

Michael K. McKell proposes the following substitute bill:

1 **Legislative Activities Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Val L. Peterson

2 **LONG TITLE**

3 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

8 ▶ clarifies that LMC oversees workplace harassment and discrimination policy governance
9 and updates references to that policy;

10 ▶ provides that LMC shall oversee and develop policies governing branch-wide internal
11 administrative matters for the Legislature;

12 ▶ eliminates certain administrative duties of the presiding officer and the majority and
13 minority leaders of each house and the chairman of LMC;

14 ▶ repeals the LMC Subcommittee on Oversight;

15 ▶ eliminates the Legislature's responsibility to print, store, and distribute the Utah Code

16 Annotated;

17 ▶ repeals a provision governing legislators who attend meetings of the Legislature;

18 ▶ updates the definition of a legislative procurement unit to include the House, Senate, or a
19 staff office of the Legislature;

20 ▶ for the State Capitol Preservation Board:

21 • specifies certain rules that the board shall promulgate to govern, administer, and
22 regulate capitol hill;

23 • provides that the board's authority to promulgate a rule described above does not
24 restrict LMC from adopting a similar policy on behalf of the Legislature;

25 • provides that if there is a conflict between a board rule and an LMC policy the LMC
26 policy prevails; and

27 • directs the executive director of the board to notify and consult with the president of

29 the Senate and the speaker of the House of Representatives when a person appeals an
30 administrative denial of a requested activity in the legislative area;
31 ▶ provides that a bill summary prepared by a staff member of the Senate or the House of
32 Representatives, or by a staff office for the Legislature, is not evidence of legislative
33 intent; and
34 ▶ makes technical and conforming changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 This bill provides a special effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **36-11-501**, as enacted by Laws of Utah 2019, Chapter 339
42 **36-12-7**, as last amended by Laws of Utah 2024, Chapter 425
43 **36-13-1**, as last amended by Laws of Utah 1987, Chapter 130
44 **63G-6a-103**, as last amended by Laws of Utah 2024, Chapters 291, 408 and 438
45 **63O-2-301**, as renumbered and amended by Laws of Utah 2024, Chapter 425

46 ENACTS:

47 **68-3-13.5**, Utah Code Annotated 1953

48 REPEALS:

49 **36-12-8.1**, as last amended by Laws of Utah 2024, Chapter 425
50 **36-12-10**, as last amended by Laws of Utah 2006, Chapter 14
51 **36-12-17**, as last amended by Laws of Utah 1985, Chapter 47

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

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

54 **36-11-501 . Unlawful harassment -- Investigation -- Penalties.**

55 (1) A lobbyist may not engage in conduct that violates:
56 (a) federal workplace discrimination and harassment requirements;
57 (b) [Utah Senate or Utah House] Legislative Management Committee policies governing
58 workplace discrimination or harassment;
59 (c) Utah executive branch policies governing workplace discrimination or harassment; or
60 (d) any combination of [Subsections] Subsection (1)(a), (b), or (c).
61 (2)(a) The lieutenant governor may take an action described in Subsection (3) against a

63 lobbyist if the lieutenant governor finds, after giving the lobbyist notice and an
64 opportunity to be heard, that the lobbyist engaged in a serious violation, or multiple
65 violations, of this section.

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

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

73 (a) impose an administrative fine against the lobbyist, not to exceed \$2,000; or
74 (b) suspend the lobbyist's license for a period of up to five years.

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

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

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

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

86 **36-12-7 . Legislative Management Committee -- Duties -- Litigation.**

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

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

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

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

97 (d) establish a budget account for interim committee day as designated by Legislative
98 Management Committee and for all other legislative committees of its chamber and
99 allocate to that account sufficient funds to adequately provide for the work of the
100 committee; and

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

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

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

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

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

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

118 (B) other legislative branch-wide administrative matters;

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

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

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

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

129 (B) Each renewal is for an additional six-year term and is not subject to approval
130 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:

165 (1) the legislative session laws;
166 (2) the House and Senate Journals; and
167 [~~(3) the Utah Code Annotated; and~~]
168 [~~(4) (3) [all] other legislative reports and publications[of Utah statutes].~~]

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

170 **63G-6a-103 . Definitions.**

171 As used in this chapter:

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

- (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.

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

204 (12) "Construction project":

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

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

210 (13) "Construction manager/general contractor":

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

212 (i) for the management of a construction project; and
213 (ii) that allows the contractor to subcontract for additional labor and materials that are
214 not included in the contractor's cost proposal submitted at the time of the
215 procurement of the contractor's services; and

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

220 (14) "Construction subcontractor":

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

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

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

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

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

231 (a) implementing the contract;

232 (b) ensuring compliance with the contract terms and conditions by the conducting

233 procurement unit and the contractor;

234 (c) executing change orders;

235 (d) processing contract amendments;

236 (e) resolving, to the extent practicable, contract disputes;

237 (f) curing contract errors and deficiencies;

238 (g) terminating a contract;

239 (h) measuring or evaluating completed work and contractor performance;

240 (i) computing payments under the contract; and

241 (j) closing out a contract.

242 (17) "Contractor" means a person who is awarded a contract with a procurement unit.

243 (18) "Cooperative procurement" means procurement conducted by, or on behalf of,

244 (a) more than one procurement unit; or

245 (b) a procurement unit and a cooperative purchasing organization.

246 (19) "Cooperative purchasing organization" means an organization, association, or alliance
247 of purchasers established to combine purchasing power in order to obtain the best value
248 for the purchasers by engaging in procurements in accordance with Section 63G-6a-2105.

249 (20) "Cost-plus-a-percentage-of-cost contract" means a contract under which the contractor
250 is paid a percentage of the total actual expenses or costs in addition to the contractor's
251 actual expenses or costs.

252 (21) "Cost-reimbursement contract" means a contract under which a contractor is
253 reimbursed for costs which are allowed and allocated in accordance with the contr
254 terms and the provisions of this chapter, and a fee, if any.

255 (22) "Days" means calendar days, unless expressly provided otherwise.

256 (23) "Definite quantity contract" means a fixed price contract that provides for a specified
257 amount of supplies over a specified period, with deliveries scheduled according to a
258 specified schedule.

259 (24) "Design professional" means:

260 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
261 Licensing Act;

262 (b) an individual licensed as a professional engineer or professional land surveyor under
263 Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors
264 Licensing Act;

265 (c) an individual licensed under Title 58, Chapter 53, Landscape Architects Licensing
266 Act, to engage in the practice of landscape architecture, as defined in Section

267 58-53-102; or

268 (d) an individual certified as a commercial interior designer under Title 58, Chapter 86,
269 State Certification of Commercial Interior Designers Act.

270 (25) "Design professional procurement process" means the procurement process described
271 in Part 15, Design Professional Services.

272 (26) "Design professional services" means:

273 (a) professional services within the scope of the practice of architecture as defined in
274 Section 58-3a-102;

275 (b) professional engineering as defined in Section 58-22-102;

276 (c) master planning and programming services;

277 (d) professional services within the scope of the practice of landscape architecture, as
278 defined in Section 58-53-102; or

279 (e) services within the scope of the practice of commercial interior design, as defined in
280 Section 58-86-102.

281 (27) "Design-build" means the procurement of design professional services and
282 construction by the use of a single contract.

283 (28) "Division" means the Division of Purchasing and General Services, created in Section
284 63A-2-101.

285 (29) "Educational procurement unit" means:

286 (a) a school district;

287 (b) a public school, including a local school board or a charter school;

288 (c) the Utah Schools for the Deaf and the Blind;

289 (d) the Utah Education and Telehealth Network;

290 (e) an institution of higher education of the state described in Section 53B-1-102; or

291 (f) the State Board of Education.

292 (30) "Established catalogue price" means the price included in a catalogue, price list,
293 schedule, or other form that:

294 (a) is regularly maintained by a manufacturer or contractor;

295 (b) is published or otherwise available for inspection by customers; and

296 (c) states prices at which sales are currently or were last made to a significant number of
297 any category of buyers or buyers constituting the general buying public for the
298 supplies or services involved.

299 (31)(a) "Executive branch procurement unit" means a department, division, office,
300 bureau, agency, or other organization within the state executive branch.

301 (b) "Executive branch procurement unit" does not include the Colorado River Authority
302 of Utah as provided in Section 63M-14-210.

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

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

308 (a) the contract provides, under circumstances specified in the contract, for an
309 adjustment in price that is not based on cost to the contractor; or
310 (b) an adjustment is required by law.

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

313 (a) is based on the consumer price index or another commercially acceptable index,
314 source, or formula; and
315 (b) is not based on a percentage of the cost to the contractor.

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

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

321 (37) "Immaterial error":

322 (a) means an irregularity or abnormality that is:

323 (i) a matter of form that does not affect substance; or
324 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,
325 or a trivial effect on the procurement process and that is not prejudicial to other
326 vendors; and

327 (b) includes:

328 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of
329 a professional license, bond, or insurance certificate;
330 (ii) a typographical error;
331 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
332 (iv) any other error that the procurement official reasonably considers to be
333 immaterial.

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

335 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
336 procurement unit; and

337 (b)(i) does not require a minimum purchase amount; or
338 (ii) provides a maximum purchase limit.

339 (39) "Independent procurement unit" means:

340 (a)(i) a legislative procurement unit;
341 (ii) a judicial branch procurement unit;

342 (iii) an educational procurement unit;
343 (iv) a local government procurement unit;

344 (v) a conservation district;

345 (vi) a local building authority;

346 (vii) a special district;

347 (viii) a public corporation;

348 (ix) a special service district; or

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

350 (b) the facilities division, but only to the extent of the procurement authority provided

351 under Title 63A, Chapter 5b, Administration of State Facilities;
352 (c) the attorney general, but only to the extent of the procurement authority provided
353 in Title 67, Chapter 5, Article 1.

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

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

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

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

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

364 (41) "Invitation for bids":

365 (a) means a document used to solicit:

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

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

368 (b) includes all documents attached to or incorporated by reference in a document

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:

437 (a) for a procurement unit other than an independent procurement unit, the chief
438 procurement officer;

439 (b) for a legislative procurement unit, the individual, individuals, or body designated in a
440 policy adopted by the Legislative Management Committee;

441 (c) for a judicial procurement unit, the Judicial Council or an individual or body
442 designated by the Judicial Council by rule;

443 (d) for a local government procurement unit:
444 (i) the legislative body of the local government procurement unit; or
445 (ii) an individual or body designated by the local government procurement unit;

446 (e) for a special district, the board of trustees of the special district or the board of
447 trustees' designee;

448 (f) for a special service district, the governing body of the special service district or the
449 governing body's designee;

450 (g) for a local building authority, the board of directors of the local building authority or
451 the board of directors' designee;

452 (h) for a conservation district, the board of supervisors of the conservation district or the
453 board of supervisors' designee;

454 (i) for a public corporation, the board of directors of the public corporation or the board
455 of directors' designee;

456 (j) for a school district or any school or entity within a school district, the board of the
457 school district or the board's designee;

458 (k) for a charter school, the individual or body with executive authority over the charter
459 school or the designee of the individual or body;

460 (l) for an institution of higher education described in Section 53B-2-101, the president of
461 the institution of higher education or the president's designee;

462 (m) for the State Board of Education, the State Board of Education or the State Board of
463 Education's designee;

464 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
465 the designee of the Commissioner of Higher Education;

466 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the
467 executive director of the Utah Communications Authority or the executive director's
468 designee; or

469 (p)(i) for the facilities division, and only to the extent of procurement activities of the
470 facilities division as an independent procurement unit under the procurement

471 authority provided under Title 63A, Chapter 5b, Administration of State Facilities,
472 the director of the facilities division or the director's designee;
473 (ii) for the attorney general, and only to the extent of procurement activities of the
474 attorney general as an independent procurement unit under the procurement
475 authority provided under Title 67, Chapter 5, Attorney General, the attorney
476 general or the attorney general's designee;
477 (iii) for the Department of Transportation created in Section 72-1-201, and only to
478 the extent of procurement activities of the Department of Transportation as an
479 independent procurement unit under the procurement authority provided under
480 Title 72, Transportation Code, the executive director of the Department of
481 Transportation or the executive director's designee;
482 (iv) for the Department of Health and Human Services, and only to the extent of the
483 procurement activities of the Department of Health and Human Services as an
484 independent procurement unit, the executive director of the Department of Health
485 and Human Services or the executive director's designee; or
486 (v) for any other executive branch department, division, office, or entity that has
487 statutory procurement authority outside this chapter, and only to the extent of the
488 procurement activities of the department, division, office, or entity as an
489 independent procurement unit under the procurement authority provided outside
490 this chapter for the department, division, office, or entity, the chief executive
491 officer of the department, division, office, or entity or the chief executive officer's
492 designee.

493 (58) "Procurement unit"means:

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

505 (59) "Professional service" means labor, effort, or work that requires specialized
506 knowledge, expertise, and discretion, including labor, effort, or work in the field of:
507 (a) accounting;
508 (b) administrative law judge service;
509 (c) architecture;
510 (d) construction design and management;
511 (e) engineering;
512 (f) financial services;
513 (g) information technology;
514 (h) the law;
515 (i) medicine;
516 (j) psychiatry; or
517 (k) underwriting.

518 (60) "Project entity" means the same as that term is defined in Section 11-13-103.

519 (61) "Protest officer" means:

520 (a) for the division or an independent procurement unit:
521 (i) the procurement official;
522 (ii) the procurement official's designee who is an employee of the procurement unit;
523 or
524 (iii) a person designated by rule made by the rulemaking authority; or
525 (b) for a procurement unit other than an independent procurement unit, the chief
526 procurement officer or the chief procurement officer's designee who is an employee
527 of the division .

528 (62) "Public corporation" means the same as that term is defined in Section 63E-1-102.

529 (63) "Public entity" means the state or any other government entity within the state that
530 expends public funds.

531 (64) "Public facility" means a building, structure, infrastructure, improvement, or other
532 facility of a public entity.

533 (65) "Public funds" means money, regardless of its source, including from the federal
534 government, that is owned or held by a procurement unit.

535 (66) "Public transit district" means a public transit district organized under Title 17B,
536 Chapter 2a, Part 8, Public Transit District Act.

537 (67) "Public-private partnership" means an arrangement or agreement, occurring on or after
538 January 1, 2017, between a procurement unit and one or more contractors to provide for

539 a public need through the development or operation of a project in which the contractor
540 or contractors share with the procurement unit the responsibility or risk of developing,
541 owning, maintaining, financing, or operating the project.

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

543 (a) is responsible; and

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

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

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

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

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

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

560 (74) "Requirements contract" means a contract:

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

564 (b) that:

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

566 (ii) provides a maximum purchase limit.

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

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

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

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

573 solicitation.

574 (77) "Rule" includes a policy or regulation adopted by the rulemaking authority, if adopting
575 a policy or regulation is the method the rulemaking authority uses to adopt provisions
576 that govern the applicable procurement unit.

577 (78) "Rulemaking authority" means:

578 (a) for a legislative procurement unit, the Legislative Management Committee;

579 (b) for a judicial procurement unit, the Judicial Council;

580 (c)(i) only to the extent of the procurement authority expressly granted to the
581 procurement unit by statute:

582 (A) for the facilities division, the facilities division;

583 (B) for the Office of the Attorney General, the attorney general;

584 (C) for the Department of Transportation created in Section 72-1-201, the
585 executive director of the Department of Transportation;

586 (D) for the Department of Health and Human Services, the executive director of
587 the Department of Health and Human Services; and

588 (E) for any other executive branch department, division, office, or entity that has
589 statutory procurement authority outside this chapter, the governing authority of
590 the department, division, office, or entity; and

591 (ii) for each other executive branch procurement unit, the board;

592 (d) for a local government procurement unit:

593 (i) the governing body of the local government unit; or

594 (ii) an individual or body designated by the local government procurement unit;

595 (e) for a school district or a public school, the board, except to the extent of a school
596 district's own nonadministrative rules that do not conflict with the provisions of this
597 chapter;

598 (f) for a state institution of higher education, the Utah Board of Higher Education;

599 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
600 State Board of Education;

601 (h) for a public transit district, the chief executive of the public transit district;

602 (i) for a special district other than a public transit district or for a special service district,
603 the board, except to the extent that the board of trustees of the special district or the
604 governing body of the special service district makes its own rules:

605 (i) with respect to a subject addressed by board rules; or

606 (ii) that are in addition to board rules;

607 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah
608 Board of Higher Education;
609 (k) for the School and Institutional Trust Lands Administration, created in Section
610 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
611 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201, the
612 School and Institutional Trust Fund Board of Trustees;
613 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the
614 Utah Communications Authority board, created in Section 63H-7a-203; or
615 (n) for any other procurement unit, the board.

616 (79) "Service":

617 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
618 unit;
619 (b) includes a professional service; and
620 (c) does not include labor, effort, or work provided under an employment agreement or a
621 collective bargaining agreement.

622 (80) "Small purchase process" means the procurement process described in Section
623 63G-6a-506.

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

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

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

630 (84) "Solicitation response" means:

631 (a) a bid submitted in response to an invitation for bids;
632 (b) a proposal submitted in response to a request for proposals; or
633 (c) a statement of qualifications submitted in response to a request for statement of
634 qualifications.

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

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

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

641 (a) a requirement for inspecting or testing a procurement item; or
642 (b) preparing a procurement item for delivery.

643 (88) "Standard procurement process" means:

644 (a) the bidding process;
645 (b) the request for proposals process;
646 (c) the approved vendor list process;
647 (d) the small purchase process; or
648 (e) the design professional procurement process.

649 (89) "State cooperative contract" means a contract awarded by the division for and in behalf
650 of all public entities.

651 (90) "Statement of qualifications" means a written statement submitted to a procurement
652 unit in response to a request for statement of qualifications.

653 (91) "Subcontractor":

654 (a) means a person under contract to perform part of a contractual obligation under the
655 control of the contractor, whether the person's contract is with the contractor directly
656 or with another person who is under contract to perform part of a contractual
657 obligation under the control of the contractor; and
658 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services to
659 a contractor.

660 (92) "Technology" means the same as "information technology," as defined in Section
661 63A-16-102.

662 (93) "Tie bid" means that the lowest responsive bids of responsible bidders are identical in
663 price.

664 (94) "Time and materials contract" means a contract under which the contractor is paid:
665 (a) the actual cost of direct labor at specified hourly rates;
666 (b) the actual cost of materials and equipment usage; and
667 (c) an additional amount, expressly described in the contract, to cover overhead and
668 profit, that is not based on a percentage of the cost to the contractor.

669 (95) "Transitional costs":

670 (a) means the costs of changing:
671 (i) from an existing provider of a procurement item to another provider of that
672 procurement item; or
673 (ii) from an existing type of procurement item to another type;
674 (b) includes:

- (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

709 facilities, through the Office of the Legislative Fiscal Analyst;

710 (e) review and approve the executive director's:

711 (i) annual work plan;

712 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and

713 capitol hill grounds; and

714 (iii) furnishings plan for placement and care of objects under the care of the board;

715 (f) approve all changes to the buildings and their grounds, including:

716 (i) restoration, remodeling, and rehabilitation projects;

717 (ii) usual maintenance program; and

718 (iii) any transfers or loans of objects under the board's care;

719 (g) define and identify all significant aspects of capitol hill, after consultation with the:

720 (i) Division of Facilities Construction and Management;

721 (ii) State Library Division;

722 (iii) Division of Archives and Records Service;

723 (iv) Utah Historical Society;

724 (v) Office of Museum Services; and

725 (vi) Arts Council;

726 (h) inventory, define, and identify all significant contents of the buildings and all

727 state-owned items of historical significance that were at one time in the buildings,

728 after consultation with the:

729 (i) Division of Facilities Construction and Management;

730 (ii) State Library Division;

731 (iii) Division of Archives and Records Service;

732 (iv) Utah Historical Society;

733 (v) Office of Museum Services; and

734 (vi) Arts Council;

735 (i) maintain archives relating to the construction and development of the buildings, the

736 contents of the buildings and the grounds, including plans, specifications,

737 photographs, purchase orders, and other related documents, the original copies of

738 which shall be maintained by the Division of Archives and Records Service;

739 (j) comply with federal and state laws related to program and facility accessibility; and

740 (k) establish procedures for receiving, hearing, and deciding complaints or other issues

741 raised about capitol hill and the use of capitol hill.

742 (2)(a) The board shall make rules to govern, administer, and regulate capitol hill, in

743 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[.] ,
744 including rules:

- 745 (i) establishing reasonable time, place, and manner regulations relating to free speech
746 activities on capitol hill; and
- 747 (ii) imposing limitations on commercial solicitation activities on capitol hill.
- 748 (b) A violation of a rule relating to the use of capitol hill adopted by the board under the
749 authority of this Subsection (2) is an infraction.
- 750 (c) If an act violating a rule under Subsection (2)(b) also amounts to an offense subject
751 to a greater penalty under this title, Title 32B, Alcoholic Beverage Control Act, Title
752 41, Motor Vehicles, Title 76, Utah Criminal Code, or other provision of state law,
753 Subsection [(3)(b)] (2)(b) does not prohibit prosecution and sentencing for the more
754 serious offense.
- 755 (d) In addition to any punishment allowed under Subsections (2)(b) and (c), a person
756 who violates a rule adopted by the board under the authority of this Subsection (2) is
757 subject to a civil penalty not to exceed \$2,500 for each violation, plus the amount of
758 any actual damages, expenses, and costs related to the violation of the rule that are
759 incurred by the state.
- 760 (e) The board may take any other legal action allowed by law.
- 761 (f)(i) The board may not apply this section or rules adopted under the authority of this
762 section in a manner that violates a person's rights under the Utah Constitution or
763 the First Amendment to the United States Constitution, including the right of
764 persons to peaceably assemble.
 - 765 (ii) Upon receiving an appeal of the denial of a requested activity in the legislative
766 area under Utah Administrative Code, Rule R131-11-6, Expedited Appeals - Free
767 Speech Activities, the executive director of the board shall immediately:
 - 768 (A) notify the president of the Senate and the speaker of the House of
769 Representatives of the appeal; and
 - 770 (B) consult with the president of the Senate and the speaker of the House of
771 Representatives concerning the proper disposition of the appeal.
- 772 (g) The board shall send proposed rules under this section to the legislative general
773 counsel and the governor's general counsel for review and comment before the board
774 adopts the rules.
- 775 (h)(i) Nothing in Subsection (2)(a) restricts the Legislative Management Committee
776 from adopting policies on behalf of the Legislature to govern, administer, or

777 regulate the legislative area.

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

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

785 (4) The board shall name:

786 (a) the House Building the "Rebecca D. Lockhart House Building"; and
787 (b) committee room 210 in the Senate Building the "Allyson W. Gamble Committee
788 Room."

789 (5)(a) The board may:

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

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

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

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

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

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

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

803 (viii) when necessary, consult with the:

804 (A) Division of Facilities Construction and Management;
805 (B) State Library Division;
806 (C) Division of Archives and Records Service;
807 (D) Utah Historical Society;
808 (E) Office of Museum Services; and
809 (F) Arts Council.

810 (b) The board's provision of wireless Internet service under Subsection (5)(a)(vii) shall

811 be discontinued in the legislative area if the president of the Senate and the speaker of
812 the House of Representatives each submit a signed letter to the board indicating that
813 the service is disruptive to the legislative process and is to be discontinued.

814 (c) If a budget subcommittee is established by the board, the following shall serve as ex
815 officio, nonvoting members of the budget subcommittee:

816 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the
817 Office of the Legislative Fiscal Analyst; and

818 (ii) the executive director of the Governor's Office of Planning and Budget, or the
819 executive director's designee, who shall be from the Governor's Office of Planning
820 and Budget.

821 (d) If a preservation and maintenance subcommittee is established by the board, the
822 board may, by majority vote, appoint one or each of the following to serve on the
823 subcommittee as voting members of the subcommittee:

824 (i) an architect, who shall be selected from a list of three architects submitted by the
825 American Institute of Architects; or

826 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
827 American Civil Engineers Council.

828 (e) If the board establishes any subcommittees, the board may, by majority vote, appoint
829 up to two people who are not members of the board to serve, at the will of the board,
830 as nonvoting members of a subcommittee.

831 (f) Members of each subcommittee shall, at the first meeting of each calendar year,
832 select one individual to act as chair of the subcommittee for a one-year term.

833 (6)(a) The board, and the employees of the board, may not move the office of the
834 governor, lieutenant governor, president of the Senate, speaker of the House of
835 Representatives, or a member of the Legislature from the State Capitol unless the
836 removal is approved by:

837 (i) the governor, in the case of the governor's office;

838 (ii) the lieutenant governor, in the case of the lieutenant governor's office;

839 (iii) the president of the Senate, in the case of the president's office or the office of a
840 member of the Senate; or

841 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
842 the office of a member of the House.

843 (b) The board and the employees of the board have no control over the furniture,
844 furnishings, and decorative objects in the offices of the governor, lieutenant

845 governor, or the members of the Legislature except as necessary to inventory or
846 conserve items of historical significance owned by the state.

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

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

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

68-3-13.5 . Summaries of legislation.

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

858 (2) A written summary associated with legislation that is prepared by a staff member of the
859 Senate or the House of Representatives, or by a staff office for the Legislature:
860 (a) is not part of the legislation considered, agreed to, or enacted by the Legislature; and
861 (b) is not evidence of legislative intent.

862 Section 7. **Repealer.**

863 This bill repeals:

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

866 **Section 36-12-10, Right of members to attend meetings -- Voting -- Subject to open and**
867 **public meeting requirements.**

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

870 Section 8. **Effective Date.**

871 This bill takes effect:

872 (1) except as provided in Subsection (2), May 7, 2025; or
873 (2) if approved by two-thirds of all members elected to each house:
874 (a) upon approval by the governor;
875 (b) without the governor's signature, the day following the constitutional time limit of
876 Utah Constitution, Article VII, Section 8; or
877 (c) in the case of a veto, the date of veto override.