

Michael K. McKell proposes the following substitute bill:

Legislative Activities Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill amends provisions related to the Legislative Management Committee (LMC), the State Capitol Preservation Board, and the Legislature.

Highlighted Provisions:

This bill:

- specifies that a lobbyist may not engage in conduct that violates LMC's policy on workplace discrimination and harassment;
- directs a lobbyist who is a victim of workplace discrimination or harassment by a legislative worker to file a complaint with LMC;
- provides that LMC shall oversee and develop policies governing branch-wide internal administrative matters for the Legislature;
- eliminates certain administrative duties of the presiding officer and the majority and minority leaders of each house and the chairman of LMC;
- eliminates the LMC Subcommittee on Oversight;
- eliminates the Legislature's responsibility to print, store, and distribute the Utah Code Annotated;
- clarifies the chambers and offices of the Legislature that may act as a procurement unit;
- for the State Capitol Preservation Board:
 - specifies certain rules that the board shall promulgate to govern, administer, and regulate capitol hill;
 - provides that the board's authority to promulgate a rule described above does not restrict LMC from adopting a similar policy on behalf of the Legislature;
 - provides that if there is a conflict between a board rule and an LMC policy the LMC policy prevails; and
 - directs the executive director of the board to notify and consult with the speaker of the

House of Representatives and the president of the Senate when a person appeals an administrative denial of a requested activity in the legislative area;

- provides that a bill summary prepared by a staff member of the Senate or the House of Representatives, or by a staff office for the Legislature is not evidence of legislative intent; 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:**

36-11-501, as enacted by Laws of Utah 2019, Chapter 339

36-12-7, as last amended by Laws of Utah 2024, Chapter 425

36-13-1, as last amended by Laws of Utah 1987, Chapter 130

63G-6a-103, as last amended by Laws of Utah 2024, Chapters 291, 408 and 438

63O-2-301, as renumbered and amended by Laws of Utah 2024, Chapter 425

ENACTS:

68-3-13.5, Utah Code Annotated 1953

REPEALS:

36-12-8.1, as last amended by Laws of Utah 2024, Chapter 425

36-12-17, as last amended by Laws of Utah 1985, Chapter 47

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

Section 1. Section **36-11-501** is amended to read:

36-11-501 . Unlawful harassment -- Investigation -- Penalties.

(1) A lobbyist may not engage in conduct that violates:

- (a) federal workplace discrimination and harassment requirements;
- (b) ~~[Utah Senate or Utah House]~~ Legislative Management Committee policies governing workplace discrimination or harassment;
- (c) Utah executive branch policies governing workplace discrimination or harassment; or
- (d) any combination of ~~[Subsections]~~ Subsection (1)(a), (b), or (c).

(2)(a) The lieutenant governor may take an action described in Subsection (3) against a lobbyist if the lieutenant governor finds, after giving the lobbyist notice and an

63 opportunity to be heard, that the lobbyist engaged in a serious violation, or multiple
64 violations, of this section.

65 (b) The lieutenant governor shall post on the lieutenant governor's website a copy of the [
66 ~~Utah Senate's harassment policy, the Utah House's harassment policy,~~] Legislative
67 Management Committee's workplace discrimination and harassment policy and the
68 executive branch's harassment policies.

69 (3) If the lieutenant governor makes a finding described in Subsection (2)(a), the lieutenant
70 governor may, taking into account the seriousness of the violation or the seriousness or
71 frequency of multiple violations, do either or both of the following:

72 (a) impose an administrative fine against the lobbyist, not to exceed \$2,000; or

73 (b) suspend the lobbyist's license for a period of up to five years.

74 (4) A record that relates to an investigation under this section is a protected record, to the
75 extent permitted by Title 63G, Chapter 2, Government Records Access and Management
76 Act.

77 (5)(a) A lobbyist who is a victim of workplace discrimination or harassment by an
78 executive worker may file a complaint under the state executive branch's applicable
79 workplace discrimination and harassment policy.

80 (b) A lobbyist who is a victim of workplace discrimination or harassment by a
81 legislative worker may file a complaint under the [~~Utah Senate's workplace~~
82 ~~discrimination and harassment policy or the Utah House's~~] Legislative Management
83 Committee's workplace discrimination and harassment policy.

84 Section 2. Section **36-12-7** is amended to read:

85 **36-12-7 . Legislative Management Committee -- Duties -- Litigation.**

86 (1) The Senate or House Management Committee shall:

87 (a) receive legislative resolutions directing studies on legislative matters and may assign
88 these studies to the appropriate interim committee of its chamber;

89 (b) assign to interim committees of the same chamber, matters of legislative study not
90 specifically contained in a legislative resolution but considered significant to the
91 welfare of the state;

92 (c) receive requests from interim committees of its chamber for matters to be included
93 on the study agenda of the requesting committee. Appropriate bases for denying a
94 study include inadequate funding to properly complete the study or duplication of the
95 work;

96 (d) establish a budget account for interim committee day as designated by Legislative

Management Committee and for all other legislative committees of its chamber and allocate to that account sufficient funds to adequately provide for the work of the committee; and

(e) designate the time and place for periodic meetings of the interim committees.

(2) To maximize the use of legislators' available time, the Senate and House Management Committees should attempt to schedule the committee meetings of their respective chambers during the same one or two-day period each month. This does not preclude an interim committee from meeting at any time it determines necessary to complete its business.

(3)(a) The Legislative Management Committee shall:

(i) appoint, after recommendation of the appropriate subcommittee of the Legislative Management Committee, without regard to political affiliation, and subject to approval of a majority vote of both chambers, individuals qualified for the positions of director of the Office of Legislative Research and General Counsel, legislative fiscal analyst, legislative general counsel, and legislative auditor general;

(ii) [develop] oversee branch-wide internal administrative matters for the Legislature, including providing for the establishment of policies for:

(A) personnel management, compensation, and training of all professional legislative staff; and

(B) other legislative branch-wide administrative matters;

(iii) develop a policy within the limits of legislative appropriation for the authorization and payment to legislators of compensation and travel expenses, including out-of-state travel;

(iv) approve special study budget requests of the legislative directors; and

(v) assist the speaker-elect of the House of Representatives and the president-elect of the Senate, upon selection by their majority party caucus, to organize their respective chambers of the Legislature and assume the direction of the operation of the Legislature in the forthcoming annual general session.

(b)(i)(A) An appointment under Subsection (3)(a)(i) is for a six-year term, subject to renewal by a majority vote of the Legislative Management Committee.

(B) Each renewal is for an additional six-year term and is not subject to approval by the Legislature.

(ii) The Legislature by a majority vote of both chambers or the Legislative

Management Committee by a two-thirds vote may remove an individual appointed under this Subsection (3) before the expiration of the individual's term for such causes as inefficiency, incompetency, failure to maintain skills or adequate performance levels, insubordination, misfeasance, malfeasance, or nonfeasance in office.

(c) If a vacancy occurs in a position appointed under this Subsection (3), the Legislative Management Committee shall appoint an individual to fill the vacancy until the Legislature approves or rejects the individual's appointment by a majority vote of both chambers.

(4)(a) The Legislature delegates to the Legislative Management Committee the authority, by means of a majority vote of the committee, to direct the legislative general counsel in matters involving the Legislature's participation in litigation.

(b) The Legislature has an unconditional right to intervene in a state court action and may provide evidence or argument, written or oral, if a party to that court action challenges:

- (i) the constitutionality of a state statute;
- (ii) the validity of legislation; or
- (iii) any action of the Legislature.

(c) In a federal court action that challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature, the Legislature may seek to intervene, to file an amicus brief, or to present argument in accordance with federal rules of procedure.

(d) Intervention by the Legislature pursuant to Subsection (4)(b) or (c) does not limit the duty of the attorney general to appear and prosecute legal actions or defend state agencies, officers or employees as otherwise provided by law.

(e) In any action in which the Legislature intervenes or participates, legislative counsel and the attorney general shall function independently from each other in the representation of their respective clients.

(f) The attorney general shall notify the legislative general counsel of a claim in accordance with Subsection 67-5-1(1)(y).

Section 3. Section **36-13-1** is amended to read:

36-13-1 . Distribution of legislative publications by Legislature.

The Legislature is responsible for printing, storing, and distributing:

- (1) the legislative session laws;

165 (2) the House and Senate Journals; and
166 [~~(3) the Utah Code Annotated; and~~]
167 [~~(4)~~] (3) [~~all~~] other legislative reports and publications [~~of Utah statutes~~].

168 Section 4. Section **63G-6a-103** is amended to read:

169 **63G-6a-103 . Definitions.**

170 As used in this chapter:

- 171 (1) "Approved vendor" means a person who has been approved for inclusion on an
172 approved vendor list through the approved vendor list process.
- 173 (2) "Approved vendor list" means a list of approved vendors established under Section
174 63G-6a-507.
- 175 (3) "Approved vendor list process" means the procurement process described in Section
176 63G-6a-507.
- 177 (4) "Bidder" means a person who submits a bid or price quote in response to an invitation
178 for bids.
- 179 (5) "Bidding process" means the procurement process described in Part 6, Bidding.
- 180 (6) "Board" means the Utah State Procurement Policy Board, created in Section 63G-6a-202.
- 181 (7) "Change directive" means a written order signed by the procurement officer that directs
182 the contractor to suspend work or make changes, as authorized by contract, without the
183 consent of the contractor.
- 184 (8) "Change order" means a written alteration in specifications, delivery point, rate of
185 delivery, period of performance, price, quantity, or other provisions of a contract, upon
186 mutual agreement of the parties to the contract.
- 187 (9) "Chief procurement officer" means the individual appointed under Section 63A-2-102.
- 188 (10) "Conducting procurement unit" means a procurement unit that conducts all aspects of a
189 procurement:
- 190 (a) except:
- 191 (i) reviewing a solicitation to verify that it is in proper form; and
192 (ii) causing the publication of a notice of a solicitation; and
- 193 (b) including:
- 194 (i) preparing any solicitation document;
195 (ii) appointing an evaluation committee;
196 (iii) conducting the evaluation process, except the process relating to scores
197 calculated for costs of proposals;
198 (iv) selecting and recommending the person to be awarded a contract;

(v) negotiating the terms and conditions of a contract, subject to the issuing procurement unit's approval; and

(vi) contract administration.

(11) "Conservation district" means the same as that term is defined in Section 17D-3-102.

(12) "Construction project":

(a) means a project for the construction, renovation, alteration, improvement, or repair of a public facility on real property, including all services, labor, supplies, and materials for the project; and

(b) does not include services and supplies for the routine, day-to-day operation, repair, or maintenance of an existing public facility.

(13) "Construction manager/general contractor":

(a) means a contractor who enters into a contract:

(i) for the management of a construction project; and

(ii) that allows the contractor to subcontract for additional labor and materials that are not included in the contractor's cost proposal submitted at the time of the procurement of the contractor's services; and

(b) does not include a contractor whose only subcontract work not included in the contractor's cost proposal submitted as part of the procurement of the contractor's services is to meet subcontracted portions of change orders approved within the scope of the project.

(14) "Construction subcontractor":

(a) means a person under contract with a contractor or another subcontractor to provide services or labor for the design or construction of a construction project;

(b) includes a general contractor or specialty contractor licensed or exempt from licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and

(c) does not include a supplier who provides only materials, equipment, or supplies to a contractor or subcontractor for a construction project.

(15) "Contract" means an agreement for a procurement.

(16) "Contract administration" means all functions, duties, and responsibilities associated with managing, overseeing, and carrying out a contract between a procurement unit and a contractor, including:

(a) implementing the contract;

(b) ensuring compliance with the contract terms and conditions by the conducting procurement unit and the contractor;

- 233 (c) executing change orders;
234 (d) processing contract amendments;
235 (e) resolving, to the extent practicable, contract disputes;
236 (f) curing contract errors and deficiencies;
237 (g) terminating a contract;
238 (h) measuring or evaluating completed work and contractor performance;
239 (i) computing payments under the contract; and
240 (j) closing out a contract.
- 241 (17) "Contractor" means a person who is awarded a contract with a procurement unit.
- 242 (18) "Cooperative procurement" means procurement conducted by, or on behalf of:
243 (a) more than one procurement unit; or
244 (b) a procurement unit and a cooperative purchasing organization.
- 245 (19) "Cooperative purchasing organization" means an organization, association, or alliance
246 of purchasers established to combine purchasing power in order to obtain the best value
247 for the purchasers by engaging in procurements in accordance with Section 63G-6a-2105.
- 248 (20) "Cost-plus-a-percentage-of-cost contract" means a contract under which the contractor
249 is paid a percentage of the total actual expenses or costs in addition to the contractor's
250 actual expenses or costs.
- 251 (21) "Cost-reimbursement contract" means a contract under which a contractor is
252 reimbursed for costs which are allowed and allocated in accordance with the contract
253 terms and the provisions of this chapter, and a fee, if any.
- 254 (22) "Days" means calendar days, unless expressly provided otherwise.
- 255 (23) "Definite quantity contract" means a fixed price contract that provides for a specified
256 amount of supplies over a specified period, with deliveries scheduled according to a
257 specified schedule.
- 258 (24) "Design professional" means:
259 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
260 Licensing Act;
261 (b) an individual licensed as a professional engineer or professional land surveyor under
262 Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors
263 Licensing Act;
264 (c) an individual licensed under Title 58, Chapter 53, Landscape Architects Licensing
265 Act, to engage in the practice of landscape architecture, as defined in Section
266 58-53-102; or

- 267 (d) an individual certified as a commercial interior designer under Title 58, Chapter 86,
268 State Certification of Commercial Interior Designers Act.
- 269 (25) "Design professional procurement process" means the procurement process described
270 in Part 15, Design Professional Services.
- 271 (26) "Design professional services" means:
- 272 (a) professional services within the scope of the practice of architecture as defined in
273 Section 58-3a-102;
- 274 (b) professional engineering as defined in Section 58-22-102;
- 275 (c) master planning and programming services;
- 276 (d) professional services within the scope of the practice of landscape architecture, as
277 defined in Section 58-53-102; or
- 278 (e) services within the scope of the practice of commercial interior design, as defined in
279 Section 58-86-102.
- 280 (27) "Design-build" means the procurement of design professional services and
281 construction by the use of a single contract.
- 282 (28) "Division" means the Division of Purchasing and General Services, created in Section
283 63A-2-101.
- 284 (29) "Educational procurement unit" means:
- 285 (a) a school district;
- 286 (b) a public school, including a local school board or a charter school;
- 287 (c) the Utah Schools for the Deaf and the Blind;
- 288 (d) the Utah Education and Telehealth Network;
- 289 (e) an institution of higher education of the state described in Section 53B-1-102; or
- 290 (f) the State Board of Education.
- 291 (30) "Established catalogue price" means the price included in a catalogue, price list,
292 schedule, or other form that:
- 293 (a) is regularly maintained by a manufacturer or contractor;
- 294 (b) is published or otherwise available for inspection by customers; and
- 295 (c) states prices at which sales are currently or were last made to a significant number of
296 any category of buyers or buyers constituting the general buying public for the
297 supplies or services involved.
- 298 (31)(a) "Executive branch procurement unit" means a department, division, office,
299 bureau, agency, or other organization within the state executive branch.
- 300 (b) "Executive branch procurement unit" does not include the Colorado River Authority

of Utah as provided in Section 63M-14-210.

(32) "Facilities division" means the Division of Facilities Construction and Management, created in Section 63A-5b-301.

(33) "Fixed price contract" means a contract that provides a price, for each procurement item obtained under the contract, that is not subject to adjustment except to the extent that:

(a) the contract provides, under circumstances specified in the contract, for an adjustment in price that is not based on cost to the contractor; or

(b) an adjustment is required by law.

(34) "Fixed price contract with price adjustment" means a fixed price contract that provides for an upward or downward revision of price, precisely described in the contract, that:

(a) is based on the consumer price index or another commercially acceptable index, source, or formula; and

(b) is not based on a percentage of the cost to the contractor.

(35) "Grant" means an expenditure of public funds or other assistance, or an agreement to expend public funds or other assistance, for a public purpose authorized by law, without acquiring a procurement item in exchange.

(36) "Human services procurement item" means a procurement item used to provide services or support to a child, youth, adult, or family.

(37) "Immaterial error":

(a) means an irregularity or abnormality that is:

(i) a matter of form that does not affect substance; or

(ii) an inconsequential variation from a requirement of a solicitation that has no, little, or a trivial effect on the procurement process and that is not prejudicial to other vendors; and

(b) includes:

(i) a missing signature, missing acknowledgment of an addendum, or missing copy of a professional license, bond, or insurance certificate;

(ii) a typographical error;

(iii) an error resulting from an inaccuracy or omission in the solicitation; and

(iv) any other error that the procurement official reasonably considers to be immaterial.

(38) "Indefinite quantity contract" means a fixed price contract that:

(a) is for an indefinite amount of procurement items to be supplied as ordered by a

procurement unit; and

(b)(i) does not require a minimum purchase amount; or

(ii) provides a maximum purchase limit.

(39) "Independent procurement unit" means:

(a)(i) a legislative procurement unit;

(ii) a judicial branch procurement unit;

(iii) an educational procurement unit;

(iv) a local government procurement unit;

(v) a conservation district;

(vi) a local building authority;

(vii) a special district;

(viii) a public corporation;

(ix) a special service district; or

(x) the Utah Communications Authority, established in Section 63H-7a-201;

(b) the facilities division, but only to the extent of the procurement authority provided under Title 63A, Chapter 5b, Administration of State Facilities;

(c) the attorney general, but only to the extent of the procurement authority provided under Title 67, Chapter 5, Attorney General;

(d) the Department of Transportation, but only to the extent of the procurement authority provided under Title 72, Transportation Code;

(e) the Department of Health and Human Services, but only for the procurement of a human services procurement item; or

(f) any other executive branch department, division, office, or entity that has statutory procurement authority outside this chapter, but only to the extent of that statutory procurement authority.

(40)(a) "Interlocal entity" means a separate political subdivision created under Title 11, Chapter 13, Interlocal Cooperation Act.

(b) "Interlocal entity" does not include a project entity.

(41) "Invitation for bids":

(a) means a document used to solicit:

(i) bids to provide a procurement item to a procurement unit; or

(ii) quotes for a price of a procurement item to be provided to a procurement unit; and

(b) includes all documents attached to or incorporated by reference in a document described in Subsection (41)(a).

- 369 (42) "Issuing procurement unit" means a procurement unit that:
- 370 (a) reviews a solicitation to verify that it is in proper form;
- 371 (b) causes the notice of a solicitation to be published; and
- 372 (c) negotiates and approves the terms and conditions of a contract.
- 373 (43) "Judicial procurement unit" means:
- 374 (a) the Utah Supreme Court;
- 375 (b) the Utah Court of Appeals;
- 376 (c) the Judicial Council;
- 377 (d) a state judicial district; or
- 378 (e) an office, committee, subcommittee, or other organization within the state judicial
- 379 branch.
- 380 (44) "Labor hour contract" is a contract under which:
- 381 (a) the supplies and materials are not provided by, or through, the contractor; and
- 382 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit
- 383 for a specified number of labor hours or days.
- 384 (45) "Legislative procurement unit" means:
- 385 (a) the Legislature;
- 386 (b) the Senate;
- 387 (c) the House of Representatives; or
- 388 (d) a staff office of the Legislature~~[-the Senate, or the House of Representatives; or] .~~
- 389 ~~[(e) a committee, subcommittee, commission, or other organization:]~~
- 390 ~~[(i) within the state legislative branch; or]~~
- 391 ~~[(ii)(A) that is created by statute to advise or make recommendations to the~~
- 392 ~~Legislature;]~~
- 393 ~~[(B) the membership of which includes legislators; and]~~
- 394 ~~[(C) for which the Office of Legislative Research and General Counsel provides~~
- 395 ~~staff support.]~~
- 396 (46) "Local building authority" means the same as that term is defined in Section 17D-2-102.
- 397 (47) "Local government procurement unit" means:
- 398 (a) a county, municipality, interlocal entity, or project entity, and each office of the
- 399 county, municipality, interlocal entity, or project entity, unless:
- 400 (i) the county or municipality adopts a procurement code by ordinance;
- 401 (ii) the interlocal entity adopts procurement rules or policies as provided in
- 402 Subsection 11-13-226(2); or

(iii) the project entity adopts a procurement code through the process described in Section 11-13-316;

(b)(i) a county or municipality that has adopted this entire chapter by ordinance, and each office or agency of that county or municipality; and

(ii) a project entity that has adopted this entire chapter through the process described in Subsection 11-13-316; or

(c) a county, municipality, or project entity, and each office of the county, municipality, or project entity that has adopted a portion of this chapter to the extent that:

(i) a term in the ordinance is used in the adopted chapter; or

(ii) a term in the ordinance is used in the language a project entity adopts in its procurement code through the process described in Section 11-13-316.

(48) "Multiple award contracts" means the award of a contract for an indefinite quantity of a procurement item to more than one person.

(49) "Multiyear contract" means a contract that extends beyond a one-year period, including a contract that permits renewal of the contract, without competition, beyond the first year of the contract.

(50) "Municipality" means a city or town.

(51) "Nonadopting local government procurement unit" means:

(a) a county or municipality that has not adopted Part 16, Protests, Part 17, Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19, General Provisions Related to Protest or Appeal; and

(b) each office or agency of a county or municipality described in Subsection (51)(a).

(52) "Offeror" means a person who submits a proposal in response to a request for proposals.

(53) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference under the requirements of this chapter.

(54) "Procure" means to acquire a procurement item through a procurement.

(55) "Procurement" means the acquisition of a procurement item through an expenditure of public funds, or an agreement to expend public funds, including an acquisition through a public-private partnership.

(56) "Procurement item" means an item of personal property, a technology, a service, or a construction project.

(57) "Procurement official" means:

(a) for a procurement unit other than an independent procurement unit, the chief

- 437 procurement officer;
- 438 (b) for a legislative procurement unit, the individual, individuals, or body designated in a
- 439 policy adopted by the Legislative Management Committee;
- 440 (c) for a judicial procurement unit, the Judicial Council or an individual or body
- 441 designated by the Judicial Council by rule;
- 442 (d) for a local government procurement unit:
- 443 (i) the legislative body of the local government procurement unit; or
- 444 (ii) an individual or body designated by the local government procurement unit;
- 445 (e) for a special district, the board of trustees of the special district or the board of
- 446 trustees' designee;
- 447 (f) for a special service district, the governing body of the special service district or the
- 448 governing body's designee;
- 449 (g) for a local building authority, the board of directors of the local building authority or
- 450 the board of directors' designee;
- 451 (h) for a conservation district, the board of supervisors of the conservation district or the
- 452 board of supervisors' designee;
- 453 (i) for a public corporation, the board of directors of the public corporation or the board
- 454 of directors' designee;
- 455 (j) for a school district or any school or entity within a school district, the board of the
- 456 school district or the board's designee;
- 457 (k) for a charter school, the individual or body with executive authority over the charter
- 458 school or the designee of the individual or body;
- 459 (l) for an institution of higher education described in Section 53B-2-101, the president of
- 460 the institution of higher education or the president's designee;
- 461 (m) for the State Board of Education, the State Board of Education or the State Board of
- 462 Education's designee;
- 463 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
- 464 the designee of the Commissioner of Higher Education;
- 465 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the
- 466 executive director of the Utah Communications Authority or the executive director's
- 467 designee; or
- 468 (p)(i) for the facilities division, and only to the extent of procurement activities of the
- 469 facilities division as an independent procurement unit under the procurement
- 470 authority provided under Title 63A, Chapter 5b, Administration of State Facilities,

- 471 the director of the facilities division or the director's designee;
- 472 (ii) for the attorney general, and only to the extent of procurement activities of the
- 473 attorney general as an independent procurement unit under the procurement
- 474 authority provided under Title 67, Chapter 5, Attorney General, the attorney
- 475 general or the attorney general's designee;
- 476 (iii) for the Department of Transportation created in Section 72-1-201, and only to
- 477 the extent of procurement activities of the Department of Transportation as an
- 478 independent procurement unit under the procurement authority provided under
- 479 Title 72, Transportation Code, the executive director of the Department of
- 480 Transportation or the executive director's designee;
- 481 (iv) for the Department of Health and Human Services, and only to the extent of the
- 482 procurement activities of the Department of Health and Human Services as an
- 483 independent procurement unit, the executive director of the Department of Health
- 484 and Human Services or the executive director's designee; or
- 485 (v) for any other executive branch department, division, office, or entity that has
- 486 statutory procurement authority outside this chapter, and only to the extent of the
- 487 procurement activities of the department, division, office, or entity as an
- 488 independent procurement unit under the procurement authority provided outside
- 489 this chapter for the department, division, office, or entity, the chief executive
- 490 officer of the department, division, office, or entity or the chief executive officer's
- 491 designee.

492 (58) "Procurement unit" means:

- 493 (a) a legislative procurement unit;
- 494 (b) an executive branch procurement unit;
- 495 (c) a judicial procurement unit;
- 496 (d) an educational procurement unit;
- 497 (e) the Utah Communications Authority, established in Section 63H-7a-201;
- 498 (f) a local government procurement unit;
- 499 (g) a special district;
- 500 (h) a special service district;
- 501 (i) a local building authority;
- 502 (j) a conservation district; or
- 503 (k) a public corporation.

504 (59) "Professional service" means labor, effort, or work that requires specialized

- 505 knowledge, expertise, and discretion, including labor, effort, or work in the field of:
- 506 (a) accounting;
- 507 (b) administrative law judge service;
- 508 (c) architecture;
- 509 (d) construction design and management;
- 510 (e) engineering;
- 511 (f) financial services;
- 512 (g) information technology;
- 513 (h) the law;
- 514 (i) medicine;
- 515 (j) psychiatry; or
- 516 (k) underwriting.
- 517 (60) "Project entity" means the same as that term is defined in Section 11-13-103.
- 518 (61) "Protest officer" means:
- 519 (a) for the division or an independent procurement unit:
- 520 (i) the procurement official;
- 521 (ii) the procurement official's designee who is an employee of the procurement unit;
- 522 or
- 523 (iii) a person designated by rule made by the rulemaking authority; or
- 524 (b) for a procurement unit other than an independent procurement unit, the chief
- 525 procurement officer or the chief procurement officer's designee who is an employee
- 526 of the division .
- 527 (62) "Public corporation" means the same as that term is defined in Section 63E-1-102.
- 528 (63) "Public entity" means the state or any other government entity within the state that
- 529 expends public funds.
- 530 (64) "Public facility" means a building, structure, infrastructure, improvement, or other
- 531 facility of a public entity.
- 532 (65) "Public funds" means money, regardless of its source, including from the federal
- 533 government, that is owned or held by a procurement unit.
- 534 (66) "Public transit district" means a public transit district organized under Title 17B,
- 535 Chapter 2a, Part 8, Public Transit District Act.
- 536 (67) "Public-private partnership" means an arrangement or agreement, occurring on or after
- 537 January 1, 2017, between a procurement unit and one or more contractors to provide for
- 538 a public need through the development or operation of a project in which the contractor

or contractors share with the procurement unit the responsibility or risk of developing, owning, maintaining, financing, or operating the project.

(68) "Qualified vendor" means a vendor who:

(a) is responsible; and

(b) submits a responsive statement of qualifications under Section 63G-6a-410 that meets the minimum mandatory requirements, evaluation criteria, and any applicable score thresholds set forth in the request for statement of qualifications.

(69) "Real property" means land and any building, fixture, improvement, appurtenance, structure, or other development that is permanently affixed to land.

(70) "Request for information" means a nonbinding process through which a procurement unit requests information relating to a procurement item.

(71) "Request for proposals" means a document used to solicit proposals to provide a procurement item to a procurement unit, including all other documents that are attached to that document or incorporated in that document by reference.

(72) "Request for proposals process" means the procurement process described in Part 7, Request for Proposals.

(73) "Request for statement of qualifications" means a document used to solicit information about the qualifications of a person interested in responding to a potential procurement, including all other documents attached to that document or incorporated in that document by reference.

(74) "Requirements contract" means a contract:

(a) under which a contractor agrees to provide a procurement unit's entire requirements for certain procurement items at prices specified in the contract during the contract period; and

(b) that:

(i) does not require a minimum purchase amount; or

(ii) provides a maximum purchase limit.

(75) "Responsible" means being capable, in all respects, of:

(a) meeting all the requirements of a solicitation; and

(b) fully performing all the requirements of the contract resulting from the solicitation, including being financially solvent with sufficient financial resources to perform the contract.

(76) "Responsive" means conforming in all material respects to the requirements of a solicitation.

- (77) "Rule" includes a policy or regulation adopted by the rulemaking authority, if adopting a policy or regulation is the method the rulemaking authority uses to adopt provisions that govern the applicable procurement unit.
- (78) "Rulemaking authority" means:
- (a) for a legislative procurement unit, the Legislative Management Committee;
 - (b) for a judicial procurement unit, the Judicial Council;
 - (c)(i) only to the extent of the procurement authority expressly granted to the procurement unit by statute:
 - (A) for the facilities division, the facilities division;
 - (B) for the Office of the Attorney General, the attorney general;
 - (C) for the Department of Transportation created in Section 72-1-201, the executive director of the Department of Transportation;
 - (D) for the Department of Health and Human Services, the executive director of the Department of Health and Human Services; and
 - (E) for any other executive branch department, division, office, or entity that has statutory procurement authority outside this chapter, the governing authority of the department, division, office, or entity; and
 - (ii) for each other executive branch procurement unit, the board;
 - (d) for a local government procurement unit:
 - (i) the governing body of the local government unit; or
 - (ii) an individual or body designated by the local government procurement unit;
 - (e) for a school district or a public school, the board, except to the extent of a school district's own nonadministrative rules that do not conflict with the provisions of this chapter;
 - (f) for a state institution of higher education, the Utah Board of Higher Education;
 - (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the State Board of Education;
 - (h) for a public transit district, the chief executive of the public transit district;
 - (i) for a special district other than a public transit district or for a special service district, the board, except to the extent that the board of trustees of the special district or the governing body of the special service district makes its own rules:
 - (i) with respect to a subject addressed by board rules; or
 - (ii) that are in addition to board rules;
 - (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah

Board of Higher Education;

(k) for the School and Institutional Trust Lands Administration, created in Section 53C-1-201, the School and Institutional Trust Lands Board of Trustees;

(l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201, the School and Institutional Trust Fund Board of Trustees;

(m) for the Utah Communications Authority, established in Section 63H-7a-201, the Utah Communications Authority board, created in Section 63H-7a-203; or

(n) for any other procurement unit, the board.

(79) "Service":

(a) means labor, effort, or work to produce a result that is beneficial to a procurement unit;

(b) includes a professional service; and

(c) does not include labor, effort, or work provided under an employment agreement or a collective bargaining agreement.

(80) "Small purchase process" means the procurement process described in Section 63G-6a-506.

(81) "Sole source contract" means a contract resulting from a sole source procurement.

(82) "Sole source procurement" means a procurement without competition pursuant to a determination under Subsection 63G-6a-802(1)(a) that there is only one source for the procurement item.

(83) "Solicitation" means an invitation for bids, request for proposals, or request for statement of qualifications.

(84) "Solicitation response" means:

(a) a bid submitted in response to an invitation for bids;

(b) a proposal submitted in response to a request for proposals; or

(c) a statement of qualifications submitted in response to a request for statement of qualifications.

(85) "Special district" means the same as that term is defined in Section 17B-1-102.

(86) "Special service district" means the same as that term is defined in Section 17D-1-102.

(87) "Specification" means any description of the physical or functional characteristics or of the nature of a procurement item included in an invitation for bids or a request for proposals, or otherwise specified or agreed to by a procurement unit, including a description of:

(a) a requirement for inspecting or testing a procurement item; or

- 641 (b) preparing a procurement item for delivery.
- 642 (88) "Standard procurement process" means:
- 643 (a) the bidding process;
- 644 (b) the request for proposals process;
- 645 (c) the approved vendor list process;
- 646 (d) the small purchase process; or
- 647 (e) the design professional procurement process.
- 648 (89) "State cooperative contract" means a contract awarded by the division for and in behalf
- 649 of all public entities.
- 650 (90) "Statement of qualifications" means a written statement submitted to a procurement
- 651 unit in response to a request for statement of qualifications.
- 652 (91) "Subcontractor":
- 653 (a) means a person under contract to perform part of a contractual obligation under the
- 654 control of the contractor, whether the person's contract is with the contractor directly
- 655 or with another person who is under contract to perform part of a contractual
- 656 obligation under the control of the contractor; and
- 657 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services to
- 658 a contractor.
- 659 (92) "Technology" means the same as "information technology," as defined in Section
- 660 63A-16-102.
- 661 (93) "Tie bid" means that the lowest responsive bids of responsible bidders are identical in
- 662 price.
- 663 (94) "Time and materials contract" means a contract under which the contractor is paid:
- 664 (a) the actual cost of direct labor at specified hourly rates;
- 665 (b) the actual cost of materials and equipment usage; and
- 666 (c) an additional amount, expressly described in the contract, to cover overhead and
- 667 profit, that is not based on a percentage of the cost to the contractor.
- 668 (95) "Transitional costs":
- 669 (a) means the costs of changing:
- 670 (i) from an existing provider of a procurement item to another provider of that
- 671 procurement item; or
- 672 (ii) from an existing type of procurement item to another type;
- 673 (b) includes:
- 674 (i) training costs;

- (ii) conversion costs;
- (iii) compatibility costs;
- (iv) costs associated with system downtime;
- (v) disruption of service costs;
- (vi) staff time necessary to implement the change;
- (vii) installation costs; and
- (viii) ancillary software, hardware, equipment, or construction costs; and

(c) does not include:

- (i) the costs of preparing for or engaging in a procurement process; or
- (ii) contract negotiation or drafting costs.

(96) "Vendor":

(a) means a person who is seeking to enter into a contract with a procurement unit to provide a procurement item; and

(b) includes:

- (i) a bidder;
- (ii) an offeror;
- (iii) an approved vendor;
- (iv) a design professional; and
- (v) a person who submits an unsolicited proposal under Section 63G-6a-712.

Section 5. Section **63O-2-301** is amended to read:

63O-2-301 . Board powers -- Subcommittees.

(1) The board shall:

- (a) except as otherwise provided in Chapter 1, Control and Maintenance of Capitol Hill, exercise complete jurisdiction and stewardship over capitol hill facilities, capitol hill grounds, and the capitol hill complex;
- (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities, capitol hill grounds, and their contents;
- (c) before October 1 of each year, review and approve the executive director's annual budget request for submittal to the governor and Legislature;
- (d) on or before October 1 of each year, prepare and submit a recommended budget request for the upcoming fiscal year for the capitol hill complex to:
 - (i) the governor, through the Governor's Office of Planning and Budget; and
 - (ii) the Legislature's appropriations subcommittee responsible for capitol hill facilities, through the Office of the Legislative Fiscal Analyst;

- 709 (e) review and approve the executive director's:
 - 710 (i) annual work plan;
 - 711 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
 - 712 capitol hill grounds; and
 - 713 (iii) furnishings plan for placement and care of objects under the care of the board;
- 714 (f) approve all changes to the buildings and their grounds, including:
 - 715 (i) restoration, remodeling, and rehabilitation projects;
 - 716 (ii) usual maintenance program; and
 - 717 (iii) any transfers or loans of objects under the board's care;
- 718 (g) define and identify all significant aspects of capitol hill, after consultation with the:
 - 719 (i) Division of Facilities Construction and Management;
 - 720 (ii) State Library Division;
 - 721 (iii) Division of Archives and Records Service;
 - 722 (iv) Utah Historical Society;
 - 723 (v) Office of Museum Services; and
 - 724 (vi) Arts Council;
- 725 (h) inventory, define, and identify all significant contents of the buildings and all
- 726 state-owned items of historical significance that were at one time in the buildings,
- 727 after consultation with the:
 - 728 (i) Division of Facilities Construction and Management;
 - 729 (ii) State Library Division;
 - 730 (iii) Division of Archives and Records Service;
 - 731 (iv) Utah Historical Society;
 - 732 (v) Office of Museum Services; and
 - 733 (vi) Arts Council;
- 734 (i) maintain archives relating to the construction and development of the buildings, the
- 735 contents of the buildings and the grounds, including plans, specifications,
- 736 photographs, purchase orders, and other related documents, the original copies of
- 737 which shall be maintained by the Division of Archives and Records Service;
- 738 (j) comply with federal and state laws related to program and facility accessibility; and
- 739 (k) establish procedures for receiving, hearing, and deciding complaints or other issues
- 740 raised about capitol hill and the use of capitol hill.

- 741 (2)(a) The board shall make rules to govern, administer, and regulate capitol hill, in
- 742 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[-] ,

including rules:

(i) establishing reasonable time, place, and manner regulations relating to free speech activities on capitol hill; and

(ii) imposing limitations on commercial solicitation activities on capitol hill.

(b) A violation of a rule relating to the use of capitol hill adopted by the board under the authority of this Subsection (2) is an infraction.

(c) If an act violating a rule under Subsection (2)(b) also amounts to an offense subject to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title 41, Motor Vehicles, Title 76, Utah Criminal Code, or other provision of state law, Subsection [(3)(b)] (2)(b) does not prohibit prosecution and sentencing for the more serious offense.

(d) In addition to any punishment allowed under Subsections (2)(b) and (c), a person who violates a rule adopted by the board under the authority of this Subsection (2) is subject to a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages, expenses, and costs related to the violation of the rule that are incurred by the state.

(e) The board may take any other legal action allowed by law.

(f)(i) The board may not apply this section or rules adopted under the authority of this section in a manner that violates a person's rights under the Utah Constitution or the First Amendment to the United States Constitution, including the right of persons to peaceably assemble.

(ii) Upon receiving an appeal of the denial of a requested activity in the legislative area under Utah Administrative Code, Rule R131-11-6, Expedited Appeals - Free Speech Activities, the executive director of the board shall immediately:

(A) notify the president of the Senate and the speaker of the House of Representatives of the appeal; and

(B) consult with the president of the Senate and the speaker of the House of Representatives concerning the proper disposition of the appeal.

(g) The board shall send proposed rules under this section to the legislative general counsel and the governor's general counsel for review and comment before the board adopts the rules.

(h)(i) Nothing in Subsection (2)(a) restricts the Legislative Management Committee from adopting policies on behalf of the Legislature to govern, administer, or regulate the legislative area.

(ii) If there is a conflict between a rule adopted by the board under Subsection (2)(a) and a policy adopted by the Legislative Management Committee governing the legislative area, the policy adopted by the Legislative Management Committee prevails.

(3) The board is exempt from the requirements of Title 63G, Chapter 6a, Utah Procurement Code, but shall adopt procurement rules substantially similar to the requirements of that chapter.

(4) The board shall name:

(a) the House Building the "Rebecca D. Lockhart House Building"; and

(b) committee room 210 in the Senate Building the "Allyson W. Gamble Committee Room."

(5)(a) The board may:

(i) establish subcommittees made up of board members and members of the public to assist and support the executive director in accomplishing the executive director's duties;

(ii) establish fees for the use of capitol hill facilities and grounds;

(iii) assign and allocate specific duties and responsibilities to any other state agency, if the other agency agrees to perform the duty or accept the responsibility;

(iv) contract with another state agency to provide services;

(v) delegate by specific motion of the board any authority granted to the board under this section to the executive director;

(vi) in conjunction with Salt Lake City, expend money to improve or maintain public property contiguous to East Capitol Boulevard and capitol hill;

(vii) provide wireless Internet service to the public without a fee in any capitol hill facility; and

(viii) when necessary, consult with the:

(A) Division of Facilities Construction and Management;

(B) State Library Division;

(C) Division of Archives and Records Service;

(D) Utah Historical Society;

(E) Office of Museum Services; and

(F) Arts Council.

(b) The board's provision of wireless Internet service under Subsection (5)(a)(vii) shall be discontinued in the legislative area if the president of the Senate and the speaker of

- 811 the House of Representatives each submit a signed letter to the board indicating that
812 the service is disruptive to the legislative process and is to be discontinued.
- 813 (c) If a budget subcommittee is established by the board, the following shall serve as ex
814 officio, nonvoting members of the budget subcommittee:
- 815 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the
816 Office of the Legislative Fiscal Analyst; and
- 817 (ii) the executive director of the Governor's Office of Planning and Budget, or the
818 executive director's designee, who shall be from the Governor's Office of Planning
819 and Budget.
- 820 (d) If a preservation and maintenance subcommittee is established by the board, the
821 board may, by majority vote, appoint one or each of the following to serve on the
822 subcommittee as voting members of the subcommittee:
- 823 (i) an architect, who shall be selected from a list of three architects submitted by the
824 American Institute of Architects; or
- 825 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
826 American Civil Engineers Council.
- 827 (e) If the board establishes any subcommittees, the board may, by majority vote, appoint
828 up to two people who are not members of the board to serve, at the will of the board,
829 as nonvoting members of a subcommittee.
- 830 (f) Members of each subcommittee shall, at the first meeting of each calendar year,
831 select one individual to act as chair of the subcommittee for a one-year term.
- 832 (6)(a) The board, and the employees of the board, may not move the office of the
833 governor, lieutenant governor, president of the Senate, speaker of the House of
834 Representatives, or a member of the Legislature from the State Capitol unless the
835 removal is approved by:
- 836 (i) the governor, in the case of the governor's office;
- 837 (ii) the lieutenant governor, in the case of the lieutenant governor's office;
- 838 (iii) the president of the Senate, in the case of the president's office or the office of a
839 member of the Senate; or
- 840 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
841 the office of a member of the House.
- 842 (b) The board and the employees of the board have no control over the furniture,
843 furnishings, and decorative objects in the offices of the governor, lieutenant
844 governor, or the members of the Legislature except as necessary to inventory or

conserve items of historical significance owned by the state.

(c) The board and the employees of the board have no control over records and documents produced by or in the custody of a state agency, official, or employee having an office in a building on capitol hill.

(d) Except for items identified by the board as having historical significance, and except as provided in Subsection (6)(b), the board and the employees of the board have no control over moveable furnishings and equipment in the custody of a state agency, official, or employee having an office in a building on capitol hill.

Section 6. Section **68-3-13.5** is enacted to read:

68-3-13.5 . Summaries of legislation.

(1) As used in this section, "legislation" means the same as that term is defined in legislative rule.

(2) A written summary associated with legislation that is prepared by a staff member of the Senate or the House of Representatives, or by a staff office for the Legislature:

(a) is not part of the legislation considered, agreed to, or enacted by the Legislature; and

(b) is not evidence of legislative intent.

Section 7. **Repealer.**

This bill repeals:

Section **36-12-8.1, Legislative Management Committee -- Subcommittee on Oversight -- Members -- Duties -- Meetings.**

Section **36-12-17, Duties of presiding officer and majority and minority leaders of each house and chairman of Legislative Management Committee.**

Section 8. **Effective Date.**

This bill takes effect:

(1) except as provided in Subsection (2), May 7, 2025; or

(2) if approved by two-thirds of all members elected to each house:

(a) upon approval by the governor;

(b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or

(c) in the case of a veto, the date of veto override.