

Ryan D. Wilcox proposes the following substitute bill:

Election Day Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: Keven J. Stratton

LONG TITLE

General Description:

This bill establishes Election Day as a state holiday.

Highlighted Provisions:

This bill:

- establishes the first Tuesday after the first Monday in November as a legal holiday called Election Day;

- excludes Election Day as a legal holiday that requires a state agency or work-related closure; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

10-3-301, as last amended by Laws of Utah 2023, Chapter 435

23A-8-101, as enacted by Laws of Utah 2023, Chapter 103

54-8a-2, as last amended by Laws of Utah 2024, Chapter 369

61-1-13, as last amended by Laws of Utah 2023, Chapter 329

63A-17-510, as renumbered and amended by Laws of Utah 2021, Chapter 344

63G-1-301, as last amended by Laws of Utah 2022, Chapter 331

67-27-103, as last amended by Laws of Utah 2022, Chapter 335

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

Section 1. Section **10-3-301** is amended to read:

10-3-301 . Notice -- Eligibility and residency requirements for elected municipal

office -- Mayor and recorder limitations.

(1) As used in this section:

(a) "Absent" means that an elected municipal officer fails to perform official duties, including the officer's failure to attend each regularly scheduled meeting that the officer is required to attend.

(b) "Principal place of residence" means the same as that term is defined in Section 20A-2-105.

(c) "Secondary residence" means a place where an individual resides other than the individual's principal place of residence.

(2)(a) On or before May 1 in a year in which there is a municipal general election, the municipal clerk shall publish a notice that identifies:

(i) the municipal offices to be voted on in the municipal general election; and

(ii) the dates for filing a declaration of candidacy for the offices identified under Subsection (2)(a)(i).

(b) The municipal clerk shall publish the notice described in Subsection (2)(a) for the municipality, as a class A notice under Section 63G-30-102, for at least seven days.

(3)(a) An individual who files a declaration of candidacy for a municipal office shall comply with the requirements described in Section 20A-9-203.

(b)(i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on[-a]:

(A) a Saturday or Sunday; or

(B) [state holiday as listed in] a legal holiday other than Election Day under
Section 63G-1-301.

(ii) If on a regular basis a city recorder or town clerk maintains an office schedule that is less than 40 hours per week, the city recorder or town clerk may comply with Subsection (3)(b)(i) without maintaining office hours by:

(A) posting the recorder's or clerk's contact information, including a phone number and email address, on the recorder's or clerk's office door, the main door to the municipal offices, and, if available, on the municipal website; and

(B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).

(4) An individual elected to municipal office shall be a registered voter in the municipality in which the individual is elected.

- (5)(a) Each elected officer of a municipality shall maintain a principal place of residence within the municipality, and within the district that the elected officer represents, during the officer's term of office.
- (b) Except as provided in Subsection (6), an elected municipal officer is automatically vacant if the officer elected to the municipal office, during the officer's term of office:
- (i) establishes a principal place of residence outside the district that the elected officer represents;
 - (ii) resides at a secondary residence outside the district that the elected officer represents for a continuous period of more than 60 days while still maintaining a principal place of residence within the district;
 - (iii) is absent from the district that the elected officer represents for a continuous period of more than 60 days; or
 - (iv) fails to respond to a request, within 30 days after the day on which the elected officer receives the request, from the county clerk or the lieutenant governor seeking information to determine the officer's residency.
- (6)(a) Notwithstanding Subsection (5), if an elected municipal officer obtains the consent of the municipal legislative body in accordance with Subsection (6)(b) before the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:
- (i) reside at a secondary residence outside the district that the elected officer represents while still maintaining a principal place of residence within the district for a continuous period of up to one year during the officer's term of office; or
 - (ii) be absent from the district that the elected officer represents for a continuous period of up to one year during the officer's term of office.
- (b) At a public meeting, the municipal legislative body may give the consent described in Subsection (6)(a) by majority vote after taking public comment regarding:
- (i) whether the legislative body should give the consent; and
 - (ii) the length of time to which the legislative body should consent.
- (7)(a) The mayor of a municipality may not also serve as the municipal recorder or treasurer.
- (b) The recorder of a municipality may not also serve as the municipal treasurer.
- (c) An individual who holds a county elected office may not, at the same time, hold a municipal elected office.
- (d) The restriction described in Subsection (7)(c) applies regardless of whether the

individual is elected to the office or appointed to fill a vacancy in the office.

Section 2. Section **23A-8-101** is amended to read:

23A-8-101 . Definitions.

As used in this chapter:

- (1) "72 hours" means a time period that begins with the hour a request for action is made pursuant to Section 23A-8-402 and ends 72 hours later with the exclusion of any hour that occurs on ~~[the day of a legal holiday that is on a Monday or Friday and listed in Section 63G-1-301.]~~ a day that is:
 - (a) a Monday or Friday; and
 - (b) a legal holiday other than Election Day under Section 63G-1-301.
- (2) "Cultivated crops" means:
 - (a) annual or perennial crops harvested from or on cleared and planted land;
 - (b) perennial orchard trees on cleared and planted land;
 - (c) crop residues that have forage value for livestock; and
 - (d) pastures.
- (3) "Depredation" means an act causing damage or death.
- (4) "Depredation mitigation plan" means the plan described in Subsection 23A-8-402(2).
- (5) "Growing season" means the portion of a year in which local conditions permit normal plant growth.
- (6) "Livestock" means cattle, sheep, horses, goats, or turkeys.
- (7) "Management unit" means a prescribed area of contiguous land designated by the division for the purpose of managing a species of big game animal.
- (8) "Mitigation review panel" means the panel created under Section 23A-8-404.
- (9)(a) For purposes of Part 2, Damage in General, "predator" means a mountain lion or bear.
- (b) For purposes of Part 4, Damage by Big Game, "predator" means a cougar, bear, or coyote.
- (10) For purposes of Section 23A-8-302, "turkey" means a wild, free-ranging turkey and does not include a privately owned or domestic turkey.
- (11) "Wildlife Services Program" means a program of the United States Department of Agriculture that helps resolve conflicts with wildlife to protect agriculture, other property, and natural resources, and to safeguard human health and safety.
- (12) "Wildlife specialist" means a United States Department of Agriculture, Wildlife Services specialist.

(13)(a) "Wolf" means the gray wolf *Canis lupus*.

(b) "Wolf" does not mean a wolf hybrid with a domestic dog.

Section 3. Section **54-8a-2** is amended to read:

54-8a-2 . Definitions.

As used in this chapter:

(1) "Association" means two or more operators organized to receive notification of excavation activities in the state, as provided by Section 54-8a-9.

(2) "Backfill" means soil or material that is approved for the soil or material's intended use and meets a project's plans and specifications.

(3) "Business hours" means the hours between 8:00 a.m. and 4:00 p.m. Monday through Friday, excluding holidays.

(4) "Board" means the Underground Facilities Damage Dispute Board created in Section 54-8a-13.

(5) "Electronic positive response system" means an automated information system, operated by the association, that allows excavators, locators, operators, and others to communicate the status of an excavation notice.

(6) "Emergency" means an occurrence or suspected natural gas leak necessitating immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

(7) "Excavate" or "excavation" means an operation in which earth, rock, or other material on or below the ground is moved or displaced by tools, equipment, explosives, or demolition.

(8) "Excavation notice" means a communication that:

(a) has a location request assignment;

(b) provides notice of a person's intent to excavate in a specified location in the state; and

(c) meets the requirements of Section 54-8a-4.

(9) "Excavator" means any person that excavates or conducts excavation activities.

(10) "48 hours" means a 48-hour period, occurring during business days that includes any day except Saturday, Sunday, or a holiday, that begins at 8:00 a.m. on the first business day after notice has been submitted.

(11) "Hand tool" means an implement:

(a) powered by hand; or

(b) designed to avoid damaging an underground facility, including a vacuum excavation tool and air knife.

- 166 (12) "Holiday" means:
- 167 (a) ~~[all legal holidays as defined in]~~ a legal holiday other than Election Day under
- 168 Section 63G-1-301[;] ;
- 169 (b) the Friday after Thanksgiving Day[;]
- 170 (c) December 24th[;]
- 171 (d) any other association observed holiday as posted in the association's excavator's
- 172 guide.
- 173 (13) "Location" means the site of a proposed area of excavation described:
- 174 (a)(i) by street address, if available;
- 175 (ii) by the area at that street address to be excavated; and
- 176 (iii) as specified in Subsection 54-8a-4(3) or 54-8a-5(2)(b)(ii); or
- 177 (b) if there is no street address available, by the area of excavation using any available
- 178 designations, including a nearby street or road, an intersection, GPS coordinates, or
- 179 other generally accepted methods.
- 180 (14) "Location request assignment" means a number assigned to a proposed excavation by
- 181 the association upon receiving an excavation notice.
- 182 (15) "Mark" means to locate and indicate the existence of a line or facility according to the
- 183 guidelines published by the association in the association's current version of the
- 184 excavator's guide.
- 185 (16) "Municipality" means the same as that term is defined in Section 10-1-104.
- 186 (17) "No response notice" means notice given by an excavator to the association that:
- 187 (a) describes indications of specific facilities or facility types;
- 188 (b) indicates that the facilities or facility types were not marked by the operator at the
- 189 site of the proposed excavation; and
- 190 (c) is submitted after the excavator previously submitted an excavation notice regarding
- 191 the site.
- 192 (18)(a) "Operator" means a person that owns, operates, or maintains an underground
- 193 facility.
- 194 (b) "Operator" does not include an owner of real property where underground facilities
- 195 are:
- 196 (i) located within:
- 197 (A) the owner's property; or
- 198 (B) a public street adjacent to the owner's property, a right-of-way adjacent to the
- 199 owner's property, or a public utility easement adjacent to the owner's property;

(ii) used exclusively to furnish services to the owner's property; and

(iii) maintained under the operation and control of that owner.

(19) "Person" includes:

(a) an individual, government entity, corporation, partnership, association, or company;
and

(b) the trustee, receiver, assignee, and personal representative of a person listed in
Subsection (19)(a).

(20) "Sewer lateral cleanout" means a point of access where a sewer lateral can be serviced.

(21) "Tolerance zone" means the area surrounding a facility that:

(a) for an underground facility that has the diameter of the facility marked, is the
distance of one half of the marked diameter plus 24 inches on either side of the
designated center;

(b) for an underground facility that does not have the diameter of the facility marked, is
24 inches on either side of the outside edge of the mark indicating a facility; or

(c) for an above ground facility, is 24 inches in each direction of the outside edge of the
physically present facility.

(22) "24 hours" means a 24-hour period, excluding hours occurring during a Saturday,
Sunday, or a holiday.

(23) "Underground facility" means personal property that is buried or placed below ground
level for use in the storage or conveyance of any of the following:

(a) water;

(b) sewage, including sewer laterals;

(c) communications, including electronic, photonic, telephonic, or telegraphic
communications;

(d) television, cable television, or other telecommunication signals, including
transmission to subscribers of video or other programming;

(e) electric power;

(f) oil, gas, or other fluid and gaseous substances;

(g) steam;

(h) slurry; or

(i) dangerous materials or products.

Section 4. Section **61-1-13** is amended to read:

61-1-13 . Definitions.

(1) As used in this chapter:

- 234 (a) "Affiliate" means a person that, directly or indirectly, through one or more
235 intermediaries, controls or is controlled by, or is under common control with a person
236 specified.
- 237 (b)(i) "Agent" means an individual other than a broker-dealer who represents a
238 broker-dealer or issuer in effecting or attempting to effect purchases or sales of
239 securities.
- 240 (ii) "Agent" does not include an individual who represents:
- 241 (A) an issuer, who receives no commission or other remuneration, directly or
242 indirectly, for effecting or attempting to effect purchases or sales of securities
243 in this state, and who effects transactions:
- 244 (I) in securities exempted by Subsection 61-1-14(1)(a), (b), (c), or (g);
245 (II) exempted by Subsection 61-1-14(2);
246 (III) in a covered security as described in Sections 18(b)(3) and 18(b)(4)(F) of
247 the Securities Act of 1933; or
248 (IV) with existing employees, partners, officers, or directors of the issuer; or
249 (B) a broker-dealer in effecting transactions in this state limited to those
250 transactions described in Section 15(h)(2) of the Securities Exchange Act of
251 1934.
- 252 (iii) A partner, officer, or director of a broker-dealer or issuer, or a person occupying
253 a similar status or performing similar functions, is an agent only if the partner,
254 officer, director, or person otherwise comes within the definition of "agent."
- 255 (iv) "Agent" does not include a person described in Subsection (3).
- 256 (c)(i) "Broker-dealer" means a person engaged in the business of effecting
257 transactions in securities for the account of others or for the person's own account.
- 258 (ii) "Broker-dealer" does not include:
- 259 (A) an agent;
260 (B) an issuer;
261 (C) a depository institution or trust company;
262 (D) a person who has no place of business in this state if:
- 263 (I) the person effects transactions in this state exclusively with or through:
264 (Aa) the issuers of the securities involved in the transactions;
265 (Bb) other broker-dealers;
266 (Cc) a depository institution, whether acting for itself or as a trustee;
267 (Dd) a trust company, whether acting for itself or as a trustee;

- (Ee) an insurance company, whether acting for itself or as a trustee;
- (Ff) an investment company, as defined in the Investment Company Act of 1940, whether acting for itself or as a trustee;
- (Gg) a pension or profit-sharing trust, whether acting for itself or as a trustee; or
- (Hh) another financial institution or institutional buyer, whether acting for itself or as a trustee; or
- (II) during any period of 12 consecutive months the person does not direct more than 15 offers to sell or buy into this state in any manner to persons other than those specified in Subsection (1)(c)(ii)(D)(I), whether or not the offeror or an offeree is then present in this state;
- (E) a general partner who organizes and effects transactions in securities of three or fewer limited partnerships, of which the person is the general partner, in any period of 12 consecutive months;
- (F) a person whose participation in transactions in securities is confined to those transactions made by or through a broker-dealer licensed in this state;
- (G) a person who is a principal broker or associate broker licensed in this state and who effects transactions in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit;
- (H) a person effecting transactions in commodity contracts or commodity options;
- (I) a person described in Subsection (3); or
- (J) other persons as the division, by rule or order, may designate, consistent with the public interest and protection of investors, as not within the intent of this Subsection (1)(c).
- (d) "Buy" or "purchase" means a contract for purchase of, contract to buy, or acquisition of a security or interest in a security for value.
- (e) "Commission" means the Securities Commission created in Section 61-1-18.5.
- (f) "Commodity" means, except as otherwise specified by the division by rule:
- (i) an agricultural, grain, or livestock product or byproduct, except real property or a timber, agricultural, or livestock product grown or raised on real property and offered or sold by the owner or lessee of the real property;

- (ii) a metal or mineral, including a precious metal, except a numismatic coin whose fair market value is at least 15% greater than the value of the metal it contains;
- (iii) a gem or gemstone, whether characterized as precious, semi-precious, or otherwise;
- (iv) a fuel, whether liquid, gaseous, or otherwise;
- (v) a foreign currency; and
- (vi) all other goods, articles, products, or items of any kind, except a work of art offered or sold by art dealers, at public auction or offered or sold through a private sale by the owner of the work.

(g)(i) "Commodity contract" means an account, agreement, or contract for the purchase or sale, primarily for speculation or investment purposes and not for use or consumption by the offeree or purchaser, of one or more commodities, whether for immediate or subsequent delivery or whether delivery is intended by the parties, and whether characterized as a cash contract, deferred shipment or deferred delivery contract, forward contract, futures contract, installment or margin contract, leverage contract, or otherwise.

(ii) A commodity contract offered or sold shall, in the absence of evidence to the contrary, be presumed to be offered or sold for speculation or investment purposes.

(iii)(A) A commodity contract may not include a contract or agreement that requires, and under which the purchaser receives, within 28 calendar days from the payment in good funds any portion of the purchase price, physical delivery of the total amount of each commodity to be purchased under the contract or agreement.

(B) A purchaser is not considered to have received physical delivery of the total amount of each commodity to be purchased under the contract or agreement when the commodity or commodities are held as collateral for a loan or are subject to a lien of any person when the loan or lien arises in connection with the purchase of each commodity or commodities.

(h)(i) "Commodity option" means an account, agreement, or contract giving a party to the option the right but not the obligation to purchase or sell one or more commodities or one or more commodity contracts, or both whether characterized as an option, privilege, indemnity, bid, offer, put, call, advance guaranty, decline guaranty, or otherwise.

(ii) "Commodity option" does not include an option traded on a national securities

- 336 exchange registered:
- 337 (A) with the Securities and Exchange Commission; or
- 338 (B) on a board of trade designated as a contract market by the Commodity Futures
- 339 Trading Commission.
- 340 (i) "Depository institution" means the same as that term is defined in Section 7-1-103.
- 341 (j) "Director" means the director of the division appointed in accordance with Section
- 342 61-1-18.
- 343 (k) "Division" means the Division of Securities established by Section 61-1-18.
- 344 (l) "Executive director" means the executive director of the Department of Commerce.
- 345 (m) "Federal covered adviser" means a person who:
- 346 (i) is registered under Section 203 of the Investment Advisers Act of 1940; or
- 347 (ii) is excluded from the definition of "investment adviser" under Section 202(a)(11)
- 348 of the Investment Advisers Act of 1940.
- 349 (n) "Federal covered security" means a security that is a covered security under Section
- 350 18(b) of the Securities Act of 1933 or rules or regulations promulgated under Section
- 351 18(b) of the Securities Act of 1933.
- 352 (o) "Fraud," "deceit," and "defraud" are not limited to their common-law meanings.
- 353 (p) "Guaranteed" means guaranteed as to payment of principal or interest as to debt
- 354 securities, or dividends as to equity securities.
- 355 (q)(i) "Investment adviser" means a person who:
- 356 (A) for compensation, engages in the business of advising others, either directly or
- 357 through publications or writings, as to the value of securities or as to the
- 358 advisability of investing in, purchasing, or selling securities; or
- 359 (B) for compensation and as a part of a regular business, issues or promulgates
- 360 analyses or reports concerning securities.
- 361 (ii) "Investment adviser" includes a financial planner or other person who:
- 362 (A) as an integral component of other financially related services, provides the
- 363 investment advisory services described in Subsection (1)(q)(i) to others as part
- 364 of a business;
- 365 (B) holds the person out as providing the investment advisory services described
- 366 in Subsection (1)(q)(i) to others; or
- 367 (C) holds the person out as a financial adviser, financial consultant, or any other
- 368 similar title as the division may specify in rule made in accordance with Title
- 369 63G, Chapter 3, Utah Administrative Rulemaking Act, in any way as to imply

370 that the person is generally engaged in an investment advisory business,
371 including a person who does not hold a securities license and uses a title
372 described in this Subsection (1)(q)(ii)(C) in any advertising or marketing
373 material.

374 (iii) "Investment adviser" does not include:

375 (A) an investment adviser representative;

376 (B) a depository institution or trust company;

377 (C) a lawyer, accountant, engineer, or teacher whose performance of these
378 services is solely incidental to the practice of the profession;

379 (D) a broker-dealer or its agent whose performance of these services is solely
380 incidental to the conduct of its business as a broker-dealer and who receives no
381 special compensation for the services;

382 (E) a publisher of a bona fide newspaper, news column, news letter, news
383 magazine, or business or financial publication or service, of general, regular,
384 and paid circulation, whether communicated in hard copy form, or by
385 electronic means, or otherwise, that does not consist of the rendering of advice
386 on the basis of the specific investment situation of each client;

387 (F) a person who is a federal covered adviser;

388 (G) a person described in Subsection (3); or

389 (H) such other persons not within the intent of this Subsection (1)(q) as the
390 division may by rule or order designate.

391 (r)(i) "Investment adviser representative" means a partner, officer, director of, or a
392 person occupying a similar status or performing similar functions, or other
393 individual, except clerical or ministerial personnel, who:

394 (A)(I) is employed by or associated with an investment adviser who is licensed
395 or required to be licensed under this chapter; or

396 (II) has a place of business located in this state and is employed by or
397 associated with a federal covered adviser; and

398 (B) does any of the following:

399 (I) makes a recommendation or otherwise renders advice regarding securities;

400 (II) manages accounts or portfolios of clients;

401 (III) determines which recommendation or advice regarding securities should
402 be given;

403 (IV) solicits, offers, or negotiates for the sale of or sells investment advisory

- 404 services; or
- 405 (V) supervises employees who perform any of the acts described in this
- 406 Subsection (1)(r)(i)(B).
- 407 (ii) "Investment adviser representative" does not include a person described in
- 408 Subsection (3).
- 409 (s) "Investment contract" includes:
- 410 (i) an investment in a common enterprise with the expectation of profit to be derived
- 411 through the essential managerial efforts of someone other than the investor; or
- 412 (ii) an investment by which:
- 413 (A) an offeree furnishes initial value to an offerer;
- 414 (B) a portion of the initial value is subjected to the risks of the enterprise;
- 415 (C) the furnishing of the initial value is induced by the offerer's promises or
- 416 representations that give rise to a reasonable understanding that a valuable
- 417 benefit of some kind over and above the initial value will accrue to the offeree
- 418 as a result of the operation of the enterprise; and
- 419 (D) the offeree does not receive the right to exercise practical and actual control
- 420 over the managerial decisions of the enterprise.
- 421 (t) "Isolated transaction" means not more than a total of two transactions that occur
- 422 anywhere during six consecutive months.
- 423 (u)(i) "Issuer" means a person who issues or proposes to issue a security or has
- 424 outstanding a security that it has issued.
- 425 (ii) With respect to a preorganization certificate or subscription, "issuer" means the
- 426 one or more promoters of the person to be organized.
- 427 (iii) "Issuer" means the one or more persons performing the acts and assuming duties
- 428 of a depositor or manager under the provisions of the trust or other agreement or
- 429 instrument under which the security is issued with respect to:
- 430 (A) interests in trusts, including collateral trust certificates, voting trust
- 431 certificates, and certificates of deposit for securities; or
- 432 (B) shares in an investment company without a board of directors.
- 433 (iv) With respect to an equipment trust certificate, a conditional sales contract, or
- 434 similar securities serving the same purpose, "issuer" means the person by whom
- 435 the equipment or property is to be used.
- 436 (v) With respect to interests in partnerships, general or limited, "issuer" means the
- 437 partnership itself and not the general partner or partners.

- 438 (vi) With respect to certificates of interest or participation in oil, gas, or mining titles
439 or leases or in payment out of production under the titles or leases, "issuer" means
440 the owner of the title or lease or right of production, whether whole or fractional,
441 who creates fractional interests therein for the purpose of sale.
- 442 (v)(i) "Life settlement interest" means the entire interest or a fractional interest in any
443 of the following that is the subject of a life settlement:
444 (A) a policy; or
445 (B) the death benefit under a policy.
- 446 (ii) "Life settlement interest" does not include the initial purchase from the owner by
447 a life settlement provider.
- 448 (w) "Nonissuer" means not directly or indirectly for the benefit of the issuer.
- 449 (x) "Person" means:
450 (i) an individual;
451 (ii) a corporation;
452 (iii) a partnership;
453 (iv) a limited liability company;
454 (v) an association;
455 (vi) a joint-stock company;
456 (vii) a joint venture;
457 (viii) a trust where the interests of the beneficiaries are evidenced by a security;
458 (ix) an unincorporated organization;
459 (x) a government; or
460 (xi) a political subdivision of a government.
- 461 (y) "Precious metal" means the following, whether in coin, bullion, or other form:
462 (i) silver;
463 (ii) gold;
464 (iii) platinum;
465 (iv) palladium;
466 (v) copper; and
467 (vi) such other substances as the division may specify by rule.
- 468 (z) "Promoter" means a person who, acting alone or in concert with one or more persons,
469 takes initiative in founding or organizing the business or enterprise of a person.
- 470 (aa)(i) Except as provided in Subsection (1)(aa)(ii), "record" means information that
471 is:

- 472 (A) inscribed in a tangible medium; or
473 (B)(I) stored in an electronic or other medium; and
474 (II) retrievable in perceivable form.
- 475 (ii) This Subsection (1)(aa) does not apply when the context requires otherwise,
476 including when "record" is used in the following phrases:
477 (A) "of record";
478 (B) "official record"; or
479 (C) "public record."
- 480 (bb)(i) "Sale" or "sell" includes a contract for sale of, contract to sell, or disposition
481 of, a security or interest in a security for value.
- 482 (ii) "Offer" or "offer to sell" includes an attempt or offer to dispose of, or solicitation
483 of an offer to buy, a security or interest in a security for value.
- 484 (iii) The following are examples of the definitions in Subsection (1)(bb)(i) or (ii):
- 485 (A) a security given or delivered with or as a bonus on account of a purchase of a
486 security or any other thing, is part of the subject of the purchase, and is offered
487 and sold for value;
- 488 (B) a purported gift of assessable stock is an offer or sale as is each assessment
489 levied on the stock;
- 490 (C) an offer or sale of a security that is convertible into, or entitles its holder to
491 acquire or subscribe to another security of the same or another issuer is an offer
492 or sale of that security, and also an offer of the other security, whether the right
493 to convert or acquire is exercisable immediately or in the future;
- 494 (D) a conversion or exchange of one security for another constitutes an offer or
495 sale of the security received in a conversion or exchange, and the offer to buy
496 or the purchase of the security converted or exchanged;
- 497 (E) securities distributed as a dividend wherein the person receiving the dividend
498 surrenders the right, or the alternative right, to receive a cash or property
499 dividend is an offer or sale;
- 500 (F) a dividend of a security of another issuer is an offer or sale; or
- 501 (G) the issuance of a security under a merger, consolidation, reorganization,
502 recapitalization, reclassification, or acquisition of assets constitutes the offer or
503 sale of the security issued as well as the offer to buy or the purchase of a
504 security surrendered in connection therewith, unless the sole purpose of the
505 transaction is to change the issuer's domicile.

(iv) The terms defined in Subsections (1)(bb)(i) and (ii) do not include:

(A) a good faith gift;

(B) a transfer by death;

(C) a transfer by termination of a trust or of a beneficial interest in a trust;

(D) a security dividend not within Subsection (1)(bb)(iii)(E) or (F); or

(E) a securities split or reverse split.

(cc) "Securities Act of 1933," "Securities Exchange Act of 1934," and "Investment Company Act of 1940" mean the federal statutes of those names as amended before or after the effective date of this chapter.

(dd) "Securities Exchange Commission" means the United States Securities Exchange Commission created by the Securities Exchange Act of 1934.

(ee)(i) "Security" means a:

(A) note;

(B) stock;

(C) treasury stock;

(D) bond;

(E) debenture;

(F) evidence of indebtedness;

(G) certificate of interest or participation in a profit-sharing agreement;

(H) collateral-trust certificate;

(I) preorganization certificate or subscription;

(J) transferable share;

(K) investment contract;

(L) burial certificate or burial contract;

(M) voting-trust certificate;

(N) certificate of deposit for a security;

(O) certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease;

(P) commodity contract or commodity option;

(Q) interest in a limited liability company;

(R) life settlement interest; or

(S) in general, an interest or instrument commonly known as a "security," or a certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase an item

- 540 listed in Subsections (1)(ee)(i)(A) through (R).
- 541 (ii) "Security" does not include:
- 542 (A) an insurance or endowment policy or annuity contract under which an
- 543 insurance company promises to pay money in a lump sum or periodically for
- 544 life or some other specified period;
- 545 (B) an interest in a limited liability company in which the limited liability
- 546 company is formed as part of an estate plan where all of the members are
- 547 related by blood or marriage, or the person claiming this exception can prove
- 548 that all of the members are actively engaged in the management of the limited
- 549 liability company; or
- 550 (C)(I) a whole long-term estate in real property;
- 551 (II) an undivided fractionalized long-term estate in real property that consists
- 552 of 10 or fewer owners; or
- 553 (III) an undivided fractionalized long-term estate in real property that consists
- 554 of more than 10 owners if, when the real property estate is subject to a
- 555 management agreement:
- 556 (Aa) the management agreement permits a simple majority of owners of the
- 557 real property estate to not renew or to terminate the management
- 558 agreement at the earlier of the end of the management agreement's
- 559 current term, or 180 days after the day on which the owners give notice
- 560 of termination to the manager; and
- 561 (Bb) the management agreement prohibits, directly or indirectly, the lending
- 562 of the proceeds earned from the real property estate or the use or pledge
- 563 of its assets to a person or entity affiliated with or under common control
- 564 of the manager.
- 565 (iii) For purposes of Subsection (1)(ee)(ii)(B), evidence that members vote or have
- 566 the right to vote, or the right to information concerning the business and affairs of
- 567 the limited liability company, or the right to participate in management, may not
- 568 establish, without more, that all members are actively engaged in the management
- 569 of the limited liability company.
- 570 (ff) "State" means a state, territory, or possession of the United States, the District of
- 571 Columbia, and Puerto Rico.
- 572 (gg)(i) "Undivided fractionalized long-term estate" means the same as that term is
- 573 defined in Section 57-29-102.

- 574 (ii) "Undivided fractionalized long-term estate" does not include a joint tenancy.
- 575 (hh) "Undue influence" means that a person uses a relationship or position of authority,
- 576 trust, or confidence:
- 577 (i) that is unrelated to a relationship created:
- 578 (A) in the ordinary course of making investments regulated under this chapter; or
- 579 (B) by a licensee providing services under this chapter;
- 580 (ii) that results in:
- 581 (A) an investor perceiving the person as having heightened credibility, personal
- 582 trustworthiness, or dependability; or
- 583 (B) the person having special access to or control of an investor's financial
- 584 resources, information, or circumstances; and
- 585 (iii) to:
- 586 (A) exploit the trust, dependence, or fear of the investor;
- 587 (B) knowingly assist or cause another to exploit the trust, dependence, or fear of
- 588 the investor; or
- 589 (C) gain control deceptively over the decision making of the investor.
- 590 (ii) "Vulnerable adult" means the same as that term is defined in Section 26B-6-201.
- 591 (jj) "Whole long-term estate" means a person owns or persons through joint tenancy own
- 592 real property through a fee estate.
- 593 (kk)(i) "Working days" means 8 a.m. to 5 p.m., Monday through Friday~~[, exclusive~~
- 594 ~~of legal holidays listed in Section 63G-1-301].~~
- 595 (ii) "Working days" does not include a day that is a legal holiday other than Election
- 596 Day under Section 63G-1-301.
- 597 (2) A term not defined in this section shall have the meaning as established by division rule.
- 598 The meaning of a term neither defined in this section nor by rule of the division shall be
- 599 the meaning commonly accepted in the business community.
- 600 (3)(a) This Subsection (3) applies to the offer or sale of a real property estate exempted
- 601 from the definition of security under Subsection (1)(ee)(ii)(C).
- 602 (b) A person who, directly or indirectly receives compensation in connection with the
- 603 offer or sale as provided in this Subsection (3) of a real property estate is not an
- 604 agent, broker-dealer, investment adviser, or investment adviser representative under
- 605 this chapter if that person is licensed under Chapter 2f, Real Estate Licensing and
- 606 Practices Act, as:
- 607 (i) a principal broker;

- (ii) an associate broker; or
- (iii) a sales agent.

Section 5. Section **63A-17-510** is amended to read:

63A-17-510 . Annual leave -- Definitions -- Previously accrued hours --

Recognition of liability.

(1) As used in this section:

- (a)(i) "Annual leave II" means leave hours an employing agency provides to an employee, beginning on the change date established in Subsection (2), as time off from work for personal use without affecting the employee's pay.
- (ii) "Annual leave II" does not include:
 - (A) ~~[legal holidays]~~ a legal holiday other than Election Day under Section 63G-1-301;
 - (B) time off as compensation for actual time worked in excess of an employee's defined work period;
 - (C) sick leave;
 - (D) paid or unpaid administrative leave; or
 - (E) other paid or unpaid leave from work provided by state statute, administrative rule, or by federal law or regulation.

(b) "Change date" means the date established by the Division of Finance under Subsection (2) when annual leave II begins for a state agency.

(2) In accordance with the Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Division of Finance shall establish a date that is no later than January 2, 2016, when a state agency shall offer annual leave II in lieu of annual leave to an employee who is eligible to receive paid leave.

(3) An employing agency shall allow an employee who has an unused balance of accrued annual leave before the change date, to use the annual leave under the same rules that applied to the leave on the change date.

(4)(a) At the time of employee accrual of annual leave II, an employing agency shall set aside the cost of each hour of annual leave II for each eligible employee in an amount determined in accordance with rules made by the Division of Finance.

(b) The rules made under Subsection (4)(a) shall consider:

- (i) the employee hourly rate of pay;
- (ii) applicable employer paid taxes that would be required if the employee was paid for the annual leave II instead of using it for time off;

- (iii) other applicable employer paid benefits; and
- (iv) adjustments due to employee hourly rate changes, including the effect on accrued annual leave II balances.

(c) The Division of Finance shall provide that the amount of costs set aside under Subsection (4)(a) and deposited into the fund increase by at least the projected increase in annual leave liability for that year, until the year-end trust fund balances are reached as required under Subsection 67-19f-201(3)(b).

(5) The cost set aside under Subsection (4) shall be deposited by the Division of Finance into the State Employees' Annual Leave Trust Fund created in Section 67-19f-201.

(6) For annual leave hours accrued before the change date, an employing agency shall continue to comply with the Division of Finance requirements for contributions to the termination pool.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

(a) the division shall make rules for the accrual and use of annual leave II provided under this section; and

(b) the Division of Finance shall make rules for the set aside provisions under Subsections (4) and (5).

Section 6. Section **63G-1-301** is amended to read:

63G-1-301 . Legal holidays -- Personal preference day -- Governor authorized to declare additional days.

(1)(a) The following named days are legal holidays in this state:

- (i) every Sunday, except as provided in Subsection (1)(e);
- (ii) January 1, called New Year's Day;
- (iii) the third Monday of January, called Dr. Martin Luther King, Jr. Day;
- (iv) the third Monday of February, called Washington and Lincoln Day;
- (v) the last Monday of May, called Memorial Day;
- (vi) on the day described in Subsection (1)(f), Juneteenth National Freedom Day;
- (vii) July 4, called Independence Day;
- (viii) July 24, called Pioneer Day;
- (ix) the first Monday of September, called Labor Day;
- (x) the second Monday of October, called Columbus Day;
- (xi) the first Tuesday after the first Monday in November, called Election Day;
- ~~[(xi)]~~ (xii) November 11, called Veterans Day;
- ~~[(xii)]~~ (xiii) the fourth Thursday of November, called Thanksgiving Day;

676 ~~[(xiii)]~~ (xiv) December 25, called Christmas; and

677 ~~[(xiv)]~~ (xv) all days which may be set apart by the President of the United States, or
678 the governor of this state by proclamation as days of fast or thanksgiving.

679 (b) If any of the holidays under Subsections (1)(a)(ii) through (v) or Subsections
680 (1)(a)(vii) through ~~[(xiv)]~~ (xv) falls on Sunday, then the following Monday shall be
681 the holiday.

682 (c) If any of the holidays under Subsections (1)(a)(ii) through (v) or Subsections
683 (1)(a)(vii) through ~~[(xiv)]~~ (xv) falls on Saturday, then the preceding Friday shall be
684 the holiday.

685 (d) Each employee may select one additional day, called Personal Preference Day, to be
686 scheduled pursuant to rules adopted by the Division of Human Resource
687 Management.

688 (e) For purposes of Utah Constitution Article VI, Section 16, Subsection (1), regarding
689 the exclusion of state holidays from the 45-day legislative general session, Sunday is
690 not considered a state holiday.

691 (f)(i) The Juneteenth National Freedom Day holiday is on June 19, if that day is on a
692 Monday.

693 (ii) If June 19 is on a Tuesday, Wednesday, Thursday, or Friday, the Juneteenth
694 National Freedom Day holiday is on the immediately preceding Monday.

695 (iii) If June 19 is on a Saturday or Sunday, the Juneteenth National Freedom Day
696 holiday is on the immediately following Monday.

697 (2)(a) Whenever in the governor's opinion extraordinary conditions exist justifying the
698 action, the governor may:

699 (i) declare, by proclamation, legal holidays in addition to those holidays under
700 Subsection (1); and

701 (ii) limit the holidays to certain classes of business and activities to be designated by
702 the governor.

703 (b) A holiday may not extend for a longer period than 60 consecutive days.

704 (c) Any holiday may be renewed for one or more periods not exceeding 30 days each as
705 the governor may consider necessary, and any holiday may, by like proclamation, be
706 terminated before the expiration of the period for which it was declared.

707 Section 7. Section **67-27-103** is amended to read:

708 **67-27-103 . State agency work week.**

709 (1) Except as provided in Subsection (2), and subject to Subsection (3):

- 710 (a) a state agency with five or more employees shall, at least nine hours per day on
711 Monday, Tuesday, Wednesday, Thursday, and Friday to provide a service required
712 by statute to another entity of the state, a political subdivision, or the public:
713 (i) in person;
714 (ii) online; or
715 (iii) by telephone;
- 716 (b) a state agency with fewer than five employees shall, at least eight hours per day on
717 Monday, Tuesday, Wednesday, Thursday, and Friday, provide a service required by
718 statute to another entity of the state, a political subdivision, or the public:
719 (i) in person;
720 (ii) online; or
721 (iii) by telephone.

722 (2)(a) ~~[Subsection (1)]~~ Except for Election Day, Subsection (1) does not require a state
723 agency to operate a physical location, or provide a service, on a holiday established
724 under Section 63G-1-301.

- 725 (b) Except for a legal holiday ~~[established]~~ other than Election Day under Section
726 63G-1-301, the following state agencies shall operate at least one physical location,
727 and as many physical locations as necessary, at least nine hours per day on Monday,
728 Tuesday, Wednesday, Thursday, and Friday to provide a service required by statute
729 to another entity of the state, a political subdivision, or the public:
730 (i) the Division of Technology Services, created in Section 63A-16-103;
731 (ii) the Division of Child and Family Services, created in Section 80-2-201; and
732 (iii) the Office of Guardian Ad Litem, created in Section 78A-2-802.

733 (3) A state agency shall make staff available, as necessary, to provide:

- 734 (a) services incidental to a court or administrative proceeding, during the hours of
735 operation of a court or administrative body, including:
736 (i) testifying;
737 (ii) the production of records or evidence; and
738 (iii) other services normally available to a court or administrative body;
- 739 (b) security services; and
740 (c) emergency services.

741 (4) This section does not limit the days or hours a state agency may operate.

742 (5) To provide a service as required by Subsection (1), the chief administrative officer of a
743 state agency may determine:

(a) the number of physical locations, if any are required by this section, operating each day;

(b) the daily hours of operation of a physical location;

(c) the number of state agency employees who work per day; and

(d) the hours a state agency employee works per day.

(6) To provide a service as required by Subsection (2)(b), the chief administrative officer of a state agency, or a person otherwise designated by law, may determine:

(a) the number of physical locations operating each day;

(b) the daily hours of operation, as required by Subsection (2)(b), of each physical location;

(c) the number of state agency employees who work per day; and

(d) the hours a state agency employee works per day.

(7) A state agency shall:

(a) provide information, accessible from a conspicuous link on the home page of the state agency's website, on a method that a person may use to schedule an in-person meeting with a representative of the state agency; and

(b) except as provided in Subsection (8), as soon as reasonably possible:

(i) contact a person who makes a request for an in-person meeting; and

(ii) when appropriate, schedule and hold an in-person meeting with the person that requests an in-person meeting.

(8) A state agency is not required to comply with Subsection (7)(b) to the extent that the contact or meeting:

(a) would constitute a conflict of interest;

(b) would conflict or interfere with a procurement governed by Title 63G, Chapter 6a, Utah Procurement Code;

(c) would violate an ethical requirement of the state agency or an employee of the state agency; or

(d) would constitute a violation of law.

Section 8. **Effective Date.**

This bill takes effect on January 1, 2026.