:

4690       ~~[67-19-6].~~       **63A-17-106. Responsibilities of the director.**

4691       (1) The director shall have full responsibility and accountability for the administration  
4692 of the statewide human resource management system.

4693       (2) Except as provided in Section 63A-17-201, an agency may not perform human  
4694 resource functions without the consent of the director.

4695       (3) Statewide human resource management rules adopted by the division in accordance  
4696 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall take precedence if there  
4697 is a conflict with agency rules, policies, or practices.

4698       (4) The division may operate as an internal service fund agency in accordance with  
4699 Section 63J-1-410 for the human resource functions the division provides.

4700       ~~[(1)]~~ (5) The [executive] director shall:

4701       (a) develop, implement, and administer a statewide program of human resource  
4702 management that will:

4703       (i) aid in the efficient execution of public policy;

4704       (ii) foster careers in public service for qualified employees; and

4705       (iii) render assistance to state agencies in performing their missions;

4706       (b) design and administer the state pay plan;

4707       (c) design and administer the state classification system and procedures for determining  
4708 schedule assignments;



- 4709 (d) design and administer the state recruitment and selection system;
- 4710 (e) administer agency human resource practices and ensure compliance with federal  
4711 law, state law, and state human resource rules, including equal employment opportunity;
- 4712 (f) consult with agencies on decisions concerning employee corrective action and  
4713 discipline;
- 4714 (g) maintain central personnel records;
- 4715 (h) perform those functions necessary to implement this chapter unless otherwise  
4716 assigned or prohibited;
- 4717 (i) perform duties assigned by the governor, executive director, or statute;
- 4718 (j) adopt rules for human resource management according to the procedures of Title  
4719 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 4720 (k) establish and maintain a management information system that will furnish the  
4721 governor, the Legislature, and agencies with current information on authorized positions,  
4722 payroll, and related matters concerning state human resources;
- 4723 (l) conduct research and planning activities to:
- 4724 (i) determine and prepare for future state human resource needs;
- 4725 (ii) develop methods for improving public human resource management; and
- 4726 (iii) propose needed policy changes to the governor;
- 4727 (m) study the character, causes, and extent of discrimination in state employment and  
4728 develop plans for its elimination through programs consistent with federal and state laws  
4729 governing equal employment opportunity in employment;
- 4730 (n) when requested by charter schools or counties, municipalities, and other political  
4731 subdivisions of the state, provide technical service, training recommendations, or advice on  
4732 human resource management at a charge determined by the [~~executive~~] director;
- 4733 (o) establish compensation policies and procedures for early voluntary retirement;
- 4734 (p) confer with the heads of other agencies about human resource policies and  
4735 procedures;
- 4736 (q) submit an annual report to the executive director, the governor, and the Legislature;  
4737 and
- 4738 (r) assist with the development of a vacant position report required under Subsection  
4739 [63J-1-201\(2\)\(b\)\(vi\)](#).

4740           ~~[(2)]~~ (6) (a) After consultation with the executive director, the governor, and the heads  
4741 of other agencies, the ~~[executive]~~ director shall establish and coordinate statewide training  
4742 programs, including and subject to available funding, the development of manager and  
4743 supervisor training.

4744           (b) The programs developed under this Subsection ~~[(2)]~~ (6) shall have application to  
4745 more than one agency.

4746           (c) The ~~[department]~~ division may not establish training programs that train employees  
4747 to perform highly specialized or technical jobs and tasks.

4748           (d) The ~~[department]~~ division shall ensure that any training program described in this  
4749 Subsection ~~[(2)]~~ (6) complies with Title 63G, Chapter 22, State Training and Certification  
4750 Requirements.

4751           ~~[(3)]~~ (7) (a) (i) The ~~[department]~~ division may collect fees for training as authorized by  
4752 this Subsection ~~[(3)]~~ (7).

4753           (ii) Training funded from General Fund appropriations shall be treated as a separate  
4754 program within the department budget.

4755           (iii) All money received from fees under this section will be accounted for by the  
4756 department as a separate user driven training program.

4757           (iv) The user training program includes the costs of developing, procuring, and  
4758 presenting training and development programs, and other associated costs for these programs.

4759           (b) (i) Funds remaining at the end of the fiscal year in the user training program are  
4760 nonlapsing.

4761           (ii) Each year, as part of the appropriations process, the Legislature shall review the  
4762 amount of nonlapsing funds remaining at the end of the fiscal year and may, by statute, require  
4763 the department to lapse a portion of the funds.

4764           Section 109. Section **63A-17-107** is enacted to read:

4765           **63A-17-107. Budget -- Rate committee.**

4766           (1) The director shall:

4767           (a) prepare an annual budget request for the division;

4768           (b) submit the budget request to the department, the governor, and the Legislature; and

4769           (c) before charging a fee for services provided by the division's internal service fund to

4770 an executive branch agency:

4771 (i) submit the proposed rates, fees, and cost analysis to the rate committee established  
4772 under Subsection (2); and

4773 (ii) obtain the approval of the Legislature as required under Section [63J-1-410](#).

4774 (2) (a) There is created a rate committee that shall consist of the executive directors of  
4775 seven state agencies that use services and pay rates to one of the division internal service funds,  
4776 or the executive directors' designees, appointed by the governor for a two-year term.

4777 (b) (i) The rate committee shall elect a chair from the rate committee's members.

4778 (ii) Each member of the rate committee who is a state government employee and who  
4779 does not receive salary, per diem, or expenses from the member's agency for the member's  
4780 service on the rate committee shall receive no compensation, benefits, per diem, or expenses  
4781 for the member's service on the rate committee.

4782 (c) The division shall provide staff services to the rate committee.

4783 (3) (a) The division shall submit to the rate committee a proposed rate and fee schedule  
4784 for:

4785 (i) human resource management services rendered; and

4786 (ii) costs incurred by the Office of the Attorney General in defending the state in a  
4787 grievance under review by the Career Service Review Office.

4788 (b) The rate committee shall:

4789 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings  
4790 Act;

4791 (ii) meet at least once each calendar year to:

4792 (A) discuss the service performance of each internal service fund;

4793 (B) review the proposed rate and fee schedules;

4794 (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee  
4795 schedules described in Subsection (3)(b)(ii)(B); and

4796 (D) discuss any prior or potential adjustments to the service level received by state  
4797 agencies that pay rates to an internal service fund;

4798 (iii) recommend a proposed rate and fee schedule for the internal service fund to:

4799 (A) the Governor's Office of Management and Budget; and

4800 (B) each legislative appropriations subcommittee that, in accordance with Section  
4801 [63J-1-410](#), approves the internal service fund rates, fees, and budget; and

4802 (iv) review and approve, increase, or decrease an interim rate, fee, or amount when the  
4803 division begins a new service or introduces a new product between annual general sessions of  
4804 the Legislature.

4805 (c) The committee may in accordance with Subsection [63J-1-410](#)(4) decrease a rate,  
4806 fee, or amount that has been approved by the Legislature.

4807 Section 110. Section **63A-17-108**, which is renumbered from Section 67-19-29 is  
4808 renumbered and amended to read:

4809 **~~[67-19-29].~~ 63A-17-108. Violation a misdemeanor.**

4810 Any person who knowingly violates a provision of ~~[this chapter]~~ the following is guilty  
4811 of a class A misdemeanor[-]:

4812 (1) Part 1, General Provisions;

4813 (2) Part 2, Offices and Facilities;

4814 (3) Part 3, Classification and Career Service;

4815 (4) Part 4, Payroll and Benefits;

4816 (5) Part 5, Hours and Leave;

4817 (6) Part 7, Miscellaneous Grievance Provisions;

4818 (7) Part 10, Plans and Programs, except Section [63A-17-1007](#);

4819 (8) Section [63A-17-304](#); or

4820 (9) Part 14, Controlled Substances and Alcohol Use.

4821 Section 111. Section **63A-17-109**, which is renumbered from Section 67-19-26 is  
4822 renumbered and amended to read:

4823 **~~[67-19-26].~~ 63A-17-109. Severability of provisions -- Compliance with**  
4824 **requirements for federally aided programs.**

4825 (1) If any provision of this chapter or of any regulation or order issued thereunder or  
4826 the application of any provision of this chapter to any person or circumstance is held invalid,  
4827 the remainder of this chapter and the application of provision of this chapter or regulation or  
4828 orders issued under it to persons or circumstances other than those to which it is held invalid  
4829 shall still be regarded as having the force and effect of law.

4830 (2) If any part of this chapter is found to be in conflict with federal requirements which  
4831 are a condition precedent to the allocation of federal funds to the state, the conflicting part of  
4832 this chapter shall be inoperative solely to the extent of the conflict and with respect to the

4833 agencies directly affected, and such findings shall not affect the operation of the remainder of  
 4834 this chapter in its application to the agencies concerned.

4835 (3) Notwithstanding any provisions in this chapter to the contrary, no regulation shall  
 4836 be adopted which would deprive the state or any of its departments or institutions of federal  
 4837 grants or other forms of financial assistance, and the rules and regulations promulgated  
 4838 hereunder shall include standards, provisions, terms, and conditions for personnel engaged in  
 4839 the administration of federally aided programs, which shall, in all respects, comply with the  
 4840 necessary requirements for a qualified human resource system under the standards applicable to  
 4841 personnel engaged in the administration of federally aided programs.

4842 Section 112. Section **63A-17-201**, which is renumbered from Section 67-19-6.1 is  
 4843 renumbered and amended to read:

4844 **Part 2. Offices and Facilities**

4845 **~~[67-19-6.1].~~ 63A-17-201. Division field offices.**

4846 (1) The ~~[executive director of the Department of Human Resource Management]~~  
 4847 director may establish a field office in an agency.

4848 (2) The ~~[executive]~~ director may assign an employee of the ~~[department]~~ division to act  
 4849 as field office staff.

4850 (3) The ~~[executive]~~ director and agency head shall sign an agreement, to be reviewed  
 4851 annually, that specifies:

4852 (a) the services to be provided by the ~~[department]~~ division;

4853 (b) the use of agency facilities and equipment by the field office;

4854 (c) protocols to resolve discrepancies between agency practice and ~~[Department of~~  
 4855 Human Resource Management] division policy; and

4856 (d) any other issue necessary for the proper functioning of the field office.

4857 (4) Unless otherwise provided for in the field office agreement, the agency shall:

4858 (a) assign responsibilities and duties to its employees;

4859 (b) conduct performance appraisals;

4860 (c) discipline its employees in consultation with the ~~[department]~~ division; and

4861 (d) maintain individual personnel records.

4862 Section 113. Section **63A-17-202**, which is renumbered from Section 67-19-11 is  
 4863 renumbered and amended to read:

4864            ~~[67-19-11]~~.    63A-17-202.    **Use of facilities -- Field office facilities cost allocation.**

4865            (1) ~~[(a)]~~ An agency or a political subdivision of the state shall allow the ~~[department]~~  
4866 division to use public buildings under the agency's of the political subdivision's control, and  
4867 furnish heat, light, and furniture, for any examination, training, hearing, or investigation  
4868 authorized by this chapter.

4869            ~~[(b)]~~ (2) An agency or political subdivision that allows the ~~[department]~~ division to use  
4870 a public building under Subsection (1)~~[(a)]~~ shall pay the cost of the ~~[department's]~~ division's  
4871 use of the public building.

4872            (2) The executive director shall:

4873            (a) prepare an annual budget request for the department;

4874            (b) submit the budget request to the governor and the Legislature; and

4875            (c) before charging a fee for services provided by the department's internal service fund  
4876 to an executive branch agency:

4877            (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established  
4878 under Subsection (3); and

4879            (ii) obtain the approval of the Legislature as required under Section [63J-1-410](#).

4880            (3) (a) There is created a rate committee that shall consist of the executive directors of  
4881 seven state agencies that use services and pay rates to one of the department internal service  
4882 funds, or their designee, appointed by the governor for a two-year term.

4883            (b) (i) Of the seven executive agencies represented on the rate committee under  
4884 Subsection (3)(a), only one of the following may be represented on the committee, if at all, at  
4885 any one time:

4886            (A) the Governor's Office of Management and Budget;

4887            (B) the Division of Finance; or

4888            (C) the Department of ~~Administrative Services; or~~ Government Operations.

4889            ~~[(D) the Department of Technology Services.]~~

4890            (ii) The department may not have a representative on the rate committee.

4891            (c) (i) The rate committee shall elect a chair from the rate committee's members.

4892            (ii) Each member of the rate committee who is a state government employee and who  
4893 does not receive salary, per diem, or expenses from the member's agency for the member's  
4894 service on the rate committee shall receive no compensation, benefits, per diem, or expenses

4895 for the member's service on the rate committee.

4896 (d) The department shall provide staff services to the rate committee.

4897 (4) (a) The department shall submit to the rate committee a proposed rate and fee  
4898 schedule for:

4899 (i) human resource management services rendered; and

4900 (ii) costs incurred by the Office of the Attorney General in defending the state in a  
4901 grievance under review by the Career Service Review Office.

4902 (b) The rate committee shall:

4903 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings  
4904 Act;

4905 (ii) meet at least once each calendar year to:

4906 (A) discuss the service performance of each internal service fund;

4907 (B) review the proposed rate and fee schedules;

4908 (C) at the rate committee's discretion, approve, increase, or decrease the rate and fee  
4909 schedules described in Subsection (4)(b)(ii)(B); and

4910 (D) discuss any prior or potential adjustments to the service level received by state  
4911 agencies that pay rates to an internal service fund;

4912 (iii) recommend a proposed rate and fee schedule for the internal service fund to:

4913 (A) the Governor's Office of Management and Budget; and

4914 (B) each legislative appropriations subcommittee that, in accordance with Section  
4915 [63J-1-410](#), approves the internal service fund rates, fees, and budget; and

4916 (iv) review and approve, increase or decrease an interim rate, fee, or amount when the  
4917 department begins a new service or introduces a new product between annual general sessions  
4918 of the Legislature.

4919 (c) The committee may in accordance with Subsection [63J-1-410](#)(4) decrease a rate,  
4920 fee, or amount that has been approved by the Legislature.

4921 Section 114. Section **63A-17-301**, which is renumbered from Section 67-19-15 is  
4922 renumbered and amended to read:

4923 **Part 3. Classification and Career Service**

4924 **[~~67-19-15~~]. 63A-17-301. Career service -- Exempt positions -- Schedules for**  
4925 **civil service positions -- Coverage of career service provisions.**

4926 (1) Except as otherwise provided by law or by rules and regulations established for  
4927 federally aided programs, the following positions are exempt from the career service provisions  
4928 of this chapter and are designated under the following schedules:

4929 (a) schedule AA includes the governor, members of the Legislature, and all other  
4930 elected state officers;

4931 (b) schedule AB includes appointed executives and board or commission executives  
4932 enumerated in Section [67-22-2](#);

4933 (c) schedule AC includes all employees and officers in:

4934 (i) the office and at the residence of the governor;

4935 (ii) the Public Lands Policy Coordinating Council;

4936 (iii) the Office of the State Auditor; and

4937 (iv) the Office of the State Treasurer;

4938 (d) schedule AD includes employees who:

4939 (i) are in a confidential relationship to an agency head or commissioner; and

4940 (ii) report directly to, and are supervised by, a department head, commissioner, or  
4941 deputy director of an agency or its equivalent;

4942 (e) schedule AE includes each employee of the State Board of Education that the State  
4943 Board of Education designates as exempt from the career service provisions of this chapter;

4944 (f) schedule AG includes employees in the Office of the Attorney General who are  
4945 under their own career service pay plan under Sections [67-5-7](#) through [67-5-13](#);

4946 (g) schedule AH includes:

4947 (i) teaching staff of all state institutions; and

4948 (ii) employees of the Utah Schools for the Deaf and the Blind who are:

4949 (A) educational interpreters as classified by the [~~department~~] division; or

4950 (B) educators as defined by Section [53E-8-102](#);

4951 (h) schedule AN includes employees of the Legislature;

4952 (i) schedule AO includes employees of the judiciary;

4953 (j) schedule AP includes all judges in the judiciary;

4954 (k) schedule AQ includes:

4955 (i) members of state and local boards and councils appointed by the governor and  
4956 governing bodies of agencies;



- 4957 (ii) a water commissioner appointed under Section 73-5-1;
- 4958 (iii) other local officials serving in an ex officio capacity; and
- 4959 (iv) officers, faculty, and other employees of state universities and other state
- 4960 institutions of higher education;
- 4961 (l) schedule AR includes employees in positions that involve responsibility:
- 4962 (i) for determining policy;
- 4963 (ii) for determining the way in which a policy is carried out; or
- 4964 (iii) of a type not appropriate for career service, as determined by the agency head with
- 4965 the concurrence of the executive director;
- 4966 (m) schedule AS includes any other employee:
- 4967 (i) whose appointment is required by statute to be career service exempt;
- 4968 (ii) whose agency is not subject to this chapter; or
- 4969 (iii) whose agency has authority to make rules regarding the performance,
- 4970 compensation, and bonuses for its employees;
- 4971 (n) schedule AT includes employees of the [~~Department~~] Division of Technology
- 4972 Services, designated as executive/professional positions by the [~~executive~~] director of the
- 4973 [~~Department~~] Division of Technology Services with the concurrence of the [~~executive~~] director
- 4974 of the division;
- 4975 (o) schedule AU includes patients and inmates employed in state institutions;
- 4976 (p) employees of the Department of Workforce Services, designated as schedule AW:
- 4977 (i) who are temporary employees that are federally funded and are required to work
- 4978 under federally qualified merit principles as certified by the director; or
- 4979 (ii) for whom substantially all of their work is repetitive, measurable, or transaction
- 4980 based, and who voluntarily apply for and are accepted by the Department of Workforce
- 4981 Services to work in a pay for performance program designed by the Department of Workforce
- 4982 Services with the concurrence of the [~~executive~~] director of the division; and
- 4983 (q) for employees in positions that are temporary, seasonal, time limited, funding
- 4984 limited, or variable hour in nature, under schedule codes and parameters established by the
- 4985 [~~department~~] division by administrative rule.
- 4986 (2) The civil service shall consist of two schedules as follows:
- 4987 (a) (i) Schedule A is the schedule consisting of positions under Subsection (1).

4988 (ii) Removal from any appointive position under schedule A, unless otherwise  
4989 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

4990 (b) Schedule B is the competitive career service schedule, consisting of:

4991 (i) all positions filled through competitive selection procedures as defined by the  
4992 [executive] director; or

4993 (ii) positions filled through a [department] division approved on-the-job examination  
4994 intended to appoint a qualified person with a disability, or a veteran in accordance with Title  
4995 71, Chapter 10, Veterans Preference.

4996 (3) (a) The [executive] director, after consultation with the heads of concerned  
4997 executive branch departments and agencies and with the approval of the governor, shall  
4998 allocate positions to the appropriate schedules under this section.

4999 (b) Agency heads shall make requests and obtain approval from the [executive]  
5000 director before changing the schedule assignment and tenure rights of any position.

5001 (c) Unless the [executive] director's decision is reversed by the governor, when the  
5002 [executive] director denies an agency's request, the [executive] director's decision is final.

5003 (4) (a) Compensation for employees of the Legislature shall be established by the  
5004 directors of the legislative offices in accordance with Section 36-12-7.

5005 (b) Compensation for employees of the judiciary shall be established by the state court  
5006 administrator in accordance with Section 78A-2-107.

5007 (c) Compensation for officers, faculty, and other employees of state universities and  
5008 institutions of higher education shall be established as provided in Title 53B, Chapter 1,  
5009 Governance, Powers, Rights, and Responsibilities, and Title 53B, Chapter 2, Institutions of  
5010 Higher Education.

5011 (d) Unless otherwise provided by law, compensation for all other schedule A  
5012 employees shall be established by their appointing authorities, within ranges approved by, and  
5013 after consultation with the [executive] director [~~of the Department of Human Resource~~  
5014 ~~Management~~].

5015 (5) An employee who is in a position designated schedule AC and who holds career  
5016 service status on June 30, 2010, shall retain the career service status if the employee:

5017 (a) remains in the position that the employee is in on June 30, 2010; and

5018 (b) does not elect to convert to career service exempt status in accordance with a rule

5019 made by the [~~department~~] division.

5020 Section 115. Section **63A-17-302**, which is renumbered from Section 67-19-15.1 is  
5021 renumbered and amended to read:

5022 ~~[67-19-15.1]~~. **63A-17-302. Implementation of exempt status for Schedule**  
5023 **AD and AR employees.**

5024 (1) As used in this section, "appointee" means:

5025 (a) a deputy director;

5026 (b) a division director;

5027 (c) any assistant directors and administrative assistants who report directly to a  
5028 department head, deputy director, or their equivalent; and

5029 (d) any other person whose appointment is required by law to be approved by the  
5030 governor.

5031 (2) After the effective date of this chapter, any new appointee is a merit exempt  
5032 employee.

5033 (3) Notwithstanding the requirements of this chapter, any appointee who is currently a  
5034 nonexempt employee does not lose that nonexempt status because of this chapter.

5035 (4) The [~~Department of Human Resource Management~~] division shall develop  
5036 financial and other incentives to encourage appointees who are nonexempt to voluntarily  
5037 convert to merit exempt status.

5038 Section 116. Section **63A-17-303**, which is renumbered from Section 67-19-15.6 is  
5039 renumbered and amended to read:

5040 ~~[67-19-15.6]~~. **63A-17-303. Longevity salary increases.**

5041 (1) Except for those employees in schedules AB and AN, as provided under Section  
5042 [~~67-19-15~~] 63A-17-301, and employees described in Subsection [~~67-19-15~~] 63A-17-301(1)(q),  
5043 an employee shall receive an increase in salary of 2.75% if that employee:

5044 (a) holds a position under schedule A or B as provided under Section [~~67-19-15~~]  
5045 63A-17-301;

5046 (b) has reached the maximum of the salary range in the position classification;

5047 (c) has been employed with the state for eight years; and

5048 (d) is rated eligible in job performance under guidelines established by the executive  
5049 director.

5050 (2) Any employee who meets the criteria under Subsection (1) is entitled to the same  
5051 increase in salary for each additional three years of employment if the employee maintains the  
5052 eligibility standards established by the [~~department~~] division.

5053 Section 117. Section **63A-17-304**, which is renumbered from Section 67-19-15.7 is  
5054 renumbered and amended to read:

5055 [~~67-19-15.7~~]. **63A-17-304. Promotion -- Reclassification -- Market**  
5056 **adjustment.**

5057 (1) (a) If an employee is promoted or the employee's position is reclassified to a higher  
5058 salary range maximum, the agency shall place the employee within the new range of the  
5059 position.

5060 (b) An agency may not set an employee's salary:

5061 (i) higher than the maximum in the new salary range; and

5062 (ii) lower than the minimum in the new salary range of the position.

5063 (c) Except for an employee described in Subsection [~~67-19-15~~] 63A-17-301(1)(q), the  
5064 agency shall grant a salary increase of at least 5% to an employee who is promoted.

5065 (2) An agency shall adjust the salary range for an employee whose salary range is  
5066 approved by the Legislature for a market comparability adjustment consistent with Subsection  
5067 [~~67-19-12~~] 63A-17-307(5)(b)(i):

5068 (a) at the beginning of the next fiscal year; and

5069 (b) consistent with appropriations made by the Legislature.

5070 (3) [~~Department-initiated~~] Division-initiated revisions in the state classification system  
5071 that result in consolidation or reduction of class titles or broadening of pay ranges:

5072 (a) may not be regarded as a reclassification of the position or promotion of the  
5073 employee; and

5074 (b) are exempt from the provisions of Subsection (1).

5075 Section 118. Section **63A-17-305**, which is renumbered from Section 67-19-16 is  
5076 renumbered and amended to read:

5077 [~~67-19-16~~]. **63A-17-305. Appointments to Schedule B positions -- Examinations**  
5078 **-- Hiring lists -- Probationary service -- Dismissal.**

5079 (1) Each appointment to a position under Schedule B shall be made from hiring lists of  
5080 applicants who have been selected by competitive procedures as defined by the [~~executive~~]

5081 director.

5082 (2) The ~~[executive]~~ director shall publicly announce information regarding career  
5083 service positions:

5084 (a) for periods of time to be determined by the ~~[executive]~~ director; and

5085 (b) in a manner designed to attract the highest number of qualified applicants.

5086 (3) The ~~[executive]~~ director shall make rules establishing standards for the  
5087 development, approval, and implementation of examining processes, including establishing a  
5088 department approved on the job examination to appoint a qualified person with a disability.

5089 (4) Applicants for employment to Schedule B positions shall be eligible for  
5090 appointment based upon rules established by the ~~[executive]~~ director.

5091 (5) (a) The agency head shall make appointments to fill vacancies from hiring lists for  
5092 probationary periods as defined by rule.

5093 (b) The ~~[executive]~~ director shall make rules establishing probationary periods.

5094 (6) A person serving a probationary period may not use the grievance procedures  
5095 provided in this chapter and in ~~[Chapter 19a, Grievance Procedures]~~ Part 6, Complaints and  
5096 Grievances, and may be dismissed at any time by the appointing officer without hearing or  
5097 appeal.

5098 (7) Career service status shall be granted upon the successful completion of the  
5099 probationary period.

5100 Section 119. Section **63A-17-306**, which is renumbered from Section 67-19-18 is  
5101 renumbered and amended to read:

5102 ~~[67-19-18]~~. **63A-17-306. Dismissals and demotions -- Grounds -- Disciplinary**  
5103 **action -- Procedure -- Reductions in force.**

5104 (1) A career service employee may be dismissed or demoted:

5105 (a) to advance the good of the public service; or

5106 (b) for just causes, including inefficiency, incompetency, failure to maintain skills or  
5107 adequate performance levels, insubordination, disloyalty to the orders of a superior,  
5108 misfeasance, malfeasance, or nonfeasance in office.

5109 (2) An employee may not be dismissed because of race, sex, age, disability, national  
5110 origin, religion, political affiliation, or other nonmerit factor including the exercise of rights  
5111 under this chapter.

5112 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5113 [~~executive~~] director shall establish rules governing the procedural and documentary  
5114 requirements of disciplinary dismissals and demotions.

5115 (4) If an agency head finds that a career service employee is charged with aggravated  
5116 misconduct or that retention of a career service employee would endanger the peace and safety  
5117 of others or pose a grave threat to the public interest, the employee may be suspended pending  
5118 the administrative appeal to the department head as provided in Subsection (5).

5119 (5) (a) A career service employee may not be demoted or dismissed unless the  
5120 department head or designated representative has complied with this subsection.

5121 (b) The department head or designated representative notifies the employee in writing  
5122 of the reasons for the dismissal or demotion.

5123 (c) The employee has no less than five working days to reply and have the reply  
5124 considered by the department head.

5125 (d) The employee has an opportunity to be heard by the department head or designated  
5126 representative.

5127 (e) Following the hearing, the employee may be dismissed or demoted if the  
5128 department head finds adequate cause or reason.

5129 (6) (a) Reductions in force required by inadequate funds, change of workload, or lack  
5130 of work are governed by retention points established by the [~~executive~~] director.

5131 (b) Under those circumstances:

5132 (i) The agency head shall designate the category of work to be eliminated, subject to  
5133 review by the [~~executive~~] director.

5134 (ii) Temporary and probationary employees shall be separated before any career service  
5135 employee.

5136 (iii) (A) When more than one career service employee is affected, the employees shall  
5137 be separated in the order of their retention points, the employee with the lowest points to be  
5138 discharged first.

5139 (B) Retention points for each career service employee shall be computed according to  
5140 rules established by the [~~executive~~] director, allowing appropriate consideration for proficiency  
5141 and seniority in state government, including any active duty military service fulfilled  
5142 subsequent to original state appointment.

5143 (c) (i) A career service employee who is separated in a reduction in force under this  
5144 section shall be given preferential consideration when applying for a career service position.

5145 (ii) Preferential consideration under Subsection (6)(c)(i) applies only until the former  
5146 career service employee accepts a career service position.

5147 (iii) The [~~executive~~] director shall make rules in accordance with Title 63G, Chapter 3,  
5148 Utah Administrative Rulemaking Act, concerning the manner of granting preferential  
5149 consideration under Subsection (6)(c)(i).

5150 (d) (i) An employee separated due to a reduction in force may appeal to the department  
5151 head for an administrative review.

5152 (ii) The notice of appeal must be submitted within 20 working days after the  
5153 employee's receipt of written notification of separation.

5154 (iii) The employee may appeal the decision of the department head according to the  
5155 grievance and appeals procedure of this chapter [~~and Chapter 19a, Grievance Procedures~~],  
5156 including Part 6, Complaints and Grievances.

5157 Section 120. Section **63A-17-307**, which is renumbered from Section 67-19-12 is  
5158 renumbered and amended to read:

5159 ~~[67-19-12]~~. **63A-17-307. State pay plans -- Applicability of section --**  
5160 **Exemptions -- Duties of director.**

5161 (1) (a) This section, and the rules adopted by the [~~department~~] division to implement  
5162 this section, apply to each career and noncareer employee not specifically exempted under  
5163 Subsection (2).

5164 (b) If not exempted under Subsection (2), an employee is considered to be in classified  
5165 service.

5166 (2) The following employees are exempt from this section:

5167 (a) members of the Legislature and legislative employees;

5168 (b) members of the judiciary and judicial employees;

5169 (c) elected members of the executive branch and employees designated as schedule AC  
5170 as provided under Subsection [~~67-19-15~~] 63A-17-301(1)(c);

5171 (d) employees of the State Board of Education;

5172 (e) officers, faculty, and other employees of state institutions of higher education;

5173 (f) employees in a position that is specified by statute to be exempt from this

5174 Subsection (2);  
5175 (g) employees in the Office of the Attorney General;  
5176 (h) department heads and other persons appointed by the governor under statute;  
5177 (i) schedule AS employees as provided under Subsection [~~67-19-15~~]  
5178 63A-17-301(1)(m);  
5179 (j) department deputy directors, division directors, and other employees designated as  
5180 schedule AD as provided under Subsection [~~67-19-15~~] 63A-17-301(1)(d);  
5181 (k) employees that determine and execute policy designated as schedule AR as  
5182 provided under Subsection [~~67-19-15~~] 63A-17-301(1)(l);  
5183 (l) teaching staff, educational interpreters, and educators designated as schedule AH as  
5184 provided under Subsection [~~67-19-15~~] 63A-17-301(1)(g);  
5185 (m) temporary employees described in Subsection [~~67-19-15~~] 63A-17-301(1)(q);  
5186 (n) patients and inmates designated as schedule AU as provided under Subsection  
5187 [~~67-19-15~~] 63A-17-301(1)(o) who are employed by state institutions; and  
5188 (o) members of state and local boards and councils and other employees designated as  
5189 schedule AQ as provided under Subsection [~~67-19-15~~] 63A-17-301(1)(k).  
5190 (3) (a) The [~~executive~~] director shall prepare, maintain, and revise a position  
5191 classification plan for each employee position not exempted under Subsection (2) to provide  
5192 equal pay for equal work.  
5193 (b) Classification of positions shall be based upon similarity of duties performed and  
5194 responsibilities assumed, so that the same job requirements and the same salary range may be  
5195 applied equitably to each position in the same class.  
5196 (c) The [~~executive~~] director shall allocate or reallocate the position of each employee in  
5197 classified service to one of the classes in the classification plan.  
5198 (d) (i) The [~~department~~] division shall conduct periodic studies and interviews to  
5199 provide that the classification plan remains reasonably current and reflects the duties and  
5200 responsibilities assigned to and performed by employees.  
5201 (ii) The [~~executive~~] director shall determine the need for studies and interviews after  
5202 considering factors such as changes in duties and responsibilities of positions or agency  
5203 reorganizations.  
5204 (4) (a) With the approval of the executive director and the governor, the [~~executive~~]



5205 director shall develop and adopt pay plans for each position in classified service.

5206 (b) The [executive] director shall design each pay plan to achieve, to the degree that  
5207 funds permit, comparability of state salary ranges to the market using data obtained from  
5208 private enterprise and other public employment for similar work.

5209 (c) The [executive] director shall adhere to the following in developing each pay plan:

5210 (i) [Each] each pay plan shall consist of sufficient salary ranges to:

5211 (A) permit adequate salary differential among the various classes of positions in the  
5212 classification plan; and

5213 (B) reflect the normal growth and productivity potential of employees in that class.

5214 (ii) The [executive] director shall issue rules for the administration of pay plans.

5215 (d) The establishing of a salary range is a nondelegable activity and is not appealable  
5216 under the grievance procedures of [~~Sections 67-19-30 through 67-19-32, Chapter 19a,~~  
5217 ~~Grievance Procedures~~] Part 6, Complaints and Grievances, Part 7, Miscellaneous Grievance  
5218 Provisions, or otherwise.

5219 (e) The [executive] director shall issue rules providing for:

5220 (i) agency approved salary adjustments within approved salary ranges, including an  
5221 administrative salary adjustment;

5222 (ii) legislatively approved salary adjustments within approved salary ranges, including  
5223 a merit increase, subject to Subsection (4)(f), or general increase; and

5224 (iii) structure adjustments that modify salary ranges, including a cost of living  
5225 adjustment or market comparability adjustment.

5226 (f) A merit increase shall be granted on a uniform and consistent basis to each  
5227 employee who receives a rating of "successful" or higher in an annual evaluation of the  
5228 employee's productivity and performance.

5229 (5) (a) [By] On or before October 31 of each year, the [executive] director shall submit  
5230 an annual compensation plan to the executive director and the governor for consideration in the  
5231 executive budget.

5232 (b) The plan described in Subsection (5)(a) may include recommendations, including:

5233 (i) salary increases that generally affect employees, including a general increase or  
5234 merit increase;

5235 (ii) salary increases that address compensation issues unique to an agency or

5236 occupation;

5237 (iii) structure adjustments, including a cost of living adjustment or market

5238 comparability adjustment; or

5239 (iv) changes to employee benefits.

5240 (c) (i) (A) Subject to Subsection (5)(c)(i)(B) or (C), the [executive] director shall

5241 incorporate the results of a salary survey of a reasonable cross section of comparable positions

5242 in private and public employment in the state into the annual compensation plan.

5243 (B) The salary survey for a law enforcement officer, as defined in Section 53-13-103, a

5244 correctional officer, as defined in Section 53-13-104, or a dispatcher, as defined in Section

5245 53-6-102, shall at minimum include the three largest political subdivisions in the state that

5246 employ, respectively, comparable positions.

5247 (C) The salary survey for an examiner or supervisor described in Title 7, Chapter 1,

5248 Part 2, Department of Financial Institutions, shall at minimum include the Federal Deposit

5249 Insurance Corporation, Federal Reserve, and National Credit Union Administration.

5250 (ii) The [executive] director may cooperate with or participate in any survey conducted

5251 by other public and private employers.

5252 (iii) The [executive] director shall obtain information for the purpose of constructing

5253 the survey from the Division of Workforce Information and Payment Services and shall include

5254 employer name, number of persons employed by the employer, employer contact information

5255 and job titles, county code, and salary if available.

5256 (iv) The [department] division shall acquire and protect the needed records in

5257 compliance with the provisions of Section 35A-4-312.

5258 (d) The [executive] director may incorporate any other relevant information in the plan

5259 described in Subsection (5)(a), including information on staff turnover, recruitment data, or

5260 external market trends.

5261 (e) The [executive] director shall:

5262 (i) establish criteria to assure the adequacy and accuracy of data used to make

5263 recommendations described in this Subsection (5); and

5264 (ii) when preparing recommendations use accepted methodologies and techniques

5265 similar to and consistent with those used in the private sector.

5266 (f) (i) Upon request and subject to Subsection (5)(f)(ii), the [department] division shall

5267 make available foundational information used by the [~~department~~] division or director in the  
5268 drafting of a plan described in Subsection (5)(a), including:

- 5269 (A) demographic and labor market information;
- 5270 (B) information on employee turnover;
- 5271 (C) salary information;
- 5272 (D) information on recruitment; and
- 5273 (E) geographic data.

5274 (ii) The [~~department~~] division may not provide under Subsection (5)(f)(i) information  
5275 or other data that is proprietary or otherwise protected under the terms of a contract or by law.

5276 (g) The governor shall:

- 5277 (i) consider salary and structure adjustments recommended under Subsection (5)(b) in  
5278 preparing the executive budget and shall recommend the method of distributing the  
5279 adjustments;
- 5280 (ii) submit compensation recommendations to the Legislature; and
- 5281 (iii) support the recommendation with schedules indicating the cost to individual  
5282 departments and the source of funds.

5283 (h) If funding is approved by the Legislature in a general appropriations act, the  
5284 adjustments take effect on the July 1 following the enactment unless otherwise indicated.

5285 (6) (a) The [~~executive~~] director shall issue rules for the granting of incentive awards,  
5286 including awards for cost saving actions, awards for commendable actions by an employee, or  
5287 a market-based award to attract or retain employees.

5288 (b) An agency may not grant a market-based award unless the award is previously  
5289 approved by the [~~department~~] division.

5290 (c) In accordance with Subsection (6)(b), an agency requesting the [~~department's~~]  
5291 division's approval of a market-based award shall submit a request and documentation, subject  
5292 to Subsection (6)(d), to the [~~department~~] division.

5293 (d) In the documentation required in Subsection (6)(c), the requesting agency shall  
5294 identify for the [~~department~~] division:

- 5295 (i) any benefit the market-based award would provide for the agency, including:

- 5296 (A) budgetary advantages; or
- 5297 (B) recruitment advantages;

5298 (ii) a mission critical need to attract or retain unique or hard to find skills in the market;  
5299 or

5300 (iii) any other advantage the agency would gain through the utilization of a  
5301 market-based award.

5302 (7) (a) The [~~executive~~] director shall regularly evaluate the total compensation program  
5303 of state employees in the classified service.

5304 (b) The [~~department~~] division shall determine if employee benefits are comparable to  
5305 those offered by other private and public employers using information from:

5306 (i) a study conducted by a third-party consultant; or

5307 (ii) the most recent edition of a nationally recognized benefits survey.

5308 Section 121. Section **63A-17-401**, which is renumbered from Section 67-19-13 is  
5309 renumbered and amended to read:

5310 **Part 4. Payroll**

5311 **~~[67-19-13]~~. 63A-17-401. Examination of payrolls and certification of employee**  
5312 **eligibility by the director.**

5313 (1) The [~~executive~~] director may examine payrolls at any time to determine conformity  
5314 with this chapter and [~~the regulations~~] administrative rules.

5315 (2) No new employee shall be hired in a position covered by this chapter, and no  
5316 employee shall be changed in pay, title or status, nor shall any employee be paid unless  
5317 certified by the [~~executive~~] director as eligible under the provisions of or [~~regulations~~  
5318 ~~promulgated~~] rules made pursuant to this chapter.

5319 Section 122. Section **63A-17-402**, which is renumbered from Section 67-19-13.5 is  
5320 renumbered and amended to read:

5321 **~~[67-19-13.5]~~. 63A-17-402. Division provides payroll services to executive**  
5322 **branch agencies -- Report.**

5323 (1) As used in this section:

5324 (a) (i) "Executive branch entity" means a department, division, agency, board, or office  
5325 within the executive branch of state government that employs a person who is paid through the  
5326 central payroll system developed by the Division of Finance as of December 31, 2011.

5327 (ii) "Executive branch entity" does not include:

5328 (A) the Office of the Attorney General;

- 5329 (B) the Office of the State Treasurer;
- 5330 (C) the Office of the State Auditor;
- 5331 (D) the Department of Transportation;
- 5332 (E) the [~~Department~~] Division of Technology Services;
- 5333 (F) the Department of Public Safety;
- 5334 (G) the Department of Natural Resources; or
- 5335 (H) the Utah Schools for the Deaf and the Blind.
- 5336 (b) (i) "Payroll services" means using the central payroll system as directed by the
- 5337 Division of Finance to:
- 5338 (A) enter and validate payroll reimbursements, which include reimbursements for
- 5339 mileage, a service award, and other wage types;
- 5340 (B) calculate, process, and validate a retirement;
- 5341 (C) enter a leave adjustment; and
- 5342 (D) certify payroll by ensuring an entry complies with a rule or policy adopted by the
- 5343 department or the Division of Finance.
- 5344 (ii) "Payroll services" does not mean:
- 5345 (A) a function related to payroll that is performed by an employee of the Division of
- 5346 Finance;
- 5347 (B) a function related to payroll that is performed by an executive branch agency on
- 5348 behalf of a person who is not an employee of the executive branch agency;
- 5349 (C) the entry of time worked by an executive branch agency employee into the central
- 5350 payroll system; or
- 5351 (D) approval or verification by a supervisor or designee of the entry of time worked.
- 5352 (2) The [~~department~~] division shall provide payroll services to all executive branch
- 5353 entities.
- 5354 (3) After September 19, 2012, an executive branch entity, other than the [~~department~~]
- 5355 division or the Division of Finance, may not create a full-time equivalent position or part-time
- 5356 position, or request an appropriation to fund a full-time equivalent position or part-time
- 5357 position for the purpose of providing payroll services to the entity.
- 5358 Section 123. Section **63A-17-403**, which is renumbered from Section 67-19-42 is
- 5359 renumbered and amended to read:

5360 ~~[67-19-42]~~. 63A-17-403. **Employee cost disclosure.**

5361 The Division of Finance shall, at least annually, plainly disclose to all state employees  
5362 the costs of compensation and benefits that are paid by the state in dollar figures.

5363 Section 124. Section **63A-17-501** is enacted to read:

5364 **Part 5. Hours and Leave**

5365 **63A-17-501. Definitions.**

5366 As used in this part:

5367 (1) "Continuing medical and life insurance benefits" means the state provided policy of  
5368 medical insurance and the state provided portion of a policy of life insurance, each offered at  
5369 the same:

5370 (a) benefit level and the same proportion of state/member participation in the total  
5371 premium costs as an active member as defined in Section 49-11-102; and

5372 (b) coverage level for a member, two person, or family policy as provided to the  
5373 member at the time of retirement.

5374 (2) "Converted sick leave" means leave that has been converted from unused sick leave  
5375 in accordance with Section 63A-17-506 which may be used by an employee in the same  
5376 manner as:

5377 (a) annual leave;

5378 (b) sick leave; or

5379 (c) unused accumulated sick leave after the employee's retirement for the purchase of  
5380 continuing medical and life insurance benefits under Sections 63A-17-507, 63A-17-508, and  
5381 63A-17-1004.

5382 Section 125. Section **63A-17-502**, which is renumbered from Section 67-19-6.7 is  
5383 renumbered and amended to read:

5384 ~~[67-19-6.7]~~. **63A-17-502. Overtime policies for state employees.**

5385 (1) As used in this section:

5386 (a) "Accrued overtime hours" means:

5387 (i) for nonexempt employees, overtime hours earned during a fiscal year that, at the end  
5388 of the fiscal year, have not been paid and have not been taken as time off by the nonexempt  
5389 state employee who accrued them; and

5390 (ii) for exempt employees, overtime hours earned during an overtime year.

- 5391 (b) "Appointed official" means:
- 5392 (i) each department executive director and deputy director, each division director, and
- 5393 each member of a board or commission; and
- 5394 (ii) any other person employed by a department who is appointed by, or whose
- 5395 appointment is required by law to be approved by, the governor and who:
- 5396 (A) is paid a salary by the state; and
- 5397 (B) who exercises managerial, policy-making, or advisory responsibility.
- 5398 (c) "Department" means the Department of [~~Administrative Services~~] Government
- 5399 Operations, the Department of Corrections, the Department of Financial Institutions, the
- 5400 Department of Alcoholic Beverage Control, the Insurance Department, the Public Service
- 5401 Commission, the Labor Commission, the Department of Agriculture and Food, the Department
- 5402 of Human Services, the Department of Natural Resources, [~~the Department of Technology~~
- 5403 ~~Services~~], the Department of Transportation, the Department of Commerce, the Department of
- 5404 Workforce Services, the State Tax Commission, the Department of Heritage and Arts, the
- 5405 Department of Health, the National Guard, the Department of Environmental Quality, the
- 5406 Department of Public Safety, [~~the Department of Human Resource Management~~], the
- 5407 Commission on Criminal and Juvenile Justice, all merit employees except attorneys in the
- 5408 Office of the Attorney General, merit employees in the Office of the State Treasurer, merit
- 5409 employees in the Office of the State Auditor, Department of Veterans and Military Affairs, and
- 5410 the Board of Pardons and Parole.
- 5411 (d) "Elected official" means any person who is an employee of the state because the
- 5412 person was elected by the registered voters of Utah to a position in state government.
- 5413 (e) "Exempt employee" means a state employee who is exempt as defined by the Fair
- 5414 Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.
- 5415 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.
- 5416 (g) "FLSA agreement" means the agreement authorized by the Fair Labor Standards
- 5417 Act of 1978, 29 U.S.C. Sec. 201 et seq., by which a nonexempt employee elects the form of
- 5418 compensation the nonexempt employee will receive for overtime.
- 5419 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by
- 5420 the [~~Department of Human Resource Management~~] division applying FLSA requirements.
- 5421 (i) "Overtime" means actual time worked in excess of the employee's defined work

5422 period.

5423 (j) "Overtime year" means the year determined by a department under Subsection  
5424 (4)(b) at the end of which an exempt employee's accrued overtime lapses.

5425 (k) "State employee" means every person employed by a department who is not:

5426 (i) an appointed official;

5427 (ii) an elected official; or

5428 (iii) a member of a board or commission who is paid only for per diem or travel  
5429 expenses.

5430 (l) "Uniform annual date" means the date when an exempt employee's accrued  
5431 overtime lapses.

5432 (m) "Work period" means:

5433 (i) for all nonexempt employees, except law enforcement and hospital employees, a  
5434 consecutive seven day 24 hour work period of 40 hours;

5435 (ii) for all exempt employees, a 14 day, 80 hour payroll cycle; and

5436 (iii) for nonexempt law enforcement and hospital employees, the period established by  
5437 each department by rule for those employees according to the requirements of the Fair Labor  
5438 Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

5439 (2) Each department shall compensate each state employee who works overtime by  
5440 complying with the requirements of this section.

5441 (3) (a) Each department shall negotiate and obtain a signed FLSA agreement from each  
5442 nonexempt employee.

5443 (b) In the FLSA agreement, the nonexempt employee shall elect either to be  
5444 compensated for overtime by:

5445 (i) taking time off work at the rate of one and one-half hour off for each overtime hour  
5446 worked; or

5447 (ii) being paid for the overtime worked at the rate of one and one-half times the rate per  
5448 hour that the state employee receives for nonovertime work.

5449 (c) Any nonexempt employee who elects to take time off under this Subsection (3)  
5450 shall be paid for any overtime worked in excess of the cap established by the [~~Department of~~  
5451 ~~Human Resource Management~~] division.

5452 (d) Before working any overtime, each nonexempt employee shall obtain authorization



5453 to work overtime from the employee's immediate supervisor.

5454 (e) Each department shall:

5455 (i) for employees who elect to be compensated with time off for overtime, allow  
5456 overtime earned during a fiscal year to be accumulated; and

5457 (ii) for employees who elect to be paid for overtime worked, pay them for overtime  
5458 worked in the paycheck for the pay period in which the employee worked the overtime.

5459 (f) If ~~the~~ a department pays a nonexempt employee for overtime, ~~the~~ that  
5460 department shall charge that payment to ~~the~~ that department's budget.

5461 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued  
5462 overtime hours for nonexempt employees and charge that total against the appropriate fund or  
5463 subfund.

5464 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each department shall  
5465 compensate exempt employees who work overtime by granting them time off at the rate of one  
5466 hour off for each hour of overtime worked.

5467 (ii) The ~~executive~~ director of the ~~Department of Human Resource Management~~  
5468 division may grant limited exceptions to this requirement, where work circumstances dictate,  
5469 by authorizing a department to pay employees for overtime worked at the rate per hour that the  
5470 employee receives for nonovertime work, if ~~the~~ that department has funds available.

5471 (b) (i) Each department shall:

5472 (A) establish in its written human resource policies a uniform annual date for each  
5473 division that is at the end of any pay period; and

5474 (B) communicate the uniform annual date to its employees.

5475 (ii) If any department fails to establish a uniform annual date as required by this  
5476 Subsection (4), the ~~executive~~ director of the ~~Department of Human Resource Management~~  
5477 division, in conjunction with the director of the Division of Finance, shall establish the date for  
5478 that department.

5479 (c) (i) Any overtime earned under this Subsection (4) is not an entitlement, is not a  
5480 benefit, and is not a vested right.

5481 (ii) A court may not construe the overtime for exempt employees authorized by this  
5482 Subsection (4) as an entitlement, a benefit, or as a vested right.

5483 (d) At the end of the overtime year, upon transfer to another department at any time,

5484 and upon termination, retirement, or other situations where the employee will not return to  
5485 work before the end of the overtime year:

5486 (i) any of an exempt employee's overtime that is more than the maximum established  
5487 by ~~[the Department of Human Resource Management]~~ division rule lapses; and

5488 (ii) unless authorized by the ~~[executive]~~ director of the ~~[Department of Human~~  
5489 ~~Resource Management]~~ division under Subsection (4)(a)(ii), a department may not compensate  
5490 the exempt employee for that lapsed overtime by paying the employee for the overtime or by  
5491 granting the employee time off for the lapsed overtime.

5492 (e) Before working any overtime, each exempt employee shall obtain authorization to  
5493 work overtime from the exempt employee's immediate supervisor.

5494 (f) If ~~[the]~~ a department pays an exempt employee for overtime under authorization  
5495 from the ~~[executive]~~ director of the ~~[Department of Human Resource Management, the]~~  
5496 division, that department shall charge that payment to ~~[the]~~ that department's budget in the pay  
5497 period earned.

5498 (5) The ~~[Department of Human Resource Management]~~ division shall:

5499 (a) ensure that the provisions of the FLSA and this section are implemented throughout  
5500 state government;

5501 (b) determine, for each state employee, whether that employee is exempt, nonexempt,  
5502 law enforcement, or has some other status under the FLSA;

5503 (c) in coordination with modifications to the systems operated by the Division of  
5504 Finance, make rules:

5505 (i) establishing procedures for recording overtime worked that comply with FLSA  
5506 requirements;

5507 (ii) establishing requirements governing overtime worked while traveling and  
5508 procedures for recording that overtime that comply with FLSA requirements;

5509 (iii) establishing requirements governing overtime worked if the employee is "on call"  
5510 and procedures for recording that overtime that comply with FLSA requirements;

5511 (iv) establishing requirements governing overtime worked while an employee is being  
5512 trained and procedures for recording that overtime that comply with FLSA requirements;

5513 (v) subject to the FLSA, establishing the maximum number of hours that a nonexempt  
5514 employee may accrue before a department is required to pay the employee for the overtime

5515 worked;

5516 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an  
5517 exempt employee that do not lapse; and

5518 (vii) establishing procedures for adjudicating appeals of any FLSA determinations  
5519 made by the [~~Department of Human Resource Management~~] division as required by this  
5520 section;

5521 (d) monitor departments for compliance with the FLSA; and

5522 (e) recommend to the Legislature and the governor any statutory changes necessary  
5523 because of federal government action.

5524 (6) (a) In coordination with the procedures for recording overtime worked established  
5525 in rule by the [~~Department of Human Resource Management~~] division, the Division of Finance  
5526 shall modify its payroll and human resource systems to accommodate those procedures.

5527 [~~(a)~~] (b) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,  
5528 Administrative Procedures Act, Section [~~67-19-31~~] 63A-17-702, and Section [~~67-19a-301~~]  
5529 63A-17-608, any employee who is aggrieved by the FLSA designation made by the  
5530 [~~Department of Human Resource Management~~] division as required by this section may appeal  
5531 that determination to the [~~executive~~] director of the [~~Department of Human Resource~~  
5532 ~~Management~~] division by following the procedures and requirements established in  
5533 [~~Department of Human Resource Management~~] division rule.

5534 [~~(b)~~] (c) Upon receipt of an appeal under this section, the [~~executive~~] director shall  
5535 notify the executive director of the employee's department that the appeal has been filed.

5536 [~~(c)~~] (d) If the employee is aggrieved by the decision of the [~~executive director of the~~  
5537 ~~Department of Human Resource Management~~] director, the employee shall appeal that  
5538 determination to the Department of Labor, Wage and Hour Division, according to the  
5539 procedures and requirements of federal law.

5540 Section 126. Section **63A-17-503**, which is renumbered from Section 67-19-12.7 is  
5541 renumbered and amended to read:

5542 [~~67-19-12.7~~]. **63A-17-503. Accumulated annual leave -- Conversion to**  
5543 **deferred compensation plan.**

5544 (1) The [~~department~~] division shall implement a program whereby an employee may,  
5545 upon termination of employment or retirement, elect to convert any unused annual leave into

5546 any of the employee's designated deferred compensation accounts that:

5547 (a) are sponsored by the Utah State Retirement Board; and

5548 (b) are qualified under Section 401(k) or Section 457 of the Internal Revenue Code.

5549 (2) Any annual leave converted under Subsection (1) shall be converted into the

5550 employee's deferred compensation account at the employee's pay rate at the time of termination  
5551 or retirement.

5552 (3) No employee may convert hours of accrued annual leave to the extent that any

5553 hours so converted would exceed the maximum amount authorized by the Internal Revenue

5554 Code for each calendar year.

5555 Section 127. Section **63A-17-504**, which is renumbered from Section 67-19-12.9 is  
5556 renumbered and amended to read:

5557 ~~[67-19-12.9]~~. **63A-17-504. Accumulated annual leave -- Annual**

5558 **conversion to deferred compensation plan.**

5559 (1) If the Legislature in an annual appropriations act with accompanying intent

5560 language specifically authorizes and fully funds the estimated costs of this use, the

5561 ~~[department]~~ division shall implement a program that allows an employee, in the approved

5562 calendar year, to elect to convert up to 20 hours of annual leave, in whole hour increments not

5563 to exceed \$250 in value, into any of the employee's designated deferred compensation accounts

5564 that:

5565 (a) are sponsored by the Utah State Retirement Board; and

5566 (b) are qualified under Section 401(k) or Section 457 of the Internal Revenue Code.

5567 (2) Any annual leave converted under Subsection (1) shall be:

5568 (a) converted into the employee's deferred compensation account at the employee's pay  
5569 rate at the time of conversion; and

5570 (b) calculated in the last pay period of the leave year as determined by the Division of  
5571 Finance.

5572 (3) An employee may not convert hours of accrued annual leave to the extent that any  
5573 hours converted would:

5574 (a) exceed the maximum amount authorized by the Internal Revenue Code for the  
5575 calendar year; or

5576 (b) cause the employee's balance of accumulated annual leave to drop below the

5577 maximum accrual limit provided by rule.

5578 Section 128. Section **63A-17-505**, which is renumbered from Section 67-19-14 is  
5579 renumbered and amended to read:

5580 ~~[67-19-14].~~ **63A-17-505. Sick leave -- Definitions -- Unused sick days retirement**  
5581 **programs -- Rulemaking.**

5582 ~~[(1) As used in this section through Section 67-19-14.4:]~~

5583 ~~[(a) "Continuing medical and life insurance benefits" means the state provided policy~~  
5584 ~~of medical insurance and the state provided portion of a policy of life insurance, each offered at~~  
5585 ~~the same:]~~

5586 ~~[(i) benefit level and the same proportion of state/member participation in the total~~  
5587 ~~premium costs as an active member as defined in Section 49-11-102; and]~~

5588 ~~[(ii) coverage level for a member, two person, or family policy as provided to the~~  
5589 ~~member at the time of retirement.]~~

5590 ~~[(b) "Converted sick leave" means leave that has been converted from unused sick~~  
5591 ~~leave in accordance with Section 67-19-14.1 which may be used by an employee in the same~~  
5592 ~~manner as:]~~

5593 ~~[(i) annual leave;]~~

5594 ~~[(ii) sick leave; or]~~

5595 ~~[(iii) unused accumulated sick leave after the employee's retirement for the purchase of~~  
5596 ~~continuing medical and life insurance benefits under Sections 67-19-14.2, 67-19-14.3, and~~  
5597 ~~67-19-14.4.]~~

5598 ~~[(2)]~~ (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
5599 Act, the ~~[executive]~~ director shall make rules:

5600 (a) for the procedures to implement the provisions of this section through Section  
5601 ~~[67-19-14.4]~~ **63A-17-508**; and

5602 (b) to establish the maximum number of hours of converted sick leave an employee  
5603 may accrue.

5604 ~~[(3)]~~ (2) The Division of Finance shall develop and maintain a system of accounting  
5605 for employee sick leave and converted sick leave as necessary to implement the provisions of  
5606 this section through Section ~~[67-19-14.4]~~ **63A-17-508**.

5607 Section 129. Section **63A-17-506**, which is renumbered from Section 67-19-14.1 is

5608 renumbered and amended to read:

5609 ~~[67-19-14.1].~~ **63A-17-506. Converted sick leave.**

5610 Converted sick leave hours that are not used prior to an employee's retirement date shall  
5611 be used under the:

5612 (1) Unused Sick Leave Retirement Option Program I under Section ~~[67-19-14.2]~~  
5613 63A-17-507 if earned prior to January 1, 2006, unless the transfer is made under Subsection  
5614 ~~[67-19-14.4]~~ 63A-17-508(1)(c); or

5615 (2) Unused Sick Leave Retirement Option Program II under Section ~~[67-19-14.4]~~  
5616 63A-17-508 if earned on or after January 1, 2006.

5617 Section 130. Section **63A-17-507**, which is renumbered from Section 67-19-14.2 is  
5618 renumbered and amended to read:

5619 ~~[67-19-14.2].~~ **63A-17-507. Unused Sick Leave Retirement Option Program**  
5620 **I -- Creation -- Payout upon eligibility for allowance -- Continuing medical and life**  
5621 **insurance benefits after retirement.**

5622 (1) (a) There is created the "Unused Sick Leave Retirement Option Program I."

5623 (b) An agency may offer the Unused Sick Leave Retirement Option Program I to an  
5624 employee who is eligible to receive a retirement allowance in accordance with Title 49, Utah  
5625 State Retirement and Insurance Benefit Act.

5626 (2) The Unused Sick Leave Retirement Option Program I provides that upon becoming  
5627 eligible to receive a retirement allowance an employee who was employed by the state prior to  
5628 January 1, 2006:

5629 (a) receives a contribution under Subsection (3) for 25% of the employee's unused  
5630 accumulated sick leave accrued prior to January 1, 2006, at the employee's rate of pay at the  
5631 time of retirement; and

5632 (b) may purchase additional continuing medical and life insurance benefits in  
5633 accordance with Subsection (4).

5634 (3) (a) Subject to federal requirements and limitations, the contribution under  
5635 Subsection (2)(a) shall be transferred directly to the employee's defined contribution plan  
5636 qualified under Section 401(k) of the Internal Revenue Code which is sponsored by the Utah  
5637 State Retirement Board.

5638 (b) If the amount calculated under Subsection (2)(a) exceeds the federal contribution

5639 limitations, the employee's unused accumulated sick leave hours representing the excess shall  
5640 be used for the purchase of continuing medical and life insurance benefits under Subsection  
5641 (4).

5642 (4) (a) An employee may purchase continuing medical and life insurance benefits, at  
5643 the rate of one month's coverage per policy for eight hours of unused sick leave remaining after  
5644 the contribution of unused sick leave under Subsection (2)(a).

5645 (b) The medical coverage level for member, two person, or family coverage that is  
5646 provided to the member at the time of retirement is the maximum coverage level available to  
5647 the member under this program.

5648 (c) The purchase of continuing medical and life insurance benefits at the rate provided  
5649 under Subsection (4)(a) may be used by the employee to extend coverage:

5650 (i) until the employee reaches the age of eligibility for Medicare; or

5651 (ii) if the employee has reached the age of eligibility for Medicare, continuing medical  
5652 benefits for the employee's spouse may be purchased until the employee's spouse reaches the  
5653 age of eligibility for Medicare.

5654 (d) An employee and the employee's spouse who are or who later become eligible for  
5655 Medicare may purchase Medicare supplemental insurance at the rate of one month's coverage  
5656 for eight hours of the employee's unused sick leave per person.

5657 (5) (a) The continuing medical and life insurance benefits purchased by an employee  
5658 under Subsection (4):

5659 (i) may not be suspended or deferred for future use; and

5660 (ii) continues in effect until exhausted.

5661 (b) An employer participating in the Program I benefits under this section may not  
5662 provide medical or life insurance benefits to a person who is:

5663 (i) reemployed after retirement; and

5664 (ii) receiving benefits under this section.

5665 Section 131. Section **63A-17-508**, which is renumbered from Section 67-19-14.4 is  
5666 renumbered and amended to read:

5667 **[67-19-14.4]. 63A-17-508. Unused Sick Leave Retirement Program II --**  
5668 **Creation -- Remuneration upon eligibility for allowance -- Medical expense account after**  
5669 **retirement.**

5670 (1) (a) There is created the "Unused Sick Leave Retirement Program II."

5671 (b) An agency shall offer the Unused Sick Leave Retirement Option Program II to an  
5672 employee who is eligible to receive a retirement allowance in accordance with Title 49, Utah  
5673 State Retirement and Insurance Benefit Act.

5674 (c) An employee who is participating in the Unused Sick Leave Retirement Program I  
5675 under Section [~~67-19-14.2~~] [63A-17-507](#) may make a one-time and irrevocable election to  
5676 transfer all unused sick leave hours which shall include all converted sick leave hours under  
5677 Section [~~67-19-14.1~~] [63A-17-506](#) for use under the Unused Sick Leave Retirement Program II  
5678 under this section.

5679 (2) (a) The Unused Sick Leave Retirement Program II provides that upon becoming  
5680 eligible to receive a retirement allowance an employee employed by the state between January  
5681 1, 2006, and January 3, 2014, shall receive remuneration for the employee's unused  
5682 accumulated sick leave and converted sick leave accrued between January 1, 2006, and January  
5683 3, 2014, in accordance with this section as follows:

5684 (i) subject to federal requirements and limitations, a contribution at the employee's rate  
5685 of pay at the time of retirement for 25% of the employee's unused accumulated sick leave and  
5686 converted sick leave shall be transferred directly to the employee's defined contribution plan  
5687 qualified under Section 401(k) of the Internal Revenue Code which is sponsored by the Utah  
5688 State Retirement Board; and

5689 (ii) participation in a benefit plan that provides for reimbursement for medical  
5690 expenses using money deposited at the employee's rate of pay at the time of retirement from  
5691 remaining unused accumulated sick leave and converted sick leave balances.

5692 (b) If the amount calculated under Subsection (2)(a)(i) exceeds the federal contribution  
5693 limitations, the amount representing the excess shall be deposited under Subsection (2)(a)(ii).

5694 (c) An employee's rate of pay at the time of retirement for purposes of Subsection  
5695 (2)(a)(ii) may not be less than the average rate of pay of state employees who retired in the  
5696 same retirement system under Title 49, Utah State Retirement and Insurance Benefit Act,  
5697 during the previous calendar year.

5698 (3) The Utah State Retirement Office shall develop and maintain a program to provide  
5699 a benefit plan that provides for reimbursement for medical expenses under Subsection (2)(a)(ii)  
5700 with money deposited under Subsection (2)(a)(ii).



5701 Section 132. Section **63A-17-509**, which is renumbered from Section 67-19-14.5 is  
5702 renumbered and amended to read:

5703 ~~[67-19-14.5]~~. **63A-17-509. Organ donor leave.**

5704 (1) An employee who serves as a bone marrow donor shall be granted a paid leave of  
5705 absence of up to seven days that are necessary for the donation and recovery from the donation.

5706 (2) An employee who serves as a donor of a human organ shall be granted a paid leave  
5707 of absence of up to 30 days that are necessary for the donation and recovery from the donation.

5708 (3) In recognition of National Donate Life Month, 2015, created by Proclamation No.  
5709 9248, 80 F.R. 18511 (April 1, 2015), the department shall distribute an electronic message to  
5710 each employee during the month of April publicizing the leave offered under this section.

5711 Section 133. Section **63A-17-510**, which is renumbered from Section 67-19-14.6 is  
5712 renumbered and amended to read:

5713 ~~[67-19-14.6]~~. **63A-17-510. Annual leave -- Definitions -- Previously**  
5714 **accrued hours -- Recognition of liability.**

5715 (1) As used in this section:

5716 (a) (i) "Annual leave II" means leave hours an employing agency provides to an  
5717 employee, beginning on the change date established in Subsection (2), as time off from work  
5718 for personal use without affecting the employee's pay.

5719 (ii) "Annual leave II" does not include:

5720 (A) legal holidays under Section [63G-1-301](#);

5721 (B) time off as compensation for actual time worked in excess of an employee's  
5722 defined work period;

5723 (C) sick leave;

5724 (D) paid or unpaid administrative leave; or

5725 (E) other paid or unpaid leave from work provided by state statute, administrative rule,  
5726 or by federal law or regulation.

5727 (b) "Change date" means the date established by the Division of Finance under  
5728 Subsection (2) when annual leave II begins for a state agency.

5729 (2) In accordance with the Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
5730 the Division of Finance shall establish a date that is no later than January 2, 2016, when a state  
5731 agency shall offer annual leave II in lieu of annual leave to an employee who is eligible to

5732 receive paid leave.

5733 (3) An employing agency shall allow an employee who has an unused balance of  
5734 accrued annual leave before the change date, to use the annual leave under the same rules that  
5735 applied to the leave on the change date.

5736 (4) (a) At the time of employee accrual of annual leave II, an employing agency shall  
5737 set aside the cost of each hour of annual leave II for each eligible employee in an amount  
5738 determined in accordance with rules made by the Division of Finance.

5739 (b) The rules made under Subsection (4)(a) shall consider:

5740 (i) the employee hourly rate of pay;

5741 (ii) applicable employer paid taxes that would be required if the employee was paid for  
5742 the annual leave II instead of using it for time off;

5743 (iii) other applicable employer paid benefits; and

5744 (iv) adjustments due to employee hourly rate changes, including the effect on accrued  
5745 annual leave II balances.

5746 (c) The Division of Finance shall provide that the amount of costs set aside under  
5747 Subsection (4)(a) and deposited into the fund increase by at least the projected increase in  
5748 annual leave liability for that year, until the year-end trust fund balances are reached as required  
5749 under Subsection [~~67-19f-201~~] [63A-17-1202](#)(3)(b).

5750 (5) The cost set aside under Subsection (4) shall be deposited by the Division of  
5751 Finance into the State Employees' Annual Leave Trust Fund created in Section [~~67-19f-201~~]  
5752 [63A-17-1202](#).

5753 (6) For annual leave hours accrued before the change date, an employing agency shall  
5754 continue to comply with the Division of Finance requirements for contributions to the  
5755 termination pool.

5756 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

5757 (a) the [~~department~~] division shall make rules for the accrual and use of annual leave II  
5758 provided under this section; and

5759 (b) the Division of Finance shall make rules for the set aside provisions under  
5760 Subsections (4) and (5).

5761 Section 134. Section **63A-17-511 (Effective 07/01/21)**, which is renumbered from  
5762 Section 67-19-14.7 (Effective 07/01/21) is renumbered and amended to read:

5763 ~~[67-19-14.7 (Effective 07/01/21)].~~ 63A-17-511 (Effective 07/01/21). Postpartum  
5764 recovery leave.

5765 (1) As used in this section:

5766 (a) "Eligible employee" means an employee who:

5767 (i) is in a position that receives retirement benefits under Title 49, Utah State

5768 Retirement and Insurance Benefit Act;

5769 (ii) accrues paid leave benefits that can be used in the current and future calendar years;

5770 (iii) is not reemployed as defined in Section [49-11-1202](#); and

5771 (iv) gives birth to a child.

5772 (b) "Postpartum recovery leave" means leave hours a state employer provides to an

5773 eligible employee to recover from childbirth.

5774 (c) "Retaliatory action" means to do any of the following to an employee:

5775 (i) dismiss the employee;

5776 (ii) reduce the employee's compensation;

5777 (iii) fail to increase the employee's compensation by an amount that the employee is  
5778 otherwise entitled to or was promised;

5779 (iv) fail to promote the employee if the employee would have otherwise been  
5780 promoted; or

5781 (v) threaten to take an action described in Subsections (1)(c)(i) through (iv).

5782 (d) (i) "State employer" means:

5783 (A) a state executive branch agency, including the State Tax Commission, the National  
5784 Guard, and the Board of Pardons and Parole;

5785 (B) the legislative branch of the state; or

5786 (C) the judicial branch of the state.

5787 (ii) "State employer" does not include:

5788 (A) an institute of higher education;

5789 (B) the Utah Board of Higher Education;

5790 (C) the State Board of Education;

5791 (D) an independent entity as defined in Section [63E-1-102](#);

5792 (E) the Attorney General's Office;

5793 (F) the State Auditor's Office; or

5794 (G) the State Treasurer's Office.

5795 (2) (a) Except as provided in Subsection (3), a state employer shall allow an eligible  
5796 employee to use up to 120 hours of paid postpartum recovery leave based on a 40-hour work  
5797 week for recovery from childbirth.

5798 (b) A state employer shall allow an eligible employee who is part-time or who works in  
5799 excess of a 40-hour work week or its equivalent to use the amount of postpartum recovery  
5800 leave available to the eligible employee under this section on a pro rata basis as adopted by rule  
5801 by the [~~department~~] division under Subsection (11).

5802 (3) (a) Postpartum recovery leave described in Subsection (2):

5803 (i) shall be used starting on the day on which the eligible employee gives birth, unless a  
5804 health care provider certifies that an earlier start date is medically necessary;

5805 (ii) shall be used in a single continuous period; and

5806 (iii) runs concurrently with any leave authorized under the Family and Medical Leave  
5807 Act of 1993, 29 U.S.C. Sec. 2601 et seq.

5808 (b) The amount of postpartum recovery leave authorized under Subsection (2) does not  
5809 increase if an eligible employee has more than one child born from the same pregnancy.

5810 (4) (a) Except as provided in Subsection (4)(b), an eligible employee shall give the  
5811 state employer notice at least 30 days before the day on which the eligible employee plans to:

5812 (i) begin using postpartum recovery leave under this section; and

5813 (ii) stop using postpartum recovery leave under this section.

5814 (b) If circumstances beyond the eligible employee's control prevent the eligible  
5815 employee from giving notice in accordance with Subsection (4)(a), the eligible employee shall  
5816 give each notice described in Subsection (4)(a) as soon as reasonably practicable.

5817 (5) A state employer may not charge postpartum recovery leave under this section  
5818 against sick, annual, or other leave.

5819 (6) A state employer may not compensate an eligible employee for any unused  
5820 postpartum recovery leave upon termination of employment.

5821 (7) (a) Following the expiration of an eligible employee's postpartum recovery leave  
5822 under this section, the state employer shall ensure that the eligible employee may return to:

5823 (i) the position that the eligible employee held before using postpartum recovery leave;

5824 or

5825 (ii) a position within the state employer that is equivalent in seniority, status, benefits,  
5826 and pay to the position that the eligible employee held before using postpartum recovery leave.

5827 (b) If during the time an eligible employee uses postpartum recovery leave under this  
5828 section the state employer experiences a reduction in force and, as part of the reduction in  
5829 force, the eligible employee would have been separated had the eligible employee not been  
5830 using the postpartum recovery leave, the state employer may separate the eligible employee in  
5831 accordance with any applicable process or procedure as if the eligible employee were not using  
5832 the postpartum recovery leave.

5833 (8) During the time an eligible employee uses postpartum recovery leave under this  
5834 section, the eligible employee shall continue to receive all employment related benefits and  
5835 payments at the same level that the eligible employee received immediately before beginning  
5836 the postpartum leave, provided that the eligible employee pays any required employee  
5837 contributions.

5838 (9) A state employer may not:

5839 (a) interfere with or otherwise restrain an eligible employee from using postpartum  
5840 recovery leave in accordance with this section; or

5841 (b) take retaliatory action against an eligible employee for using postpartum recovery  
5842 leave in accordance with this section.

5843 (10) A state employer shall provide each employee written information regarding an  
5844 eligible employee's right to use postpartum recovery leave under this section.

5845 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
5846 the [~~department~~] division shall, by July 1, 2021, make rules for the use and administration of  
5847 postpartum recovery leave under this section, including a schedule that provides paid or  
5848 postpartum recovery leave for an eligible employee who is part-time or who works in excess of  
5849 a 40-hour work week on a pro rata basis.

5850 Section 135. Section **63A-17-512**, which is renumbered from Section 67-19-27 is  
5851 renumbered and amended to read:

5852 ~~[67-19-27]~~. **63A-17-512. Leave of absence with pay for employees with a**  
5853 **disability who are covered under other civil service systems.**

5854 (1) As used in this section:

5855 (a) "Eligible officer" means a person who qualifies for a benefit under this section.

5856 (b) (i) "Law enforcement officer" means a sworn and certified peace officer who is an  
5857 employee of a law enforcement agency that is part of or administered by the state, and whose  
5858 primary and principal duties consist of the prevention and detection of crime and the  
5859 enforcement of criminal statutes of this state.

5860 (ii) "Law enforcement officer" specifically includes the following:

5861 (A) the commissioner of public safety and any member of the Department of Public  
5862 Safety certified as a peace officer;

5863 (B) all persons specified in Sections [23-20-1.5](#) and [79-4-501](#);

5864 (C) investigators for the Motor Vehicle Enforcement Division;

5865 (D) special agents or investigators employed by the attorney general;

5866 (E) employees of the Department of Natural Resources designated as peace officers by  
5867 law;

5868 (F) the executive director of the Department of Corrections and any correctional  
5869 enforcement or investigative officer designated by the executive director and approved by the  
5870 commissioner of public safety and certified by the division; and

5871 (G) correctional enforcement, investigative, or adult probation and parole officers  
5872 employed by the Department of Corrections serving on or before July 1, 1993.

5873 (c) "State correctional officer" means a correctional officer as defined in Section  
5874 [53-13-104](#) who is employed by the Department of Corrections.

5875 (2) (a) A law enforcement officer or state correctional officer who is injured in the  
5876 course of employment shall be given a leave of absence with 100% of the officer's regular  
5877 monthly salary and benefits during the period the employee has a temporary disability.

5878 (b) The benefit provided under Subsection (2)(a):

5879 (i) shall be offset as provided under Subsection (4); and

5880 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including  
5881 all offsets required under Subsection (4).

5882 (3) (a) A law enforcement officer or state correctional officer who has a total disability  
5883 as defined in Section [49-21-102](#), shall be given a leave of absence with 100% of the officer's  
5884 regular monthly salary and benefits until the officer is eligible for an unreduced retirement  
5885 under Title 49, Utah State Retirement and Insurance Benefit Act, or reaches the retirement age  
5886 of 62 years, whichever occurs first, if:

5887 (i) the disability is a result of an injury sustained while in the lawful discharge of the  
5888 officer's duties; and

5889 (ii) the injury is the result of:

5890 (A) a criminal act upon the officer; or

5891 (B) an aircraft, vehicle, or vessel accident and the officer was not negligent in causing  
5892 the accident.

5893 (b) The benefit provided under Subsection (3)(a):

5894 (i) shall be offset as provided under Subsection (4); and

5895 (ii) may not exceed 100% of the officer's regular monthly salary and benefits, including  
5896 all offsets required under Subsection (4).

5897 (4) (a) The agency shall reduce or require the reimbursement of the monthly benefit  
5898 provided under this section by any amount received by, or payable to, the eligible officer for  
5899 the same period of time during which the eligible officer is entitled to receive a monthly  
5900 disability benefit under this section.

5901 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5902 [~~department~~] division shall make rules establishing policies and procedures for the reductions  
5903 required under Subsection (4)(a).

5904 Section 136. Section ~~63A-17-601~~, which is renumbered from Section 67-19a-101 is  
5905 renumbered and amended to read:

**Part 6. Complaints and Grievances**

~~[67-19a-101].~~ **63A-17-601. Definitions.**

As used in this [~~chapter~~] part:

5909 (1) "Abusive conduct" means the same as that term is defined in Section [~~67-26-102~~]  
5910 63A-17-801.

5911 (2) "Administrator" means the person appointed under Section [~~67-19a-201~~]  
5912 63A-17-603 to head the Career Service Review Office.

5913 (3) "Career service employee" means a person employed in career service as defined in  
5914 Section [~~67-19-3~~] 63A-17-102.

5915 [~~(4) "Department" means the Department of Human Resource Management.~~]

5916 [~~(5)~~] (4) "Employer" means the state of Utah and all supervisory personnel vested with  
5917 the authority to implement and administer the policies of an agency.

5918            [(6)] (5) "Excusable neglect" means harmless error, mistake, inadvertence, surprise, a  
5919 failure to discover evidence that, through due diligence, could not have been discovered in time  
5920 to meet the applicable time period, misrepresentation or misconduct by the employer, or any  
5921 other reason justifying equitable relief.

5922            [(7)] (6) "Grievance" means:

5923            (a) a complaint by a career service employee concerning any matter touching upon the  
5924 relationship between the employee and the employer;

5925            (b) any dispute between a career service employee and the employer;

5926            (c) a complaint by a reporting employee that a public entity has engaged in retaliatory  
5927 action against the reporting employee; and

5928            (d) a complaint that the employer subjected the employee to conditions that a  
5929 reasonable person would consider intolerable, including abusive conduct.

5930            [(8)] (7) "Office" means the Career Service Review Office created under Section  
5931 ~~[67-19a-201]~~ [63A-17-603](#).

5932            [(9)] (8) "Public entity" means the same as that term is defined in Section [67-21-2](#).

5933            [(10)] (9) "Reporting employee" means an employee of a public entity who alleges that  
5934 the public entity engaged in retaliatory action against the employee.

5935            [(11)] (10) "Retaliatory action" means to do any of the following to an employee in  
5936 violation of Section [67-21-3](#):

5937            (a) dismiss the employee;

5938            (b) reduce the employee's compensation;

5939            (c) fail to increase the employee's compensation by an amount that the employee is  
5940 otherwise entitled to or was promised;

5941            (d) fail to promote the employee if the employee would have otherwise been promoted;

5942 or

5943            (e) threaten to take an action described in Subsections [(11)] (10)(a) through (d).

5944            [(12)] (11) "Supervisor" means the person:

5945            (a) to whom an employee reports; or

5946            (b) who assigns and oversees an employee's work.

5947            Section 137. Section **63A-17-602**, which is renumbered from Section 67-19a-102 is  
5948 renumbered and amended to read:



5949 ~~[67-19a-102]~~. 63A-17-602. **Work environment policy.**

5950 As recognized and provided in Section [~~67-26-201~~] 63A-17-803, it is the policy of the  
5951 state of Utah to provide and maintain a work environment free from abusive conduct.

5952 Section 138. Section **63A-17-603**, which is renumbered from Section 67-19a-201 is  
5953 renumbered and amended to read:

5954 ~~[67-19a-201]~~. 63A-17-603. **Career Service Review Office created --  
5955 Appointment of an administrator -- Reporting -- Qualifications.**

5956 (1) There is created a Career Service Review Office.

5957 (2) (a) The governor shall appoint, with the advice and consent of the Senate, an  
5958 administrator of the office.

5959 (b) The administrator shall have demonstrated an ability to administer personnel  
5960 policies in performing the duties specified in this chapter.

5961 Section 139. Section **63A-17-604**, which is renumbered from Section 67-19a-202 is  
5962 renumbered and amended to read:

5963 ~~[67-19a-202]~~. 63A-17-604. **Powers -- Scope of authority.**

5964 (1) The office shall serve as the final administrative body to review a grievance from a  
5965 career service employee and an agency of a decision regarding:

5966 (a) a dismissal;

5967 (b) a demotion;

5968 (c) a suspension;

5969 (d) a reduction in force;

5970 (e) a dispute concerning abandonment of position;

5971 (f) a wage grievance if an employee is not placed within the salary range of the  
5972 employee's current position;

5973 (g) a violation of a rule adopted under Chapter [~~19~~] 17, Utah State Personnel  
5974 Management Act; or

5975 (h) except as provided by Subsection (4), equitable administration of the following  
5976 benefits:

5977 (i) long-term disability insurance;

5978 (ii) medical insurance;

5979 (iii) dental insurance;

- 5980 (iv) post-retirement health insurance;
- 5981 (v) post-retirement life insurance;
- 5982 (vi) life insurance;
- 5983 (vii) defined contribution retirement;
- 5984 (viii) defined benefit retirement; and
- 5985 (ix) a leave benefit.

5986 (2) The office shall serve as the final administrative body to review a grievance by a  
5987 reporting employee alleging retaliatory action.

5988 (3) The office shall serve as the final administrative body to review, without an  
5989 evidentiary hearing, the findings of an abusive conduct investigation described in Section  
5990 [~~67-26-202~~] [63A-17-804](#) of a state executive branch agency employee.

5991 (4) The office may not review or take action on:

5992 (a) a personnel matter not listed in Subsections (1) through (3);

5993 (b) a personnel matter listed in Subsections (1) through (3) that alleges discrimination  
5994 or retaliation related to a claim of discrimination that is a violation of a state or federal law for  
5995 which review and action by the office is preempted by state or federal law; or

5996 (c) a personnel matter related to a claim for which an administrative review process is  
5997 provided by statute and administered by:

5998 (i) the Utah State Retirement Systems under Title 49, Utah State Retirement and  
5999 Insurance Benefit Act;

6000 (ii) the Public Employees' Benefit and Insurance Program under Title 49, Chapter 20,  
6001 Public Employees' Benefit and Insurance Program Act; or

6002 (iii) the Public Employees' Long-Term Disability Program under Title 49, Chapter 21,  
6003 Public Employees' Long-Term Disability Act.

6004 (5) The time limits established in this chapter supersede the procedural time limits  
6005 established in Title 63G, Chapter 4, Administrative Procedures Act.

6006 Section 140. Section ~~63A-17-605~~, which is renumbered from Section 67-19a-203 is  
6007 renumbered and amended to read:

6008 ~~[67-19a-203]~~. **63A-17-605. Rulemaking authority.**

6009 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6010 administrator may make rules governing:

6011 (a) definitions of terms, phrases, and words used in the grievance process established  
6012 by this [chapter] part;

6013 (b) what matters constitute excusable neglect for purposes of the waiver of time limits  
6014 established by this [chapter] part;

6015 (c) the application for and service of subpoenas, the service and filing of pleadings, and  
6016 the issuance of rulings, orders, determinations, summary judgments, transcripts, and other legal  
6017 documents necessary in grievance proceedings;

6018 (d) the use, calling, attendance, participation, and fees of witnesses in grievance  
6019 proceedings;

6020 (e) continuances of grievance proceedings;

6021 (f) procedures in hearings, unless governed by Title 63G, Chapter 4, Administrative  
6022 Procedures Act;

6023 (g) the presence of media representatives at grievance proceedings;

6024 (h) procedures for sealing files or making data pertaining to a grievance unavailable to  
6025 the public; and

6026 (i) motions that will assist the parties in meeting the 150-day time limit.

6027 (2) The rule made under Subsection (1)(i) shall:

6028 (a) prohibit a party from filing a dispositive motion under Utah Rules of Civil  
6029 Procedure, Rule 12(b)(6) or Rule 56 before an evidentiary hearing; and

6030 (b) authorize a party to file a motion before an evidentiary hearing to:

6031 (i) dismiss for lack of authority to review the grievance under Utah Rules of Civil  
6032 Procedure, Rule 12(b)(1) or Rule 12(b)(2); or

6033 (ii) limit the introduction of evidence.

6034 Section 141. Section **63A-17-606**, which is renumbered from Section 67-19a-204 is  
6035 renumbered and amended to read:

6036 ~~[67-19a-204]~~. **63A-17-606. Administrator -- Powers.**

6037 (1) In conjunction with any inquiry, investigation, hearing, or other proceeding, the  
6038 administrator may:

6039 (a) administer an oath;

6040 (b) certify an official act;

6041 (c) subpoena a witness, document, and other evidence; and

- 6042 (d) grant a continuance as provided by rule.
- 6043 (2) (a) The administrator may:
- 6044 (i) assign qualified, impartial hearing officers on a per case basis to adjudicate matters
- 6045 under the authority of the office;
- 6046 (ii) subpoena witnesses, documents, and other evidence in conjunction with any
- 6047 inquiry, investigation, hearing, or other proceeding;
- 6048 (iii) upon motion made by a party or person to whom the subpoena is directed and
- 6049 upon notice to the party who issued the subpoena, quash or modify the subpoena if it is
- 6050 unreasonable, requires an excessive number of witnesses, or requests evidence not relevant to
- 6051 any matter in issue; and

- 6052 (iv) act as a hearing officer if the aggrieved employee consents.
- 6053 (b) In selecting and assigning hearing officers under authority of this section, the
- 6054 administrator shall appoint hearing officers that have demonstrated by education, training, and
- 6055 experience the ability to adjudicate and resolve personnel administration disputes by applying
- 6056 employee relations principles within a large, public work force.

6057 Section 142. Section **63A-17-607**, which is renumbered from Section 67-19a-205 is

6058 renumbered and amended to read:

6059 ~~[67-19a-205]~~. **63A-17-607. Employment transfer.**

6060 At any point during the grievance process, the employer and the employee may

6061 mutually agree to a transfer of the employee to another equivalent position, if and to the extent

6062 that such a position is available, in accordance with department rules for transfer and

6063 reassignment.

6064 Section 143. Section **63A-17-608**, which is renumbered from Section 67-19a-301 is

6065 renumbered and amended to read:

6066 ~~[67-19a-301]~~. **63A-17-608. Chargesmissible under grievance**

6067 **procedure.**

- 6068 (1) This grievance procedure may only be used by career service employees who are
- 6069 not:
- 6070 (a) public applicants for a position with the state's work force;
- 6071 (b) public employees of the state's political subdivisions;
- 6072 (c) public employees covered by other grievance procedures; or

6073 (d) employees of state institutions of higher education.

6074 (2) (a) Whenever a question or dispute exists as to whether an employee is qualified to  
6075 use this grievance procedure, the administrator shall resolve the question or dispute.

6076 (b) The administrator's decision under Subsection (2)(a) is reviewable only by the  
6077 Court of Appeals.

6078 (3) Any career service employee may submit a grievance based upon a claim or charge  
6079 of injustice or oppression, including dismissal from employment, resulting from an act,  
6080 occurrence, omission, or condition for solution through the grievance procedures [~~set forth in~~  
6081 ~~this chapter~~] described in this part.

6082 (4) A reporting employee who desires to bring an administrative claim of retaliatory  
6083 action shall use the grievance procedure described in Section [~~67-19a-402.5~~] 63A-17-613.

6084 (5) A career service employee who desires to bring a grievance described in Subsection  
6085 [~~67-19a-202~~] 63A-17-604(1) shall use and follow the grievance procedure described in [~~Part 3,~~  
6086 ~~Grievance Procedures, and Part 4, Procedural Steps to Be Followed by Aggrieved Employee~~]  
6087 Sections 63A-17-608 through 63A-17-617.

6088 (6) An employee who desires to initiate an administrative review challenging the  
6089 findings of an abusive conduct investigation shall use and follow the procedure described in  
6090 Section [~~67-19a-501~~] 63A-17-618.

6091 Section 144. Section **63A-17-609**, which is renumbered from Section 67-19a-302 is  
6092 renumbered and amended to read:

6093 [~~67-19a-302~~]. **63A-17-609. Levels of procedure.**

6094 (1) The administration of all grievances under Subsection [~~67-19a-202~~] 63A-17-604(1)  
6095 occurs on the following four levels:

6096 (a) Level 1 - the supervisor;

6097 (b) Level 2 - the division director or the director's designee;

6098 (c) Level 3 - the agency director or the director's designee; and

6099 (d) Level 4 - the office.

6100 (2) (a) Except as provided in Subsection (2)(b) and Section [~~67-19a-501~~] 63A-17-618,  
6101 an employee shall file a grievance or complaint at Level 1 and proceed through the levels of  
6102 procedure within the applicable time limits provided in this chapter.

6103 (b) If a supervisor or division director is a subject of a grievance or complaint, the

6104 employee may proceed directly to Level 2 or Level 3, respectively.

6105 (3) A career service employee may advance all grievances to Level 3.

6106 (4) In accordance with Section [~~67-19a-402.5~~] 63A-17-613 and subject to Section

6107 67-21-4, a reporting employee may file a grievance alleging retaliatory action directly at Level

6108 4.

6109 Section 145. Section **63A-17-610**, which is renumbered from Section 67-19a-303 is

6110 renumbered and amended to read:

6111 [~~67-19a-303~~]. **63A-17-610. Employees' rights in grievance procedure.**

6112 (1) For the purpose of submitting and advancing a grievance, a career service

6113 employee, or a reporting employee alleging retaliatory action, may:

6114 (a) obtain assistance by a representative of the employee's choice to act as an advocate

6115 at any level of the grievance procedure;

6116 (b) request a reasonable amount of time during work hours to confer with the

6117 representative and prepare the grievance; and

6118 (c) call other employees as witnesses at a grievance hearing.

6119 (2) The state shall allow employees to attend and testify at the grievance hearing as

6120 witnesses if the employee has given reasonable advance notice to the employee's immediate

6121 supervisor.

6122 (3) No person may take any reprisals against a career service employee or a reporting

6123 employee for:

6124 (a) use of or participation in a grievance procedure described in this chapter; or

6125 (b) representing and providing assistance to a career service employee as an advocate

6126 in accordance with Subsection (1)(a).

6127 (4) If the individual acting as an advocate for a career service employee under

6128 Subsection (1)(a) is a state employee, the individual may not receive state compensation for the

6129 time the employee spends in the course of that representation unless the individual uses

6130 approved leave during that time.

6131 (5) (a) The employing agency of an employee who files a grievance may not place

6132 grievance forms, grievance materials, correspondence about the grievance, agency and

6133 department replies to the grievance, or other documents relating to the grievance in the

6134 employee's personnel file.

6135 (b) The employing agency of an employee who files a grievance may place records of  
6136 disciplinary action in the employee's personnel file.

6137 (c) If any disciplinary action against an employee is rescinded through the grievance  
6138 procedures described in this chapter, the agency and the [~~Department of Human Resource~~  
6139 ~~Management~~] division shall remove the record of the disciplinary action from the employee's  
6140 agency personnel file and central personnel file.

6141 (d) An agency may maintain a separate grievance file relating to an employee's  
6142 grievance, but shall discard the file after three years.

6143 Section 146. Section **63A-17-611**, which is renumbered from Section 67-19a-401 is  
6144 renumbered and amended to read:

6145 ~~[67-19a-401]~~. **63A-17-611. Time limits for submission and advancement of**  
6146 **grievance by aggrieved employee -- Voluntary termination of employment -- Group**  
6147 **grievances.**

6148 (1) When a career service employee files a grievance at Level 1, as described in  
6149 Section [~~67-19a-302~~] 63A-17-609, the employee shall advance the grievance through the  
6150 proper levels of procedure specified in this [~~chapter~~] part.

6151 (2) The employee and the person to whom the grievance is directed may agree in  
6152 writing to waive or extend grievance steps specified under Subsection [~~67-19a-402~~]  
6153 63A-17-612(1), (2), or (3) or the time limits specified for those grievance steps, as [~~outlined~~]  
6154 described in Section [~~67-19a-402~~] 63A-17-612.

6155 (3) Any writing made under Subsection (2) shall be submitted to the administrator.

6156 (4) Except as provided under Subsections (6) and (7), if the employee fails to advance  
6157 the grievance to the next procedural step within the time limits established in this part:

6158 (a) the employee waives the right to advance the grievance or to obtain judicial review  
6159 of the grievance; and

6160 (b) the grievance is considered to be settled based on the decision made at the last  
6161 procedural step.

6162 (5) An employee may file a grievance for review under this [~~chapter~~] part, except as  
6163 provided in Subsections (6) and (7), if the employee submits the grievance within 30 working  
6164 days after:

6165 (a) the most recent event giving rise to the grievance; or

6166 (b) the employee has knowledge of the most recent event giving rise to the grievance.

6167 (6) (a) An employee may file with the office a motion for an enlargement of a time  
6168 limit described in Subsection (5).

6169 (b) In determining whether to grant a motion described in Subsection (6)(a), the office  
6170 shall consider, giving reasonable deference to the employee, whether:

6171 (i) the employee filed the motion before the time limit the employee seeks to enlarge;

6172 or

6173 (ii) the enlargement is necessary to remedy the employee's excusable neglect.

6174 (7) The provisions of Subsections (4) and (5) do not apply if the employee meets the  
6175 requirements for excusable neglect as that term is defined in Section [~~67-19a-101~~] [63A-17-601](#).

6176 (8) (a) If several employees allege the same grievance, the employees may submit a  
6177 group grievance by following the procedures and requirements of this [~~chapter~~] part.

6178 (b) In submitting a group grievance, each aggrieved employee shall sign the grievance.

6179 (c) The administrator may not treat a group grievance as a class action, but may select  
6180 one aggrieved employee's grievance and address that grievance as a test case.

6181 Section 147. Section **63A-17-612**, which is renumbered from Section 67-19a-402 is  
6182 renumbered and amended to read:

6183 [~~67-19a-402~~]. **63A-17-612. Procedural steps to be followed by aggrieved**  
6184 **employee.**

6185 (1) (a) Subject to the provisions and levels of procedure provided in Section  
6186 [~~67-19a-302~~] [63A-17-609](#), a career service employee who has a grievance shall submit the  
6187 grievance in writing to:

6188 (i) the employee's supervisor; and

6189 (ii) the administrator.

6190 (b) Within five working days after receiving a written grievance, the employee's  
6191 supervisor may issue a written decision on the grievance.

6192 (2) (a) If the employee's supervisor fails to respond to the grievance within five  
6193 working days or if the aggrieved employee is dissatisfied with the supervisor's written decision,  
6194 the employee may advance the written grievance to the employee's agency or division director  
6195 within 10 working days after the expiration of the period for response or receipt of the written  
6196 decision, whichever is first.



6197 (b) Within five working days after receiving the written grievance, the employee's  
6198 agency or division director may issue a written response to the grievance stating the decision  
6199 and the reasons for the decision.

6200 (3) (a) If the employee's agency or division director fails to respond to the grievance  
6201 within five working days after its submission, or if the aggrieved employee is dissatisfied with  
6202 the agency or division director's written decision, the employee may advance the written  
6203 grievance to the employee's department head within 10 working days after the expiration of the  
6204 period for decision or receipt of the written decision, whichever is first.

6205 (b) Within 10 working days after the employee's written grievance is submitted, the  
6206 department head may issue a written response to the grievance stating the decision and the  
6207 reasons for the decision.

6208 (c) The decision of the department head is final in all matters except those matters that  
6209 the office may review under the authority of [~~Part 3, Grievance Procedures~~] Sections  
6210 63A-17-608 through 63A-17-610.

6211 (4) If the written grievance submitted to the employee's department head meets the  
6212 subject matter requirements of Section [~~67-19a-202~~] 63A-17-604 and if the employee's  
6213 department head fails to respond to the grievance within 10 working days after submission, or  
6214 if the aggrieved employee is dissatisfied with the department head's written decision, the  
6215 employee may advance the written grievance to the administrator within 10 working days after  
6216 the expiration of the period for decision or receipt of the written decision, whichever is first.

6217 Section 148. Section **63A-17-613**, which is renumbered from Section 67-19a-402.5 is  
6218 renumbered and amended to read:

6219 ~~[67-19a-402.5]~~. **63A-17-613. Procedural steps to be followed by reporting**  
6220 **employee alleging retaliatory action.**

6221 (1) A reporting employee who desires to assert an administrative grievance of  
6222 retaliatory action:

6223 (a) shall submit the grievance in writing within 30 days after the day on which the  
6224 retaliatory action occurs;

6225 (b) is not required to comply with Section 63G-7-402 to file the grievance; and

6226 (c) is subject to the provisions of Section 67-21-4.

6227 (2) (a) When a reporting employee files a grievance with the administrator under

6228 Subsection (1), the administrator shall initially determine:

6229 (i) whether the reporting employee is entitled, under this chapter and Chapter 21, Utah  
6230 Protection of Public Employees Act, to bring the grievance and use the grievance procedure;

6231 (ii) whether the office has authority to review the grievance;

6232 (iii) whether, if the alleged grievance were found to be true, the reporting employee  
6233 would be entitled to relief under Subsection [67-21-3.5\(2\)](#); and

6234 (iv) whether the reporting employee has been directly harmed.

6235 (b) To make the determinations described in Subsection (2)(a), the administrator may:

6236 (i) hold an initial hearing, where the parties may present oral arguments, written  
6237 arguments, or both; or

6238 (ii) conduct an administrative review of the grievance.

6239 (3) (a) If the administrator holds an initial hearing, the administrator shall issue a  
6240 written decision within 15 days after the day on which the hearing is adjourned.

6241 (b) If the administrator chooses to conduct an administrative review of the grievance,  
6242 the administrator shall issue the written decision within 15 days after the day on which the  
6243 administrator receives the grievance.

6244 (4) (a) If the administrator determines the office has authority to review the grievance,  
6245 the administrator shall provide for an evidentiary hearing in accordance with Section  
6246 [~~67-19a-404~~] [63A-17-615](#).

6247 (b) The administrator may dismiss the grievance, without holding a hearing or taking  
6248 evidence, if the administrator:

6249 (i) finds that, even if the alleged grievance were found to be true, the reporting  
6250 employee would not be entitled to relief under Subsection [67-21-3.5\(2\)](#); and

6251 (ii) provides the administrator's findings, in writing, to the reporting employee.

6252 (c) The office shall comply with Chapter 21, Utah Protection of Public Employees Act,  
6253 in taking action under this section.

6254 (5) A decision reached by the office in reviewing a retaliatory action grievance from a  
6255 reporting employee may be appealed directly to the Utah Court of Appeals.

6256 (6) (a) Except as provided in Subsection (6)(b), an appellate court may award costs and  
6257 attorney fees, accrued at the appellate court level, to a prevailing employee.

6258 (b) A court may not order the office to pay costs or attorney fees under this section.

6259 Section 149. Section **63A-17-614**, which is renumbered from Section 67-19a-403 is  
6260 renumbered and amended to read:

6261 ~~[67-19a-403]~~. **63A-17-614. Advancement of grievance to administrator --**  
6262 **Initial hearing.**

6263 (1) At any time after a career service employee submits a written grievance to the  
6264 administrator under Subsection [~~67-19a-402~~] 63A-17-612(4), the administrator may attempt to  
6265 settle the grievance informally by conference, conciliation, and persuasion with the employee  
6266 and the agency.

6267 (2) (a) When an employee advances a grievance to the administrator under Subsection  
6268 [~~67-19a-402~~] 63A-17-612(4), the administrator shall initially determine:

6269 (i) whether the employee is a career service employee and is entitled to use the  
6270 grievance system;

6271 (ii) whether the office has authority to review the grievance; and

6272 (iii) whether the employee has been directly harmed.

6273 (b) In order to make the determinations required by Subsection (2)(a), the administrator  
6274 may:

6275 (i) hold an initial hearing, where the parties may present oral arguments, written  
6276 arguments, or both; or

6277 (ii) conduct an administrative review of the file.

6278 (3) (a) If the administrator holds an initial hearing, the administrator shall issue a  
6279 written decision within 15 days after the hearing is adjourned.

6280 (b) If the administrator chooses to conduct an administrative review of the file, the  
6281 administrator shall issue the written decision within 15 days after the administrator receives the  
6282 grievance.

6283 Section 150. Section **63A-17-615**, which is renumbered from Section 67-19a-404 is  
6284 renumbered and amended to read:

6285 ~~[67-19a-404]~~. **63A-17-615. Evidentiary hearing.**

6286 (1) If the administrator determines that the office has authority to review the grievance,  
6287 the administrator shall:

6288 (a) appoint a hearing officer to adjudicate the grievance; and

6289 (b) set a date for the evidentiary hearing that is either:

6290 (i) not later than 30 days after the date the administrator determines that the office has  
6291 authority to review the grievance; or

6292 (ii) at a date:

6293 (A) agreed upon by the parties and the administrator; and

6294 (B) not greater than 150 days after the date the administrator determines that the office  
6295 has authority to review the grievance.

6296 (2) After the date for the evidentiary hearing has been set, the administrator or assigned  
6297 hearing officer may grant each party one extension of reasonable length for extraordinary  
6298 circumstances as determined by the administrator or assigned hearing officer.

6299 (3) Notwithstanding Section 63G-4-205, and in order to accommodate the 150-day  
6300 time limit, the administrator may only allow a motion for discovery for production of  
6301 documents, records, and evidence under Utah Rules of Civil Procedure, Rule 34.

6302 Section 151. Section **63A-17-616**, which is renumbered from Section 67-19a-405 is  
6303 renumbered and amended to read:

6304 ~~[67-19a-405]~~. **63A-17-616. Prehearing conference.**

6305 (1) The administrator may require the presence of each party, the representatives of  
6306 each party, and other designated persons at a prehearing conference.

6307 (2) At the conference, the administrator may require the parties to:

6308 (a) identify which allegations are admitted and which allegations are denied;

6309 (b) submit a joint statement detailing:

6310 (i) stipulated facts that are not in dispute;

6311 (ii) the issues to be decided; and

6312 (iii) applicable laws and rules;

6313 (c) submit a list of witnesses, exhibits, and papers or other evidence that each party  
6314 intends to offer as evidence; and

6315 (d) confer in an effort to resolve or settle the grievance.

6316 (3) At the conclusion of the prehearing conference, the administrator may require the  
6317 parties to prepare a written statement identifying:

6318 (a) the items presented or agreed to under Subsection (2); and

6319 (b) the issues remaining to be resolved by the hearing process.

6320 (4) The prehearing conference is informal and is not open to the public or press.

6321 Section 152. Section **63A-17-617**, which is renumbered from Section 67-19a-406 is  
6322 renumbered and amended to read:

6323 ~~[67-19a-406]~~. **63A-17-617. Procedural steps to be followed by aggrieved**  
6324 **employee -- Hearing before hearing officer -- Evidentiary and procedural rules.**

6325 (1) (a) The administrator shall record the hearing and preserve the record.

6326 (b) The recording of the proceedings and all exhibits, briefs, motions, and pleadings  
6327 received by the hearing officer are the official record of the proceeding.

6328 (2) (a) The agency has the burden of proof in all grievances.

6329 (b) The agency must prove the agency's case by substantial evidence.

6330 (3) (a) The hearing officer shall issue a written decision within 20 working days after  
6331 the hearing is adjourned.

6332 (b) If the hearing officer does not issue a decision within 20 working days, the agency  
6333 that is a party to the grievance is not liable for any claimed back wages or benefits after the date  
6334 the decision is due.

6335 (4) The hearing officer may:

6336 (a) not award attorney fees or costs to either party;

6337 (b) close a hearing by complying with the procedures and requirements of Title 52,  
6338 Chapter 4, Open and Public Meetings Act;

6339 (c) seal the file and the evidence produced at the hearing if the evidence raises  
6340 questions about an employee's character, professional competence, or physical or mental  
6341 health;

6342 (d) grant continuances according to rule; and

6343 (e) decide a motion, an issue regarding discovery, or another issue in accordance with  
6344 this ~~[chapter]~~ part.

6345 (5) (a) A hearing officer shall affirm, rescind, or modify agency action.

6346 (b) (i) If a hearing officer does not affirm agency action, the hearing officer shall order  
6347 back pay and back benefits that the grievant would have received without the agency action.

6348 (ii) An order under Subsection (5)(b)(i) shall include:

6349 (A) reimbursement to the grievant for premiums that the grievant paid for benefits  
6350 allowed under the Consolidated Omnibus Reconciliation Act of 1985; and

6351 (B) an offset for any state paid benefits the grievant receives because of the agency

6352 action, including unemployment compensation benefits.

6353 (c) In an order under Subsection (5)(b)(i), a hearing officer may not reduce the amount  
6354 of back pay and benefits awarded a grievant because of income that the grievant earns during  
6355 the grievance process.

6356 (6) An employee who files a grievance in accordance with this chapter may appeal a  
6357 decision of the office directly to the Utah Court of Appeals in accordance with Title 63G,  
6358 Chapter 4, Administrative Procedures Act.

6359 Section 153. Section **63A-17-618**, which is renumbered from Section 67-19a-501 is  
6360 renumbered and amended to read:

6361 ~~[67-19a-501]~~. **63A-17-618**. **Procedural steps to be followed in an**  
6362 **administrative review of an abusive conduct investigation.**

6363 (1) An employee of a state executive branch agency, as defined in Section ~~[67-26-102]~~  
6364 63A-17-801, may, under Subsection ~~[67-19a-202]~~ 63A-17-604(3), initiate an administrative  
6365 review of the findings of an abusive conduct investigation within 10 days after the day on  
6366 which the employee receives notification of the investigative findings.

6367 (2) (a) An employee bringing an administrative review of the findings described in  
6368 Subsection (1) may file the request for the administrative review directly with the office.

6369 (b) The request for administrative review may describe the reasons for the  
6370 administrative review and include any submissions the employee desires to submit.

6371 (3) (a) When an employee initiates the review described in Subsection (2) with the  
6372 office:

6373 (i) the role of the administrative review is to review and rule upon the findings of the  
6374 abusive conduct investigation; and

6375 (ii) an evidentiary hearing is not required.

6376 (b) The department shall make the abusive conduct investigative file available for the  
6377 office's in camera review.

6378 (c) The office may:

6379 (i) request additional relevant documents from the department or the affected  
6380 employee; and

6381 (ii) interview the employee who initiated the administrative review and the  
6382 investigators who conducted the investigation.

6383 (4) (a) The office may overturn the findings of the abusive conduct investigation if the  
6384 office determines that:

6385 (i) the findings are not reasonable, rational, or sufficiently supported by the evidence;

6386 or

6387 (ii) the facts on which the findings are based are inaccurate.

6388 (b) The office may uphold the findings of the abusive conduct investigation if the  
6389 office determines that:

6390 (i) the findings are reasonable, rational, and sufficiently supported by the evidence; and

6391 (ii) the facts on which the findings are based are accurate.

6392 (5) (a) Within 30 days after the day on which an employee initiates an administrative  
6393 review under this section, the office shall issue a notice stating whether the office upheld or  
6394 overturned the investigative findings.

6395 (b) The office's determination upon administrative review of the findings resulting  
6396 from an abusive conduct investigation is final and not subject to appeal.

6397 (c) The following are classified as protected under Title 63G, Chapter 2, Government  
6398 Records Access and Management Act, and any other applicable confidentiality provisions:

6399 (i) the request for administrative review and any accompanying documents;

6400 (ii) documents that any party provides;

6401 (iii) the contents of the administrative review file; and

6402 (iv) the office's determination.

6403 Section 154. Section **63A-17-701**, which is renumbered from Section 67-19-30 is  
6404 renumbered and amended to read:

6405 **Part 7. Miscellaneous Grievance Provisions**

6406 **[67-19-30]. 63A-17-701. Grievance resolution -- Jurisdiction.**

6407 (1) Employees shall comply with the procedural and jurisdictional requirements of this  
6408 section, Title 63G, Chapter 4, Administrative Procedures Act, and [~~Chapter 19a, Grievance~~  
6409 ~~Procedures~~] Part 6, Complaints and Grievances, in seeking resolution of grievances.

6410 (2) All grievances based upon a claim or charge of injustice or oppression, including  
6411 dismissal from employment, resulting from an act, occurrence, commission, or condition shall  
6412 be governed by [~~Chapter 19a, Grievance Procedures~~] Part 6, Complaints and Grievances, and  
6413 Title 63G, Chapter 4, Administrative Procedures Act.

6414 (3) All grievances involving classification shall be governed by Section [~~67-19-31~~]  
6415 63A-17-702 and are designated as informal adjudicative proceedings as defined by Title 63G,  
6416 Chapter 4, Administrative Procedures Act.

6417 (4) All grievances by applicants for positions in state government involving an alleged  
6418 discriminatory or prohibited employment practice shall be governed by Section [~~67-19-32~~]  
6419 63A-17-703 and Title 63G, Chapter 4, Administrative Procedures Act.

6420 (5) A "grievance" under this chapter is a request for agency action for purposes of Title  
6421 63G, Chapter 4, Administrative Procedures Act.

6422 Section 155. Section **63A-17-702**, which is renumbered from Section 67-19-31 is  
6423 renumbered and amended to read:

6424 [~~67-19-31~~]. **63A-17-702. Position classification grievances -- Scope -- Procedure.**

6425 (1) (a) For the purpose of position classification grievances, the process that culminates  
6426 in assigning a career service position to an appropriate class specification is a matter of position  
6427 classification and may be grieved.

6428 (b) The process that culminates in assigning a salary range to the class specification is  
6429 not a position classification and may not be grieved as a classification grievance.

6430 (2) (a) Upon receipt of a position classification grievance, the [~~executive~~] director shall  
6431 refer the grievance to a classification panel of three or more impartial persons trained in state  
6432 classification procedures.

6433 (b) The classification panel shall determine whether or not the classification  
6434 assignment for career service positions was appropriate by applying the statutes, rules, and  
6435 procedures adopted by the [~~department~~] division that were in effect at the time of the  
6436 classification change.

6437 (c) The classification panel may:

- 6438 (i) obtain access to previous audits, classification decisions, and reports;  
6439 (ii) request new or additional audits by human resource analysts; and  
6440 (iii) consider new or additional information.

6441 (d) The classification panel may sustain or modify the original decision and, if  
6442 applicable, recommend a new classification.

6443 (e) The classification panel shall report [~~its~~] the classification panel's recommendation  
6444 to the [~~executive~~] director, who shall make the classification decision and notify the grievant.



6445 (3) (a) Either party may appeal the ~~[executive]~~ director's decision to an impartial  
6446 hearing officer trained in state classification procedures selected through a public bid process  
6447 by a panel consisting of the following members:

6448 ~~[(i) the executive director of the Department of Human Resource Management;]~~

6449 (i) a current or former government employee with experience in human resource  
6450 management;

6451 (ii) two department executive directors;

6452 (iii) a private sector human resources executive appointed by the governor; and

6453 (iv) a representative of the Utah Public Employees Association.

6454 (b) The successful bid shall serve under contract for no more than three years. At the  
6455 end of that time, the ~~[Department of Human Resource Management]~~ division shall reissue the  
6456 bid.

6457 (c) The hearing officer shall review the classification and make the final decision. The  
6458 final decision is subject to judicial review pursuant to the provisions of Section [63G-4-402](#).

6459 Section 156. Section **63A-17-703**, which is renumbered from Section 67-19-32 is  
6460 renumbered and amended to read:

6461 ~~[67-19-32].~~ **63A-17-703. Discriminatory/prohibited employment practices**  
6462 **grievances -- Procedures.**

6463 (1) An applicant for a position in state government, a probationary employee, career  
6464 service employee, or an exempt employee who alleges a discriminatory or prohibited  
6465 employment practice as defined in Section [34A-5-106](#) may submit a written grievance to the  
6466 department head where the alleged unlawful act occurred.

6467 (2) Within 10 working days after a written grievance is submitted under Subsection (1),  
6468 the department head shall issue a written response to the grievance stating his decision and the  
6469 reasons for the decision.

6470 (3) If the department head does not issue a decision within 10 days, or if the grievant is  
6471 dissatisfied with the decision, the grievant may submit a complaint to the Division of  
6472 Antidiscrimination and Labor, pursuant to Section [34A-5-107](#).

6473 Section 157. Section **63A-17-801**, which is renumbered from Section 67-26-102 is  
6474 renumbered and amended to read:

6475 **Part 8. Utah Public Employees Healthy Workplace Act**

6476 ~~[67-26-102]~~. 63A-17-801. Definitions.

6477 As used in this ~~[chapter]~~ part:

6478 (1) (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of an  
6479 employee to another employee of the same employer that, based on the severity, nature, or  
6480 frequency of the conduct, a reasonable person would determine:

6481 (i) is intended to cause intimidation, humiliation, or unwarranted distress;

6482 (ii) results in substantial physical harm or substantial psychological harm as a result of  
6483 intimidation, humiliation, or unwarranted distress; or

6484 (iii) exploits an employee's known physical or psychological disability.

6485 (b) "Abusive conduct" does not mean a single act unless the act is an especially severe  
6486 and egregious act that meets the standard described in Subsection (1)(a)(i), (ii), or (iii).

6487 (2) "Abusive conduct complaint process" means the process described in Section  
6488 ~~[67-26-202]~~ 63A-17-804.

6489 (3) "Administrative review process" means a process that allows an employee, in  
6490 relation to the findings of an abusive conduct investigation, to seek an administrative review  
6491 that:

6492 (a) an employer conducts in accordance with Section ~~[67-26-202]~~ 63A-17-804; or

6493 (b) in relation to a state executive branch agency, the office conducts in accordance  
6494 with Section ~~[67-19a-501]~~ 63A-17-618.

6495 ~~[(4)]~~ ~~"Department" means the Department of Human Resource Management.]~~

6496 ~~[(5)]~~ (4) (a) "Employee" means an employee of an employer.

6497 (b) "Employee" includes an elected or appointed official of an employer.

6498 ~~[(6)]~~ (5) "Employer" means:

6499 (a) a state executive branch agency; or

6500 (b) an independent entity, as defined in Section 63E-1-102.

6501 ~~[(7)]~~ (6) "Office" means the Career Service Review Office created under Section  
6502 ~~[67-19a-201]~~ 63A-17-603.

6503 ~~[(8)]~~ (7) "Physical harm" means the impairment of an individual's physical health or  
6504 bodily integrity, as established by competent evidence.

6505 ~~[(9)]~~ (8) "Psychological harm" means the impairment of an individual's mental health,  
6506 as established by competent evidence.

6507            ~~[(10)]~~ (9) (a) "State executive branch agency" means a department, division, office,  
6508 bureau, or other organization within the state executive branch.

6509            (b) "State executive branch agency" includes an agency under the authority of the  
6510 governor, lieutenant governor, state treasurer, state auditor, or attorney general.

6511            (c) "State executive branch agency" does not include the Utah System of Higher  
6512 Education or an independent entity, as defined in Section [63E-1-102](#).

6513            Section 158. Section **63A-17-802**, which is renumbered from Section 67-26-103 is  
6514 renumbered and amended to read:

6515            ~~[67-26-103]~~.            **63A-17-802. Effect of part.**

6516            This ~~[chapter]~~ part does not:

6517            (1) exempt or relieve a person from a liability, duty, or penalty provided by another  
6518 federal or state law;

6519            (2) create a private right of action;

6520            (3) expand or diminish rights or remedies available to a person before July 1, 2020; or

6521            (4) expand or diminish grounds for discipline that existed before July 1, 2020.

6522            Section 159. Section **63A-17-803**, which is renumbered from Section 67-26-201 is  
6523 renumbered and amended to read:

6524            ~~[67-26-201]~~.            **63A-17-803. State policy on abusive conduct.**

6525            It is the policy of the state to provide and maintain a work environment free from  
6526 abusive conduct.

6527            Section 160. Section **63A-17-804**, which is renumbered from Section 67-26-202 is  
6528 renumbered and amended to read:

6529            ~~[67-26-202]~~.            **63A-17-804. Abusive conduct complaint, investigation,  
6530 administrative review process.**

6531            (1) An employee may file a written complaint of abusive conduct with the human  
6532 resources department of the employee's employer if the complaint is against an employee of the  
6533 same employer as the employee filing the complaint.

6534            (2) If an employee files a written complaint of abusive conduct under Subsection (1),  
6535 the human resources department of the employee's employer shall conduct an abusive conduct  
6536 investigation.

6537            (3) (a) Each employer that is not a state executive branch agency:

6538 (i) shall provide the employer's employees a process for:  
6539 (A) filing an abusive conduct complaint, including an alternative process if the  
6540 complaint involves an individual who would otherwise receive or review an abusive conduct  
6541 complaint; and

6542 (B) an administrative review of the findings of an abusive conduct investigation  
6543 described in Subsection (2) that is substantially similar to the administrative review process  
6544 described in Section ~~[67-19a-501]~~ [63A-17-618](#); and

6545 (ii) may request assistance from the ~~[department]~~ division, at the ~~[department's]~~  
6546 division's current consultant rate, or the office, at a reasonable rate established by the office, in  
6547 developing a process described in this Subsection (3)(a).

6548 (b) The ~~[department]~~ division shall provide a process for an employee of a state  
6549 executive branch agency to file an abusive conduct complaint, including an alternative process  
6550 if the complaint involves an individual who would otherwise receive or review an abusive  
6551 conduct complaint.

6552 (4) The complaint described in Subsection (1) and a subsequent abusive conduct  
6553 investigation are subject to:

6554 (a) in relation to an employer other than a state executive branch agency, the  
6555 administrative review process described in Subsection (3)(a); and

6556 (b) in relation to a state executive branch agency, the office's administrative review  
6557 process described in Section ~~[67-19a-501]~~ [63A-17-618](#).

6558 Section 161. Section **63A-17-805**, which is renumbered from Section 67-26-203 is  
6559 renumbered and amended to read:

6560 ~~[67-26-203]~~. **63A-17-805. Abusive conduct -- Training -- Policy.**

6561 (1) As used in this section:

6562 (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a covered  
6563 employee to another covered employee of the same covered employer that, based on the  
6564 severity, nature, or frequency of the conduct, a reasonable person would determine:

- 6565 (i) is intended to cause intimidation, humiliation, or unwarranted distress;
- 6566 (ii) results in substantial physical harm or substantial psychological harm as a result of  
6567 intimidation, humiliation, or unwarranted distress; or
- 6568 (iii) exploits a covered employee's known physical or psychological disability.

- 6569 (b) "Covered employee" means:
- 6570 (i) for the judicial branch, a judge or an employee of the judicial branch; or
- 6571 (ii) for a higher education entity, each governing member and each employee of the
- 6572 higher education entity.
- 6573 (c) "Covered employer" means:
- 6574 (i) the judicial branch; or
- 6575 (ii) a higher education entity.
- 6576 (d) "Higher education entity" means an entity within the Utah System of Higher
- 6577 Education, including each member institution, the Utah Board of Higher Education, and the
- 6578 office of commissioner of higher education.
- 6579 (2) The judicial branch shall, beginning on January 1, 2021:
- 6580 (a) provide annual training to all covered employees on abusive conduct in the
- 6581 workplace; and
- 6582 (b) implement a policy prohibiting, and for reporting and resolving, abusive conduct
- 6583 within the judicial branch.
- 6584 (3) Each higher education entity shall, beginning on January 1, 2021:
- 6585 (a) provide annual training to all covered employees on abusive conduct in the
- 6586 workplace; and
- 6587 (b) implement a policy prohibiting, and for reporting and resolving, abusive conduct
- 6588 within the higher education entity.
- 6589 (4) The judicial branch and each higher education entity shall, before May 1, 2021,
- 6590 submit to the Government Operations Interim Committee a copy of the policies described in
- 6591 Subsections (2)(b) and (3)(b).
- 6592 Section 162. Section **63A-17-806**, which is renumbered from Section 67-26-301 is
- 6593 renumbered and amended to read:
- 6594 ~~[67-26-301]~~. **63A-17-806. Abusive conduct training.**
- 6595 (1) (a) The [~~department~~] division shall provide biennial training to educate all state
- 6596 executive branch agency employees and supervisors about how to prevent abusive workplace
- 6597 conduct.
- 6598 (b) The training described in Subsection (1)(a) shall include information on:
- 6599 (i) what constitutes abusive conduct and the ramifications of abusive conduct;

6600 (ii) resources available to employees who are subject to abusive conduct; and  
6601 (iii) the abusive conduct complaint process described in Section [67-26-202]

6602 [63A-17-804](#).

6603 (2) (a) The [~~department~~] division shall create a baseline training module for employers  
6604 that are not state executive branch agencies to educate the employers' respective employees and  
6605 supervisors about how to prevent abusive workplace conduct.

6606 (b) The baseline training module described in Subsection (2)(a) shall include  
6607 information on what constitutes abusive conduct and the ramifications of abusive conduct.

6608 (c) Each employer that is not a state executive branch agency shall create and provide  
6609 supplemental training to educate the employer's employees and supervisors that supplements  
6610 the [~~department's~~] division's baseline training module with information regarding:

6611 (i) resources available to employees who are subject to abusive conduct; and  
6612 (ii) the employer's abusive conduct complaint process described in Section [67-26-202]  
6613 [63A-17-804](#).

6614 (d) An employer may request assistance from the [~~department~~] division, at the  
6615 [~~department's~~] division's current consultant rate, in developing the training described in  
6616 Subsection (2)(c).

6617 (3) (a) Each employer shall provide professional development training to promote:

6618 (i) ethical conduct;  
6619 (ii) organizational leadership practices based in principles of integrity; and  
6620 (iii) the state policy described in Section [~~67-26-201~~] [63A-17-803](#).

6621 (b) An employer may request assistance from the [~~department~~] division, at the  
6622 [~~department's~~] division's current consultation rate, in developing training described in this  
6623 Subsection (3).

6624 (4) (a) Employers shall provide and employees shall participate in the training  
6625 described in this section:

6626 (i) at the time the employee is hired or within a reasonable time after the employee  
6627 begins employment; and

6628 (ii) at least every other year after the employee begins employment.

6629 (b) An employer shall, at the times described in Subsection (4)(a), provide notification  
6630 to the employee of the abusive conduct complaint process.

- 6631 (5) The [department] division may use money appropriated to the [department]  
6632 division or access support from outside resources to:
- 6633 (a) develop policies against workplace abusive conduct; and  
6634 (b) enhance professional development training on topics such as:  
6635 (i) building trust;  
6636 (ii) effective motivation;  
6637 (iii) communication;  
6638 (iv) conflict resolution;  
6639 (v) accountability;  
6640 (vi) coaching;  
6641 (vii) leadership; or  
6642 (viii) ethics.
- 6643 (6) (a) Beginning in 2021, and each year after 2021, an employer that is not a state  
6644 executive branch agency shall, on or before July 31, report to the [department] division  
6645 regarding:
- 6646 (i) the employer's implementation of this chapter, including the requirement to provide  
6647 a process under Section [67-26-202] 63A-17-804; and  
6648 (ii) the total number and outcomes of abusive conduct complaints that the employer's  
6649 employees filed and that the employer investigated or reviewed.
- 6650 (b) The [department] division shall annually report to the Economic Development and  
6651 Workforce Services Interim Committee, no later than the November interim meeting, the  
6652 following:
- 6653 (i) a description the [department's] division's implementation of this chapter;  
6654 (ii) the [department's] division's recommendations, if any, to:  
6655 (A) appropriately address and reduce workplace abusive conduct; or  
6656 (B) change definitions or training required by this section;  
6657 (iii) an annual report of the total number and outcomes of abusive conduct complaints  
6658 that employees filed and the department investigated; and  
6659 (iv) a summary of the reports the department receives under Subsection (6)(a).
- 6660 Section 163. Section **63A-17-901**, which is renumbered from Section 67-19e-102 is  
6661 renumbered and amended to read:

6662 **Part 9. Administrative Law Judges**6663 ~~[67-19e-102].~~ **63A-17-901. Definitions.**6664 In addition to the definitions found in Section ~~[67-19-3,~~ the following definitions apply  
6665 ~~to this chapter]~~ 63A-17-102, as used in this part:6666 (1) (a) "Administrative law judge" means an individual who is employed or contracted  
6667 by a state agency who:

6668 (i) presides over or conducts formal administrative hearings on behalf of an agency;

6669 (ii) has the power to administer oaths, rule on the admissibility of evidence, take  
6670 testimony, evaluate evidence, and make determinations of fact; and

6671 (iii) issues written orders, rulings, or final decisions on behalf of an agency.

6672 (b) "Administrative law judge" does not mean:

6673 (i) an individual who reviews an order or ruling of an administrative law judge; or

6674 (ii) the executive director of a state agency.

6675 (2) "Committee" means the Administrative Law Judge Conduct Committee created in  
6676 Section ~~[67-19e-108]~~ 63A-17-908.6677 ~~[(3) "Department" means the Department of Human Resource Management created in~~  
6678 ~~Section 67-19-5.]~~6679 ~~[(4) "Executive director" means the executive director of the department.]~~6680 Section 164. Section **63A-17-902**, which is renumbered from Section 67-19e-103 is  
6681 renumbered and amended to read:6682 ~~[67-19e-103].~~ **63A-17-902. Administrative law judges -- Applicability --**  
6683 **Destruction of evidence.**6684 (1) (a) Except as provided in Subsections (1)(b) and (2), the provisions of this ~~[chapter]~~  
6685 part apply to an administrative law judge who conducts formal adjudicative proceedings.6686 (b) Except as provided in Subsection (2), the provisions of this ~~[chapter]~~ part do not  
6687 apply to an administrative law judge who is employed by or contracts with:

6688 (i) the Board of Pardons and Parole;

6689 (ii) the Department of Corrections; or

6690 (iii) the State Tax Commission.

6691 (2) The code of conduct established by the ~~[department]~~ division under Subsection  
6692 ~~[67-19e-104]~~ 63A-17-903(4) applies to all administrative law judges.



6693 (3) An administrative law judge who tampers with or destroys evidence submitted to  
6694 the administrative law judge is subject to the provisions of Section 76-8-510.5. This section  
6695 does not apply to documents destroyed in accordance with Title 63G, Chapter 2, Government  
6696 Records Access and Management Act.

6697 Section 165. Section **63A-17-903**, which is renumbered from Section 67-19e-104 is  
6698 renumbered and amended to read:

6699 ~~[67-19e-104]~~. **63A-17-903. Rulemaking authority.**

6700 The [~~department~~] division shall make rules, in accordance with Title 63G, Chapter 3,  
6701 Utah Administrative Rulemaking Act:

6702 (1) establishing minimum performance standards for all administrative law judges;

6703 (2) providing procedures for filing, addressing, and reviewing complaints against  
6704 administrative law judges;

6705 (3) providing standards for complaints against administrative law judges;

6706 (4) promulgating a code of conduct for all administrative law judges in all state  
6707 agencies; and

6708 (5) establishing a procedural fairness training program as described in Section

6709 ~~[67-19e-109]~~ **63A-17-909.**

6710 Section 166. Section **63A-17-904**, which is renumbered from Section 67-19e-104.5 is  
6711 renumbered and amended to read:

6712 ~~[67-19e-104.5]~~. **63A-17-904. Hiring of administrative law judges.**

6713 (1) Except as provided in Subsection (6), each administrative law judge hired on or  
6714 after May 10, 2016, shall be hired in accordance with this section.

6715 (2) If an applicant for an administrative law judge position is selected for an interview  
6716 in accordance with applicable law and [~~department~~] division rule, the agency shall interview  
6717 the applicant by means of a hiring panel.

6718 (3) The hiring panel described in Subsection (2) shall consist of:

6719 (a) the head of the hiring agency;

6720 (b) the head of another agency, appointed by the [~~executive~~] director; and

6721 (c) the [~~executive~~] director.

6722 (4) Each individual described in Subsection (3) may designate another individual to  
6723 serve on the hiring panel on the individual's behalf.

6724 (5) After the hiring panel completes the interviews for an administrative law judge  
6725 position:

6726 (a) the hiring panel shall select the top three applicants for the administrative law judge  
6727 position; and

6728 (b) the head of the hiring agency shall:

6729 (i) consider any opinions or feedback from the other members of the hiring panel with  
6730 respect to the top three applicants; and

6731 (ii) (A) hire an applicant from the top three applicants to fill the administrative law  
6732 judge position; or

6733 (B) decide not to hire any of the top three applicants and restart the hiring process to  
6734 fill the administrative law judge position.

6735 (6) This section does not apply to an administrative law judge who is appointed by the  
6736 governor.

6737 Section 167. Section **63A-17-905**, which is renumbered from Section 67-19e-105 is  
6738 renumbered and amended to read:

6739 ~~[67-19e-105]~~. **63A-17-905. Performance evaluation of administrative law**  
6740 **judges.**

6741 (1) [~~Beginning January 1, 2014, the department~~] The division shall prepare a  
6742 performance evaluation for each administrative law judge contracted or employed by a state  
6743 agency.

6744 (2) The performance evaluation for an administrative law judge shall include:

6745 (a) the results of the administrative law judge's performance evaluations conducted by  
6746 the employing agency since the administrative law judge's last performance evaluation  
6747 conducted by the [~~department~~] division in accordance with the performance evaluation  
6748 procedure for the agency;

6749 (b) information from the employing agency concerning the administrative law judge's  
6750 compliance with minimum performance standards;

6751 (c) the administrative law judge's disciplinary record, if any;

6752 (d) the results of any performance surveys conducted since the administrative law  
6753 judge's last performance review conducted by the [~~department~~] division; and

6754 (e) any other factor that the [~~department~~] division considers relevant to evaluating the

6755 administrative law judge's performance.

6756 (3) If an administrative law judge fails to meet the minimum performance standards the  
6757 ~~[department]~~ division shall provide a copy of the performance evaluation and survey to the  
6758 employing agency.

6759 (4) The ~~[department]~~ division shall conduct performance reviews every four years for  
6760 administrative law judges contracted or employed by an agency.

6761 Section 168. Section **63A-17-906**, which is renumbered from Section 67-19e-106 is  
6762 renumbered and amended to read:

6763 ~~[67-19e-106].~~ **63A-17-906. Performance surveys.**

6764 (1) ~~[For administrative law judges contracted or employed before July 1, 2013,~~  
6765 ~~performance surveys shall be conducted initially at either the two-, three-, or four-year mark~~  
6766 ~~beginning January 1, 2014. By July 1, 2018, all]~~ All administrative law judges shall be on a  
6767 four-year staggered cycle for performance evaluations.

6768 (2) The performance survey shall include as respondents a sample of each of the  
6769 following groups as applicable:

6770 (a) attorneys who have appeared before the administrative law judge as counsel; and

6771 (b) staff who have worked with the administrative law judge.

6772 (3) The ~~[department]~~ division may include an additional classification of respondents if  
6773 the ~~[department]~~ division:

6774 (a) considers a survey of that classification of respondents helpful to the ~~[department]~~  
6775 division; and

6776 (b) establishes the additional classification of respondents by rule made in accordance  
6777 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

6778 (4) A survey response is anonymous, including any comment included with a survey  
6779 response.

6780 (5) If the ~~[department]~~ division provides any information to an administrative law  
6781 judge or the committee, the information shall be provided in ~~[such a way as]~~ a manner to  
6782 protect the confidentiality of a survey respondent.

6783 (6) If the ~~[department]~~ division establishes an additional classification, in accordance  
6784 with Subsection (3), a survey shall be provided to a potential survey respondent within 30 days  
6785 of the day on which the case in which the person appeared before the administrative law judge

6786 is closed, exclusive of any appeal. Staff and attorneys may be surveyed at any time during the  
6787 survey period.

6788 (7) The performance survey shall include questions relating to whether the  
6789 administrative law judge's behavior furthers the following elements of procedural fairness:

6790 (a) neutrality, including:

6791 (i) consistent and equal treatment of the individuals who appear before the  
6792 administrative law judge;

6793 (ii) concern for the individual needs of the individuals who appear before the  
6794 administrative law judge; and

6795 (iii) careful deliberation;

6796 (b) respectful treatment of others; and

6797 (c) providing individuals a voice and opportunity to be heard.

6798 (8) The performance survey may include questions concerning an administrative law  
6799 judge's:

6800 (a) legal ability, including the following:

6801 (i) demonstration of understanding of the substantive law and any relevant rules of  
6802 procedure and evidence;

6803 (ii) attentiveness to factual and legal issues before the administrative law judge;

6804 (iii) adherence to precedent and ability to clearly explain departures from precedent;

6805 (iv) grasp of the practical impact on the parties of the administrative law judge's  
6806 rulings, including the effect of delay and increased litigation expense;

6807 (v) ability to write clear opinions and decisions; and

6808 (vi) ability to clearly explain the legal basis for opinions;

6809 (b) temperament and integrity, including the following:

6810 (i) demonstration of courtesy toward attorneys, staff, and others in the administrative  
6811 law judge's department;

6812 (ii) maintenance of decorum in the courtroom;

6813 (iii) demonstration of judicial demeanor and personal attributes that promote public  
6814 trust and confidence in the administrative law judge system;

6815 (iv) preparedness for oral argument;

6816 (v) avoidance of impropriety or the appearance of impropriety;

- 6817 (vi) display of fairness and impartiality toward all parties; and  
6818 (vii) ability to clearly communicate, including the ability to explain the basis for  
6819 written rulings, court procedures, and decisions; and  
6820 (c) administrative performance, including the following:  
6821 (i) management of workload;  
6822 (ii) sharing proportionally the workload within the [department] division; and  
6823 (iii) issuance of opinions and orders without unnecessary delay.  
6824 (9) If the [department] division determines that a certain survey question or category of  
6825 questions is not appropriate for a respondent group, the [department] division may omit that  
6826 question or category of questions from the survey provided to that respondent group.  
6827 (10) (a) The survey shall allow respondents to indicate responses in a manner  
6828 determined by the [department] division, which shall be:  
6829 (i) on a numerical scale from one to five; or  
6830 (ii) in the affirmative or negative, with an option to indicate the respondent's inability  
6831 to respond in the affirmative or negative.  
6832 (b) To supplement the responses to questions on either a numerical scale or in the  
6833 affirmative or negative, the [department] division may allow respondents to provide written  
6834 comments.  
6835 (11) The [department] division shall compile and make available to each  
6836 administrative law judge that administrative law judge's survey results with each of the  
6837 administrative law judge's performance evaluations.  
6838 Section 169. Section **63A-17-907**, which is renumbered from Section 67-19e-107 is  
6839 renumbered and amended to read:  
6840 ~~[67-19e-107]~~. **63A-17-907. Complaints.**  
6841 (1) A complaint against an administrative law judge shall be filed with the  
6842 [department] division.  
6843 (2) Upon receipt of a complaint, the [department] division shall conduct an  
6844 investigation.  
6845 (3) If the [department's] division's investigation determines that the complaint is  
6846 frivolous or without merit, it may dismiss it without further action. A complaint that merely  
6847 indicates disagreement, without further misconduct, with the administrative law judge's

6848 decision shall be treated as without merit.

6849 (4) The contents of all complaints and subsequent investigations are classified as  
6850 protected under Title 63G, Chapter 2, Government Records Access and Management Act.

6851 Section 170. Section **63A-17-908**, which is renumbered from Section 67-19e-108 is  
6852 renumbered and amended to read:

6853 ~~[67-19e-108]~~. **63A-17-908. Administrative Law Judge Conduct Committee.**

6854 (1) There is created the Administrative Law Judge Conduct Committee to investigate,  
6855 review, and hear complaints filed against administrative law judges.

6856 (2) The committee shall be composed of:

6857 (a) the ~~[executive]~~ director, or the ~~[executive]~~ director's designee, as chair; and

6858 (b) four executive directors, or their designees, of agencies that employ or contract with  
6859 administrative law judges, to be selected by the ~~[executive]~~ director as needed.

6860 (3) The ~~[department]~~ division shall provide staff for the committee as needed.

6861 Section 171. Section **63A-17-909**, which is renumbered from Section 67-19e-109 is  
6862 renumbered and amended to read:

6863 ~~[67-19e-109]~~. **63A-17-909. Procedure for review of complaint by conduct**  
6864 **committee.**

6865 (1) Upon a determination that a complaint requires further action, the ~~[executive]~~  
6866 director shall select four executive directors or their designees and convene the committee.

6867 The executive director of the agency that employs or contracts with the administrative law  
6868 judge who is the subject of the complaint may not be a member of the committee.

6869 (2) The ~~[department]~~ division shall provide a copy of the complaint, along with the  
6870 results of the ~~[department's]~~ division's investigation, to the committee and the administrative  
6871 law judge who is the subject of the complaint. If the committee directs, a copy of the  
6872 complaint and investigation may also be provided to the attorney general.

6873 (3) The committee shall allow an administrative law judge who is the subject of a  
6874 complaint to appear and speak at any committee meeting, except a closed meeting, during  
6875 which the committee is deliberating the complaint.

6876 (4) The committee may meet in a closed meeting to discuss a complaint against an  
6877 administrative law judge by complying with Title 52, Chapter 4, Open and Public Meetings  
6878 Act.

6879 (5) After deliberation and discussion of the complaint and all information provided, the  
6880 committee shall provide a report, with a recommendation, to the agency. The recommendation  
6881 shall include:

6882 (a) a brief description of the complaint and results of the ~~[department's]~~ division's  
6883 investigation;

6884 (b) the committee's findings; and

6885 (c) a recommendation from the committee whether action should be taken against the  
6886 administrative law judge.

6887 (6) Actions recommended by the committee may include no action, disciplinary action,  
6888 termination, or any other action an employer may take against an employee.

6889 (7) The record of an individual committee member's vote on recommended actions  
6890 against an administrative law judge is a protected record under Title 63G, Chapter 2,  
6891 Government Records Access and Management Act.

6892 Section 172. Section **63A-17-910**, which is renumbered from Section 67-19e-110 is  
6893 renumbered and amended to read:

6894 ~~[67-19e-110]~~. **63A-17-910. Required training.**

6895 (1) Each year that an administrative law judge receives a performance evaluation  
6896 conducted by the ~~[department]~~ division under this chapter, the administrative law judge shall  
6897 complete the procedural fairness training program described in this section.

6898 (2) The ~~[department]~~ division shall establish a procedural fairness training program  
6899 that includes training on how an administrative law judge's actions and behavior influence  
6900 others' perceptions of the fairness of the adjudicative process.

6901 (3) The procedural fairness training program shall include discussion of the following  
6902 elements of procedural fairness:

6903 (a) neutrality, including:

6904 (i) consistent and equal treatment of the individuals who appear before the  
6905 administrative law judge;

6906 (ii) concern for the individual needs of the individuals who appear before the  
6907 administrative law judge; and

6908 (iii) unhurried and careful deliberation;

6909 (b) respectful treatment of others; and

6910 (c) providing individuals a voice and opportunity to be heard.

6911 (4) The ~~[department]~~ division may contract with a public or private person to develop  
6912 or provide the procedural fairness training program.

6913 (5) The ~~[department]~~ division shall ensure that the procedural fairness training program  
6914 complies with Title 63G, Chapter 22, State Training and Certification Requirements.

6915 Section 173. Section **63A-17-1001**, which is renumbered from Section 67-19-6.3 is  
6916 renumbered and amended to read:

6917 **Part 10. Plans and Programs**

6918 ~~[67-19-6.3].~~ **63A-17-1001. Equal employment opportunity plan.**

6919 (1) In conjunction with the director's duties under Section ~~[67-19-6]~~ 63A-17-106, and  
6920 notwithstanding the general prohibition in Subsection 34A-5-106(3)(c), the ~~[executive]~~ director  
6921 shall prepare an equal employment opportunity plan for state employment consistent with the  
6922 guidelines provided in federal equal employment opportunity laws and in related federal  
6923 regulations.

6924 (2) The equal employment opportunity plan required by this section applies only to  
6925 state career service employees described in Section ~~[67-19-15]~~ 63A-17-301.

6926 (3) The Legislature shall review the equal employment opportunity plan required by  
6927 this section before it may be implemented.

6928 (4) Nothing in this section requires the establishment of hiring quotas or preferential  
6929 treatment of any identifiable group.

6930 Section 174. Section **63A-17-1002**, which is renumbered from Section 67-19-12.2 is  
6931 renumbered and amended to read:

6932 ~~[67-19-12.2].~~ **63A-17-1002. Education benefit plan for law enforcement**  
6933 **and correctional officers.**

6934 ~~[(1) As used in this section, "law enforcement officer" has the same meaning as in~~  
6935 ~~Section 53-13-103 and "correctional officer" has the same meaning as in Section 53-13-104.]~~

6936 (1) As used in this section:

6937 (a) "Law enforcement officer" means the same as that term is defined in Section  
6938 53-13-103.

6939 (b) "Correctional officer" means the same as that term is defined in Section 53-13-104.

6940 (2) The ~~[executive]~~ director shall establish a plan authorizing any agency to implement



6941 an educational compensation program for law enforcement officers and correctional officers  
6942 employed by that agency.

6943 (3) The program shall provide that in order for a law enforcement officer or  
6944 correctional officer to qualify for education benefits for college or university education, the law  
6945 enforcement officer or correctional officer shall:

6946 (a) provide a certified transcript of grades, demonstrating a grade point average of 3.0  
6947 or greater, from an accredited college or university; and

6948 (b) have successfully completed the probationary employment period with the  
6949 employing agency.

6950 (4) The program shall also provide that the agency may consider a law enforcement  
6951 officer or correctional officer to receive additional compensation as follows for higher  
6952 education degrees earned on or after April 30, 2001, in a subject area directly related to the law  
6953 enforcement officer's or correctional officer's employment with the agency:

6954 (a) 5.5% for an associate's degree;

6955 (b) 5.5% for a bachelor's degree; and

6956 (c) 5.5% for a master's degree.

6957 (5) Expenses incurred by an agency to provide additional compensation under this  
6958 section may be only from the agency's existing budget.

6959 Section 175. Section **63A-17-1003**, which is renumbered from Section 67-19-12.5 is  
6960 renumbered and amended to read:

6961 ~~[67-19-12.5]~~. **63A-17-1003**. **Creation of Flexible Benefit Program --**  
6962 **Rulemaking power granted to establish program.**

6963 (1) The [~~department~~] division shall establish for calendar year 1990 and thereafter a  
6964 Flexible Benefit Program under Section 125 of the Internal Revenue Code of 1986.

6965 (2) The [~~department~~] division shall establish accounts for all employees eligible for  
6966 benefits which meet the nondiscrimination requirements of the Internal Revenue Code of 1986.

6967 (3) (a) Each account established under this section shall include employee paid  
6968 premiums for health and dental services.

6969 (b) The account may also include, at the option of the employee, out-of-pocket  
6970 employee medical and dependent care expenses.

6971 (c) Accounts may also include other expenses allowed under the Internal Revenue

6972 Code of 1986.

6973 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6974 [~~department~~] division may make rules to implement the program established under this section.

6975 Section 176. Section **63A-17-1004**, which is renumbered from Section 67-19-14.3 is  
6976 renumbered and amended to read:

6977 ~~[67-19-14.3]~~. **63A-17-1004. Continuation of Insurance Benefits Program --**  
6978 **Creation -- Coverage following death in the line of duty.**

6979 (1) There is created the "Continuation of Insurance Benefits Program" to provide a  
6980 continuation of insurance to the surviving spouse and family of any state employee whose  
6981 death occurs in the line of duty.

6982 (2) The insurance coverage shall be the same coverage as provided under Section  
6983 ~~49-20-406~~.

6984 (3) The program provides that unused accumulated sick leave of a deceased employee  
6985 may be used for additional medical coverage in the same manner as provided under Section  
6986 [~~67-19-14.2 or 67-19-14.4~~] ~~63A-17-507 or 63A-17-508~~ as applicable.

6987 Section 177. Section **63A-17-1005**, which is renumbered from Section 67-19-43 is  
6988 renumbered and amended to read:

6989 ~~[67-19-43]~~. **63A-17-1005. State employee matching supplemental defined**  
6990 **contribution benefit.**

6991 (1) As used in this section:

6992 (a) "Qualifying account" means:

6993 (i) a defined contribution plan qualified under Section 401(k) of the Internal Revenue  
6994 Code, which is sponsored by the Utah State Retirement Board; [~~or~~]

6995 (ii) a deemed Individual Retirement Account authorized under the Internal Revenue  
6996 Code, which is sponsored by the Utah State Retirement Board; or

6997 (iii) a similar savings plan or account authorized under the Internal Revenue Code,  
6998 which is sponsored by the Utah State Retirement Board.

6999 (b) "Qualifying employee" means an employee who is:

7000 (i) in a position that is:

7001 (A) receiving retirement benefits under Title 49, Utah State Retirement and Insurance  
7002 Benefit Act; and

7003 (B) accruing paid leave benefits that can be used in the current and future calendar  
7004 years; and

7005 (ii) not an employee who is reemployed as that term is:

7006 (A) defined in Section 49-11-1202; or

7007 (B) used in Section 49-11-504.

7008 (2) Subject to the requirements of Subsection (3) [~~and beginning on or after January 4,~~  
7009 ~~2014~~], an employer shall make a biweekly matching contribution to every qualifying  
7010 employee's defined contribution plan qualified under Section 401(k) of the Internal Revenue  
7011 Code, subject to federal requirements and limitations, which is sponsored by the Utah State  
7012 Retirement Board.

7013 (3) (a) In accordance with the requirements of this Subsection (3), each qualifying  
7014 employee shall be eligible to receive the same dollar amount for the contribution under  
7015 Subsection (2).

7016 (b) A qualifying employee:

7017 (i) shall receive the contribution amount determined under Subsection (3)(c) if the  
7018 qualifying employee makes a voluntary personal contribution to one or more qualifying  
7019 accounts in an amount equal to or greater than the employer's contribution amount determined  
7020 in Subsection (3)(c);

7021 (ii) shall receive a partial contribution amount that is equal to the qualifying employee's  
7022 personal contribution amount if the employee makes a voluntary personal contribution to one  
7023 or more qualifying accounts in an amount less than the employer's contribution amount  
7024 determined in Subsection (3)(c); or

7025 (iii) may not receive a contribution under Subsection (2) if the qualifying employee  
7026 does not make a voluntary personal contribution to a qualifying account.

7027 (c) (i) Subject to the maximum limit under Subsection (3)(c)(iii), the Legislature shall  
7028 annually determine the contribution amount that an employer shall provide to each qualifying  
7029 employee under Subsection (2).

7030 (ii) The [~~department~~] division shall make recommendations annually to the Legislature  
7031 on the contribution amount required under Subsection (2), in consultation with the Governor's  
7032 Office of Management and Budget and the Division of Finance.

7033 (iii) The biweekly matching contribution amount required under Subsection (2) may

7034 not exceed \$26 for each qualifying employee.

7035 (4) A qualifying employee is eligible to receive the biweekly contribution under this  
7036 section for any pay period in which the employee is in a paid status or other status protected by  
7037 federal or state law.

7038 (5) The employer and employee contributions made and related earnings under this  
7039 section vest immediately upon deposit and can be withdrawn by the employee at any time,  
7040 subject to Internal Revenue Code regulations on the withdrawals.

7041 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
7042 [~~executive~~] director shall make rules establishing procedures to implement the provisions of  
7043 this section.

7044 Section 178. Section **63A-17-1006**, which is renumbered from Section 67-19-45 is  
7045 renumbered and amended to read:

7046 ~~[67-19-45]~~. **63A-17-1006. Definitions -- Infant at Work Pilot Program --**  
7047 **Administration -- Report.**

7048 (1) As used in this section:

7049 (a) "Eligible employee" means an employee who has been employed by the  
7050 Department of Health for a minimum of:

7051 (i) 12 consecutive months; and

7052 (ii) 1,250 hours, excluding paid time off during the 12-month period immediately  
7053 preceding the day on which the employee applies for participation in the program.

7054 (b) "Infant" means a baby that is at least six weeks of age and no more than six months  
7055 of age.

7056 (c) "Parent" means:

7057 (i) a biological or adoptive parent of an infant; or

7058 (ii) an individual who has an infant placed in the individual's foster care by the  
7059 Division of Child and Family Services.

7060 (d) "Program" means the Infant at Work Pilot Program established in this section.

7061 (2) There is created the Infant at Work Pilot Program for eligible employees.

7062 (3) The program shall:

7063 (a) allow an eligible employee to bring the eligible employee's infant to work subject to  
7064 the provisions of this section;

- 7065 (b) be administered by the [~~department~~] division; and
- 7066 (c) be implemented for a minimum of one year.
- 7067 (4) The [~~department~~] division shall establish an application process for eligible
- 7068 employees of the Department of Health to apply to the program that includes:
- 7069 (a) a process for evaluating whether an eligible employee's work environment is
- 7070 appropriate for an infant;
- 7071 (b) guidelines for infant health and safety; and
- 7072 (c) guidelines regarding an eligible employee's initial and ongoing participation in the
- 7073 program.
- 7074 (5) If the [~~department~~] division approves the eligible employee for participation in the
- 7075 program, the eligible employee shall have the sole responsibility for the care and safety of the
- 7076 infant at the workplace.
- 7077 (6) The [~~department~~] division may not require the Department of Health to designate or
- 7078 set aside space for an eligible employee's infant other than the eligible employee's existing
- 7079 work space.
- 7080 (7) The [~~department~~] division, in consultation with the Department of Health, shall
- 7081 adopt rules that the department determines necessary to establish the program in accordance
- 7082 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 7083 (8) [~~By~~] On or before June 30, 2022, the [~~department~~] division, in consultation with the
- 7084 Department of Health, shall submit a written report to the Business and Labor Interim
- 7085 Committee that describes the efficacy of the program, including any recommendations for
- 7086 additional legislative action.
- 7087 Section 179. Section **63A-17-1007**, which is renumbered from Section 67-19c-101 is
- 7088 renumbered and amended to read:
- 7089 **~~[67-19c-101].~~ 63A-17-1007. Department award program.**
- 7090 (1) As used in this section:
- 7091 (a) "Department" means the Department of [~~Administrative Services~~] Government
- 7092 Operations, the Department of Agriculture and Food, the Department of Alcoholic Beverage
- 7093 Control, the Department of Commerce, the Department of Heritage and Arts, the Department
- 7094 of Corrections, the Department of Workforce Services, the Department of Environmental
- 7095 Quality, the Department of Financial Institutions, the Department of Health, [~~the Department of~~

7096 ~~Human Resource Management,~~] the Department of Human Services, the Insurance  
7097 Department, the National Guard, the Department of Natural Resources, the Department of  
7098 Public Safety, the Public Service Commission, the Labor Commission, the State Board of  
7099 Education, the Utah Board of Higher Education, the State Tax Commission, [~~the Department~~  
7100 ~~of Technology Services,~~] and the Department of Transportation.

7101 (b) "Department head" means the individual or body of individuals in whom the  
7102 ultimate legal authority of the department is vested by law.

7103 (2) There is created a department awards program to award an outstanding employee in  
7104 each department of state government.

7105 (3) (a) ~~[By]~~ On or before April 1 of each year, each department head shall solicit  
7106 nominations for outstanding employee of the year for ~~[his]~~ that department from the employees  
7107 in ~~[his]~~ that department.

7108 (b) ~~[By]~~ On or before July 1 of each year, the department head shall:

7109 (i) select a person from the department to receive the outstanding employee of the year  
7110 award using the criteria established in Subsection (3)(c); and

7111 (ii) announce the recipient of the award to ~~[his]~~ the employees of the department.

7112 (c) Department heads shall make the award to ~~[a person]~~ an employee who  
7113 demonstrates:

7114 (i) extraordinary competence in performing ~~[his]~~ the employee's function;

7115 (ii) creativity in identifying problems and devising workable, cost-effective solutions  
7116 ~~[to them]~~;

7117 (iii) excellent relationships with the public and other employees;

7118 (iv) a commitment to serving the public as the client; and

7119 (v) a commitment to economy and efficiency in government.

7120 (4) (a) The ~~[Department of Human Resource Management]~~ division shall divide any  
7121 appropriation for outstanding department employee awards that ~~[it]~~ the division receives from  
7122 the Legislature equally among the departments.

7123 (b) If ~~[the]~~ a department receives money from the ~~[Department of Human Resource~~  
7124 ~~Management]~~ division or if ~~[the]~~ a department budget allows, ~~[the]~~ that department head shall  
7125 provide the employee with a bonus, a plaque, or some other suitable acknowledgement of the  
7126 award.

7127 (5) (a) ~~[The]~~ A department head may name the award after an exemplary present or  
7128 former employee of the department.

7129 (b) A department head may not name the award for ~~[himself]~~ oneself or for any relative  
7130 as defined in Section [52-3-1](#).

7131 ~~[(c) Any awards or award programs existing in any department as of May 3, 1993, shall  
7132 be modified to conform to the requirements of this section.]~~

7133 Section 180. Section **63A-17-1101**, which is renumbered from Section 67-19d-102 is  
7134 renumbered and amended to read:

7135 **Part 11. State Post-Retirement Benefits Trust Fund Act**

7136 ~~[67-19d-102].~~ **63A-17-1101. Definitions.**

7137 As used in this ~~[chapter]~~ part:

7138 (1) "Board of trustees" or "board" means the board of trustees created in Section  
7139 ~~[67-19d-202]~~ [63A-17-1104](#).

7140 (2) "Income" means the revenues received by the state treasurer from investments of  
7141 the trust fund principal.

7142 (3) "Trust fund" means the State Post-Retirement Benefits Trust Fund created by  
7143 Section ~~[67-19d-201]~~ [63A-17-1102](#).

7144 Section 181. Section **63A-17-1102**, which is renumbered from Section 67-19d-201 is  
7145 renumbered and amended to read:

7146 ~~[67-19d-201].~~ **63A-17-1102. Trust fund -- Creation -- Oversight --  
7147 Dissolution.**

7148 (1) There is created a post-retirement benefits trust fund entitled the "State  
7149 Post-Retirement Benefits Trust Fund."

7150 (2) The trust fund consists of:

7151 (a) revenue provided from an ongoing labor additive as defined in Subsection  
7152 ~~[67-19d-202]~~ [63A-17-1104](#)(2)(g);

7153 (b) appropriations made to the fund by the Legislature, if any;

7154 (c) income as defined in Section ~~[67-19d-102]~~ [63A-17-1101](#); and

7155 (d) other revenues received from other sources.

7156 (3) The Division of Finance shall account for the receipt and expenditures of trust fund  
7157 money.

7158 (4) (a) The state treasurer shall invest trust fund money by following the procedures  
7159 and requirements of [~~Part 3, Trust Fund Investments~~] Sections [63A-17-1105](#) and [63A-17-1106](#).

7160 (b) (i) The trust fund shall earn interest.

7161 (ii) The state treasurer shall deposit all interest or other income earned from investment  
7162 of the trust fund back into the trust fund.

7163 (5) The board of trustees created in Section [~~67-19d-202~~] [63A-17-1104](#) may expend  
7164 money from the trust fund for:

7165 (a) the employer portion of the costs of the programs established in Sections [~~67-19-14~~  
7166 through ~~67-19-14.4~~] [63A-17-505](#) through [63A-17-508](#); and

7167 (b) reasonable administrative costs that the board of trustees incurs in performing their  
7168 duties as trustees of the trust fund.

7169 (6) The board of trustees shall ensure that:

7170 (a) money deposited into the trust fund is irrevocable and is expended only for the  
7171 employer portion of the costs of post-retirement benefits;

7172 (b) assets of the trust fund are dedicated to providing benefits to retirees and their  
7173 beneficiaries according to the terms of the post-retirement benefit plans established by statute  
7174 and rule; and

7175 (c) creditors of the board of trustees and of employers liable for the post-retirement  
7176 benefits may not seize, attach, or otherwise obtain assets of the trust fund.

7177 (7) When all of the liabilities for which the trust fund was created are paid, the  
7178 Division of Finance shall transfer any assets remaining in the state trust fund into the  
7179 appropriate fund.

7180 Section 182. Section **63A-17-1103**, which is renumbered from Section 67-19d-201.5 is  
7181 renumbered and amended to read:

7182 [~~67-19d-201.5~~]. **63A-17-1103. Elected Official Post-Retirement Benefits**  
7183 **Trust Fund -- Creation -- Oversight -- Dissolution.**

7184 (1) There is created the "Elected Official Post-Retirement Benefits Trust Fund."

7185 (2) The Elected Official Post-Retirement Benefits Trust Fund consists of:

7186 (a) appropriations made to the fund by the Legislature for the purpose of funding the  
7187 post-retirement benefits in Section [49-20-404](#);

7188 (b) revenues received by the state treasurer from the investment of the Elected Official



7189 Post-Retirement Benefits Trust Fund; and

7190 (c) other revenues received from other sources.

7191 (3) The Division of Finance shall account for the receipt and expenditures of money in  
7192 the Elected Official Post-Retirement Benefits Trust Fund.

7193 (4) (a) Except as provided in Subsection (4)(c), the state treasurer shall invest the  
7194 Elected Official Post-Retirement Benefits Trust Fund money by following the same procedures  
7195 and requirements for the investment of the State Post-Retirement Benefits Trust Fund in [~~Part~~  
7196 ~~3, Trust Fund Investments~~] [Sections 63A-17-1105 and 63A-17-1106](#).

7197 (b) (i) The Elected Official Post-Retirement Benefits Trust Fund shall earn interest.

7198 (ii) The state treasurer shall deposit all interest or other income earned from investment  
7199 of the Elected Official Post-Retirement Benefits Trust Fund back into the Elected Official  
7200 Post-Retirement Benefits Trust Fund.

7201 (c) The Elected Official Post-Retirement Benefits Trust Fund is exempt from Title 51,  
7202 Chapter 7, State Money Management Act.

7203 (5) The board of trustees created in Section [~~67-19d-202~~] [63A-17-1104](#) may expend  
7204 money from the Elected Official Post-Retirement Benefits Trust Fund for:

7205 (a) the employer portion of the cost of the program established in Section [49-20-404](#);  
7206 and

7207 (b) reasonable administrative costs that the board of trustees incurs in performing its  
7208 duties as trustees of the Elected Official Post-Retirement Benefits Trust Fund.

7209 (6) The board of trustees shall ensure that:

7210 (a) money deposited into the Elected Official Post-Retirement Benefits Trust Fund is  
7211 irrevocable and is expended only for the employer portion of the costs of post-retirement  
7212 benefits under Section [49-20-404](#); and

7213 (b) creditors of the board of trustees and of employers liable for the post-retirement  
7214 benefits may not seize, attach, or otherwise obtain assets of the Elected Official  
7215 Post-Retirement Benefits Trust Fund.

7216 (7) When all of the liabilities for which the Elected Official Post-Retirement Benefits  
7217 Trust Fund was created are paid, the Division of Finance shall transfer any assets remaining in  
7218 the Elected Official Post-Retirement Benefits Trust Fund into the appropriate fund.

7219 Section 183. Section **63A-17-1104**, which is renumbered from Section 67-19d-202 is

7220 renumbered and amended to read:

7221 ~~[67-19d-202]~~. 63A-17-1104. **Board of trustees of the State Post-Retirement**  
7222 **Benefits Trust Fund and the Elected Official Post-Retirement Benefits Trust Fund.**

7223 (1) (a) There is created a board of trustees of the State Post-Retirement Benefits Trust  
7224 Fund and the Elected Official Post-Retirement Benefits Trust Fund composed of three  
7225 members:

7226 (i) the state treasurer or designee;

7227 (ii) the director of the Division of Finance or designee; and

7228 (iii) the executive director of the Governor's Office of Management and Budget or  
7229 designee.

7230 (b) The state treasurer is chair of the board.

7231 (c) Three members of the board are a quorum.

7232 (d) A member may not receive compensation or benefits for the member's service, but  
7233 may receive per diem and travel expenses in accordance with:

7234 (i) Section [63A-3-106](#);

7235 (ii) Section [63A-3-107](#); and

7236 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
7237 [63A-3-107](#).

7238 (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the  
7239 board of trustees.

7240 (ii) The Division of Finance shall provide accounting services for the trust fund.

7241 (2) The board shall:

7242 (a) on behalf of the state, act as trustee of the State Post-Retirement Benefits Trust

7243 Fund created under Section ~~[67-19d-201]~~ [63A-17-1102](#) and the Elected Official

7244 Post-Retirement Benefits Trust Fund created under Section ~~[67-19d-201.5]~~ [63A-17-1103](#) and  
7245 exercise the state's fiduciary responsibilities;

7246 (b) meet at least twice per year;

7247 (c) review and approve all policies, projections, rules, criteria, procedures, forms,  
7248 standards, performance goals, and actuarial reports;

7249 (d) review and approve the budget for each trust fund described under Subsection

7250 (2)(a);

7251 (e) review financial records for each trust fund described under Subsection (2)(a),  
7252 including trust fund receipts, expenditures, and investments;

7253 (f) commission and obtain actuarial studies of the liabilities for each trust fund  
7254 described under Subsection (2)(a);

7255 (g) for purposes of the State Post-Retirement Benefits Trust Fund, establish labor  
7256 additive rates to charge all federal, state, and other programs to cover:

7257 (i) the annual required contribution as determined by actuary; and

7258 (ii) the administrative expenses of the trust fund; and

7259 (h) do any other things necessary to perform the state's fiduciary obligations under each  
7260 trust fund described under Subsection (2)(a).

7261 (3) The attorney general shall:

7262 (a) act as legal counsel and provide legal representation to the board of trustees; and

7263 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each  
7264 meeting of the board of trustees.

7265 Section 184. Section **63A-17-1105**, which is renumbered from Section 67-19d-301 is  
7266 renumbered and amended to read:

7267 ~~[67-19d-301]~~. **63A-17-1105. Investment of State Post-Retirement Benefits**  
7268 **Trust Fund.**

7269 (1) The state treasurer shall invest the assets of the State Post-Retirement Benefits  
7270 Trust Fund created under Section ~~[67-19d-201]~~ 63A-17-1102 and the Elected Official  
7271 Post-Retirement Benefits Trust Fund created under Section ~~[67-19d-201.5]~~ 63A-17-1103 with  
7272 the primary goal of providing for the stability, income, and growth of the principal.

7273 (2) Nothing in this section requires a specific outcome in investing.

7274 (3) The state treasurer may deduct any administrative costs incurred in managing trust  
7275 fund assets from earnings before distributing them.

7276 (4) (a) The state treasurer may employ professional asset managers to assist in the  
7277 investment of assets of the trust fund.

7278 (b) The treasurer may only provide compensation to asset managers from earnings  
7279 generated by the trust fund's investments.

7280 Section 185. Section **63A-17-1106**, which is renumbered from Section 67-19d-302 is  
7281 renumbered and amended to read:

7282 ~~[67-19d-302]~~. 63A-17-1106. State treasurer to follow "prudent investor"  
7283 rule -- Standard of care.

7284 (1) The state treasurer shall invest and manage the trust fund assets as a prudent  
7285 investor would, by:

7286 (a) considering the purposes, terms, distribution requirements, and other circumstances  
7287 of the trust fund; and

7288 (b) exercising reasonable care, skill, and caution in order to meet the standard of care  
7289 of a prudent investor.

7290 (2) In determining whether or not the state treasurer has met the standard of care of a  
7291 prudent investor, the judge or finder of fact shall:

7292 (a) consider the state treasurer's actions in light of the facts and circumstances existing  
7293 at the time of the investment decision or action, and not by hindsight; and

7294 (b) evaluate the state treasurer's investment and management decisions respecting  
7295 individual assets:

7296 (i) not in isolation, but in the context of a trust fund portfolio as a whole; and

7297 (ii) as a part of an overall investment strategy that has risk and return objectives  
7298 reasonably suited to the trust fund.

7299 Section 186. Section **63A-17-1201**, which is renumbered from Section 67-19f-102 is  
7300 renumbered and amended to read:

7301 **Part 12. State Employees' Annual Leave Trust Fund Act**

7302 ~~[67-19f-102]~~. 63A-17-1201. Definitions.

7303 As used in this ~~chapter~~ part:

7304 (1) "Annual leave II" ~~[is as]~~ means the same as that term is defined in Section  
7305 ~~[67-19-14.6]~~ 63A-17-510.

7306 (2) "Board of trustees" or "board" means the board of trustees created in Section  
7307 ~~[67-19f-202]~~ 63A-17-1203.

7308 (3) "Income" means the revenues received by the state treasurer from investments of  
7309 the trust fund principal.

7310 (4) "Trust fund" means the State Employees' Annual Leave Trust Fund created in  
7311 Section ~~[67-19f-201]~~ 63A-17-1202.

7312 Section 187. Section **63A-17-1202**, which is renumbered from Section 67-19f-201 is

7313 renumbered and amended to read:

7314 ~~[67-19f-201]~~. 63A-17-1202. Trust fund -- Creation -- Oversight --

7315 **Dissolution.**

7316 (1) There is created a trust fund entitled the "State Employees' Annual Leave Trust  
7317 Fund."

7318 (2) The trust fund consists of:

7319 (a) ongoing revenue provided from a state agency set aside for accrued annual leave II  
7320 required under Section ~~[67-19-14.6]~~ 63A-17-510;

7321 (b) appropriations made to the trust fund by the Legislature, if any;

7322 (c) transfers from the termination pool described in Subsection ~~[67-19-14.6]~~

7323 63A-17-510(6) made by the Division of Finance to the trust fund for annual leave liabilities

7324 accrued before the change date established under Section ~~[67-19-14.6]~~ 63A-17-510;

7325 (d) income; and

7326 (e) revenue received from other sources.

7327 (3) (a) The Division of Finance shall account for the receipt and expenditures of trust  
7328 fund money.

7329 (b) The Division of Finance shall make the necessary adjustments to the amount of set  
7330 aside costs required under Subsection ~~[67-19-14.6]~~ 63A-17-510(4)(a) to provide that upon the  
7331 trust fund's accrual of funding equal to 10% of the annual leave liability, year-end trust fund  
7332 balances remain equal to at least 10% of the total state employee annual leave liability.

7333 (4) (a) The state treasurer shall invest trust fund money by following the procedures  
7334 and requirements of ~~[Part 3, Investment of Trust Funds]~~ Sections 63A-17-1204 and  
7335 63A-17-1205.

7336 (b) (i) The trust fund shall earn interest.

7337 (ii) The state treasurer shall deposit all interest or other income earned from investment  
7338 of the trust fund back into the trust fund.

7339 (5) The board of trustees created in Section ~~[67-19f-202]~~ 63A-17-1203 may expend  
7340 money from the trust fund for:

7341 (a) reimbursement to the employer of the costs paid to the trust fund in accordance  
7342 with Section ~~[67-19-14.6]~~ 63A-17-510 as annual leave II is used by an employee;

7343 (b) payments based on accrued annual leave and on accrued annual leave II that are

7344 made upon termination of an employee; and

7345 (c) reasonable administrative costs that the board of trustees incurs in performing its  
7346 duties as trustee of the trust fund.

7347 (6) The board of trustees shall ensure that:

7348 (a) money deposited into the trust fund is irrevocable and is expended only for the  
7349 costs described in Subsection (5); and

7350 (b) assets of the trust fund are dedicated to providing annual leave and annual leave II  
7351 established by statute and rule.

7352 (7) A creditor of the board of trustees or a state agency liable for annual leave benefits  
7353 may not seize, attach, or otherwise obtain assets of the trust fund.

7354 Section 188. Section **63A-17-1203**, which is renumbered from Section 67-19f-202 is  
7355 renumbered and amended to read:

7356 ~~[67-19f-202]~~. **63A-17-1203. Board of trustees of the State Employees'**  
7357 **Annual Leave Trust Fund.**

7358 (1) (a) There is created a board of trustees of the State Employees' Annual Leave Trust  
7359 Fund composed of the following three members:

7360 (i) the state treasurer or the state treasurer's designee;

7361 (ii) the director of the Division of Finance or the director's designee; and

7362 (iii) the executive director of the Governor's Office of Management and Budget or the  
7363 executive director's designee.

7364 (b) The state treasurer is chair of the board.

7365 (c) Three members of the board is a quorum.

7366 (d) A member may not receive compensation or benefits for the member's service, but  
7367 may receive per diem and travel expenses as allowed in:

7368 (i) Section [63A-3-106](#);

7369 (ii) Section [63A-3-107](#); and

7370 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
7371 [63A-3-107](#).

7372 (e) (i) Except as provided in Subsection (1)(e)(ii), the state treasurer shall staff the  
7373 board of trustees.

7374 (ii) The Division of Finance shall provide accounting services for the trust fund.

- 7375 (2) The board shall:
- 7376 (a) on behalf of the state, act as trustee of the trust fund created under Section
- 7377 ~~[67-19f-201]~~ 63A-17-1202 and exercise the state's fiduciary responsibilities;
- 7378 (b) meet at least twice per year;
- 7379 (c) review and approve the policies, projections, rules, criteria, procedures, forms,
- 7380 standards, performance goals, and actuarial reports for the trust fund;
- 7381 (d) review and approve the budget for the trust fund;
- 7382 (e) review financial records for the trust fund, including trust fund receipts,
- 7383 expenditures, and investments; and
- 7384 (f) do any other things necessary to perform the state's fiduciary obligations under the
- 7385 trust fund.
- 7386 (3) The board may:
- 7387 (a) commission and obtain actuarial studies of the liabilities for the trust fund; and
- 7388 (b) for purposes of the trust fund, establish labor additive rates to charge for the
- 7389 administrative expenses of the trust fund.
- 7390 (4) The attorney general shall:
- 7391 (a) act as legal counsel and provide legal representation to the board of trustees; and
- 7392 (b) attend, or direct an attorney from the Office of the Attorney General to attend, each
- 7393 meeting of the board of trustees.
- 7394 Section 189. Section **63A-17-1204**, which is renumbered from Section 67-19f-301 is
- 7395 renumbered and amended to read:
- 7396 ~~[67-19f-301]~~. **63A-17-1204. Investment of State Employees' Annual Leave**
- 7397 **Program II Trust Fund.**
- 7398 (1) The state treasurer shall invest the assets of the trust fund with the primary goal of
- 7399 providing for the stability, income, and growth of the principal.
- 7400 (2) Nothing in this section requires a specific outcome in investing.
- 7401 (3) The state treasurer may deduct any administrative costs incurred in managing trust
- 7402 fund assets from earnings before distributing the trust fund assets.
- 7403 (4) (a) The state treasurer may employ professional asset managers to assist in the
- 7404 investment of assets of the trust fund.
- 7405 (b) The treasurer may only provide compensation to asset managers from earnings

7406 generated by the trust fund's investments.

7407 Section 190. Section **63A-17-1205**, which is renumbered from Section 67-19f-302 is  
7408 renumbered and amended to read:

7409 ~~[67-19f-302]~~. **63A-17-1205**. **State treasurer to follow "prudent investor"**  
7410 **rule -- Standard of care.**

7411 (1) The state treasurer shall invest and manage the trust fund assets as a prudent  
7412 investor would, by:

7413 (a) considering the purposes, terms, distribution requirements, and other circumstances  
7414 of the trust fund; and

7415 (b) exercising reasonable care, skill, and caution in order to meet the standard of care  
7416 of a prudent investor.

7417 (2) In determining whether the state treasurer has met the standard of care of a prudent  
7418 investor, the judge or finder of fact shall:

7419 (a) consider the state treasurer's actions in light of the facts and circumstances existing  
7420 at the time of the investment decision or action, and not by hindsight; and

7421 (b) evaluate the state treasurer's investment and management decisions respecting  
7422 individual assets:

7423 (i) not in isolation, but in the context of the trust fund portfolio as a whole; and

7424 (ii) as a part of an overall investment strategy that has risk and return objectives  
7425 reasonably suited to the trust fund.

7426 Section 191. Section **63A-17-1301**, which is renumbered from Section 67-25-102 is  
7427 renumbered and amended to read:

**Part 13. General Requirements for State Officers and Employees**

7429 ~~[67-25-102]~~. **63A-17-1301**. **Definitions.**

7430 As used in this [chapter] part:

7431 (1) "Career service employee" ~~[is as]~~ means the same as that term is defined in Section  
7432 ~~[67-19-3]~~ 63A-17-102.

7433 (2) "Executive branch elected official" means:

7434 (a) the governor;

7435 (b) the lieutenant governor;

7436 (c) the attorney general;



7437 (d) the state treasurer; or

7438 (e) the state auditor.

7439 (3) "Executive branch official" means an individual who:

7440 (a) is a management level employee of an executive branch elected official; and

7441 (b) is not a career service employee.

7442 (4) "State agency" means a department, division, board, council, committee, institution,  
7443 office, bureau, or other similar administrative unit of the executive branch of state government.

7444 Section 192. Section **63A-17-1302**, which is renumbered from Section 67-25-201 is  
7445 renumbered and amended to read:

7446 ~~[67-25-201]~~. **63A-17-1302**. **State agency work week.**

7447 (1) Except as provided in Subsection (2), and subject to Subsection (3):

7448 (a) a state agency with five or more employees shall, at least nine hours per day on  
7449 Monday, Tuesday, Wednesday, Thursday, and Friday to provide a service required by statute to  
7450 another entity of the state, a political subdivision, or the public:

7451 (i) in person;

7452 (ii) online; or

7453 (iii) by telephone; and

7454 (b) a state agency with fewer than five employees shall, at least eight hours per day on  
7455 Monday, Tuesday, Wednesday, Thursday, and Friday, provide a service required by statute to  
7456 another entity of the state, a political subdivision, or the public:

7457 (i) in person;

7458 (ii) online; or

7459 (iii) by telephone.

7460 (2) (a) Subsection (1) does not require a state agency to operate a physical location, or  
7461 provide a service, on a holiday established under Section **63G-1-301**.

7462 (b) Except for a legal holiday established under Section **63G-1-301**, the following state  
7463 agencies shall operate at least one physical location, and as many physical locations as  
7464 necessary, at least nine hours per day on Monday, Tuesday, Wednesday, Thursday, and Friday  
7465 to provide a service required by statute to another entity of the state, a political subdivision, or  
7466 the public:

7467 (i) the ~~[Department]~~ Division of Technology Services, created in Section [~~63F-1-103~~]

7468 [63A-16-103](#);

7469 (ii) the Division of Child and Family Services, created in Section [62A-4a-103](#); and

7470 (iii) the Office of Guardian Ad Litem, created in Section [78A-6-901](#).

7471 (3) A state agency shall make staff available, as necessary, to provide:

7472 (a) services incidental to a court or administrative proceeding, during the hours of  
7473 operation of a court or administrative body, including:

7474 (i) testifying;

7475 (ii) the production of records or evidence; and

7476 (iii) other services normally available to a court or administrative body;

7477 (b) security services; and

7478 (c) emergency services.

7479 (4) This section does not limit the days or hours a state agency may operate.

7480 (5) To provide a service as required by Subsection (1), the chief administrative officer  
7481 of a state agency may determine:

7482 (a) the number of physical locations, if any are required by this section, operating each  
7483 day;

7484 (b) the daily hours of operation of a physical location;

7485 (c) the number of state agency employees who work per day; and

7486 (d) the hours a state agency employee works per day.

7487 (6) To provide a service as required by Subsection (2)(b), the chief administrative  
7488 officer of a state agency, or a person otherwise designated by law, may determine:

7489 (a) the number of physical locations operating each day;

7490 (b) the daily hours of operation, as required by Subsection (2)(b), of each physical  
7491 location;

7492 (c) the number of state agency employees who work per day; and

7493 (d) the hours a state agency employee works per day.

7494 (7) A state agency shall:

7495 (a) provide information, accessible from a conspicuous link on the home page of the  
7496 state agency's website, on a method that a person may use to schedule an in-person meeting  
7497 with a representative of the state agency; and

7498 (b) except as provided in Subsection (8), as soon as reasonably possible:

- 7499 (i) contact a person who makes a request for an in-person meeting; and  
7500 (ii) when appropriate, schedule and hold an in-person meeting with the person that  
7501 requests an in-person meeting.
- 7502 (8) A state agency is not required to comply with Subsection (7)(b) to the extent that  
7503 the contact or meeting:
- 7504 (a) would constitute a conflict of interest;  
7505 (b) would conflict or interfere with a procurement governed by Title 63G, Chapter 6a,  
7506 Utah Procurement Code;  
7507 (c) would violate an ethical requirement of the state agency or an employee of the state  
7508 agency; or  
7509 (d) would constitute a violation of law.
- 7510 Section 193. Section **63A-17-1303**, which is renumbered from Section 67-25-302 is  
7511 renumbered and amended to read:
- 7512 ~~[67-25-302]~~. **63A-17-1303**. **Restrictions on outside employment by**  
7513 **executive branch employees.**
- 7514 (1) An employee who is under the direction or control of an executive branch elected  
7515 official may not engage in outside employment that:
- 7516 (a) constitutes a conflict of interest;  
7517 (b) interferes with the ability of the employee to fulfill the employee's job  
7518 responsibilities;  
7519 (c) constitutes the provision of political services, political consultation, or lobbying;  
7520 (d) involves the provision of consulting services, legal services, or other services to a  
7521 person that the employee could, within the course and scope of the employee's primary  
7522 employment, provide to the person; or  
7523 (e) interferes with the hours that the employee is expected to perform work under the  
7524 direction or control of an executive branch elected official, unless the employee takes  
7525 authorized personal leave during the time that the person engages in the outside employment.
- 7526 (2) An executive branch official shall be subject to the same restrictions on outside  
7527 employment as a career service employee.
- 7528 (3) This section does not prohibit an employee from advocating the position of the  
7529 state office that employs the employee regarding legislative action or other government action.

7530 Section 194. Section **63A-17-1304**, which is renumbered from Section 67-19-19 is  
 7531 renumbered and amended to read:

7532 ~~[67-19-19]~~. **63A-17-1304. Political activity of employees -- Rules and regulations**  
 7533 **-- Highway patrol -- Hatch Act.**

7534 (1) Except as otherwise provided by law or by rules [~~promulgated~~] made under this  
 7535 section for federally aided programs, the [~~following~~] provisions of this section apply with  
 7536 regard to political activity of career service employees in all grades and positions[~~+~~].

7537 [~~(+)~~] (2) Career service employees may voluntarily participate in political activity  
 7538 subject to the following provisions:

7539 (a) if any career service employee is elected to any partisan or full-time nonpartisan  
 7540 political office, that employee shall be granted a leave of absence without pay for times when  
 7541 monetary compensation is received for service in political office;

7542 (b) no officer or employee in career service may engage in any political activity during  
 7543 the hours of employment, nor may any person solicit political contributions from employees of  
 7544 the executive branch during hours of employment for political purposes; and

7545 (c) partisan political activity may not be a basis for employment, promotion, demotion,  
 7546 or dismissal, except that the [~~executive~~] director shall adopt rules providing for the discipline  
 7547 or punishment of a state officer or employee who violates any provision of this section.

7548 [~~(2)~~] (3) (a) Notwithstanding any other provision of this section, no member of the  
 7549 Utah Highway Patrol may use [~~his~~] the member's official authority or influence for the purpose  
 7550 of interfering with an election or affecting the results of an election.

7551 (b) No person may induce or attempt to induce any member of the Utah Highway  
 7552 Patrol to participate in any activity prohibited by this Subsection [~~(2)~~] (3).

7553 [~~(3)~~] (4) Nothing contained in this section may be construed to:

7554 (a) preclude voluntary contributions by an employee to the party or candidate of the  
 7555 officer's or employee's choice; or

7556 (b) permit partisan political activity by any employee who is prevented or restricted  
 7557 from engaging in the political activity by the provisions of the federal Hatch Act.

7558 Section 195. Section **63A-17-1401**, which is renumbered from Section 67-19-33 is  
 7559 renumbered and amended to read:

7560 **Part 14. Controlled Substances and Alcohol Use**

7561 ~~[67-19-33]~~. 63A-17-1401. **Controlled substances and alcohol use prohibited.**

7562 Except as provided in Title 26, Chapter 61a, Utah Medical Cannabis Act, an employee  
7563 may not:

7564 (1) manufacture, dispense, possess, use, distribute, or be under the influence of a  
7565 controlled substance or alcohol during work hours or on state property except where legally  
7566 permissible;

7567 (2) manufacture, dispense, possess, use, or distribute a controlled substance or alcohol  
7568 if the activity prevents:

7569 (a) state agencies from receiving federal grants or performing under federal contracts of  
7570 \$25,000 or more; or

7571 (b) the employee to perform his services or work for state government effectively as  
7572 regulated by the rules of the executive director in accordance with Section ~~[67-19-34]~~  
7573 63A-17-1402; or

7574 (3) refuse to submit to a drug or alcohol test under Section ~~[67-19-36]~~ 63A-17-1404.

7575 Section 196. Section **63A-17-1402**, which is renumbered from Section 67-19-34 is  
7576 renumbered and amended to read:

7577 ~~[67-19-34]~~. 63A-17-1402. **Rulemaking power to executive director.**

7578 In accordance with this ~~[chapter]~~ part and Title 63G, Chapter 3, Utah Administrative  
7579 Rulemaking Act, the ~~[executive]~~ director shall make rules regulating:

7580 (1) disciplinary actions for employees subject to discipline under Section ~~[67-19-37]~~  
7581 63A-17-1405;

7582 (2) the testing of employees for the use of controlled substances or alcohol as provided  
7583 in Section ~~[67-19-36]~~ 63A-17-1404;

7584 (3) the confidentiality of drug testing and test results performed under Section  
7585 ~~[67-19-36]~~ 63A-17-1404 in accordance with Title 63G, Chapter 2, Government Records  
7586 Access and Management Act; and

7587 (4) minimum blood levels of alcohol or drug content for work effectiveness of an  
7588 employee.

7589 Section 197. Section **63A-17-1403**, which is renumbered from Section 67-19-35 is  
7590 renumbered and amended to read:

7591 ~~[67-19-35]~~. 63A-17-1403. **Reporting of convictions under federal and state drug**

7592 **laws.**

7593 (1) An employee who is convicted under a federal or state criminal statute regulating  
7594 the manufacture, distribution, dispensation, possession, or use of a controlled substance shall  
7595 report the conviction to the director of [~~his~~] the employee's agency within five calendar days  
7596 after the date of conviction.

7597 (2) Upon notification either under Subsection (1) or otherwise, the director of the  
7598 agency shall notify the federal agency for which a contract is being performed within 10 days  
7599 after receiving notice.

7600 Section 198. Section **63A-17-1404**, which is renumbered from Section 67-19-36 is  
7601 renumbered and amended to read:

7602 ~~[67-19-36]~~. **63A-17-1404. Drug testing of state employees.**

7603 (1) Except as provided in Subsection (2), when there is reasonable suspicion that an  
7604 employee is using a controlled substance or alcohol unlawfully during work hours, an  
7605 employee may be required to submit to medically accepted testing procedures for a  
7606 determination of whether the employee is using a controlled substance or alcohol in violation  
7607 of this part.

7608 (2) In highly sensitive positions, as identified in department class specifications,  
7609 random drug testing of employees may be conducted by an agency in accordance with the rules  
7610 of the [~~executive~~] director.

7611 (3) All drug or alcohol testing shall be:

7612 (a) conducted by a federally certified and licensed physician, a federally certified and  
7613 licensed medical clinic, or testing facility federally certified and licensed to conduct medically  
7614 accepted drug testing;

7615 (b) conducted in accordance with the rules of the [~~executive~~] director made under  
7616 Section [~~67-19-34~~] 63A-17-1402; and

7617 (c) kept confidential in accordance with the rules of the [~~executive~~] director made in  
7618 accordance with Section [~~67-19-34~~] 63A-17-1402.

7619 (4) A physician, medical clinic, or testing facility may not be held liable in any civil  
7620 action brought by a party for:

7621 (a) performing or failing to perform a test under this section;

7622 (b) issuing or failing to issue a test result under this section; or

7623 (c) acting or omitting to act in any other way in good faith under this section.

7624 Section 199. Section **63A-17-1405**, which is renumbered from Section 67-19-37 is  
7625 renumbered and amended to read:

7626 ~~[67-19-37]~~. **63A-17-1405. Discipline of employees.**

7627 An employee shall be subject to the rules of discipline of the ~~[executive]~~ director made  
7628 in accordance with Section ~~[67-19-34]~~ 63A-17-1402, if the employee:

7629 (1) refuses to submit to testing procedures provided in Section ~~[67-19-36]~~  
7630 63A-17-1404;

7631 (2) refuses to complete a drug rehabilitation program in accordance with Subsection  
7632 ~~[67-19-38]~~ 63A-17-1406(3);

7633 (3) is convicted under a federal or state criminal statute regulating the manufacture,  
7634 distribution, dispensation, possession, or use of a controlled substance; or

7635 (4) manufactures, dispenses, possesses, uses, or distributes a controlled substance in  
7636 violation of state or federal law during work hours or on state property.

7637 Section 200. Section **63A-17-1406**, which is renumbered from Section 67-19-38 is  
7638 renumbered and amended to read:

7639 ~~[67-19-38]~~. **63A-17-1406. Violations and penalties.**

7640 In addition to other criminal penalties provided by law, an employee who:

7641 (1) fails to notify the employee's director under Section ~~[67-19-35]~~ 63A-17-1403 is  
7642 subject to disciplinary proceedings as established by the ~~[executive]~~ director by rule in  
7643 accordance with Section ~~[67-19-34]~~ 63A-17-1402;

7644 (2) refuses to submit to testing procedures provided for in Section ~~[67-19-36]~~  
7645 63A-17-1404, may be suspended immediately without pay pending further disciplinary action  
7646 as ~~[set forth in the rules of the executive]~~ provided by rule, made by the director in accordance  
7647 with Section ~~[67-19-34]~~ 63A-17-1402; or

7648 (3) tests positive for the presence of unlawfully used controlled substances or alcohol  
7649 may be required, as part of the employee's disciplinary treatment, to complete a drug  
7650 rehabilitation program at the employee's expense within 60 days after receiving the positive test  
7651 results or be subject to further disciplinary procedures established by rule ~~[of the executive]~~  
7652 made by the director in accordance with Section ~~[67-19-34]~~ 63A-17-1402.

7653 Section 201. Section **63A-17-1407**, which is renumbered from Section 67-19-39 is

7654 renumbered and amended to read:

7655 ~~[67-19-39]~~. 63A-17-1407. Exemptions.

7656 Peace officers, as defined under Title 53, Chapter 13, Peace Officer Classifications,  
7657 acting in their official capacity as peace officers in undercover roles and assignments, are  
7658 exempt from the provisions of this act.

7659 Section 202. Section **63B-1-304** is amended to read:

7660 **63B-1-304. State Building Ownership Authority created -- Members --**  
7661 **Compensation -- Location in Department of Government Operations.**

7662 (1) There is created a body politic and corporate to be known as the State Building  
7663 Ownership Authority composed of:

7664 (a) the governor;

7665 (b) the state treasurer; and

7666 (c) the chair of the state building board created under Section 63A-5b-201.

7667 (2) A member may not receive compensation or benefits for the member's service, but  
7668 may receive per diem and travel expenses in accordance with:

7669 (a) Section 63A-3-106;

7670 (b) Section 63A-3-107; and

7671 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
7672 63A-3-107.

7673 (3) (a) Upon request, the division shall provide staff support to the State Building  
7674 Ownership Authority.

7675 (b) The State Building Ownership Authority may seek and obtain independent financial  
7676 advice, support, and information from the state financial advisor created under Section  
7677 67-4-16.

7678 Section 203. Section **63B-7-501** is amended to read:

7679 **63B-7-501. Revenue bond authorizations.**

7680 (1) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
7681 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,  
7682 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in  
7683 which participation interests may be created, to provide up to \$1,568,600 for the construction  
7684 of a Utah Correctional Industries Facility at the Central Utah Correctional Facility at Gunnison,



7685 together with additional amounts necessary to pay costs of issuance, pay capitalized interest,  
7686 and fund any debt service requirements.

7687 (b) The State Building Ownership Authority shall work cooperatively with the  
7688 Department of Corrections to seek out the most cost effective and prudent lease purchase plan  
7689 available.

7690 (c) It is the intent of the Legislature that program revenues be used as the primary  
7691 revenue source for repayment of any obligation created under authority of this Subsection (1).

7692 (2) It is the intent of the Legislature that:

7693 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and  
7694 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow  
7695 money on the credit, income, and revenues of the University of Utah, other than appropriations  
7696 of the Legislature, to finance the cost of constructing, furnishing, and equipping student  
7697 housing;

7698 (b) University funds and housing rental revenues be used as the primary revenue source  
7699 for repayment of any obligation created under authority of this Subsection (2); and

7700 (c) the bonds or other evidences of indebtedness authorized by this Subsection (2) may  
7701 provide up to \$86,000,000 together with other amounts necessary to pay costs of issuance, pay  
7702 capitalized interest, and fund any debt service reserve requirements.

7703 (3) It is the intent of the Legislature that:

7704 (a) the State Board of Regents on behalf of the University of Utah issue, sell, and  
7705 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow  
7706 money on the credit, income, and revenues of the University of Utah, other than appropriations  
7707 of the Legislature, to finance the cost of constructing, furnishing, and equipping a Health  
7708 Sciences Parking Structure;

7709 (b) University funds and parking revenues be used as the primary revenue source for  
7710 repayment of any obligation created under authority of this Subsection (3); and

7711 (c) the bonds or other evidences of indebtedness authorized by this Subsection (3) may  
7712 provide up to \$12,000,000, together with other amounts necessary to pay costs of issuance, pay  
7713 capitalized interest, and fund any debt service reserve requirements.

7714 (4) It is the intent of the Legislature that:

7715 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and

7716 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow  
7717 money on the credit and income and revenues of the University of Utah, other than  
7718 appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping  
7719 a Southwest Campus Parking Structure;

7720 (b) University funds and parking revenues be used as the primary revenue source for  
7721 repayment of any obligation created under authority of this Subsection (4); and

7722 (c) the bonds or other evidences of indebtedness authorized by this Subsection (4) may  
7723 provide up to \$7,200,000, together with other amounts necessary to pay costs of issuance, pay  
7724 capitalized interest, and fund any debt service reserve requirements.

7725 (5) It is the intent of the Legislature that:

7726 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and  
7727 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow  
7728 money on the credit and income and revenues of the University of Utah, other than  
7729 appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping  
7730 an expansion of the Eccles Broadcast Center;

7731 (b) University funds and service revenues be used as the primary revenue source for  
7732 repayment of any obligation created under authority of this Subsection (5); and

7733 (c) the bonds or other evidences of indebtedness authorized by this Subsection (5) may  
7734 provide up to \$5,100,000, together with other amounts necessary to pay costs of issuance, pay  
7735 capitalized interest, and fund any debt service reserve requirements.

7736 (6) It is the intent of the Legislature that:

7737 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and  
7738 deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow  
7739 money on the credit and income and revenues of the University of Utah, other than  
7740 appropriations of the Legislature, to finance the cost of constructing, furnishing, equipping, and  
7741 remodeling facilities for perinatal services, adult critical care services, clinical training and  
7742 support, and upgrade of the University Hospital Rehabilitation Unit, and for purchase of the  
7743 University Neuropsychiatric Institute and Summit Health Center in Park West;

7744 (b) University Hospital revenues be used as the primary revenue source for repayment  
7745 of any obligation created under authority of this Subsection (6); and

7746 (c) the bonds or other evidences of indebtedness authorized by this Subsection (6) may

7747 provide up to \$23,300,000 together with other amounts necessary to pay costs of issuance, pay  
7748 capitalized interest, and fund any debt service reserve requirements.

7749 (7) It is the intent of the Legislature that:

7750 (a) the State Board of Regents, on behalf of Weber State University, issue, sell, and  
7751 deliver revenue bonds or other evidences of indebtedness of Weber State University to borrow  
7752 money on the credit and income and revenues of Weber State University, other than  
7753 appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping  
7754 student housing;

7755 (b) University funds and housing rental revenues be used as the primary revenue source  
7756 for repayment of any obligation created under authority of this Subsection (7); and

7757 (c) the bonds or other evidences of indebtedness authorized by this Subsection (7) may  
7758 provide up to \$19,000,000 together with other amounts necessary to pay costs of issuance, pay  
7759 capitalized interest, and fund any debt service reserve requirements.

7760 (8) (a) It is the intent of the Legislature that the State Building Ownership Authority,  
7761 under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act,  
7762 may issue or execute obligations, or enter into or arrange for a lease purchase agreement in  
7763 which participation interests may be created, to provide up to \$1,100,000 for the construction  
7764 of surplus property facilities for the Division of Fleet Operations, together with additional  
7765 amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service  
7766 reserve requirements.

7767 (b) The State Building Ownership Authority shall work cooperatively with the  
7768 Department of [~~Administrative Services~~] Government Operations to seek out the most cost  
7769 effective and prudent lease purchase plan available.

7770 (c) It is the intent of the Legislature that Internal Service Fund revenues be used as the  
7771 primary revenue source for repayment of any obligation created under authority of this  
7772 Subsection (8).

7773 (9) (a) Contingent upon the state of Utah receiving a perfected security interest in  
7774 accordance with Senate Joint Resolution 14, 1998 Annual General Session, the State Building  
7775 Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State Building  
7776 Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease  
7777 purchase agreement in which participation interests may be created, to provide up to

7778 \$25,000,000 for the cost of constructing, furnishing, and equipping housing facilities at the  
7779 University of Utah, together with additional amounts necessary to:

- 7780 (i) pay costs of issuance;
- 7781 (ii) pay capitalized interest; and
- 7782 (iii) fund any debt service reserve requirements.

7783 (b) The State Building Ownership Authority and the University of Utah may enter into  
7784 real estate arrangements and security arrangements that are:

- 7785 (i) necessary to accomplish the purposes of this Subsection (9); and
- 7786 (ii) not inconsistent with the requirements of Senate Joint Resolution 14, 1998 Annual  
7787 General Session.

7788 (10) In order to achieve a debt service savings, it is the intent of the Legislature that the  
7789 State Building Ownership Authority, under authority of Title 63B, Chapter 1, Part 3, State  
7790 Building Ownership Authority Act, may issue or execute obligations, or enter into or arrange  
7791 for a lease purchase agreement in which participation interests may be created, to provide  
7792 sufficient funding to exercise the state's option to purchase the Youth Corrections Facility in  
7793 Salt Lake County currently financed by Salt Lake County.

7794 Section 204. Section **63E-1-302** is amended to read:

7795 **63E-1-302. Review by committee required for creating an independent entity.**

7796 (1) If a government requestor proposes that the Legislature create an independent  
7797 entity, that government requestor shall request that the committee review the proposal.

7798 (2) After receiving a request for review under Subsection (1), the chairs of the  
7799 committee:

- 7800 (a) shall schedule a meeting of the committee to review the proposal; and
- 7801 (b) may request information from executive and legislative branch entities and officers  
7802 concerning the proposal including:
  - 7803 (i) whether or not the proposed independent entity should be exempt from any state  
7804 statute;
  - 7805 (ii) the need for oversight of the proposed independent entity by an executive branch  
7806 agency;
  - 7807 (iii) the need for and requirements of audits of the proposed independent entity;
  - 7808 (iv) the custody of the proposed independent entity's funds;

7809 (v) the legal representation of the proposed independent entity;  
7810 (vi) whether or not the state should receive services from or provide services to the  
7811 proposed independent entity; and  
7812 (vii) the legal liability, if any, to the state if the proposed independent entity is created.  
7813 (3) In requesting information from executive and legislative branch entities or officers  
7814 under Subsection (2), the committee should specifically consider seeking information from:  
7815 (a) the state auditor;  
7816 (b) the state treasurer;  
7817 (c) the attorney general;  
7818 (d) the risk manager; and  
7819 (e) the executive director of the Department of [~~Administrative Services~~] Government  
7820 Operations.

7821 Section 205. Section **63G-1-301** is amended to read:

7822 **63G-1-301. Legal holidays -- Personal preference day -- Governor authorized to**  
7823 **declare additional days.**

7824 (1) (a) The following-named days are legal holidays in this state:  
7825 (i) every Sunday;  
7826 (ii) January 1, called New Year's Day;  
7827 (iii) the third Monday of January, called Dr. Martin Luther King, Jr. Day;  
7828 (iv) the third Monday of February, called Washington and Lincoln Day;  
7829 (v) the last Monday of May, called Memorial Day;  
7830 (vi) July 4, called Independence Day;  
7831 (vii) July 24, called Pioneer Day;  
7832 (viii) the first Monday of September, called Labor Day;  
7833 (ix) the second Monday of October, called Columbus Day;  
7834 (x) November 11, called Veterans Day;  
7835 (xi) the fourth Thursday of November, called Thanksgiving Day;  
7836 (xii) December 25, called Christmas; and  
7837 (xiii) all days which may be set apart by the President of the United States, or the  
7838 governor of this state by proclamation as days of fast or thanksgiving.  
7839 (b) If any of the holidays under Subsection (1)(a), except the first mentioned, namely

7840 Sunday, falls on Sunday, then the following Monday shall be the holiday.

7841 (c) If any of the holidays under Subsection (1)(a) falls on Saturday the preceding Friday  
7842 shall be the holiday.

7843 (d) Each employee may select one additional day, called Personal Preference Day, to  
7844 be scheduled pursuant to rules adopted by the [~~Department~~] Division of Human Resource  
7845 Management.

7846 (2) (a) Whenever in the governor's opinion extraordinary conditions exist justifying the  
7847 action, the governor may:

7848 (i) declare, by proclamation, legal holidays in addition to those holidays under  
7849 Subsection (1); and

7850 (ii) limit the holidays to certain classes of business and activities to be designated by  
7851 the governor.

7852 (b) A holiday may not extend for a longer period than 60 consecutive days.

7853 (c) Any holiday may be renewed for one or more periods not exceeding 30 days each as  
7854 the governor may consider necessary, and any holiday may, by like proclamation, be terminated  
7855 before the expiration of the period for which it was declared.

7856 Section 206. Section **63G-2-501** is amended to read:

7857 **63G-2-501. State Records Committee created -- Membership -- Terms --**  
7858 **Vacancies -- Expenses.**

7859 (1) There is created the State Records Committee within the Department of  
7860 [~~Administrative Services~~] Government Operations consisting of the following seven  
7861 individuals:

7862 (a) an individual in the private sector whose profession requires the individual to create  
7863 or manage records that, if created by a governmental entity, would be private or controlled;

7864 (b) an individual with experience with electronic records and databases, as  
7865 recommended by a statewide technology advocacy organization that represents the public,  
7866 private, and nonprofit sectors;

7867 (c) the director of the Division of Archives and Records Services or the director's  
7868 designee;

7869 (d) two citizen members;

7870 (e) one person representing political subdivisions, as recommended by the Utah League

7871 of Cities and Towns; and

7872 (f) one individual representing the news media.

7873 (2) The governor shall appoint the members described in Subsections (1)(a), (b), (d),  
7874 (e), and (f) with the advice and consent of the Senate in accordance with Title 63G, Chapter 24,  
7875 Part 2, Vacancies.

7876 (3) (a) Except as provided in Subsection (3)(b), the governor shall appoint each  
7877 member to a four-year term.

7878 (b) Notwithstanding Subsection (3)(a), the governor shall, at the time of appointment  
7879 or reappointment, adjust the length of terms to ensure that the terms of committee members are  
7880 staggered so that approximately half of the committee is appointed every two years.

7881 (c) Each appointed member is eligible for reappointment for one additional term.

7882 (4) When a vacancy occurs in the membership for any reason, the replacement shall be  
7883 appointed for the unexpired term.

7884 (5) A member of the State Records Committee may not receive compensation or  
7885 benefits for the member's service on the committee, but may receive per diem and travel  
7886 expenses in accordance with:

7887 (a) Section [63A-3-106](#);

7888 (b) Section [63A-3-107](#); and

7889 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

7890 (6) A member described in Subsection (1)(a), (b), (d), (e), or (f) shall comply with the  
7891 conflict of interest provisions described in Chapter 24, Part 3, Conflicts of Interest.

7892 Section 207. Section **63G-3-102** is amended to read:

7893 **63G-3-102. Definitions.**

7894 As used in this chapter:

7895 (1) "Administrative record" means information an agency relies upon when making a  
7896 rule under this chapter including:

7897 (a) the proposed rule, change in the proposed rule, and the rule analysis form;

7898 (b) the public comment received and recorded by the agency during the public  
7899 comment period;

7900 (c) the agency's response to the public comment;

7901 (d) the agency's analysis of the public comment; and

- 7902 (e) the agency's report of its decision-making process.
- 7903 (2) "Agency" means each state board, authority, commission, institution, department,  
7904 division, officer, or other state government entity other than the Legislature, its committees, the  
7905 political subdivisions of the state, or the courts, which is authorized or required by law to make  
7906 rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal obligations, or  
7907 perform other similar actions or duties delegated by law.
- 7908 (3) "Bulletin" means the Utah State Bulletin.
- 7909 (4) "Catchline" means a short summary of each section, part, rule, or title of the code  
7910 that follows the section, part, rule, or title reference placed before the text of the rule and serves  
7911 the same function as boldface in legislation as described in Section [68-3-13](#).
- 7912 (5) "Code" means the body of all effective rules as compiled and organized by the  
7913 office and entitled "Utah Administrative Code."
- 7914 (6) "Department" means the Department of [~~Administrative Services~~] Government  
7915 Operations created in Section [63A-1-104](#).
- 7916 (7) "Director" means the director of the office.
- 7917 (8) "Effective" means operative and enforceable.
- 7918 (9) "Executive director" means the executive director of the department.
- 7919 (10) "File" means to submit a document to the office as prescribed by the office.
- 7920 (11) "Filing date" means the day and time the document is recorded as received by the  
7921 office.
- 7922 (12) "Interested person" means any person affected by or interested in a proposed rule,  
7923 amendment to an existing rule, or a nonsubstantive change made under Section [63G-3-402](#).
- 7924 (13) "Office" means the Office of Administrative Rules created in Section [63G-3-401](#).
- 7925 (14) "Order" means an agency action that determines the legal rights, duties, privileges,  
7926 immunities, or other interests of one or more specific persons, but not a class of persons.
- 7927 (15) "Person" means any individual, partnership, corporation, association,  
7928 governmental entity, or public or private organization of any character other than an agency.
- 7929 (16) "Publication" or "publish" means making a rule available to the public by  
7930 including the rule or a summary of the rule in the bulletin.
- 7931 (17) "Publication date" means the inscribed date of the bulletin.
- 7932 (18) "Register" may include an electronic database.



- 7933 (19) (a) "Rule" means an agency's written statement that:
- 7934 (i) is explicitly or implicitly required by state or federal statute or other applicable law;
- 7935 (ii) implements or interprets a state or federal legal mandate; and
- 7936 (iii) applies to a class of persons or another agency.
- 7937 (b) "Rule" includes the amendment or repeal of an existing rule.
- 7938 (c) "Rule" does not mean:
- 7939 (i) orders;
- 7940 (ii) an agency's written statement that applies only to internal management and that
- 7941 does not restrict the legal rights of a public class of persons or another agency;
- 7942 (iii) the governor's executive orders or proclamations;
- 7943 (iv) opinions issued by the attorney general's office;
- 7944 (v) declaratory rulings issued by the agency according to Section 63G-4-503 except as
- 7945 required by Section 63G-3-201;
- 7946 (vi) rulings by an agency in adjudicative proceedings, except as required by Subsection
- 7947 63G-3-201(6); or
- 7948 (vii) an agency written statement that is in violation of any state or federal law.
- 7949 (20) "Rule analysis" means the format prescribed by the office to summarize and
- 7950 analyze rules.
- 7951 (21) "Small business" means a business employing fewer than 50 persons.
- 7952 (22) "Substantive change" means a change in a rule that affects the application or
- 7953 results of agency actions.
- 7954 Section 208. Section 63G-3-401 is amended to read:
- 7955 **63G-3-401. Office of Administrative Rules created -- Director.**
- 7956 (1) There is created within the Department of [~~Administrative Services~~] Government
- 7957 Operations the Office of Administrative Rules, to be administered by a director.
- 7958 (2) (a) The executive director shall appoint the director.
- 7959 (b) The director shall hire, train, and supervise staff necessary for the office to carry out
- 7960 the provisions of this chapter.
- 7961 Section 209. Section 63G-6a-106 is amended to read:
- 7962 **63G-6a-106. Independent procurement units.**
- 7963 (1) An independent procurement unit may, without the supervision, interference,

7964 oversight, control, or involvement of the division or the chief procurement officer, but in  
7965 accordance with the requirements of this chapter:

- 7966 (a) engage in a standard procurement process;
- 7967 (b) acquire a procurement item under an exception, as provided in this chapter, to the  
7968 requirement to use a standard procurement process; or
- 7969 (c) otherwise engage in an act authorized or required by this chapter.

7970 (2) Notwithstanding Subsection (1), an independent procurement unit may agree in  
7971 writing with the division to extend the authority of the division or the chief procurement officer  
7972 to the procurement unit, as provided in the agreement.

7973 (3) With respect to a procurement or contract over which an independent procurement  
7974 unit's procurement official has authority, the procurement official may:

- 7975 (a) manage and supervise the procurement to ensure to the extent practicable that  
7976 taxpayers receive the best value;
- 7977 (b) prepare and issue standard specifications for procurement items;
- 7978 (c) review contracts, coordinate contract compliance, conduct contract audits, and  
7979 approve change orders;
- 7980 (d) delegate duties and authority to an employee of the procurement unit, as the  
7981 independent procurement unit's procurement official considers appropriate;
- 7982 (e) for the procurement official of an executive branch procurement unit that is an  
7983 independent procurement unit, coordinate with the ~~[Department]~~ Division of Technology  
7984 Services, created in Section ~~[63F-1-103]~~ 63A-16-103, with respect to the procurement unit's  
7985 procurement of information technology services;
- 7986 (f) correct, amend, or cancel a procurement at any stage of the procurement process if  
7987 the procurement is out of compliance with this chapter or a rule adopted by the rulemaking  
7988 authority;
- 7989 (g) attempt to resolve a contract dispute in coordination with the legal counsel of the  
7990 independent procurement unit; and
- 7991 (h) at any time during the term of a contract awarded by the independent procurement  
7992 unit, correct or amend a contract to bring it into compliance or cancel the contract:
- 7993 (i) if the procurement official determines that correcting, amending, or canceling the  
7994 contract is in the best interest of the procurement unit; and

7995 (ii) after consulting with, as applicable, the attorney general's office or the procurement  
7996 unit's legal counsel.

7997 (4) The attorney general may, in accordance with the provisions of this chapter, but  
7998 without involvement by the division or the chief procurement officer:

7999 (a) retain outside counsel, subject to Section [67-5-33](#) if the attorney general retains  
8000 outside counsel under a contingent fee contract, as defined in that section; or

8001 (b) procure litigation support services, including retaining an expert witness.

8002 (5) An independent procurement unit that is not represented by the attorney general's  
8003 office may, in accordance with the provisions of this chapter, but without involvement by the  
8004 division or the chief procurement officer:

8005 (a) retain outside counsel; or

8006 (b) procure litigation support services, including retaining an expert witness.

8007 (6) The state auditor's office may, in accordance with the provisions of this chapter, but  
8008 without involvement by the division or the chief procurement officer, procure audit services.

8009 (7) The state treasurer may, in accordance with the provisions of this chapter, but  
8010 without involvement by the division or the chief procurement officer, procure:

8011 (a) deposit services; and

8012 (b) services related to issuing bonds.

8013 Section 210. Section **63G-6a-116** is amended to read:

8014 **63G-6a-116. Procurement of administrative law judge service.**

8015 (1) As used in this section:

8016 (a) "Administrative law judge" means the same as that term is defined in Section  
8017 ~~[67-19c-102]~~ [63A-17-901](#).

8018 (b) "Administrative law judge service" means service provided by an administrative  
8019 law judge.

8020 (2) A procurement unit shall use a standard procurement process under this chapter for  
8021 the procurement of administrative law judge service.

8022 (3) For a procurement of administrative law judge service, an evaluation committee  
8023 shall consist of:

8024 (a) the head of the conducting procurement unit, or the head's designee;

8025 (b) the head of an executive branch procurement unit other than the conducting

8026 procurement unit, appointed by the [executive] director of the [Department] Division of  
8027 Human Resource Management, or the head's designee; and

8028 (c) the [executive] director of the [Department] Division of Human Resource  
8029 Management, or the [executive] director's designee.

8030 (4) Within 30 days after the day on which a conducting procurement unit awards a  
8031 contract for administrative law judge service, the conducting procurement unit shall give  
8032 written notice to the [Department] Division of Human Resource Management that states:

8033 (a) that the conducting procurement unit awarded a contract for administrative law  
8034 judge service;

8035 (b) the name of the conducting procurement unit; and

8036 (c) the expected term of the contract.

8037 (5) A procurement of administrative law judge service using a small purchase process  
8038 is subject to rules made pursuant to Subsection [63G-6a-506\(2\)\(c\)](#).

8039 Section 211. Section **63G-6a-202** is amended to read:

8040 **63G-6a-202. Creation of Utah State Procurement Policy Board.**

8041 (1) There is created the Utah State Procurement Policy Board.

8042 (2) The board consists of up to 15 members as follows:

8043 (a) two representatives of state institutions of higher education, appointed by the Utah  
8044 Board of Higher Education;

8045 (b) a representative of the Department of Human Services, appointed by the executive  
8046 director of that department;

8047 (c) a representative of the Department of Transportation, appointed by the executive  
8048 director of that department;

8049 (d) two representatives of school districts, appointed by the State Board of Education;

8050 (e) a representative of the Division of Facilities Construction and Management,  
8051 appointed by the director of that division;

8052 (f) one representative of a county, appointed by the Utah Association of Counties;

8053 (g) one representative of a city or town, appointed by the Utah League of Cities and  
8054 Towns;

8055 (h) two representatives of local districts or special service districts, appointed by the  
8056 Utah Association of Special Districts;

8057 (i) the [~~executive~~] director of the [~~Department~~] Division of Technology Services or the  
8058 executive director's designee;

8059 (j) the chief procurement officer or the chief procurement officer's designee; and

8060 (k) two representatives of state agencies, other than a state agency already represented  
8061 on the board, appointed by the executive director of the Department of [~~Administrative~~  
8062 Services] Government Operations, with the approval of the executive director of the state  
8063 agency that employs the employee.

8064 (3) Members of the board shall be knowledgeable and experienced in, and have  
8065 supervisory responsibility for, procurement in their official positions.

8066 (4) A board member may serve as long as the member meets the description in  
8067 Subsection (2) unless removed by the person or entity with the authority to appoint the board  
8068 member.

8069 (5) (a) The board shall:

8070 (i) adopt rules of procedure for conducting its business; and

8071 (ii) elect a chair to serve for one year.

8072 (b) The chair of the board shall be selected by a majority of the members of the board  
8073 and may be elected to succeeding terms.

8074 (c) The chief procurement officer shall designate an employee of the division to serve  
8075 as the nonvoting secretary to the policy board.

8076 (6) A member of the board may not receive compensation or benefits for the member's  
8077 service, but may receive per diem and travel expenses in accordance with:

8078 (a) Section [63A-3-106](#);

8079 (b) Section [63A-3-107](#); and

8080 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
8081 [63A-3-107](#).

8082 Section 212. Section **63G-6a-302** is amended to read:

8083 **63G-6a-302. Chief procurement officer -- Appointment -- Qualifications --**  
8084 **Authority.**

8085 (1) The executive director of the Department of [~~Administrative Services~~] Government  
8086 Operations, with the consent of the governor, shall appoint the chief procurement officer after  
8087 considering recommendations from the board.

- 8088 (2) The chief procurement officer shall:
- 8089 (a) have a minimum of eight years' experience:
- 8090 (i) (A) in the large-scale procurement of supplies, services, or construction; or
- 8091 (B) negotiating contract terms and conditions; and
- 8092 (ii) at least five years of which shall have been in public or comparable private
- 8093 procurement within 12 years preceding the date of appointment; and
- 8094 (b) be a person with demonstrated executive and organizational ability.
- 8095 (3) The chief procurement officer appointed under Subsection (1) is also the director of
- 8096 the Division of Purchasing and General Services.
- 8097 (4) The chief procurement officer has authority over a procurement by a procurement
- 8098 unit, except:
- 8099 (a) an independent procurement unit; or
- 8100 (b) as otherwise expressly provided in this chapter.
- 8101 Section 213. Section **63G-6a-303** is amended to read:
- 8102 **63G-6a-303. Role, duties, and authority of chief procurement officer.**
- 8103 (1) The chief procurement officer:
- 8104 (a) is the director of the division;
- 8105 (b) serves as the central procurement officer of the state;
- 8106 (c) serves as a voting member of the board; and
- 8107 (d) serves as the protest officer for a protest relating to a procurement of an executive
- 8108 branch procurement, except an executive branch procurement unit designated under Subsection
- 8109 [63G-6a-103\(39\)\(b\), \(c\), \(d\), or \(e\)](#) as an independent procurement unit, or a state cooperative
- 8110 contract procurement, unless the chief procurement officer designates another to serve as
- 8111 protest officer, as authorized in this chapter.
- 8112 (2) Except as otherwise provided in this chapter, the chief procurement officer shall:
- 8113 (a) develop procurement policies and procedures supporting ethical procurement
- 8114 practices, fair and open competition among vendors, and transparency within the state's
- 8115 procurement process;
- 8116 (b) administer the state's cooperative purchasing program, including state cooperative
- 8117 contracts and associated administrative fees;
- 8118 (c) enter into an agreement with a public entity for services provided by the division, if

8119 the agreement is in the best interest of the state;

8120 (d) ensure the division's compliance with any applicable law, rule, or policy, including  
8121 a law, rule, or policy applicable to the division's role as an issuing procurement unit or  
8122 conducting procurement unit, or as the state's central procurement organization;

8123 (e) manage the division's electronic procurement system;

8124 (f) oversee the recruitment, training, career development, certification requirements,  
8125 and performance evaluation of the division's procurement personnel;

8126 (g) make procurement training available to procurement units and persons who do  
8127 business with procurement units;

8128 (h) provide exemplary customer service and continually improve the division's  
8129 procurement operations;

8130 (i) exercise all other authority, fulfill all other duties and responsibilities, and perform  
8131 all other functions authorized under this chapter; and

8132 (j) ensure that any training described in this Subsection (2) complies with Title 63G,  
8133 Chapter 22, State Training and Certification Requirements.

8134 (3) With respect to a procurement or contract over which the chief procurement officer  
8135 has authority under this chapter, the chief procurement officer, except as otherwise provided in  
8136 this chapter:

8137 (a) shall:

8138 (i) manage and supervise a procurement to ensure to the extent practicable that  
8139 taxpayers receive the best value;

8140 (ii) prepare and issue standard specifications for procurement items;

8141 (iii) review contracts, coordinate contract compliance, conduct contract audits, and  
8142 approve change orders;

8143 (iv) in accordance with Section [~~63F-1-205~~] [63A-16-204](#), coordinate with the  
8144 [~~Department~~] Division of Technology Services, created in Section [~~63F-1-103~~] [63A-16-103](#),  
8145 with respect to the procurement of information technology services by an executive branch  
8146 procurement unit;

8147 (v) correct, amend, or cancel a procurement at any stage of the procurement process if  
8148 the procurement is out of compliance with this chapter or a board rule;

8149 (vi) after consultation with the attorney general's office, correct, amend, or cancel a

8150 contract at any time during the term of the contract if:

8151 (A) the contract is out of compliance with this chapter or a board rule; and

8152 (B) the chief procurement officer determines that correcting, amending, or canceling  
8153 the contract is in the best interest of the state; and

8154 (vii) make a reasonable attempt to resolve a contract dispute, in coordination with the  
8155 attorney general's office; and

8156 (b) may:

8157 (i) delegate limited purchasing authority to a state agency, with appropriate oversight  
8158 and control to ensure compliance with this chapter;

8159 (ii) delegate duties and authority to an employee of the division, as the chief  
8160 procurement officer considers appropriate;

8161 (iii) negotiate and settle contract overcharges, undercharges, and claims, in accordance  
8162 with the law and after consultation with the attorney general's office;

8163 (iv) authorize a procurement unit to make a procurement pursuant to a regional  
8164 solicitation, as defined in Subsection [63G-6a-2105\(7\)](#), even if the procurement item is also  
8165 offered under a state cooperative contract, if the chief procurement officer determines that the  
8166 procurement pursuant to a regional solicitation is in the best interest of the acquiring  
8167 procurement unit; and

8168 (v) remove an individual from the procurement process or contract administration for:

8169 (A) having a conflict of interest or the appearance of a conflict of interest with a person  
8170 responding to a solicitation or with a contractor;

8171 (B) having a bias or the appearance of bias for or against a person responding to a  
8172 solicitation or for or against a contractor;

8173 (C) making an inconsistent or unexplainable score for a solicitation response;

8174 (D) having inappropriate contact or communication with a person responding to a  
8175 solicitation;

8176 (E) socializing inappropriately with a person responding to a solicitation or with a  
8177 contractor;

8178 (F) engaging in any other action or having any other association that causes the chief  
8179 procurement officer to conclude that the individual cannot fairly evaluate a solicitation  
8180 response or administer a contract; or



8181 (G) any other violation of a law, rule, or policy.

8182 (4) The chief procurement officer may not delegate to an individual outside the  
8183 division the chief procurement officer's authority over a procurement described in Subsection  
8184 (3)(a)(iv).

8185 (5) The chief procurement officer has final authority to determine whether an executive  
8186 branch procurement unit's anticipated expenditure of public funds, anticipated agreement to  
8187 expend public funds, or provision of a benefit constitutes a procurement that is subject to this  
8188 chapter.

8189 (6) Except as otherwise provided in this chapter, the chief procurement officer shall  
8190 review, monitor, and audit the procurement activities and delegated procurement authority of  
8191 an executive branch procurement unit, except to the extent that an executive branch  
8192 procurement unit is designated under Subsection 63G-6a-103(39)(b), (c), (d), or (e) as an  
8193 independent procurement unit, to ensure compliance with this chapter, rules made by the  
8194 applicable rulemaking authority, and division policies.

8195 Section 214. Section 63G-6a-506 is amended to read:

8196 **63G-6a-506. Small purchases.**

8197 (1) As used in this section:

8198 (a) "Annual cumulative threshold" means the maximum total annual amount,  
8199 established by the rulemaking authority under Subsection (2), that a procurement unit may  
8200 expend to obtain procurement items from the same source under this section.

8201 (b) "Individual procurement threshold" means the maximum amount, established by  
8202 the rulemaking authority under Subsection (2), for which a procurement unit may purchase a  
8203 procurement item under this section.

8204 (c) "Single procurement aggregate threshold" means the maximum total amount,  
8205 established by the rulemaking authority under Subsection (2), that a procurement unit may  
8206 expend to obtain multiple procurement items from one source at one time under this section.

8207 (2) (a) The rulemaking authority may make rules governing small purchases of any  
8208 procurement item, including construction, job order contracting, design professional services,  
8209 other professional services, information technology, and goods.

8210 (b) Rules under Subsection (2)(a) may include provisions:

8211 (i) establishing expenditure thresholds, including:

- 8212 (A) an annual cumulative threshold;
- 8213 (B) an individual procurement threshold; and
- 8214 (C) a single procurement aggregate threshold;
- 8215 (ii) establishing procurement requirements relating to the thresholds described in
- 8216 Subsection (2)(b)(i); and
- 8217 (iii) providing for the use of electronic, telephone, or written quotes.
- 8218 (c) If a procurement unit obtains administrative law judge service through a small
- 8219 purchase standard procurement process, rules made under Subsection (2)(a) shall provide that
- 8220 the process for the procurement of administrative law judge service include an evaluation
- 8221 committee described in Subsection [63G-6a-116\(3\)](#).
- 8222 (3) Expenditures made under this section by a procurement unit may not exceed a
- 8223 threshold established by the rulemaking authority, unless the procurement official gives written
- 8224 authorization to exceed the threshold that includes the reasons for exceeding the threshold.
- 8225 (4) Except as provided in Subsection (5), an executive branch procurement unit may
- 8226 not obtain a procurement item through a small purchase standard procurement process if the
- 8227 procurement item may be obtained through a state cooperative contract or a contract awarded
- 8228 by the chief procurement officer under Subsection [63G-6a-2105\(1\)](#).
- 8229 (5) Subsection (4) does not apply if:
- 8230 (a) the procurement item is obtained for an unanticipated, urgent, or emergency
- 8231 condition, including:
- 8232 (i) an item needed to avoid stopping a public construction project;
- 8233 (ii) an immediate repair to a facility or equipment; or
- 8234 (iii) another emergency condition; or
- 8235 (b) the chief procurement officer or the procurement official of a procurement unit that
- 8236 is an executive branch procurement unit with independent procurement authority:
- 8237 (i) determines in writing that it is in the best interest of the procurement unit to obtain
- 8238 an individual procurement item outside of the state contract, comparing:
- 8239 (A) the contract terms and conditions applicable to the procurement item under the
- 8240 state contract with the contract terms and conditions applicable to the procurement item if the
- 8241 procurement item is obtained outside of the state contract;
- 8242 (B) the maintenance and service applicable to the procurement item under the state

8243 contract with the maintenance and service applicable to the procurement item if the  
8244 procurement item is obtained outside of the state contract;

8245 (C) the warranties applicable to the procurement item under the state contract with the  
8246 warranties applicable to the procurement item if the procurement item is obtained outside of  
8247 the state contract;

8248 (D) the quality of the procurement item under the state contract with the quality of the  
8249 procurement item if the procurement item is obtained outside of the state contract; and

8250 (E) the ability of the vendor under the state contract to match the quoted cost of the  
8251 procurement item if the procurement item is obtained outside of the state contract;

8252 (ii) for a procurement item that, if defective in its manufacture, installation, or  
8253 performance, may result in serious physical injury, death, or substantial property damage,  
8254 determines in writing that the terms and conditions, relating to liability for injury, death, or  
8255 property damage, available from the source other than the contractor who holds the state  
8256 contract, are similar to, or better than, the terms and conditions available under the state  
8257 contract; and

8258 (iii) grants an exception, in writing, to the requirement described in Subsection (4).

8259 (6) Except as otherwise expressly provided in this section, a procurement unit:

8260 (a) may not use the small purchase standard procurement process described in this  
8261 section for ongoing, continuous, and regularly scheduled procurements that exceed the annual  
8262 cumulative threshold; and

8263 (b) shall make its ongoing, continuous, and regularly scheduled procurements that  
8264 exceed the annual cumulative threshold through a contract awarded through another standard  
8265 procurement process described in this chapter or an applicable exception to another standard  
8266 procurement process, described in Part 8, Exceptions to Procurement Requirements.

8267 (7) This section does not prohibit regularly scheduled payments for a procurement item  
8268 obtained under another provision of this chapter.

8269 (8) (a) It is unlawful for a person knowingly to divide a single procurement into  
8270 multiple smaller procurements, including by dividing an invoice or purchase order into  
8271 multiple invoices or purchase orders, if:

8272 (i) the single procurement would not have qualified as a small purchase under this  
8273 section;

8274 (ii) one or more of the multiple smaller procurements qualify as a small purchase under  
8275 this section; and

8276 (iii) the division is done with the intent to:

8277 (A) avoid having to use a standard procurement process, other than the small purchase  
8278 process, that the person would otherwise be required to use for the single procurement; or

8279 (B) make one or more of the multiple smaller procurements fall below a small  
8280 purchase expenditure threshold established by rule under Subsection (2)(b) that the single  
8281 procurement would not have fallen below without the division.

8282 (b) A violation of Subsection (8)(a) is subject to penalties as provided in Subsection  
8283 [63G-6a-2404.3\(2\)](#).

8284 (9) The Division of Finance within the Department of [~~Administrative Services~~]  
8285 Government Operations may conduct an audit of an executive branch procurement unit to  
8286 verify compliance with the requirements of this section.

8287 (10) An executive branch procurement unit may not make a small purchase after  
8288 January 1, 2014, unless the chief procurement officer certifies that the person responsible for  
8289 procurements in the procurement unit has satisfactorily completed training on this section and  
8290 the rules made under this section.

8291 Section 215. Section **63G-7-901** is amended to read:

8292 **63G-7-901. Expenses of attorney general, general counsel for state judiciary, and**  
8293 **general counsel for the Legislature in representing the state, the state's branches,**  
8294 **members, or employees.**

8295 (1) (a) The Office of the Attorney General has primary responsibility to provide legal  
8296 representation to the judicial, executive, and legislative branches of state government in cases  
8297 where coverage under the Risk Management Fund created by Section [63A-4-201](#) applies.

8298 (b) When the attorney general has primary responsibility to provide legal representation  
8299 to the judicial or legislative branches, the attorney general shall consult with the general  
8300 counsel for the state judiciary and with the general counsel for the Legislature, to solicit their  
8301 assistance in defending their respective branch, and in determining strategy and making  
8302 decisions concerning the disposition of those claims.

8303 (c) Notwithstanding Subsection (1)(b), the decision for settlement of monetary claims  
8304 in those cases lies with the attorney general and the state risk manager.

8305 (2) (a) If the Judicial Council, after consultation with the general counsel for the state  
8306 judiciary, determines that the Office of the Attorney General cannot adequately defend the state  
8307 judiciary, its members, or employees because of a conflict of interest, separation of powers  
8308 concerns, or other political or legal differences, the Judicial Council may direct its general  
8309 counsel to separately represent and defend it.

8310 (b) If the general counsel for the state judiciary undertakes independent legal  
8311 representation of the state judiciary, its members, or employees, the general counsel shall notify  
8312 the state risk manager and the attorney general in writing before undertaking that  
8313 representation.

8314 (c) If the state judiciary elects to be represented by its own counsel under this section,  
8315 the decision for settlement of claims against the state judiciary, its members, or employees,  
8316 where Risk Management Fund coverage applies, lies with the general counsel for the state  
8317 judiciary and the state risk manager.

8318 (3) (a) If the Legislative Management Committee, after consultation with the general  
8319 counsel for the Legislature, determines that the Office of the Attorney General cannot  
8320 adequately defend the legislative branch, its members, or employees because of a conflict of  
8321 interest, separation of powers concerns, or other political or legal differences, the Legislative  
8322 Management Committee may direct its general counsel to separately represent and defend it.

8323 (b) If the general counsel for the Legislature undertakes independent legal  
8324 representation of the Legislature, its members, or employees, the general counsel shall notify  
8325 the state risk manager and the attorney general in writing before undertaking that  
8326 representation.

8327 (c) If the legislative branch elects to be represented by its own counsel under this  
8328 section, the decision for settlement of claims against the legislative branch, its members, or  
8329 employees, where Risk Management Fund coverage applies, lies with the general counsel for  
8330 the Legislature and the state risk manager.

8331 (4) (a) Notwithstanding the provisions of Section 67-5-3 or any other provision of the  
8332 Utah Code, the attorney general, the general counsel for the state judiciary, and the general  
8333 counsel for the Legislature may bill the Department of [~~Administrative Services~~] Government  
8334 Operations for all costs and legal fees expended by their respective offices, including attorneys'  
8335 and secretarial salaries, in representing the state or any indemnified employee against any claim

8336 for which the Risk Management Fund may be liable and in advising state agencies and  
8337 employees regarding any of those claims.

8338 (b) The risk manager shall draw funds from the Risk Management Fund for this  
8339 purpose.

8340 Section 216. Section **63G-10-501** is amended to read:

8341 **63G-10-501. Definitions.**

8342 As used in this part:

8343 (1) "Executive director" means the individual appointed under Section **63A-1-105** as  
8344 the executive director of the Department of [~~Administrative Services~~] Government Operations,  
8345 created in Section **63A-1-104**.

8346 (2) "Risk management fund" means the fund created in Section **63A-4-201**.

8347 (3) "Risk manager" means the state risk manager appointed under Section **63A-4-101**.

8348 Section 217. Section **63G-21-102** is amended to read:

8349 **63G-21-102. Definitions.**

8350 As used in this chapter:

8351 (1) "Designated agency" means:

8352 (a) the Governor's Office of Economic Development;

8353 (b) the Division of Wildlife Resources;

8354 (c) the Department of Public Safety;

8355 (d) the [~~Department~~] Division of Technology Services; or

8356 (e) the Department of Workforce Services.

8357 (2) (a) "State service" means a service or benefit regularly provided to the public by a  
8358 designated agency.

8359 (b) "State service" includes:

8360 (i) for the Governor's Office of Economic Development or the [~~Department~~] Division  
8361 of Technology Services, public high-speed Internet access;

8362 (ii) for the Division of Wildlife Resources, fishing, hunting, and trapping licenses;

8363 (iii) for the Department of Public Safety, fingerprinting, an online driver license  
8364 renewal, online appointment scheduling, an online motor vehicle record request, and an online  
8365 change of address with the Driver License Division; and

8366 (iv) for the Department of Workforce Services, online job searches, verification of

8367 submission for benefits administered by the Department of Workforce Services, online  
8368 unemployment applications, online food stamp applications, and online appointment  
8369 scheduling.

8370 (3) "USPS" means the United States Postal Service.

8371 Section 218. Section **63J-1-206** is amended to read:

8372 **63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures --**

8373 **Transfer of funds -- Exclusion.**

8374 (1) (a) Except as provided in Subsections (1)(b) and (2)(e), or where expressly  
8375 exempted in the appropriating act:

8376 (i) all money appropriated by the Legislature is appropriated upon the terms and  
8377 conditions set forth in this chapter; and

8378 (ii) any department, agency, or institution that accepts money appropriated by the  
8379 Legislature does so subject to the requirements of this chapter.

8380 (b) This section does not apply to:

8381 (i) the Legislature and its committees; and

8382 (ii) the Investigation Account of the Water Resources Construction Fund, which is  
8383 governed by Section [73-10-8](#).

8384 (2) (a) Each item of appropriation is to be expended subject to any schedule of  
8385 programs and any restriction attached to the item of appropriation, as designated by the  
8386 Legislature.

8387 (b) Each schedule of programs or restriction attached to an appropriation item:

8388 (i) is a restriction or limitation upon the expenditure of the respective appropriation  
8389 made;

8390 (ii) does not itself appropriate any money; and

8391 (iii) is not itself an item of appropriation.

8392 (c) (i) An appropriation or any surplus of any appropriation may not be diverted from  
8393 any department, agency, institution, division, or line item to any other department, agency,  
8394 institution, division, or line item.

8395 (ii) If the money appropriated to an agency to pay lease payments under the program  
8396 established in Section [63A-5b-703](#) exceeds the amount required for the agency's lease  
8397 payments to the Division of Facilities Construction and Management, the agency may:

8398 (A) transfer money from the lease payments line item to other line items within the  
8399 agency; and

8400 (B) retain and use the excess money for other purposes.

8401 (d) The money appropriated subject to a schedule of programs or restriction may be  
8402 used only for the purposes authorized.

8403 (e) In order for a department, agency, or institution to transfer money appropriated to it  
8404 from one program to another program within a line item, the department, agency, or institution  
8405 shall revise its budget execution plan as provided in Section [63J-1-209](#).

8406 (f) (i) The procedures for transferring money between programs within a line item as  
8407 provided by Subsection (2)(e) do not apply to money appropriated to the State Board of  
8408 Education for the Minimum School Program or capital outlay programs created in Title 53F,  
8409 Chapter 3, State Funding -- Capital Outlay Programs.

8410 (ii) The state superintendent may transfer money appropriated for the programs  
8411 specified in Subsection (2)(f)(i) only as provided by Section [53F-2-205](#).

8412 (3) Notwithstanding Subsection (2)(c)(i):

8413 (a) the state superintendent may transfer money appropriated for the Minimum School  
8414 Program between line items in accordance with Section [53F-2-205](#);

8415 (b) the Department of [~~Administrative Services~~] Government Operations may transfer  
8416 money appropriated for the purpose of paying the costs of paid employee postpartum recovery  
8417 leave under Section [~~67-19-14.7~~] [63A-17-511](#) to another department, agency, institution, or  
8418 division; and

8419 (c) the Department of [~~Administrative Services~~] Government Operations may transfer  
8420 or divert money to another department, agency, institution, or division only for the purposes of  
8421 coordinating and providing a state response to the coronavirus.

8422 Section 219. Section **63J-1-219** is amended to read:

8423 **63J-1-219. Definitions -- Federal receipts reporting requirements.**

8424 (1) As used in this section:

8425 (a) (i) "Designated state agency" means the Department of [~~Administrative Services~~]  
8426 Government Operations, the Department of Agriculture and Food, the Department of Alcoholic  
8427 Beverage Control, the Department of Commerce, the Department of Heritage and Arts, the  
8428 Department of Corrections, the Department of Environmental Quality, the Department of



8429 Financial Institutions, the Department of Health, [~~the Department of Human Resource~~  
8430 ~~Management;~~] the Department of Human Services, the Department of Insurance, the  
8431 Department of Natural Resources, the Department of Public Safety, [~~the Department of~~  
8432 ~~Technology Services;~~] the Department of Transportation, the Department of Veterans and  
8433 Military Affairs, the Department of Workforce Services, the Labor Commission, the Office of  
8434 Economic Development, the Public Service Commission, the Utah Board of Higher Education,  
8435 the State Board of Education, the State Tax Commission, or the Utah National Guard.

8436 (ii) "Designated state agency" does not include the judicial branch, the legislative  
8437 branch, or an office or other entity within the judicial branch or the legislative branch.

8438 (b) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.  
8439 Sec. 7501, that is reported as part of a single audit.

8440 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.

8441 (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or  
8442 before October 31, prepare a report that:

8443 (a) reports the aggregate value of federal receipts the designated state agency received  
8444 for the preceding fiscal year;

8445 (b) reports the aggregate amount of federal funds appropriated by the Legislature to the  
8446 designated state agency for the preceding fiscal year;

8447 (c) calculates the percentage of the designated state agency's total budget for the  
8448 preceding fiscal year that constitutes federal receipts that the designated state agency received  
8449 for that fiscal year; and

8450 (d) develops plans for operating the designated state agency if there is a reduction of:

8451 (i) 5% or more in the federal receipts that the designated state agency receives; and

8452 (ii) 25% or more in the federal receipts that the designated state agency receives.

8453 (3) (a) The report required by Subsection (2) that the Utah Board of Higher Education  
8454 prepares shall include the information required by Subsections (2)(a) through (c) for each state  
8455 institution of higher education listed in Section [53B-2-101](#).

8456 (b) The report required by Subsection (2) that the State Board of Education prepares  
8457 shall include the information required by Subsections (2)(a) through (c) for each school district  
8458 and each charter school within the public education system.

8459 (4) A designated state agency that prepares a report in accordance with Subsection (2)

8460 shall submit the report to the Division of Finance on or before November 1 of each year.

8461 (5) (a) The Division of Finance shall, on or before November 30 of each year, prepare a  
8462 report that:

8463 (i) compiles and summarizes the reports the Division of Finance receives in accordance  
8464 with Subsection (4); and

8465 (ii) compares the aggregate value of federal receipts each designated state agency  
8466 received for the previous fiscal year to the aggregate amount of federal funds appropriated by  
8467 the Legislature to that designated state agency for that fiscal year.

8468 (b) The Division of Finance shall, as part of the report required by Subsection (5)(a),  
8469 compile a list of designated state agencies that do not submit a report as required by this  
8470 section.

8471 (6) The Division of Finance shall submit the report required by Subsection (5) to the  
8472 Executive Appropriations Committee on or before December 1 of each year.

8473 (7) Upon receipt of the report required by Subsection (5), the chairs of the Executive  
8474 Appropriations Committee shall place the report on the agenda for review and consideration at  
8475 the next Executive Appropriations Committee meeting.

8476 (8) When considering the report required by Subsection (5), the Executive  
8477 Appropriations Committee may elect to:

8478 (a) recommend that the Legislature reduce or eliminate appropriations for a designated  
8479 state agency;

8480 (b) take no action; or

8481 (c) take another action that a majority of the committee approves.

8482 Section 220. Section **63J-1-602.2** is amended to read:

8483 **63J-1-602.2. List of nonlapsing appropriations to programs.**

8484 Appropriations made to the following programs are nonlapsing:

8485 (1) The Legislature and the Legislature's committees.

8486 (2) The State Board of Education, including all appropriations to agencies, line items,  
8487 and programs under the jurisdiction of the State Board of Education, in accordance with  
8488 Section [53F-9-103](#).

8489 (3) The Percent-for-Art Program created in Section [9-6-404](#).

8490 (4) The LeRay McAllister Critical Land Conservation Program created in Section

- 8491 11-38-301.
- 8492 (5) Dedicated credits accrued to the Utah Marriage Commission as provided under  
8493 Subsection 17-16-21(2)(d)(ii).
- 8494 (6) The Trip Reduction Program created in Section 19-2a-104.
- 8495 (7) The Division of Wildlife Resources for the appraisal and purchase of lands under  
8496 the Pelican Management Act, as provided in Section 23-21a-6.
- 8497 (8) The emergency medical services grant program in Section 26-8a-207.
- 8498 (9) The primary care grant program created in Section 26-10b-102.
- 8499 (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection  
8500 26-18-3(7).
- 8501 (11) The Utah Health Care Workforce Financial Assistance Program created in Section  
8502 26-46-102.
- 8503 (12) The Rural Physician Loan Repayment Program created in Section 26-46a-103.
- 8504 (13) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.
- 8505 (14) Funds that the Department of Alcoholic Beverage Control retains in accordance  
8506 with Subsection 32B-2-301(8)(a) or (b).
- 8507 (15) The General Assistance program administered by the Department of Workforce  
8508 Services, as provided in Section 35A-3-401.
- 8509 (16) A new program or agency that is designated as nonlapsing under Section  
8510 36-24-101.
- 8511 (17) The Utah National Guard, created in Title 39, Militia and Armories.
- 8512 (18) The State Tax Commission under Section 41-1a-1201 for the:
- 8513 (a) purchase and distribution of license plates and decals; and
- 8514 (b) administration and enforcement of motor vehicle registration requirements.
- 8515 (19) The Search and Rescue Financial Assistance Program, as provided in Section  
8516 53-2a-1102.
- 8517 (20) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 8518 (21) The Utah Board of Higher Education for teacher preparation programs, as  
8519 provided in Section 53B-6-104.
- 8520 (22) The Medical Education Program administered by the Medical Education Council,  
8521 as provided in Section 53B-24-202.

- 8522 (23) The Division of Services for People with Disabilities, as provided in Section  
8523 [62A-5-102](#).
- 8524 (24) The Division of Fleet Operations for the purpose of upgrading underground  
8525 storage tanks under Section [63A-9-401](#).
- 8526 (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 8527 (26) Appropriations to the [~~Department~~] Division of Technology Services for  
8528 technology innovation as provided under Section [~~63F-4-202~~] [63A-16-903](#).
- 8529 (27) The Office of Administrative Rules for publishing, as provided in Section  
8530 [63G-3-402](#).
- 8531 (28) The Governor's Office of Economic Development to fund the Enterprise Zone  
8532 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 8533 (29) Appropriations to fund the Governor's Office of Economic Development's Rural  
8534 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural  
8535 Employment Expansion Program.
- 8536 (30) Appropriations to fund programs for the Jordan River Recreation Area as  
8537 described in Section [65A-2-8](#).
- 8538 (31) The [~~Department~~] Division of Human Resource Management user training  
8539 program, as provided in Section [~~67-19-6~~] [63A-17-305](#).
- 8540 (32) A public safety answering point's emergency telecommunications service fund, as  
8541 provided in Section [69-2-301](#).
- 8542 (33) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 8543 (34) The Judicial Council for compensation for special prosecutors, as provided in  
8544 Section [77-10a-19](#).
- 8545 (35) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 8546 (36) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 8547 (37) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).
- 8548 (38) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and  
8549 [78B-6-144.5](#).
- 8550 (39) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent  
8551 Defense Commission.
- 8552 (40) The program established by the Division of Facilities Construction and

8553 Management under Section 63A-5b-703 under which state agencies receive an appropriation  
8554 and pay lease payments for the use and occupancy of buildings owned by the Division of  
8555 Facilities Construction and Management.

8556 Section 221. Section 67-1-8.1 is amended to read:

8557 **67-1-8.1. Executive Residence Commission -- Recommendations as to use,**  
8558 **maintenance, and operation of executive residence.**

8559 (1) The Legislature finds and declares that:

8560 (a) the state property known as the Thomas Kearns Mansion is a recognized state  
8561 landmark possessing historical and architectural qualities that should be preserved; and

8562 (b) the Thomas Kearns Mansion was the first building listed on the National Register  
8563 of Historic Places in the state.

8564 (2) As used in this section:

8565 (a) "Executive residence" includes the:

8566 (i) Thomas Kearns Mansion;

8567 (ii) Carriage House building; and

8568 (iii) grounds and landscaping surrounding the Thomas Kearns Mansion and the  
8569 Carriage House building.

8570 (b) "Commission" means the Executive Residence Commission established in this  
8571 section.

8572 (3) (a) An Executive Residence Commission is established to make recommendations  
8573 to the State Building Board for the use, operation, maintenance, repair, rehabilitation,  
8574 alteration, restoration, placement of art and monuments, or adoptive use of the executive  
8575 residence.

8576 (b) The commission shall meet at least once a year and make any recommendations to  
8577 the State Building Board prior to August 1 of each year.

8578 (4) The commission shall consist of nine voting members and one ex officio,  
8579 nonvoting member representing the Governor's Mansion Foundation. The membership shall  
8580 consist of:

8581 (a) three private citizens appointed by the governor, who have demonstrated an interest  
8582 in historical preservation;

8583 (b) three additional private citizens appointed by the governor with the following

8584 background:

- 8585 (i) an interior design professional with a background in historic spaces;  
8586 (ii) an architect with a background in historic preservation and restoration  
8587 recommended by the Utah chapter of the American Institute of Architects; and  
8588 (iii) a landscape architect with a background and knowledge of historic properties  
8589 recommended by the Utah chapter of the American Society of Landscape Architects;  
8590 (c) the director, or director's designee, of the Division of Art and Museums;  
8591 (d) the director, or director's designee, of the Division of State History; and  
8592 (e) the executive director, or executive director's designee, of the Department of  
8593 ~~[Administrative Services]~~ Government Operations.

8594 (5) (a) Except as required by Subsection (5)(b), as terms of current commission  
8595 members expire, the governor shall appoint each new member or reappointed member to a  
8596 four-year term ending on March 1.

8597 (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the  
8598 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
8599 commission members are staggered so that approximately half of the commission is appointed  
8600 every two years.

8601 (6) (a) The governor shall appoint a chair from among the membership of the  
8602 commission.

8603 (b) Six members of the commission shall constitute a quorum, and either the chair or  
8604 two other members of the commission may call meetings of the commission.

8605 (7) When a vacancy occurs in the membership for any reason, the replacement shall be  
8606 appointed for the unexpired term.

8607 (8) A member may not receive compensation or benefits for the member's service, but  
8608 may receive per diem and travel expenses in accordance with:

8609 (a) Section [63A-3-106](#);

8610 (b) Section [63A-3-107](#); and

8611 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
8612 [63A-3-107](#).

8613 (9) The Division of Facilities Construction and Management shall provide the  
8614 administrative support to the commission.

8615 Section 222. Section **67-5-7** is amended to read:

8616 **67-5-7. Establishment of career service system.**

8617 (1) The purpose of this chapter is to establish a career service system for employees of  
8618 the Office of the Attorney General that will attract and retain employees of proven ability and  
8619 experience who will devote their full time to the service of the state.

8620 (2) The Office of the Attorney General may adopt policies necessary to implement this  
8621 chapter, including personnel and work policies different from those made by the [~~Department~~]  
8622 Division of Human Resource Management.

8623 Section 223. Section **67-5-22** is amended to read:

8624 **67-5-22. Identity theft reporting information system -- Internet website and**  
8625 **database -- Access -- Maintenance and rulemaking -- Criminal provisions.**

8626 (1) There is created within the Office of the Attorney General the Identity Theft  
8627 Reporting Information System (IRIS) Program to establish a database and Internet website to:

8628 (a) allow persons in the state to submit reports of identity theft;

8629 (b) assist the Office of the Attorney General in notifying state and local law  
8630 enforcement agencies of reports of identity theft;

8631 (c) provide assistance and resources to victims of identity theft;

8632 (d) provide a centralized location where information related to incidents of identity  
8633 theft may be securely stored and accessed for the benefit of victims of identity theft; and

8634 (e) provide public education and information relating to identity theft.

8635 (2) (a) The Internet website shall be maintained by the Office of the Attorney General  
8636 and shall be made available to the public and to victims of identity-related crimes.

8637 (b) The Internet website shall:

8638 (i) allow a victim of an identity-related crime to report the crime on the website and

8639 have the victim's report routed to the appropriate law enforcement agency for the jurisdiction in  
8640 which the crime occurred; and

8641 (ii) provide public education and information relating to identity theft.

8642 (c) The Internet website may be expanded to provide other identity-related services to  
8643 victims according to the procedures of Subsection (4).

8644 (3) (a) The [~~Department~~] Division of Technology Services shall administer and  
8645 maintain the database established under this section in an electronic file or other format as

8646 established by the department.

8647 (b) (i) The database shall be maintained for the purpose of identifying victims of  
8648 identity theft who have filed a report with the program established under this section, and may  
8649 contain the personally identifiable information for each victim, which may include the  
8650 following information related to an incident of identify theft:

8651 (A) the victim's name, address, email addresses, and telephone numbers;

8652 (B) the victim's Social Security number and other identifying information;

8653 (C) the victim's financial institution information, account numbers, and transaction  
8654 information;

8655 (D) the victim's benefit information;

8656 (E) the victim's credit account information;

8657 (F) the victim's loan information;

8658 (G) the victim's employment information;

8659 (H) the victim's Internal Revenue Service or tax information;

8660 (I) the victim's utility service information;

8661 (J) information concerning legal matters or collections related to the incident;

8662 (K) information concerning unauthorized or illegal transactions, denied credit, stolen  
8663 identification, and all other unauthorized actions related to the identity theft; and

8664 (L) any other information related to the incident of identity theft that the victim or the  
8665 Office of the Attorney General elects to include in the database.

8666 (ii) The database shall record and maintain:

8667 (A) identification information for each person who requests or receives information  
8668 from the database;

8669 (B) a record of the information that is requested or received by each person who  
8670 requests or receives information from the database; and

8671 (C) a record of the date and time that any information is requested or provided from the  
8672 database.

8673 (c) Information in the database is considered to be the property of the Office of the  
8674 Attorney General, and retains any classification given it under Title 63G, Chapter 2,  
8675 Government Records Access and Management Act.

8676 (4) The ~~[Department]~~ Division of Technology Services, with the approval of the Office



8677 of the Attorney General, may make rules to:

8678 (a) permit the following persons to have access to the database:

8679 (i) federal, state, and local law enforcement authorities, provided that the authority is  
8680 acting within a specified duty of the authority's employment in enforcing laws;

8681 (ii) participating merchants and financial institutions, provided that the merchant or  
8682 institution has entered into an access agreement with the Office of the Attorney General; and

8683 (iii) other persons, to be established by rule, provided that the person's access to the  
8684 information is necessary and reasonable to accomplish the purposes of the program as provided  
8685 in Subsection (1);

8686 (b) define and enforce limitations on access to information via the Internet website or  
8687 in the database; and

8688 (c) establish standards and procedures to ensure accurate identification of individuals  
8689 that are requesting or receiving information from the Internet website or the database.

8690 (5) (a) In addition to the penalties provided under Title 63G, Chapter 2, Government  
8691 Records Access and Management Act, a person may not knowingly and intentionally release or  
8692 disclose information from the database in violation of the limitations provided under  
8693 Subsection (4)(a).

8694 (b) A violation of Subsection (5)(a) is a third degree felony.

8695 (6) (a) A person may not obtain or attempt to obtain information from the database by  
8696 misrepresentation or fraud.

8697 (b) A violation of Subsection (6)(a) is a third degree felony.

8698 (7) (a) A person may not knowingly and intentionally use, release, publish, or  
8699 otherwise make available to any other person or entity any information obtained from the  
8700 database for any purpose other than those specified under Subsection (4)(a).

8701 (b) Each separate violation of Subsection (7)(a) is a third degree felony.

8702 Section 224. Section **67-8-3** is amended to read:

8703 **67-8-3. Compensation plan for appointive officers -- Exceptions -- Legislative**  
8704 **approval -- Career status attorneys.**

8705 (1) (a) The executive director of the [~~Department~~] Division of Human Resource  
8706 Management, based upon recommendations of the Executive and Judicial Compensation  
8707 Commission shall, before October 31 of each year, recommend to the governor a compensation

8708 plan for appointed officers of the state except those officers whose compensation is set under  
8709 Section 49-11-203, 53E-3-302, 53B-1-408, or 53C-1-301.

8710 (b) The plan shall include salaries and wages, paid leave, group insurance plans,  
8711 retirement programs, and any other benefits that may be offered to state officers.

8712 (2) The governor shall include in each annual budget proposal to the Legislature  
8713 specific recommendations on compensation for those appointed state officers in Subsection (1).

8714 (3) (a) After consultation with the attorney general, the [~~executive~~] director of the  
8715 [~~Department~~] Division of Human Resource Management shall place career status attorneys on  
8716 a state salary schedule at a range comparable with salaries paid attorneys in private and other  
8717 public employment.

8718 (b) The attorney general and the executive director shall take into consideration the  
8719 experience of the attorney, length of service with the Office of the Attorney General, quality of  
8720 performance, and responsibility involved in legal assignments.

8721 (c) The attorney general and the executive director shall periodically adjust the salary  
8722 levels for attorneys in a career status to reasonably compensate them for full-time employment  
8723 and the restrictions placed on the private practice of law.

8724 Section 225. Section 67-8-5 is amended to read:

8725 **67-8-5. Duties of commission -- Salary recommendations.**

8726 (1) The commission shall recommend to the Legislature:

8727 (a) salaries for the governor, the lieutenant governor, the attorney general, the state  
8728 auditor, and the state treasurer; and

8729 (b) salaries for justices of the Supreme Court and judges of the constitutional and  
8730 statutory courts of record.

8731 (2) In making the salary recommendations described in Subsection (1), the commission  
8732 shall:

8733 (a) consider:

8734 (i) the education and experience required for the position;

8735 (ii) the responsibility required of the position;

8736 (iii) whether the position requires accountability for funds or staff;

8737 (iv) wages paid for other comparable public and private employment in the state and in  
8738 other similarly situated states;

8739 (v) any increase in the Consumer Price Index since the commission's last  
8740 recommendations; and  
8741 (vi) any other factors typically used to make similar recommendations;  
8742 (b) consult with the [~~Department~~] Division of Human Resource Management; and  
8743 (c) for the salary recommendations described in Subsection (1)(b), consult with the  
8744 Judicial Council.

8745 (3) No later than January 2, the commission shall submit an annual electronic report to  
8746 the Executive Appropriations Committee, the president of the Senate, the speaker of the House  
8747 of Representatives, and the governor that:  
8748 (a) briefly summarizes the commission's activities during the previous calendar year;  
8749 and  
8750 (b) provides any recommendations to modify the salaries of:  
8751 (i) the governor, lieutenant governor, attorney general, state auditor, or state treasurer;  
8752 or  
8753 (ii) the justices of the Supreme Court or judges of the constitutional and statutory  
8754 courts of record.

8755 (4) The Judicial Council shall cooperate with the commission in providing information  
8756 relevant to the duties of the commission.

8757 Section 226. Section **67-20-8** is amended to read:  
8758 **67-20-8. Volunteer experience credit.**  
8759 (1) State agencies shall designate positions for which approved volunteer experience  
8760 satisfies the job requirements for purposes of employment.  
8761 (2) When evaluating applicants for those designated positions, state agencies shall  
8762 consider documented approved volunteer experience in the same manner as similar paid  
8763 employment.  
8764 (3) The [~~Department~~] Division of Human Resource Management shall make statewide  
8765 rules governing the:  
8766 (a) designation of volunteer positions; and  
8767 (b) a uniform process to document the approval, use, and hours worked by volunteers.

8768 Section 227. Section **67-22-2** is amended to read:  
8769 **67-22-2. Compensation -- Other state officers.**

- 8770 (1) As used in this section:
- 8771 (a) "Appointed executive" means the:
- 8772 (i) commissioner of the Department of Agriculture and Food;
- 8773 (ii) commissioner of the Insurance Department;
- 8774 (iii) commissioner of the Labor Commission;
- 8775 (iv) director, Department of Alcoholic Beverage Control;
- 8776 (v) commissioner of the Department of Financial Institutions;
- 8777 (vi) executive director, Department of Commerce;
- 8778 (vii) executive director, Commission on Criminal and Juvenile Justice;
- 8779 (viii) adjutant general;
- 8780 (ix) executive director, Department of Heritage and Arts;
- 8781 (x) executive director, Department of Corrections;
- 8782 (xi) commissioner, Department of Public Safety;
- 8783 (xii) executive director, Department of Natural Resources;
- 8784 (xiii) executive director, Governor's Office of Management and Budget;
- 8785 (xiv) executive director, Department of [~~Administrative Services~~] Government
- 8786 Operations;
- 8787 (xv) [~~executive~~] director, [~~Department~~] Division of Human Resource Management;
- 8788 (xvi) executive director, Department of Environmental Quality;
- 8789 (xvii) director, Governor's Office of Economic Development;
- 8790 (xviii) executive director, Utah Science Technology and Research Governing
- 8791 Authority;
- 8792 (xix) executive director, Department of Workforce Services;
- 8793 (xx) executive director, Department of Health, Nonphysician;
- 8794 (xxi) executive director, Department of Human Services;
- 8795 (xxii) executive director, Department of Transportation; and
- 8796 [~~(xxiii) executive director, Department of Technology Services; and~~]
- 8797 [~~(xxiv)~~] (xxiii) executive director, Department of Veterans and Military Affairs.
- 8798 (b) "Board or commission executive" means:
- 8799 (i) members, Board of Pardons and Parole;
- 8800 (ii) chair, State Tax Commission;

- 8801 (iii) commissioners, State Tax Commission;
- 8802 (iv) executive director, State Tax Commission;
- 8803 (v) chair, Public Service Commission; and
- 8804 (vi) commissioners, Public Service Commission.
- 8805 (c) "Deputy" means the person who acts as the appointed executive's second in
- 8806 command as determined by the [~~Department~~] Division of Human Resource Management.
- 8807 (2) (a) The [~~executive~~] director of the [~~Department~~] Division of Human Resource
- 8808 Management shall:
- 8809 (i) before October 31 of each year, recommend to the governor a compensation plan for
- 8810 the appointed executives and the board or commission executives; and
- 8811 (ii) base those recommendations on market salary studies conducted by the
- 8812 [~~Department~~] Division of Human Resource Management.
- 8813 (b) (i) The [~~Department~~] Division of Human Resource Management shall determine
- 8814 the salary range for the appointed executives by:
- 8815 (A) identifying the salary range assigned to the appointed executive's deputy;
- 8816 (B) designating the lowest minimum salary from those deputies' salary ranges as the
- 8817 minimum salary for the appointed executives' salary range; and
- 8818 (C) designating 105% of the highest maximum salary range from those deputies' salary
- 8819 ranges as the maximum salary for the appointed executives' salary range.
- 8820 (ii) If the deputy is a medical doctor, the [~~Department~~] Division of Human Resource
- 8821 Management may not consider that deputy's salary range in designating the salary range for
- 8822 appointed executives.
- 8823 (c) (i) Except as provided in Subsection (2)(c)(ii), in establishing the salary ranges for
- 8824 board or commission executives, the [~~Department~~] Division of Human Resource Management
- 8825 shall set the maximum salary in the salary range for each of those positions at 90% of the salary
- 8826 for district judges as established in the annual appropriation act under Section 67-8-2.
- 8827 (ii) In establishing the salary ranges for an individual described in Subsection (1)(b)(ii)
- 8828 or (iii), the [~~Department~~] Division of Human Resource Management shall set the maximum
- 8829 salary in the salary range for each of those positions at 100% of the salary for district judges as
- 8830 established in the annual appropriation act under Section 67-8-2.
- 8831 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), the governor shall establish a

8832 specific salary for each appointed executive within the range established under Subsection  
8833 (2)(b).

8834 (ii) If the executive director of the Department of Health is a physician, the governor  
8835 shall establish a salary within the highest physician salary range established by the  
8836 [~~Department~~] Division of Human Resource Management.

8837 (iii) The governor may provide salary increases for appointed executives within the  
8838 range established by Subsection (2)(b) and identified in Subsection (3)(a)(ii).

8839 (b) The governor shall apply the same overtime regulations applicable to other FLSA  
8840 exempt positions.

8841 (c) The governor may develop standards and criteria for reviewing the appointed  
8842 executives.

8843 (4) Salaries for other Schedule A employees, as defined in Section [~~67-19-15~~]  
8844 [63A-17-301](#), that are not provided for in this chapter, or in Title 67, Chapter 8, Utah Elected  
8845 Official and Judicial Salary Act, shall be established as provided in Section [~~67-19-15~~]  
8846 [63A-17-301](#).

8847 (5) (a) The Legislature fixes benefits for the appointed executives and the board or  
8848 commission executives as follows:

8849 (i) the option of participating in a state retirement system established by Title 49, Utah  
8850 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered  
8851 by the State Retirement Office in accordance with the Internal Revenue Code and its  
8852 accompanying rules and regulations;

8853 (ii) health insurance;

8854 (iii) dental insurance;

8855 (iv) basic life insurance;

8856 (v) unemployment compensation;

8857 (vi) workers' compensation;

8858 (vii) required employer contribution to Social Security;

8859 (viii) long-term disability income insurance;

8860 (ix) the same additional state-paid life insurance available to other noncareer service  
8861 employees;

8862 (x) the same severance pay available to other noncareer service employees;

8863 (xi) the same leave, holidays, and allowances granted to Schedule B state employees as  
8864 follows:

8865 (A) sick leave;

8866 (B) converted sick leave if accrued prior to January 1, 2014;

8867 (C) educational allowances;

8868 (D) holidays; and

8869 (E) annual leave except that annual leave shall be accrued at the maximum rate  
8870 provided to Schedule B state employees;

8871 (xii) the option to convert accumulated sick leave to cash or insurance benefits as  
8872 provided by law or rule upon resignation or retirement according to the same criteria and  
8873 procedures applied to Schedule B state employees;

8874 (xiii) the option to purchase additional life insurance at group insurance rates according  
8875 to the same criteria and procedures applied to Schedule B state employees; and

8876 (xiv) professional memberships if being a member of the professional organization is a  
8877 requirement of the position.

8878 (b) Each department shall pay the cost of additional state-paid life insurance for its  
8879 executive director from its existing budget.

8880 (6) The Legislature fixes the following additional benefits:

8881 (a) for the executive director of the State Tax Commission a vehicle for official and  
8882 personal use;

8883 (b) for the executive director of the Department of Transportation a vehicle for official  
8884 and personal use;

8885 (c) for the executive director of the Department of Natural Resources a vehicle for  
8886 commute and official use;

8887 (d) for the commissioner of Public Safety:

8888 (i) an accidental death insurance policy if POST certified; and

8889 (ii) a public safety vehicle for official and personal use;

8890 (e) for the executive director of the Department of Corrections:

8891 (i) an accidental death insurance policy if POST certified; and

8892 (ii) a public safety vehicle for official and personal use;

8893 (f) for the adjutant general a vehicle for official and personal use; and

8894 (g) for each member of the Board of Pardons and Parole a vehicle for commute and  
8895 official use.

8896 Section 228. Section **72-1-202** is amended to read:

8897 **72-1-202. Executive director of department -- Appointment -- Qualifications --**  
8898 **Term -- Responsibility -- Power to bring suits -- Salary.**

8899 (1) (a) The governor, with the advice and consent of the Senate, shall appoint an  
8900 executive director to be the chief executive officer of the department.

8901 (b) The executive director shall be a registered professional engineer and qualified  
8902 executive with technical and administrative experience and training appropriate for the  
8903 position.

8904 (c) The executive director shall remain in office until a successor is appointed.

8905 (d) The executive director may be removed by the governor.

8906 (2) In addition to the other functions, powers, duties, rights, and responsibilities  
8907 prescribed in this chapter, the executive director shall:

8908 (a) have responsibility for the administrative supervision of the state transportation  
8909 systems and the various operations of the department;

8910 (b) have the responsibility for the implementation of rules, priorities, and policies  
8911 established by the department and the commission;

8912 (c) have the responsibility for the oversight and supervision of any transportation  
8913 project for which state funds are expended;

8914 (d) have full power to bring suit in courts of competent jurisdiction in the name of the  
8915 department as the executive director considers reasonable and necessary for the proper  
8916 attainment of the goals of this chapter;

8917 (e) receive a salary, to be established by the governor within the salary range fixed by  
8918 the Legislature in Title 67, Chapter 22, State Officer Compensation, together with actual  
8919 traveling expenses while away from the executive director's office on official business;

8920 (f) purchase all equipment, services, and supplies necessary to achieve the department's  
8921 functions, powers, duties, rights, and responsibilities delegated under Section [72-1-201](#);

8922 (g) have the responsibility to determine whether a purchase from, contribution to, or  
8923 other participation with a public entity or association of public entities in a pooled fund  
8924 program to acquire, develop, or share information, data, reports, or other services related to the



8925 department's mission are procurement items under Title 63G, Chapter 6a, Utah Procurement  
8926 Code;

8927 (h) have responsibility for administrative supervision of the Comptroller Division, the  
8928 Internal Audit Division, and the Communications Division; and

8929 (i) appoint assistants, to serve at the discretion of the executive director, to administer  
8930 the divisions of the department.

8931 (3) The executive director may employ other assistants and advisers as the executive  
8932 director finds necessary and fix salaries in accordance with the salary standards adopted by the  
8933 [~~Department~~] Division of Human Resource Management.

8934 Section 229. Section **79-2-401** is amended to read:

8935 **79-2-401. Volunteer workers authorized.**

8936 (1) The department and its divisions may use volunteer workers to supplement the  
8937 salaried work force.

8938 (2) A volunteer may be reimbursed for expenses actually and necessarily incurred,  
8939 including transportation, meals, lodging, uniforms, and other items as approved by the Division  
8940 of Finance, in the amounts and in accordance with the rules of the Division of Finance.

8941 (3) A volunteer is considered an employee of the state for the purposes stated in  
8942 Section **67-20-3**.

8943 (4) A volunteer may not donate a service to the department or a division unless the  
8944 work program in which the volunteer would serve has first been approved, in writing, by the  
8945 executive director and the executive director of the [~~Department~~] Division of Human Resource  
8946 Management.

8947 (5) Volunteer services shall comply with the rules adopted by the [~~Department~~]  
8948 Division of Human Resource Management relating to the services that are not inconsistent with  
8949 this section.

8950 Section 230. **Repealer.**

8951 This bill repeals:

8952 Section **63F-1-105, Appointment of executive director -- Compensation --**

8953 **Authority.**

8954 Section **63F-1-401, Title.**

8955 Section **63F-1-501, Title.**

8956 Section **63F-1-601, Title.**

8957 Section **63F-2-101, Title.**

8958 Section **63F-3-101, Title.**

8959 Section **63F-4-101, Title.**

8960 Section **67-19d-101, Title.**

8961 Section **67-19e-101, Title.**

8962 Section **67-19f-101, Title.**

8963 Section **67-25-101, Title.**

8964 Section **67-25-301, Title.**

8965 Section **67-26-101, Title.**

8966 Section 231. **Effective date.**

8967 This bill takes effect on July 1, 2021.

8968 Section 232. **Revisor instructions.**

8969 The Legislature intends that the Office of Legislative Research and General Counsel, in  
8970 preparing the Utah Code database for publication, not enroll this bill if S.B. 182, Department of  
8971 Government Operations - Cross Reference Changes, does not pass.