

Legislative Activities Amendments

2026 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 legislative activities.

Highlighted Provisions:

This bill:

- clarifies that the Legislative Management Committee (LMC) oversees workplace harassment and discrimination policy governance and updates references to that policy;
- modifies LMC's quorum and meeting requirements;
- 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 leader of each chamber of the Legislature and the chairs of LMC;
- repeals the LMC Subcommittee on Oversight;
- provides that LMC policy governs the general counsel's representation of a legislative client before a court or administrative agency or tribunal;
- reorganizes and amends the legislative general counsel's responsibility to correct technical errors in legislation and the Utah Code;
- eliminates the Legislature's responsibility to print, store, and distribute the Utah Code Annotated;
- repeals a provision governing legislators who attend meetings of the Legislature;
- updates the definition of a legislative procurement unit to include the House of Representatives, the Senate, or a state office of the Legislature;
- repeals certain quinquennial reporting requirements applicable to legislative boards and the Office of Legislative Research and General Counsel;
- provides that the president of the Senate and the speaker of the House of Representatives

are vice chairs of the State Capitol Preservation Board (board);

- directs the board to make rules related to specified activities on capitol hill;
- provides that the board's authority to make rules to govern, administer, and regulate capitol hill does not restrict LMC's authority to adopt policies that govern the legislative area;
- provides that, if there is a conflict between a board rule and an LMC policy governing the legislative area, the LMC policy prevails;
- directs the executive director of the board to notify and consult with the president of the Senate and the speaker of the House of Representatives when a person appeals an administrative denial of a requested activity in the legislative area;
- provides that a bill summary 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
- make 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
36-12-6, as last amended by Laws of Utah 2024, Chapter 425
36-12-7, as last amended by Laws of Utah 2024, Chapter 425
36-12-12, as last amended by Laws of Utah 2023, Chapters 21, 291 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 21
36-13-1, as last amended by Laws of Utah 1987, Chapter 130
63G-6a-103, as last amended by Laws of Utah 2025, First Special Session, Chapter 9
63O-2-202, as renumbered and amended by Laws of Utah 2024, Chapter 425
63O-2-301, as renumbered and amended by Laws of Utah 2024, Chapter 425

ENACTS:

36-12-12.2, Utah Code Annotated 1953
68-3-13.5, Utah Code Annotated 1953

REPEALS:

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

62 36-12-10, as last amended by Laws of Utah 2006, Chapter 14

63 36-12-17, as last amended by Laws of Utah 1985, Chapter 47

64 36-12-22, as last amended by Laws of Utah 2020, Chapter 154

65

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

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

68 **36-11-501 . Unlawful harassment -- Investigation -- Penalties.**

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

70 (a) federal workplace discrimination and harassment requirements;

71 (b) [~~Utah Senate or Utah House~~] Legislative Management Committee policies governing
72 workplace discrimination or harassment;

73 (c) Utah executive branch policies governing workplace discrimination or harassment; or

74 (d) any combination of [~~Subsections~~] Subsection (1)(a), (b), or (c).

75 (2)(a) The lieutenant governor may take an action described in Subsection (3) against a
76 lobbyist if the lieutenant governor finds, after giving the lobbyist notice and an
77 opportunity to be heard, that the lobbyist engaged in a serious violation, or multiple
78 violations, of this section.

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

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

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

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

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

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

94 (b) A lobbyist who is a victim of workplace discrimination or harassment by a
95 legislative worker may file a complaint under the [~~Utah Senate's workplace~~

discrimination and harassment policy or the Utah House's] Legislative Management Committee's workplace discrimination and harassment policy.

Section 2. Section **36-12-6** is amended to read:

36-12-6 . Permanent committees -- House and Senate management -- Members -- Chair -- Legislative Management Committee -- Membership -- Chair and vice-chair -- Meetings -- Quorum.

(1) There are hereby established as permanent committees of the Legislature a House Management Committee and a Senate Management Committee.

(a)(i) The House Management Committee shall consist of eight members of the House of Representatives, four from each major political party. The membership shall include the elected leadership of the House of Representatives and additional members chosen at the beginning of each annual general session by the minority party caucus as needed to complete the full membership.

(ii) The chair of the committee shall be the speaker of the House of Representatives or the speaker's designee.

(b)(i) The Senate Management Committee shall consist of eight members of the Senate, four from each major political party. The membership shall include the elected leadership of the Senate and additional members chosen at the beginning of each annual general session by the appropriate party caucus as needed to complete the full membership.

(ii) The chair of the committee shall be the president of the Senate or the president's designee.

(2)(a) There is established a permanent committee of the Legislature known as the Legislative Management Committee.

(b) The committee shall consist of:

(i) the members of the House Management Committee; and

(ii) the members of the Senate Management Committee.

(c)(i) The president of the Senate or the president's designee shall be chair during 1987, and the speaker of the House of Representatives or the speaker's designee shall be vice-chair of the committee during that year.

(ii) The positions of chair and vice-chair of the Legislative Management Committee shall rotate annually between these two officers in succeeding years.

(d) The committee shall meet as often as is necessary to perform its duties[, but not less than once each quarter].

(e) If any vote of the committee results in a tie, the president of the Senate and speaker of the House of Representatives may together cast an additional vote to break the tie.

(f) Each year the Legislative Management Committee shall meet no later than 60 days after the day on which the Legislature adjourns the annual general session sine die.

(3) If a legislator declines membership on ~~[the committees]~~ a committee established by this section, or if a vacancy occurs, a replacement shall be chosen by the leadership of the appropriate party of the chamber in which the vacancy occurs.

~~[(4) The committees established by this section shall meet not later than 60 days after the adjournment sine die of the annual general session held in even-numbered years and not later than 30 days after the adjournment sine die of the annual general session held in odd-numbered years for the purpose of effecting their organization and prescribing rules and policies pertaining to their respective powers and duties. A majority of the members of each committee constitutes a quorum, and a majority of a quorum has authority to act in any matter falling within the jurisdiction of the committee.]~~

~~(4)(a)~~ A quorum of the House Management Committee or the Senate Management Committee is a majority of the committee's members.

~~(b)~~ A quorum of the Legislative Management Committee is at least 50% of the committee's members from one chamber and more than 50% of the committee's members from the other chamber.

Section 3. Section **36-12-7** is amended to read:

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

(1) The Senate or House Management Committee shall:

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

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

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

(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 policies for]~~ oversee branch-wide internal administrative matters for the Legislature, including providing for the establishment of policies governing:

(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 4. Section **36-12-12** is amended to read:

36-12-12 . Office of Legislative Research and General Counsel established -- Powers, functions, and duties -- Organization of office -- Selection of director and general counsel.

- (1) There is established an Office of Legislative Research and General Counsel as a permanent staff office for the Legislature.

(2) The powers, functions, and duties of the Office of Legislative Research and General Counsel under the supervision of the director shall be:

(a) to provide research and legal staff assistance to all standing, special, and interim committees as follows:

(i) to assist each committee chairman in planning the work of the committee;

(ii) to prepare and present research and legal information in accordance with committee instructions or instructions of the committee chairman;

(iii) to prepare progress reports of committee work when requested; and

(iv) to prepare a final committee report in accordance with committee instructions, that includes relevant research information, committee policy recommendations, and recommended legislation;

(b) to collect and examine the acts and official reports of any state and report their contents to any committee or member of the Legislature;

(c) to provide research and legal analysis services to any interim committee, legislative standing committee, or individual legislator on actual or proposed legislation or subjects of general legislative concern;

(d)(i) to exercise under the direction of the general counsel the constitutional authority provided in Utah Constitution, Article VI, Section 32, in serving as legal counsel to the Legislature, majority and minority leadership of the House of Representatives or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff; and

(ii) subject to policies adopted by the Legislative Management Committee described in Section 36-12-7, to represent the Legislature, majority and minority leadership of the House of Representatives or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the legislative staff in cases and controversies before courts and administrative agencies and tribunals;

(e) to prepare and assist in the preparation of legislative bills, resolutions, memorials, amendments, and other documents or instruments required in the legislative process and, under the direction of the general counsel, give advice and counsel regarding them to the Legislature, majority and minority leadership of the House of Representatives or Senate, any of its members or members-elect, any of its committees or subcommittees, or the legislative staff;

- (f) under the direction of the general counsel[:] ,
[(i) to review, examine, and correct any technical errors when:]
[(A) preparing legislation that passed both houses to enroll the legislation and
prepare the laws for publication; or]
[(B) maintaining the accuracy of the electronic code database; and]
[(ii)] to deliver enrolled legislation to the House of Representatives and the Senate for
submission to the governor for gubernatorial action;
- (g)(i) to maintain, exercise control over, and [to]act as the repository and custodian [
of the official copy and database of the current version]of the Utah Constitution
database, as defined in Section 36-12-12.2;
(ii) to [incorporate] keep the Utah Constitution database current, including
incorporating into the Utah Constitution any amendments to the Utah Constitution
that pass during a regular general election; and
(iii) to update and maintain the bold face descriptive titles to sections of the Utah
Constitution;
- (h) to prepare the laws for publication, in accordance with Section 36-12-12.2;
- (i)(i) to maintain, exercise control over, and act as the repository and custodian of the [
official copy and database of the]Utah Code database, as defined in Section
36-12-12.2, organized by title, chapter, part, and section; and
(ii) to keep the Utah Code database current, including updating the database to reflect:
(A) any duly enacted legislation making changes, including future changes, to the
Utah Code; and
(B) any corrections of technical errors in accordance with Section 36-12-12.2;
- (j) in accordance with Title 46, Chapter 5, Uniform Electronic Legal Material Act, to act
as the official publisher, as defined in Section 46-5-102, for the Utah Constitution,
the Utah Code, and the Laws of Utah;
- (k) to transmit a legislative record to the state archivist in accordance with Section
63A-12-102.5;
- (l) to formulate recommendations for the revision, clarification, classification,
arrangement, codification, annotation, and indexing of Utah statutes, and to develop
proposed legislation to effectuate the recommendations;
- [(k)] (m) to appoint and develop a professional staff within budget limitations; and
[(H)] (n) to prepare and submit the annual budget request for the Office of Legislative
Research and General Counsel.

- (3)(a) If, under Utah Constitution, Article VI, Section 10, the House of Representatives or Senate determines that an individual is not qualified to serve in the House of Representatives or Senate, or expels an individual from the respective chamber, but the individual continues to hold his or her elected legislative office, the Office of Legislative Research and General Counsel may not provide legislative staff services, including legal services, to the individual.
- (b) Notwithstanding Subsection (3)(a), the Office of Legislative Research and General Counsel may provide legal services for an individual described in Subsection (3)(a) if the legal services are approved by the Legislative Management Committee described in Section 36-12-7.
- ~~[(4) The statutory authorization of the Office of Legislative Research and General Counsel to correct technical errors provided in Subsection (2)(f), to prepare the laws for publication in Subsection (2)(h), and to modify the electronic record to correct technical errors under Subsection (2)(i)(ii)(B) includes:]~~
- ~~[(a) adopting a uniform system of punctuation, capitalization, numbering, and wording for enrolled legislation and the Laws of Utah;]~~
- ~~[(b) eliminating duplication and the repeal of laws directly or by implication, including renumbering when necessary;]~~
- ~~[(c) correcting defective or inconsistent title, chapter, part, section, and subsection structure in the arrangement of the subject matter of existing statutes;]~~
- ~~[(d) eliminating obsolete and redundant words;]~~
- ~~[(e) correcting:]~~
- ~~[(i) obvious typographical and grammatical errors; and]~~
- ~~[(ii) other obvious inconsistencies, including those involving punctuation, capitalization, cross references, numbering, and wording;]~~
- ~~[(f) inserting or changing the boldface to more accurately reflect the substance of each section, part, chapter, or title;]~~
- ~~[(g) merging or determining priority of any amendments, enactments, or repealers to the same code provisions that are passed by the Legislature;]~~
- ~~[(h) renumbering and rearranging of a title, chapter, part, section, or provisions of a section;]~~
- ~~[(i) transferring sections or dividing sections to assign separate sections numbers to distinct subject matters;]~~
- ~~[(j) modifying cross references to agree with renamed or renumbered titles, chapters,~~

parts, or sections;]

[(k) substituting the proper section or chapter number for the terms "this act," "this bill," or similar terms;]

[(l) substituting the proper calendar date in the database and in the Laws of Utah;]

[(m) modifying the highlighted provisions of legislation to correct an inconsistency between the highlighted provisions and the enacted provisions of the legislation;]

[(n) correcting the names of agencies, departments, and similar units of government;]

[(o) rearranging any misplaced statutory material, incorporating any omitted statutory material, and correcting other obvious errors of addition or omission;]

[(p) correcting or incorporating a special clause that was publicly available on the Legislature's website but is errantly omitted, modified, or retained during the legislative process due to obvious technological or human error, including:]

[(i) a severability clause;]

[(ii) an effective date clause;]

[(iii) a retrospective operation clause;]

[(iv) an uncodified repeal date clause;]

[(v) a revisor instruction clause; or]

[(vi) a coordination clause;]

[(q) correcting the incorporation of an amendment due to obvious technological or human error; and]

[(r) alphabetizing definition sections.]

[(5)] (4) In carrying out the duties provided for in this section, the director of the Office of Legislative Research and General Counsel may obtain access to all records, documents, and reports necessary to the scope of the director's duties according to the procedures contained in Chapter 14, Legislative Subpoena Powers.

[(6)] (5) In organizing the management of the Office of Legislative Research and General Counsel, the Legislative Management Committee may either:

- (a) select a person to serve as both the director of the office and as general counsel. In such case, the director of the office shall be a lawyer admitted to practice in Utah and shall have practical management experience or equivalent academic training; or
- (b) select a person to serve as director of the office who would have general supervisory authority and select another person to serve as the legislative general counsel within the office. In such case, the director of the office shall have a master's degree in public or business administration, economics, or the equivalent in academic or

practical experience and the legislative general counsel shall be a lawyer admitted to practice in Utah.

Section 5. Section **36-12-12.2** is enacted to read:

36-12-12.2 . Authority to revise code.

(1) As used in this section:

(a) "Utah Code database" means an electronic repository of the Utah Code.

(b) "Utah Constitution database" means an electronic repository of the Utah Constitution.

(2) The Office of Legislative Research and General Counsel, under the direction of the general counsel shall review, examine, and correct any technical errors when:

(a) preparing legislation that passed both chambers to enroll the legislation;

(b) preparing the laws for publication; and

(c) maintaining the accuracy of the Utah Code database and the Utah Constitution database in accordance with Section 36-12-12.

(3) The authority of the Office of Legislative Research and General Counsel to correct technical errors provided in Subsection (2):

(a) includes:

(i) adopting and implementing a uniform system of punctuation, capitalization, numbering, and wording for enrolled legislation and the Laws of Utah;

(ii) removing duplication;

(iii) removing laws repealed directly or by implication;

(iv) correcting defective or inconsistent title, chapter, part, section, and subsection structure in the arrangement of the subject matter of existing statutes;

(v) eliminating obsolete and redundant words;

(vi) correcting:

(A) obvious typographical and grammatical errors; and

(B) other obvious inconsistencies, including those involving punctuation, capitalization, cross references, numbering, and wording;

(vii) inserting or changing the boldface to more accurately reflect the substance of each title, chapter, part, or section;

(viii) merging or determining priority of any amendments, enactments, or repealers to the same code provisions that are passed by the Legislature;

(ix) correcting the incorporation of an amendment due to obvious technological or human error;

(x) renumbering and rearranging of a title, chapter, part, section, or provisions of a

- 402 section;
- 403 (xi) transferring sections or dividing sections to assign separate section numbers to
- 404 distinct subject matters;
- 405 (xii) modifying cross references to agree with renamed or renumbered titles, chapters,
- 406 parts, or sections;
- 407 (xiii) substituting the proper section or chapter number for the terms "this act," "this
- 408 bill," or similar terms;
- 409 (xiv) substituting the proper calendar date in the Utah Code database and in the Laws
- 410 of Utah;
- 411 (xv) correcting erroneous statutory history in the long title of legislation;
- 412 (xvi) correcting the names of agencies, departments, officers, funds, and similar units
- 413 of government;
- 414 (xvii) rearranging any misplaced statutory material, incorporating any omitted
- 415 statutory material, and correcting other obvious errors of addition or omission;
- 416 (xviii) correcting or incorporating a special clause or uncodified material that was
- 417 publicly available on the Legislature's website but is errantly omitted, modified, or
- 418 retained during the legislative process due to obvious technological or human
- 419 error, including:
- 420 (A) an appropriation clause;
- 421 (B) a severability clause;
- 422 (C) an effective date clause;
- 423 (D) a retrospective operation clause;
- 424 (E) an uncodified repeal date clause;
- 425 (F) a revisor instruction clause; or
- 426 (G) a coordination clause; and
- 427 (xix) alphabetizing definition sections; and
- 428 (b) does not include a correction that would alter the meaning or effect of law.

429 Section 6. Section **36-13-1** is amended to read:

430 **36-13-1 . Distribution of legislative publications by Legislature.**

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

- 432 (1) the ~~[legislative session laws]~~ Laws of Utah;
- 433 (2) the House and Senate Journals; and
- 434 ~~[(3) the Utah Code Annotated; and]~~
- 435 ~~[(4)]~~ (3) ~~[all]~~ other legislative reports and publications~~[-of Utah statutes].~~

Section 7. Section **63G-6a-103** is amended to read:

63G-6a-103 . Definitions.

As used in this chapter:

- (1) "Approved vendor" means a person who has been approved for inclusion on an approved vendor list through the approved vendor list process.
- (2) "Approved vendor list" means a list of approved vendors established under Section 63G-6a-507.
- (3) "Approved vendor list process" means the procurement process described in Section 63G-6a-507.
- (4)(a) "Award" means, in relation to a contract, a procurement unit's selection of a vendor to supply a procurement item after the procurement unit engages in:
 - (i) a standard procurement process; or
 - (ii) an exception to a standard procurement process under Part 8, Exceptions to Procurement Requirements.
- (b) "Award" does not mean, in relation to a contract, a procurement unit's offer or acceptance of any terms or conditions related to the procurement unit's acquisition or receipt of the procurement item.
- (5) "Bidder" means a person who submits a bid or price quote in response to an invitation for bids.
- (6) "Bidding process" means the procurement process described in Part 6, Bidding.
- (7) "Board" means the Utah State Procurement Policy Board, created in Section 63G-6a-202.
- (8) "Change directive" means a written order signed by the procurement officer that directs the contractor to suspend work or make changes, as authorized by contract, without the consent of the contractor.
- (9) "Change order" means a written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual agreement of the parties to the contract.
- (10) "Chief procurement officer" means the individual appointed under Section 63A-2-102.
- (11) "Conducting procurement unit" means a procurement unit that conducts all aspects of a procurement:
 - (a) except:
 - (i) reviewing a solicitation to verify that it is in proper form; and
 - (ii) causing the publication of a notice of a solicitation; and
 - (b) including:

- 470 (i) preparing any solicitation document;
- 471 (ii) appointing an evaluation committee;
- 472 (iii) conducting the evaluation process, except the process relating to scores
- 473 calculated for costs of proposals;
- 474 (iv) selecting and recommending the person to be awarded a contract;
- 475 (v) negotiating the terms and conditions of a contract, subject to the issuing
- 476 procurement unit's approval; and
- 477 (vi) contract administration.
- 478 (12) "Conservation district" means the same as that term is defined in Section 17D-3-102.
- 479 (13) "Construction project":
- 480 (a) means a project for the construction, renovation, alteration, improvement, or repair of
- 481 a public facility on real property, including all services, labor, supplies, and materials
- 482 for the project; and
- 483 (b) does not include services and supplies for the routine, day-to-day operation, repair,
- 484 or maintenance of an existing public facility.
- 485 (14) "Construction manager/general contractor":
- 486 (a) means a contractor who enters into a contract:
- 487 (i) for the management of a construction project; and
- 488 (ii) that allows the contractor to subcontract for additional labor and materials that are
- 489 not included in the contractor's cost proposal submitted at the time of the
- 490 procurement of the contractor's services; and
- 491 (b) does not include a contractor whose only subcontract work not included in the
- 492 contractor's cost proposal submitted as part of the procurement of the contractor's
- 493 services is to meet subcontracted portions of change orders approved within the
- 494 scope of the project.
- 495 (15) "Construction subcontractor":
- 496 (a) means a person under contract with a contractor or another subcontractor to provide
- 497 services or labor for the design or construction of a construction project;
- 498 (b) includes a general contractor or specialty contractor licensed or exempt from
- 499 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and
- 500 (c) does not include a supplier who provides only materials, equipment, or supplies to a
- 501 contractor or subcontractor for a construction project.
- 502 (16) "Contract" means an agreement for a procurement.
- 503 (17) "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;
- (c) executing change orders;
- (d) processing contract amendments;
- (e) resolving, to the extent practicable, contract disputes;
- (f) curing contract errors and deficiencies;
- (g) terminating a contract;
- (h) measuring or evaluating completed work and contractor performance;
- (i) computing payments under the contract; and
- (j) closing out a contract.

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

(19) "Cooperative procurement" means procurement conducted by, or on behalf of:

- (a) more than one procurement unit; or
- (b) a procurement unit and a cooperative purchasing organization.

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

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

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

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

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

(25) "Design professional" means:

- (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects Licensing Act;
- (b) an individual licensed as a professional engineer or professional land surveyor under

Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors
Licensing Act;

(c) an individual licensed under Title 58, Chapter 53, Landscape Architects Licensing
Act, to engage in the practice of landscape architecture, as defined in Section
58-53-102; or

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

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

(27) "Design professional services" means:

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

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

(c) master planning and programming services;

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

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

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

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

(30) "Educational procurement unit" means:

(a) a school district;

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

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

(d) the Utah Education and Telehealth Network;

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

(f) the State Board of Education.

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

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

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

(c) states prices at which sales are currently or were last made to a significant number of

any category of buyers or buyers constituting the general buying public for the supplies or services involved.

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

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

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

(34) "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.

(35) "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.

(36) "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.

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

(38) "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.

(39) "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.

(40) "Independent procurement unit" means:

- (a)(i) a legislative procurement unit;
- (ii) a judicial branch procurement unit;
- (iii) an educational procurement unit;
- (iv) a local governmental 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.

(41)(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.

(42) "Invitation for bids":

640 (a) means a document used to solicit:

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

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

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

644 described in Subsection (42)(a).

645 (43) "Issuing procurement unit" means a procurement unit that:

646 (a) reviews a solicitation to verify that [it] the solicitation is in proper form;

647 (b) causes the notice of a solicitation to be published; and

648 (c) negotiates and approves the terms and conditions of a contract.

649 (44) "Judicial procurement unit" means:

650 (a) the Utah Supreme Court;

651 (b) the Utah Court of Appeals;

652 (c) the Judicial Council;

653 (d) a state judicial district; or

654 (e) an office, committee, subcommittee, or other organization within the state judicial
655 branch.

656 (45) "Labor hour contract" is a contract under which:

657 (a) the supplies and materials are not provided by, or through, the contractor; and

658 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and profit
659 for a specified number of labor hours or days.

660 (46) "Legislative procurement unit" means:

661 (a) the Legislature;

662 (b) the Senate;

663 (c) the House of Representatives; or

664 (d) a staff office of the Legislature[, the Senate, or the House of Representatives; or] .

665 [~~(e) a committee, subcommittee, commission, or other organization;~~]

666 [~~(i) within the state legislative branch; or]~~

667 [~~(ii)(A) that is created by statute to advise or make recommendations to the~~
668 ~~Legislature;~~]

669 [~~(B) the membership of which includes legislators; and]~~

670 [~~(C) for which the Office of Legislative Research and General Counsel provides~~
671 ~~staff support.~~]

672 (47) "Local building authority" means the same as that term is defined in Section 17D-2-102.

673 (48) "Local government procurement unit" means:

- 674 (a) a county, municipality, interlocal entity, or project entity, and each office of the
675 county, municipality, interlocal entity, or project entity, unless:
676 (i) the county or municipality adopts a procurement code by ordinance;
677 (ii) the interlocal entity adopts procurement rules or policies as provided in
678 Subsection 11-13-226(2); or
679 (iii) the project entity adopts a procurement code through the process described in
680 Section 11-13-316;
- 681 (b)(i) a county or municipality that has adopted this entire chapter by ordinance, and
682 each office or agency of that county or municipality; and
683 (ii) a project entity that has adopted this entire chapter through the process described
684 in Subsection 11-13-316; or
- 685 (c) a county, municipality, or project entity, and each office of the county, municipality,
686 or project entity that has adopted a portion of this chapter to the extent that:
687 (i) a term in the ordinance is used in the adopted chapter; or
688 (ii) a term in the ordinance is used in the language a project entity adopts in its
689 procurement code through the process described in Section 11-13-316.
- 690 (49) "Multiple award contracts" means the award of a contract for an indefinite quantity of
691 a procurement item to more than one person.
- 692 (50) "Multiyear contract" means a contract that extends beyond a one-year period,
693 including a contract that permits renewal of the contract, without competition, beyond
694 the first year of the contract.
- 695 (51) "Municipality" means a city or town.
- 696 (52) "Nonadopting local government procurement unit" means:
697 (a) a county or municipality that has not adopted Part 16, Protests, Part 17, Procurement
698 Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,
699 General Provisions Related to Protest or Appeal; and
700 (b) each office or agency of a county or municipality described in Subsection (52)(a).
- 701 (53) "Offeror" means a person who submits a proposal in response to a request for
702 proposals.
- 703 (54) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference
704 under the requirements of this chapter.
- 705 (55) "Procure" means to acquire a procurement item through a procurement.
- 706 (56) "Procurement" means the acquisition of a procurement item through an expenditure of
707 public funds, or an agreement to expend public funds, including an acquisition through a

708 public-private partnership.

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

711 (58) "Procurement official" means:

- 712 (a) for a procurement unit other than an independent procurement unit, the chief
713 procurement officer;
- 714 (b) for a legislative procurement unit, the individual, individuals, or body designated in a
715 policy adopted by the Legislative Management Committee;
- 716 (c) for a judicial procurement unit, the Judicial Council or an individual or body
717 designated by the Judicial Council by rule;
- 718 (d) for a local government procurement unit:
 - 719 (i) the legislative body of the local government procurement unit; or
 - 720 (ii) an individual or body designated by the local government procurement unit;
- 721 (e) for a special district, the board of trustees of the special district or the board of
722 trustees' designee;
- 723 (f) for a special service district, the governing body of the special service district or the
724 governing body's designee;
- 725 (g) for a local building authority, the board of directors of the local building authority or
726 the board of directors' designee;
- 727 (h) for a conservation district, the board of supervisors of the conservation district or the
728 board of supervisors' designee;
- 729 (i) for a public corporation, the board of directors of the public corporation or the board
730 of directors' designee;
- 731 (j) for a school district or any school or entity within a school district, the board of the
732 school district or the board's designee;
- 733 (k) for a charter school, the individual or body with executive authority over the charter
734 school or the designee of the individual or body;
- 735 (l) for an institution of higher education described in Section 53H-1-102, the president of
736 the institution of higher education or the president's designee;
- 737 (m) for the State Board of Education, the State Board of Education or the State Board of
738 Education's designee;
- 739 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
740 the designee of the Commissioner of Higher Education;
- 741 (o) for the Utah Communications Authority, established in Section 63H-7a-201, the

742 executive director of the Utah Communications Authority or the executive director's
743 designee; or

744 (p)(i) for the facilities division, and only to the extent of procurement activities of the
745 facilities division as an independent procurement unit under the procurement
746 authority provided under Title 63A, Chapter 5b, Administration of State Facilities,
747 the director of the facilities division or the director's designee;

748 (ii) for the attorney general, and only to the extent of procurement activities of the
749 attorney general as an independent procurement unit under the procurement
750 authority provided under Title 67, Chapter 5, Attorney General, the attorney
751 general or the attorney general's designee;

752 (iii) for the Department of Transportation created in Section 72-1-201, and only to
753 the extent of procurement activities of the Department of Transportation as an
754 independent procurement unit under the procurement authority provided under
755 Title 72, Transportation Code, the executive director of the Department of
756 Transportation or the executive director's designee;

757 (iv) for the Department of Health and Human Services, and only to the extent of the
758 procurement activities of the Department of Health and Human Services as an
759 independent procurement unit, the executive director of the Department of Health
760 and Human Services or the executive director's designee; or

761 (v) for any other executive branch department, division, office, or entity that has
762 statutory procurement authority outside this chapter, and only to the extent of the
763 procurement activities of the department, division, office, or entity as an
764 independent procurement unit under the procurement authority provided outside
765 this chapter for the department, division, office, or entity, the chief executive
766 officer of the department, division, office, or entity or the chief executive officer's
767 designee.

768 (59) "Procurement unit" means:

769 (a) a legislative procurement unit;

770 (b) an executive branch procurement unit;

771 (c) a judicial procurement unit;

772 (d) an educational procurement unit;

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

774 (f) a local government procurement unit;

775 (g) a special district;

- (h) a special service district;
- (i) a local building authority;
- (j) a conservation district; or
- (k) a public corporation.

(60) "Professional service" means labor, effort, or work that requires specialized knowledge, expertise, and discretion, including labor, effort, or work in the field of:

- (a) accounting;
- (b) administrative law judge service;
- (c) architecture;
- (d) construction design and management;
- (e) engineering;
- (f) financial services;
- (g) information technology;
- (h) the law;
- (i) medicine;
- (j) psychiatry; or
- (k) underwriting.

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

(62) "Protest officer" means:

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

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

(64) "Public entity" means the state or any other governmental entity within the state that expends public funds.

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

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

- (67) "Public transit district" means a public transit district organized under Title 17B, Chapter 2a, Part 8, Public Transit District Act.
- (68) "Public-private partnership" means an arrangement or agreement, occurring on or after January 1, 2017, between a procurement unit and one or more contractors to provide for 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.
- (69) "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.
- (70) "Real property" means land and any building, fixture, improvement, appurtenance, structure, or other development that is permanently affixed to land.
- (71) "Request for information" means a nonbinding process through which a procurement unit requests information relating to a procurement item.
- (72) "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.
- (73) "Request for proposals process" means the procurement process described in Part 7, Request for Proposals.
- (74) "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.
- (75) "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.
- (76) "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.

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

(78) "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.

(79) "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 an 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 53H-10-202, 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.

(80) "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.

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

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

(83) "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.

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

(85) "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.

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

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

- (88) "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
 - (b) preparing a procurement item for delivery.
- (89) "Standard procurement process" means:
- (a) the bidding process;
 - (b) the request for proposals process;
 - (c) the approved vendor list process;
 - (d) the small purchase process; or
 - (e) the design professional procurement process.
- (90) "State cooperative contract" means a contract awarded by the division for and in behalf of all public entities.
- (91) "Statement of qualifications" means a written statement submitted to a procurement unit in response to a request for statement of qualifications.
- (92) "Subcontractor":
- (a) means a person under contract to perform part of a contractual obligation under the control of the contractor, whether the person's contract is with the contractor directly or with another person who is under contract to perform part of a contractual obligation under the control of the contractor; and
 - (b) includes a supplier, distributor, or other vendor that furnishes supplies or services to a contractor.
- (93) "Technology" means the same as "information technology," as defined in Section 63A-16-102.
- (94) "Tie bid" means that the lowest responsive bids of responsible bidders are identical in price.
- (95) "Time and materials contract" means a contract under which the contractor is paid:
- (a) the actual cost of direct labor at specified hourly rates;
 - (b) the actual cost of materials and equipment usage; and
 - (c) an additional amount, expressly described in the contract, to cover overhead and profit, that is not based on a percentage of the cost to the contractor.
- (96) "Transitional costs":
- (a) means the costs of changing:

- 946 (i) from an existing provider of a procurement item to another provider of that
947 procurement item; or
- 948 (ii) from an existing type of procurement item to another type;
- 949 (b) includes:
- 950 (i) training costs;
- 951 (ii) conversion costs;
- 952 (iii) compatibility costs;
- 953 (iv) costs associated with system downtime;
- 954 (v) disruption of service costs;
- 955 (vi) staff time necessary to implement the change;
- 956 (vii) installation costs; and
- 957 (viii) ancillary software, hardware, equipment, or construction costs; and
- 958 (c) does not include:
- 959 (i) the costs of preparing for or engaging in a procurement process; or
- 960 (ii) contract negotiation or drafting costs.
- 961 (97) "Vendor":
- 962 (a) means a person who is seeking to enter into a contract with a procurement unit to
963 provide a procurement item; and
- 964 (b) includes:
- 965 (i) a bidder;
- 966 (ii) an offeror;
- 967 (iii) an approved vendor;
- 968 (iv) a design professional; and
- 969 (v) a person who submits an unsolicited proposal under Section 63G-6a-712.
- 970 Section 8. Section **63O-2-202** is amended to read:
- 971 **63O-2-202 . Terms -- Vacancies -- Chair -- Vice chairs -- Meetings --**
- 972 **Compensation.**
- 973 (1)(a) The governor, president of the Senate, speaker of the House of Representatives,
974 chief justice, state treasurer, state attorney general, and state historic preservation
975 officer shall serve terms coterminous with their office.
- 976 (b) The other members shall serve two-year terms.
- 977 (2) Vacancies in the appointed positions shall be filled by the original appointing authority
978 for the unexpired term.
- 979 (3)(a) Except as provided in [~~Subsection (3)(b)]~~ this Subsection (3), the governor is chair

980 of the board.

981 (b) The president of the Senate and the speaker of the House of Representative are vice
982 chairs of the board.

983 ~~[(b)]~~ (c)(i) When the governor is absent from [meetings of the board, the vice chair is
984 chair of the board] a board meeting, a vice chair shall act as chair of the board.

985 (ii) The vice chairs shall rotate annually in serving as chair under Subsection (3)(c)(i).
986 starting in 2026 with the president of the Senate.

987 (iii) If the governor is absent from a board meeting and the vice chair who would
988 serve as chair under Subsection (3)(c)(ii) is also absent, the other vice chair shall
989 act as chair.

990 ~~[(c) The governor shall appoint a member of the board to serve as vice chair with the~~
991 ~~approval of a majority of the members of the board.]~~

992 (d) A board member's designee may not serve as chair.

993 (4) The board shall meet at least quarterly and at other times at the call of the governor or at
994 the request of four members of the board.

995 (5)(a) A member who is not a legislator may not receive compensation or benefits for
996 the member's service, but may receive per diem and travel expenses as allowed in:

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

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

999 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
1000 63A-3-107.

1001 (b) Compensation and expenses of a member who is a legislator are governed by Section
1002 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

1003 Section 9. Section **63O-2-301** is amended to read:

1004 **63O-2-301 . Board powers -- Subcommittees.**

1005 (1) The board shall:

1006 (a) except as otherwise provided in Chapter 1, Control and Maintenance of Capitol Hill,
1007 exercise complete jurisdiction and stewardship over capitol hill facilities, capitol hill
1008 grounds, and the capitol hill complex;

1009 (b) preserve, maintain, and restore the capitol hill complex, capitol hill facilities, capitol
1010 hill grounds, and their contents;

1011 (c) before October 1 of each year, review and approve the executive director's annual
1012 budget request for submittal to the governor and Legislature;

1013 (d) on or before October 1 of each year, prepare and submit a recommended budget

- 1014 request for the upcoming fiscal year for the capitol hill complex to:
- 1015 (i) the governor, through the Governor's Office of Planning and Budget; and
- 1016 (ii) the Legislature's appropriations subcommittee responsible for capitol hill
- 1017 facilities, through the Office of the Legislative Fiscal Analyst;
- 1018 (e) review and approve the executive director's:
- 1019 (i) annual work plan;
- 1020 (ii) long-range master plan for the capitol hill complex, capitol hill facilities, and
- 1021 capitol hill grounds; and
- 1022 (iii) furnishings plan for placement and care of objects under the care of the board;
- 1023 (f) approve all changes to the buildings and their grounds, including:
- 1024 (i) restoration, remodeling, and rehabilitation projects;
- 1025 (ii) usual maintenance program; and
- 1026 (iii) any transfers or loans of objects under the board's care;
- 1027 (g) define and identify all significant aspects of capitol hill, after consultation with the:
- 1028 (i) Division of Facilities Construction and Management;
- 1029 (ii) State Library Division;
- 1030 (iii) Division of Archives and Records Service;
- 1031 (iv) Utah Historical Society;
- 1032 (v) Office of Museum Services; and
- 1033 (vi) Arts Council;
- 1034 (h) inventory, define, and identify all significant contents of the buildings and all
- 1035 state-owned items of historical significance that were at one time in the buildings,
- 1036 after consultation with the:
- 1037 (i) Division of Facilities Construction and Management;
- 1038 (ii) State Library Division;
- 1039 (iii) Division of Archives and Records Service;
- 1040 (iv) Utah Historical Society;
- 1041 (v) Office of Museum Services; and
- 1042 (vi) Arts Council;
- 1043 (i) maintain archives relating to the construction and development of the buildings, the
- 1044 contents of the buildings and the grounds, including plans, specifications,
- 1045 photographs, purchase orders, and other related documents, the original copies of
- 1046 which shall be maintained by the Division of Archives and Records Service;
- 1047 (j) comply with federal and state laws related to program and facility accessibility; and

(k) establish procedures for receiving, hearing, and deciding complaints or other issues raised about capitol hill and the use of capitol hill.

(2)(a) The board shall make rules to govern, administer, and regulate capitol hill, in 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 free speech activity in the legislative area, 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.

(i) Upon denial of an application the board shall notify applicant of the right to appeal.

(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~~] 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;

- 1116 (E) Office of Museum Services; and
1117 (F) Arts Council.
- 1118 (b) The board's provision of wireless [~~Internet~~] internet service under Subsection
1119 (5)(a)(vii) shall be discontinued in the legislative area if the president of the Senate
1120 and the speaker of the House of Representatives each submit a signed letter to the
1121 board indicating that the service is disruptive to the legislative process and is to be
1122 discontinued.
- 1123 (c) If a budget subcommittee is established by the board, the following shall serve as ex
1124 officio, nonvoting members of the budget subcommittee:
- 1125 (i) the legislative fiscal analyst, or the analyst's designee, who shall be from the
1126 Office of the Legislative Fiscal Analyst; and
- 1127 (ii) the executive director of the Governor's Office of Planning and Budget, or the
1128 executive director's designee, who shall be from the Governor's Office of Planning
1129 and Budget.
- 1130 (d) If a preservation and maintenance subcommittee is established by the board, the
1131 board may, by majority vote, appoint one or each of the following to serve on the
1132 subcommittee as voting members of the subcommittee:
- 1133 (i) an architect, who shall be selected from a list of three architects submitted by the
1134 American Institute of Architects; or
- 1135 (ii) an engineer, who shall be selected from a list of three engineers submitted by the
1136 American Civil Engineers Council.
- 1137 (e) If the board establishes any subcommittees, the board may, by majority vote, appoint
1138 up to two people who are not members of the board to serve, at the will of the board,
1139 as nonvoting members of a subcommittee.
- 1140 (f) Members of each subcommittee shall, at the first meeting of each calendar year,
1141 select one individual to act as chair of the subcommittee for a one-year term.
- 1142 (6)(a) The board, and the employees of the board, may not move the office of the
1143 governor, lieutenant governor, president of the Senate, speaker of the House of
1144 Representatives, or a member of the Legislature from the State Capitol unless the
1145 removal is approved by:
- 1146 (i) the governor, in the case of the governor's office;
1147 (ii) the lieutenant governor, in the case of the lieutenant governor's office;
1148 (iii) the president of the Senate, in the case of the president's office or the office of a
1149 member of the Senate; or

1150 (iv) the speaker of the House of Representatives, in the case of the speaker's office or
1151 the office of a member of the House.

1152 (b) The board and the employees of the board have no control over the furniture,
1153 furnishings, and decorative objects in the offices of the governor, lieutenant
1154 governor, or the members of the Legislature except as necessary to inventory or
1155 conserve items of historical significance owned by the state.

1156 (c) The board and the employees of the board have no control over records and
1157 documents produced by or in the custody of a state agency, official, or employee
1158 having an office in a building on capitol hill.

1159 (d) Except for items identified by the board as having historical significance, and except
1160 as provided in Subsection (6)(b), the board and the employees of the board have no
1161 control over moveable furnishings and equipment in the custody of a state agency,
1162 official, or employee having an office in a building on capitol hill.

1163 Section 10. Section **68-3-13.5** is enacted to read:

1164 **68-3-13.5 . Summaries of legislation.**

1165 (1) As used in this section, "legislation" means a bill or resolution introduced for
1166 consideration by the Legislature.

1167 (2) A written summary associated with legislation that is prepared by a staff member of the
1168 Senate or the House of Representatives, or by a staff office for the Legislature:

1169 (a) is not part of the legislation, agreed to, or enacted by the Legislature; and

1170 (b) is not evidence of legislative intent.

1171 Section 11. **Repealer.**

1172 This bill repeals:

1173 Section **36-12-8.1, Legislative Management Committee -- Subcommittee on Oversight --**
1174 **Members -- Duties -- Meetings.**

1175 Section **36-12-10, Right of members to attend meetings -- Voting -- Subject to open and**
1176 **public meeting requirements.**

1177 Section **36-12-17, Duties of presiding officer and majority and minority leaders of each**
1178 **house and chairman of Legislative Management Committee.**

1179 Section **36-12-22, Reports from legislative boards -- Annual reports -- Preparation of**
1180 **legislation.**

1181 Section 12. **Effective Date.**

1182 This bill takes effect:

1183 (1) except as provided in Subsection (2), May 6, 2026; or

- 1184 (2) if approved by two-thirds of all members elected to each house:
- 1185 (a) upon approval by the governor;
- 1186 (b) without the governor's signature, the day following the constitutional time limit of
- 1187 Utah Constitution, Article VII, Section 8; or
- 1188 (c) in the case of a veto, the date of veto override.