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Utah State Legislature

Senate • Utah State Capitol Complex • 320 State Capitol
PO BOX 145115 • Salt Lake City, Utah 84114-5115
(801) 538-1035 • fax (801) 538-1414

House of Representatives • Utah State Capitol Complex • 350 State Capitol
PO BOX 145030 • Salt Lake City, Utah 84114-5030
(801) 538-1029 • fax (801) 538-1908

Policies of the Legislative Management Committee

Utah State Legislature

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Utah State Legislature

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Policies of the Legislative Management Committee

General Policies

1. Quarterly Meeting -- The Legislative Management Committee shall meet at least quarterly as required by Utah Code Ann. Sec. 36-12-6 (2005), as designated by the chairman of the committee. The Senate Management Committee and the House Management Committee shall meet as designated by the chairman of the respective committee.
2. Special Meetings of Management -- Special meetings of each committee may be called either by the chairman of the committee, or by any five members of the Legislative Management Committee, or any three members of the Senate Management and any three members of House Management Committee.
3. Except for unforeseen circumstances, notices of all meetings shall be given to each member of the committees by mailing notice to the home or business address of such member at least five days previous to the date and hour of the meeting. The notice shall include a proposed agenda. If a meeting is scheduled based on unforeseen circumstances, the best notice practicable shall be given.
4. Place of Meeting -- All quarterly and special meetings of the committees shall be held in the Utah State Capitol Complex or elsewhere within the State of Utah as the chairman of the committee shall direct.
5. Schedule of Interim Committee Meetings -- As required by Utah Code Ann. Sec. 36-12-7 (2005), Legislative Management Committee shall attempt to schedule all interim committee meetings during the same one or two-day period each month.
6. Rules of Order -- The proceedings of the committee and their subcommittees shall be conducted in accordance with the Joint Rules, Interim Rules, and, where not otherwise specified in those rules, Mason's Manual of Legislative Procedure.
7. Subcommittees -- The Legislative Management Committee shall establish those subcommittees required by Utah Code Ann. Secs. 36-12-8 and 36-12-8.1 (2005) (Research and General Counsel, Budget, Audit, and Subcommittee on Oversight). Appointments to the subcommittees and the respective chairmanships shall be made by the President of the Senate, Speaker of the House of Representatives, and Senate and House Minority Leaders, who are the Appointments Committee Utah Code Ann. Sec. 36-12-8 (2005). The appointments shall be approved by at least three of the four members of the Appointments Committee. If for any reason a member of the Legislative Management Committee is replaced, that legislator's replacement shall assume his membership on any subcommittee, unless a majority vote of the Legislative Management Committee requests the Appointments Committee to reorganize the subcommittee.
8. Subcommittee Actions -- All official actions of the subcommittees of the Legislative Management Committee shall be approved by a majority of the subcommittee membership.
9. Proposals for Studies -- Proposals for studies may be presented to the Legislative Management Committee by any interim committee, member of the Legislative Management Committee, legislator, or legislative director. Any proposal shall be in writing and shall have a description. The request shall include in it the name of the

sponsor. The sponsor may attach to the request any supplementary matter which will be of help to the committee.

10. Reference of Studies -- If a properly presented study proposal is approved by motion of the Legislative Management Committee, it shall be referred to an interim committee. Study assignments to the interim committees shall be made by the Legislative Management Committee except when the study affects only one house, in which case the affected house shall make its assignment by majority vote.
11. Policy Proposals -- Policies of any Legislative Management Committee may be proposed by any member of the committee. Any proposed policy shall be in writing and made available to each member of the committee prior to its consideration.
12. Roll Call Vote -- In accordance with Open and Public Meetings Act, the vote of each member on any question shall be recorded in the minutes of the meeting. However, questions approved by unanimous vote or by a substantial majority of those present may be recorded as approved with only the names of those opposed and those absent listed in the minutes. (IR 3-2-201 of the Rules of the 60th Legislature) The chair of the committee shall determine whether a motion passed or failed, verbally announce whether the motion passed or failed, and verbally identify by name either the committee members who voted "yes" or "no." Interim Rule 3-2-102 of the Rules of the 60th Legislature and Utah Code Ann. Sec. 52-4-203 (2006 Supp.).
13. Alteration, Suspension, or Amendment of Policies -- These policies may be altered, suspended, or amended by a vote of the majority of a quorum of the respective management committee.
14. Recording of Meetings -- Meetings of interim committees shall be electronically recorded.

Reimbursement of Legislators

1. It is the policy of the House, Senate, and Legislative Management Committees that each House shall maintain a legislative budget account for the payment of legislative salaries, in-state travel expenses, and other allowable expenses incurred by its members on the Legislative Management Committee, its subcommittees, the Senate Management Committee, the House Management Committee, and each interim committee and their subcommittees.
2. Any interim committee requesting additional meetings, travel expenses, or the creation of a subcommittee shall make such request to the Legislative Management Committee. Such a request shall be in writing and outline in detail the need and purpose for additional funds. If approved by Legislative Management Committee, the staff of that house shall provide the amount of additional funds from the legislative budget to the designated interim committee.
3. In accordance with Interim Rule 1-1-202 of the Rules of the 60th Legislature, subcommittees and task forces may be established by any of the interim committees with the prior approval of the Legislative Management Committee. Additionally, a task force, commission, or committee may not create a subcommittee unless the prerequisites of Interim Rule 1-1-203 are satisfied.

Legislative Salaries and Expenses

1. Attendance at Authorized Legislative Meetings:
 - a. Payment of salary and expenses shall be processed by the staff of the appropriate house. Salary and expenses payments shall be for attendance at authorized meetings. A legislator may not be paid for more than one meeting in any one day.
 - b. A legislator may not receive salary or expenses for attendance at authorized legislative meetings of which the legislator is not a member unless approved by the presiding officer of the respective house.
 - c. If a legislator's travel expenses for attendance at an authorized legislative meeting are provided by another person, the legislator may not also receive reimbursement from the Legislature for those same travel expenses.
2. Except for an authorized legislative meeting, a session of the Legislature, or approval for a special meeting by the appropriate legislative leadership, payment of any travel, salary, or other expenses to legislators is not allowed.
3. Travel Expenses - Out-of-State:
 - a. Out-of-state travel shall be governed by the provisions of Joint Rule 5-4-101 of the Rules of the 60th Legislature and Utah Code Ann. Sec. 36-12-17(2005).
 - b. Expenses for out-of-state seminars and conferences and other out-of-state travel in connection with interim committee business shall be paid only upon prior approval of the presiding officer and the majority and minority leaders of each house as provided in Utah Code Ann. Sec. 36-12-17 (2005). Prior approval for such travel shall not be given unless the subject matter of the out-of-state seminar or conference directly relates to the subject matter of committee of which the requesting senator or representative is a member.

Statutory and Legislative Rule Basis for Payment of Legislators for Authorized Meetings during Interim

1. The following information specified in statute and legislative rule governs payment of salary and expenses for authorized legislative meetings:
 - a. Utah Code Ann. Subsection 36-2-2(1) (2005) provides: The salary of members of the Legislature beginning 2001 and each odd-numbered year thereafter is at the amount recommended by the Legislative Compensation Commission in its report in the previous even-numbered year. For 2011, that salary level is \$117 per day for each calendar day for annual general sessions and for each day the legislator attends veto-override, special sessions, and other authorized legislative meetings.
 - b. Joint Rules 5-3-102 - lodging and 5-3-103 - travel of the Rules of the 60th Legislature govern the payment of legislator's expenses while not in session. JR 5-3-101 of the Rules of the 60th Legislature also outlines the meals and incidental expenses, transportation costs, and lodging expenses that may be provided for attendance at authorized legislative meetings.
 - c. Joint Rule 5-1-101 of the Rules of the 60th Legislature states: "Authorized legislative meetings include . . . interim committees and subcommittees, management committee and subcommittees, and the meetings of any other body where legislative participation is required by law or authorized by the Legislative Management Committee."

2. Attendance at authorized legislative meetings means that legislators are eligible for the following:
 - a. \$117 per day salary;
 - b. an expense allowance for meals and incidental expenses each day equal to the federal per diem rate for Salt Lake City (JR 5-2-101 of the Rules of the 60th Legislature);
 - c. transportation costs computed on the basis of actual mileage for private automobile use or the actual cost of alternative commercial transportation (JR 5-3-103 of the Rules of the 60th Legislature); and
 - d. if attendance at the meeting makes overnight accommodations necessary, legislators shall receive actual lodging expenses up to the federal lodging per diem rate for Salt Lake City (JR 5-3-102 of the Rules of the 60th Legislature).

Authorized Legislative Meetings

The following list outlines those meetings which meet the qualifications of being an authorized legislative meeting:

1.
 - a. Interim Committees (IR 1-1-201, JR 3-2-401, JR 6-2-101, HR 3-1-103, SR 3-1-101)*
 - i. Business and Labor
 - ii. Education
 - iii. Ethics
 - iv. Executive Appropriations
 - v. Economic Development and Workforce Services
 - vi. Government Operations
 - vii. Health and Human Services
 - viii. House and Senate Rules
 - ix. Judiciary
 - x. Law Enforcement and Criminal Justice
 - xi. Natural Resources, Agriculture, and Environment
 - xii. Political Subdivisions
 - xiii. Public Utilities and Technology
 - xiv. Retirement and Independent Entities
 - xv. Revenue and Taxation
 - xvi. Transportation
 - b. House Standing Committees (HR 3-2-201)
 - i. Business and Labor
 - ii. Economic Development and Workforce Services
 - iii. Education
 - iv. Ethics
 - v. Government Operations
 - vi. Health and Human Services
 - vii. House Rules
 - viii. Judiciary
 - ix. Law Enforcement and Criminal Justice
 - x. Natural Resources, Agriculture, and Environment
 - xi. Political Subdivisions
 - xii. Public Utilities and Technology
 - xiii. Retirement and Independent Entities
 - xiv. Revenue and Taxation
 - xv. Transportation
 - c. Senate Standing Committees (SR 3-2-201)
 - i. Business and Labor
 - ii. Economic Development and Workforce Services
 - iii. Education
 - iv. Ethics

- v. Government Operations and Political Subdivisions
- vi. Health and Human Services
- vii. Judiciary, Law Enforcement, and Criminal Justice
- viii. Natural Resources, Agriculture, and Environment
- ix. Retirement and Independent Entities
- x. Revenue and Taxation
- xi. Senate Rules
- xii. Transportation and Public Utilities and Technology
- d. Senate Executive Confirmation Committees (SR 3-3-101)
 - i. Business and Labor
 - ii. Economic Development and Workforce Services
 - iii. Education
 - iv. Government Operations
 - v. Health and Human Services
 - vi. Law Enforcement and Criminal Justice
 - vii. Natural Resources, Agriculture, and Environment
 - viii. Political Subdivisions
 - ix. Retirement and Independent Entities
 - x. Revenue and Taxation
 - xi. Transportation and Public Utilities and Technology
- e. Senate Judicial Confirmation Committee (SR 3-3-201)
- 2. Appropriations Subcommittees (JR 3-2-302)
 - a. Business, Economic Development, and Labor
 - b. Executive
 - c. Executive Offices and Criminal Justice
 - d. Higher Education
 - e. Infrastructure and General Government
 - f. Natural Resources, Agriculture, and Environmental Quality
 - g. Public Education
 - h. Retirement and Independent Entities
 - i. Social Services
- 3. Legislative Management Committee (36-12-6) **
 - a. Audit Subcommittee (36-12-8)
 - b. Budget Subcommittee (36-12-8)
 - c. Legislative Information Technology Steering Committee
 - d. Research and General Counsel Subcommittee (36-12-8)
 - e. Subcommittee on Oversight (36-12-8.1)

* References to Rules means the Rules of the 60th Legislature

** References to Statute means Utah Code Annotated

- 4. Bodies Where Legislative Participation is Required by Law (36-12-1)
 - a. Statutorily Required:

Administrative Rules Review Committee

Entire membership composed of legislators, five members appointed by the presiding officer of each house, no more than three senators and three representatives of the same political party for two-year terms.

(63G-3-501; staffed by Office of Legislative Research and General Counsel)

Art Placement Subcommittee to the State Capitol Preservation Board

The president of the Senate shall appoint three members, two from the majority party and one from the minority party for two-year terms. The speaker of the House shall appoint three members, two from the majority party and one from the minority party for two-year terms.

(63C-9-702; staffed by executive director of the State Capitol Preservation Board)

Child Welfare Legislative Oversight Panel

Two members of the Senate, one from the majority party and one from the minority party, appointed by the president of the Senate for two-year terms. Three members of the House of Representatives, two from the majority party and one from the minority party, appointed by the speaker of the House of Representatives for two-year terms.

(62A-4a-207; staffed by Office of Legislative Research and General Counsel)

Commission for the Stewardship of Public Lands

Three members of the Senate appointed by the president of the Senate, no more than two of whom may be from the same political party. Five members of the House of Representatives appointed by the speaker of the House of Representatives, no more than four of whom may be from the same political party.

(Created in H.B. 151, 2014; repealed 11-30-2019; staffed by the Office of Legislative Research and General Counsel)

Commission on Civic and Character Education

One member of the House of Representatives, appointed by the speaker of the House of Representatives, and one member of the Senate appointed by the president of the Senate to serve two-year terms.

(67-1a-10; repealed 7-1-2021; staffed by Office of Lieutenant Governor)

Commission on Criminal and Juvenile Justice

One senator appointed by the president of the Senate and one representative appointed by the speaker of the House of Representatives for four-year terms.

(63M-7-202; staffed by the governor's office)

Constitutional Defense Council

The president of the Senate or his designee, the speaker of the House of Representatives or his designee, the minority leader of the Senate or his designee, the minority leader of the House or his designee, and one member of the House appointed by the speaker of the House of Representatives.

(63C-4a-202; staffed by the Public Lands Policy Coordinating Office)

Commission on Federalism

The president of the Senate or the president's designee, one member of the Senate, appointed by the president of the Senate, the speaker of the House or speaker's designee, two members of the House of Representatives, appointed by the speaker of the House of Representatives, the minority leader of the Senate or the minority leader's designee, and the minority leader of the House of Representatives or the minority leader's designee. (63C-4a-302; staffed by the Office of Legislative Research and General Counsel)

Division of Indian Affairs Joint Meetings

Representatives of Tribal Government and the chairs of the Native American Legislative Liaison Committee created in Section 36-22-1. (9-9-104.6; staff not specified)

Education Task Force

The president of the Senate, the Senate chair of the Higher Education Appropriations Subcommittee, the Senate chair of the Public Education Appropriations Subcommittee, the Senate chair of the Senate Education Committee, the Senate minority leader, one member of the Senate appointed by the president of the Senate, and one member of the Senate appointed by the Senate minority leader. The speaker of the House of Representatives, the House chair of the Higher Education Appropriations Subcommittee, the House chair of the Public Education Appropriations Subcommittee, the House chair of the House Education Committee, the House minority leader, one member of the House of Representatives appointed by the speaker of the House of Representatives, and one member of the House of Representatives appointed by the House minority leader. (Reauthorized in S.B. 150, 2014; repealed 12-31-2014; staff by Office of Legislative Research and General Counsel)

Elected Official and Judicial Compensation Commission

One member appointed by the president of the Senate and one member appointed by the speaker of the House of Representatives for four-year terms. (67-8-4; staffed by the Office of Legislative Fiscal Analyst)

Federal Funds Commission

Three members of the Senate, appointed by the president of the Senate, no more than two from the same political party for two-year term. Three members of the House of Representatives, appointed by the speaker of the House of Representatives, no more than two from the same political party for two-year term. Legislator who leaves office may not continue as commission member. (63C-14-201; staffed by Office of Legislative Research and General Counsel)

Free Market Protection and Privatization Board

Two senators, recommended by the president of the Senate and appointed by the governor, one from the majority and one from the minority party for four-year terms. Two representatives recommended by the speaker of the House of Representatives and appointed by the governor, one from the majority and one from the minority party for four-year terms.

(63I-4a-202; staffed by Governor's Office of Management and Budget)

Government Communications Task Force

Two members of the Senate appointed by the president of the Senate, and three members of the House of Representatives appointed by the speaker of the House of Representatives.

(Created in H.B. 388, 2013; repealed 12-31-2014; staffed by the Office of Legislative Research and General Counsel)

Government Procurement Private Proposal Program Committee

One member of the Senate, appointed by the president of the Senate. One member of the House of Representatives, appointed by the speaker of the House of Representatives, who may not be from the same political party as the member of the Senate.

(63M-1-2604; staff not specified)

Health Reform Task Force

Four members of the Senate appointed by the president of the Senate, no more than three from the same political party. Seven members of the House of Representatives appointed by the speaker of the House of Representatives, no more than five from the same political party.

(Reauthorized in H.B. 160, 2013; repealed 12-30-2015; staffed by Office of Legislative Research and General Counsel)

Interstate Commission for Adult Offender Supervision

A noncommissioner member must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting) members. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and compact administrators.

(77-28c-103; Art. III and IV; staff not specified)

Judicial Conduct Commission

Two members from each house from different political parties appointed by the respective presiding officers for four-year terms.

(78A-11-103; staff hired by Judicial Conduct Commission)

Judicial Rules Review Committee

Three members of the Senate appointed by the president of the Senate with no more than two from the same party for two-year terms. Three members of the House appointed by the speaker of the House of Representatives with no more than two from the same party for two-year terms.

(36-20-2; staffed by Office of Legislative Research and General Counsel)

Legislative Committee on Landfill Siting Disputes

Upon the Legislature's receipt of a written request by a county governing body or a member of the Legislature whose district is involved in a landfill siting dispute, the president of the Senate and the speaker of the House of Representatives shall appoint a committee as described under Subsection 19-6-102.6(2) and volunteers under 19-6-102.6(3) (two members of the House and two members of the Senate appointed jointly by the speaker of the House of Representatives and the president of the Senate). (19-6-102.6; Title 19, Ch. 6, Part 1 repealed 7-1-2019; staff not specified)

Legislative Process Committee

Three members of the Senate with one senator from the minority party, appointed by the president of the Senate. Five members of the House of Representatives with two representatives from the minority party, appointed by the speaker of the House of Representatives. Legislators are appointed for one-year terms but may be reappointed by the speaker of the House of Representatives or the president of the Senate. (36-17-1; staffed by Office of Legislative Research and General Counsel)

Multistate Domestic Energy Development Agreement

Two members appointed by the speaker of the House of Representatives, and two members appointed by the president of the Senate, no more than three of the four members shall be from the same political party. (36-12-20; repealed 6-30-2018; staffed by Office of Legislative Research and General Counsel)

Native American Legislative Liaison Committee

Seven members from the House of Representatives appointed by the speaker of the House of Representatives, no more than four of whom shall be members of the same political party. Four members of the Senate appointed by the president of the Senate, no more than two of whom shall be members of the same political party. (36-22-1; staffed by Office of Legislative Research and General Counsel)

Occupational and Professional Licensure Review Committee

Three members of the Senate appointed by the president of the Senate with no more than two from the same party for two-year terms. Three members of the House appointed by the speaker of the House of Representatives with no more than two from the same party for two-year terms. (36-23-102; staffed by Office of Legislative Research and General Counsel)

Online Court Assistance Program Policy Board

Two senators, one from each party appointed by the president of the Senate, and two representatives, one from each party appointed by the speaker of the House of Representatives for four-year terms. (78A-2-502; staffed by Administrative Office of the Courts)

Prison Relocation Commission

Three members of the Senate, appointed by the president of the Senate, no more than two of whom may be from the same political party. Four members of the House of Representatives, appointed by the speaker of the House of Representatives, no more than three of whom may be from the same political party.

(63C-15-201; repealed 07/01/2017; staffed by Office of Legislative Research and General Counsel)

Retirement and Independent Entities Committee

Six senators, appointed by the president of the Senate, with at least two senators from the minority party. Nine representatives, appointed by the speaker of the House of Representatives, with at least three representatives from the minority party. Legislators serve for two-year terms but may be reappointed by the speaker of the House of Representatives or the president of the Senate.

(63E-1-201; staffed by Office of Legislative Research and General Counsel)

Rural Development Legislative Liaison Committee

Four members of the Senate, no more than two of whom may be from the same political party. Seven members of the House, no more than four of whom may be from the same political party.

(36-25-102; staffed by the Office of Legislative Research and General Counsel)

School Safety Tip Line Commission

Two members of the House of Representatives, appointed by the speaker of the House of Representatives and two members of the Senate, appointed by the president of the Senate.

(53A-11-1504; repealed 07/01/2015; staff by Office of Attorney General)

Sentencing Commission

Two members of the Senate appointed by the president of the Senate with one from each party, and two members of the House appointed by the speaker of the House of Representatives with one from each party for four-year terms.

(63M-7-401; staffed by Commission on Criminal and Juvenile Justice)

State Capitol Preservation Board

The president of the Senate, for his term, and two members appointed by the president of the Senate, one from the majority party and one from the minority party for two-year terms. The speaker of the House, for his term, and two members appointed by the speaker of the House of Representatives, one from the majority party and one from the minority party for two-year terms. Allows the president of the Senate and the speaker of the House of Representatives to appoint a designee.

(63C-9-201; staffed by executive director of the State Capitol Preservation Board)

State Council on Military Children

One member of the Senate, appointed by the president of the Senate. One member of the House of Representatives, appointed by the speaker of the House of Representatives.

(53A-1-1002; staff not specified)

State Council on Workforce Services

One legislator appointed by the governor from nominations of speaker of the House of Representatives and president of the Senate for a four-year term.
(35A-1-206; staffed by Department of Workforce Services)

State Water Development Commission

Five members of the Senate, appointed by the president of the Senate, no more than four of whom shall be from the same political party. Eight members of the House of Representatives, appointed by the speaker of the House, no more than six of whom shall be from the same political party.
(73-27-102; repealed 12-31-2018; staffed by Office of Legislative Research and General Counsel)

Streamlined Sales and Use Tax Agreement Governing Board

Two delegates shall be legislators appointed by mutual consent of the speaker of the House of Representatives and the president of the Senate.
(59-12-102.3; staff not specified)

Technology Advisory Board

One member appointed by the speaker of the House of Representatives and the president of the Senate from the Legislative Automation Committee of the Legislature to represent the Legislative Branch.
(63F-1-202; staffed by the Department of Technology Services)

Traumatic Spinal Cord and Brain Injury Rehabilitation Fund Advisory Committee

One member of the House of Representatives, appointed by the speaker of the House, and one member of the Senate, appointed by the president of the Senate for four-year terms.
(26-54-103; staff not specified)

Utah Commission on Aging

One Senator appointed by the president of the Senate and one Representative appointed by the speaker of the House.
(63M-11-201; repealed 7-1-2017; staffed by the Department of Human Services)

Utah Commission on Uniform State Laws

Two members of the Utah State Bar who serve in the Legislature. One member, appointed by the governor with the consent of the Senate, who shall be a member of the Senate at the time of appointment. One member, appointed by the governor with the consent of the Senate, who shall be a member of the House of Representatives at the time of appointment.
(68-4-5; staff not specified)

Utah Constitutional Revision Commission

Three members from each house appointed by the respective presiding officer, no more than two of whom shall be from the same political party, appointed to six-year terms.
(63I-3-201; staffed by Office of Legislative Research and General Counsel)

Utah International Relations and Trade Commission

Three members of the Senate appointed by the president of the Senate, no more than two of whom may be from the same political party. Five members of the House of Representatives appointed by the speaker of the House of Representatives, no more than three of whom may be from the same political party.

(36-26-102; repealed 12-31-2017; staffed by Office of Legislative Research and General Counsel)

Utah Marriage Commission

Two members of the Senate appointed by the president of the Senate and two members of the House of Representatives appointed by the speaker of the House of Representatives.

(62A-1-120; staffed by the Department of Human Services)

Utah Seismic Safety Commission

One member of the House appointed every two years by the speaker of the House of Representatives, and one member of the Senate appointed every two years by the president of the Senate.

(63C-6-101; staffed by Division of Homeland Security and the Utah Geological Survey)

Utah State Scenic Byway Committee

One member of the House of Representatives appointed by the speaker of the House of Representatives and one member of the Senate appointed by the president of the Senate to serve four-year terms. Appointments made by the speaker of the House of Representatives and president of the Senate may not be from the same political party.

(72-4-302; staffed by Governor's Office of Economic Development)

Utah Substance Abuse Advisory Council

One member of the House of Representatives designated by the speaker of the House of Representatives and one member of the Senate designated by the president of the Senate to serve four-year terms.

(63M-7-301; staffed by the governor's office)

Utah Tax Review Commission

Two members of the Senate appointed by the president of the Senate and two members of the House appointed by the speaker of the House of Representatives, not more than one from each house from the same political party. Additionally, the House of Representative chair and the Senate chair of the Revenue and Taxation Interim Committee shall serve as ex officio members.

(59-1-901; staffed by Office of Legislative Research and General Counsel)

Utah Transparency Advisory Board

One member of the Senate, appointed by the governor on advice from the president of the Senate. One member of the House of Representatives, appointed by the governor on advice from the speaker of the House of Representatives.

(63A-3-403; staff not specified)

Veterans' and Military Affairs Commission

Three members from the House of Representatives, appointed by the speaker of the House of Representatives, no more than two of whom may be from the same political party. Two members from the Senate, appointed by the president of the Senate, no more than one of whom may be from the same political party.

(36-28-102; repealed July 1, 2019; staff by Office of Legislative Research and General Counsel)

Western States Transportation Alliance

Article XII provides that Utah's designated representatives shall be the chairpersons of the House and Senate Transportation Committees.

(41-23-2; staff not specified)

Women in the Economy Commission

One senator appointed by the president of the Senate, and one senator appointed by the minority leader of the Senate. One representative appointed by the speaker of the House of Representatives, and one representative appointed by the minority leader of the House of Representatives

(35A-11-201; repealed July 1, 2016; staffed by Department of Workforce Services)

5. Bodies Where Legislators may be appointed (If legislators are appointed to any of these positions, salary and travel are authorized.)

Clean Air Act Compliance Advisory Panel

One member selected by majority leader of the Senate and one member selected by minority leader of the Senate for four-year terms. One member selected by majority leader of the House of Representatives and one member selected by minority leader of the House of Representatives for four-year terms.

(19-2-109.2; repealed 7-1-2014; staffed by Department of Environmental Quality)

Military Installation Development Authority Board

One member appointed by the speaker of the House of Representatives and one member appointed by the president of the Senate to serve four-year terms.

(63H-1-302; staff not specified)

Pete Suazo Utah Athletic Commission

One member appointed by the speaker of the House of Representatives and one member appointed by the president of the Senate to serve four-year terms.

(63C-11-201; staff not specified)

Public Transit Board of Trustees

One member appointed by the speaker of the House of Representatives and one member appointed by the president of the Senate to serve four-year terms.

(17B-2a-807; staff not specified)

School Readiness Board

One member appointed by the speaker of the House of Representatives, and one member appointed by the president of the Senate for two-year terms.

(53A-1b-103; staffed by Governor's Office of Management and Budget)

Utah Science Technology and Research Governing Authority

Two members appointed by the speaker of the House of Representatives and two members appointed by the president of the Senate for four-year terms.

(63M-2-301; staffed by Governor's Office of Economic Development)

6. Other

Special Meetings

Special meetings as authorized by the appropriate legislative leadership.

Voting Records

It is the policy of the Legislative Management Committee that voting records be accessible to the public. However, the Legislative Management Committee does not condone excessive use of the personnel in the Office of Legislative Research and General Counsel, or the Office of Legislative Fiscal Analyst for this work. The Management Committee requests that journals for both the Senate and the House of Representatives be made available for use in the office of the Senate and House, and that each house supply the voting record of any legislator in its respective house as directed by the members of the Legislative Management Committee from that house.

Work Requests between Professional Staff Offices

The Office of Legislative Auditor General, the Office of Legislative Fiscal Analyst, and the Office of Legislative Research and General Counsel shall comply with the following guidelines in requesting assistance:

1. Informal Information Requests
 - a. Informal information requests which can be answered by one of the professional legislative staff offices without additional research may be requested directly of the person in the office with known expertise.
 - b. If the person approached feels that the request is very broad in scope, very difficult to detail the answer, or that a significant portion of time may be required to respond, that office may ask that the question be put in writing and submitted through the legislative auditor, legislative fiscal analyst, or legislative director for prioritization of workload.
2. Research, Audit, Legislation, or Legal Opinion Requests
 - a. When a request is made by one of the professional legislative staff offices of another to provide information that will take a significant portion of time to complete, that request shall be made:
 - i. in writing to the legislative auditor, legislative fiscal analyst, or legislative director;
 - ii. outlining the scope of the information requested; and
 - iii. noting the deadline for the response.
 - b. The written request may cover an issue in which repeated interaction will be necessary for a period of time between the offices.
 - c. The legislative auditor, legislative fiscal analyst, and the legislative director may request additional time if the time frames given are not reasonable or adequate.
3. Litigation
 - a. If any of the professional legislative staff offices are sued, whether in a judicial or administrative setting, a copy of the pleading shall immediately be given the Legislative General Counsel. No other written notice is required.

Purchase of Military Service Credit

As provided in Utah Code Ann. Sec. 49-11-402 (2002), the Legislative Management Committee may purchase the military service credit of legislative employees.

The legislative employing unit may purchase retirement service credit for the military service of legislative employees under the following conditions:

1. the legislative employee must have been employed full time by the legislative employing units for 10 years;
2. the legislative employing units' purchase will only be on a matching basis to the employee's purchase of 50% - 50%;
3. the maximum number of years that may be purchased in this way is four;
4. the legislative employer is able to show that the ultimate result is a cost savings for the legislative employing unit; and
5. the employee must actually retire.

Posting Information to the Legislature's Web Page

1. Subject to Subsection (2), a staff office of the Legislature may post to a legislative web page maintained by that office information provided by one or more legislators, including links to external sites, only:
 - a. with the prior approval of 2/3 of the Legislative Management Committee; or
 - b. if the information:
 - i. relates to an item scheduled on an agenda of a legislative committee, task force, or commission; and
 - ii. is included with the meeting information in the packet of materials prepared by the staff office and distributed to the members of the committee, task force, or commission in preparation for or as a result of the scheduled meeting.
2. A staff office may post information to a legislative web page without Legislative Management Committee approval if the information is of the type that the staff office routinely provides the Legislature or the general public regarding the Legislature or the legislative process.

Legislative Management Committee Policy Governing Use of Committee Rooms

Purpose

Utah Code Ann. Section 36-5-1 (2005) defines the legislative area on Capitol Hill.

Authority

This policy is authorized by Utah Code Ann. Section 36-5-1 (2005), directing the Legislative Management Committee to exercise complete jurisdiction over the legislative area, except those areas of responsibility given to the Capitol Preservation Board (CPB) as provided in Subsection 36-5-1(4)(a) through (h) and delegated on or after December 1, 2007.

Definitions

“Legislative committee rooms” means the rooms described in this policy under Scheduling, Section (1).

“Legislative use” means an authorized legislative meeting held in a legislative committee room.

“Authorized legislative meeting” means a meeting of a committee described in this policy under Technical Assistance, Section (5).

Scheduling

1.
 - a. There are three legislative committee rooms in the House Building as follows:
 - i. 20 House Building
 - ii. 25 House Building
 - iii. 30 House Building
 - b. There are three legislative committee rooms in the Senate Building as follows:
 - i. 210 Senate Building
 - ii. 215 Senate Building
 - iii. 220 Senate Building

The rooms described in Sections (1)(a) and (1)(b) shall be controlled and scheduled by the Legislature year round.

- c. The following committee rooms are in the State Capitol:
 - i. Committee Rooms 415, 445, and 450 shall be controlled and scheduled by the Legislature year round;
 - ii. Room 309, the Senate Rules Room, shall be controlled and scheduled by the Legislature through the Senate during any general or special session of the Legislature and on interim days, and shared with the Supreme Court as scheduled by the Legislature through the Senate on all other days.
 - iii. Committee Room 250 and the Supreme Court chambers shall be controlled and scheduled by the Legislature during any general or special

session of the Legislature and on interim days and controlled and scheduled by the State Capitol Preservation Board on all other days. Controlling responsibility includes unlocking/locking the room for each meeting and ensuring that it is kept clean and in good repair.

2. Scheduling shall be as follows:

The Office of Legislative Research and General Counsel (OLRGC) will be the primary point of contact for the committee rooms in Subsection (1)(a), (1)(b), and (1)(c)(i) year round; and in Subsection (1)(c)(iii) during any general or special session of the Legislature and on interim days for all these responsibilities. However, the organization noted will assist OLRGC in the scheduling and management responsibilities. The responsibilities include:

- a. Opening and locking the rooms -- during the legislative session, the Sergeant of Arms will unlock the rooms in the morning and the Utah Highway Patrol will lock the rooms in the evening; during the rest of the year, OLRGC will unlock the rooms before scheduled meetings and lock the rooms after the meetings, except for Committee Room 250, which will be locked/unlocked by the State Capitol Preservation Board during the time it is in their control. Utah Highway Patrol, as part of its evening security check of the House Building, will check to assure that committee rooms are locked.
- b. Making sure the physical area and tables and chairs are clean and in order - year round, CPB and Division of Facilities Maintenance (DFCM) will be responsible to vacuum, clean, and empty trash; and to make sure electrical plugs are connected or reconnected after cleaning. Users will be responsible at the end of the meeting to remove all documents or papers that are of value.
- c. Assuring that a phone is working for each room - OLRGC.
- d. Making sure that lights and heating and cooling systems are working - CPB/DFCM.
- e. Making sure the sound amplification system is working, with Capitol Preservation Board responsible to do any repair or maintenance - OLRGC.
- f. Ordering services as necessary to assure the cleanliness - Sergeant at Arms during the session and OLRGC during the rest of the year.
- g. Working order of these rooms, and collecting any fee or security deposit - OLRGC.

3. Scheduling Priorities shall be as follows:

- a. Legislative use shall be given scheduling priority over other meetings in these committee rooms. If a committee room that has already been scheduled by a nonlegislative group, is needed for legislative use, as much notice as possible shall be given to the nonlegislative group by the OLRGC scheduler so they may seek an alternative site.
- b. Legislative committee rooms are reserved for legislative use during the legislative sessions and on legislative interim day which is usually the third Wednesday of each month from April through December. However, if the requirements of Section (3)(c)(ii) are met, these rooms may be reserved by public and private persons on those days, during times when legislative meetings are not scheduled.
- c.

- i. After meeting the requirements of Section (3)(c) (ii), when not being used for legislative use, committee rooms may be scheduled with OLRGC on a first-come, first-served basis:
 - A. by all executive and judicial branch entities; and
 - B. by other public or private persons or organizations.
- ii.
 - A. When OLRGC receives a request from an entity described in Section (3)(c)(i)(A) to reserve a legislative committee room for use, it shall first refer the requestor to the Capitol Preservation Board for possible placement in a room under the control of the Capitol Preservation Board including committee room 250 State Capitol. If the Capitol Preservation Board cannot reasonably accommodate the request, OLRGC may, subject to the requirements of this policy, reserve a legislative committee room in the House Building or Senate Building for use by an entity described in Section (3)(c)(i)(A).
 - B. When OLRGC receives a request from an entity described in Section (3)(c)(i)(B) to reserve a legislative committee room for use, it shall first refer the requestor to the Capitol Preservation Board for possible placement in a room under the control of the Capitol Preservation Board including committee room 250 State Capitol. If the Capitol Preservation Board has no space available for the requestor, OLRGC may, subject to the requirements of this policy, reserve a legislative committee room in the House Building or Senate Building for use by and described in Section (3)(c)(i)(B).
- iii. OLRGC and the Capitol Preservation Board shall coordinate requests and reservations to minimize duplication and to ensure that each requestor receives a timely response to its request.
- d. Except for legislative use, legislative committee rooms are not scheduled for use after legislative business hours, on weekends, or on holidays.

User Qualifications

Committee rooms are considered as public property and may be used to serve the public interest. In serving the public, the Legislative Management Committee does not condone the use of these rooms by individuals or groups for their own personal gain or monetary enhancement. To assure compliance with this policy, OLRGC in scheduling these committee rooms shall determine that one of the following criteria is met:

1. If the room reservation is made by a legislator or legislative staff for legislative use, no security deposit is required. If the room reservation is made by a member of the state executive branch or executive staff for executive branch use, or by a member of the state judicial branch or judicial staff for judicial branch use, the member shall provide the state inter-account billing codes as security and agree to pay for any damages sustained in using the room.
2. If the room reservation is made by any other person, the person requesting use of a committee room represents to OLRGC that the person reserving the room will make no profit nor receive any monetary gain from the use of the room and the person requesting

the room provides a valid credit card as a security deposit and agrees to pay for any damages sustained in using the room.

3. With a deposit of a credit card or state agency inter-account billing codes, any group not composed entirely of legislators, legislative staff, or staffed by one of the legislative staff offices may bring food and drink into any House committee room. However, any special cleaning required or damage to the committee rooms will be charged to the credit card or to the state executive branch or state judicial branch.
4. If satisfaction of the room reservation criteria is questioned or if any dispute arises concerning committee room use, the Speaker of the House of Representatives, the President of the Senate or their designees shall be consulted for their final approval or disapproval.

User Responsibilities

Any users of these committee rooms agree to the following responsibilities as a condition of use:

1. Tables and chairs may not be moved from their existing positions.
2. The microphones and electrical outlets plugged into the tables may not be removed from the tables or unplugged.
3. Adhesive material including tape, glue, paste, or putty may not be used on committee room walls, ceiling, windows, tables, or chairs.
4. The established State Fire Marshal occupancy limit for each room must be followed and may not be exceeded.
5. After use of each committee room, the user will dispose of all loose papers and litter.
6. The U.S. flag and the State flag provided with each committee room shall be displayed and treated in a respectful manner at all times. These flags may not be removed from the rooms.
7. Each committee room shall be used in an appropriate manner and should be left clean and in good condition after use and the audio visual equipment and sound amplification equipment shall be powered off.
8. Except for tables used to serve food, no additional tables or chairs may be added to a committee room.
9. The approval of food or drink must be obtained from the OLRGC. Users who have food or drink are encouraged to use the State Capitol Complex on-site food service provider.

Technical Assistance

1. As provided in Subsections (2) and (3), OLRGC is responsible to give its best efforts in providing the following technical assistance when a committee room is used by the legislative, executive, or judicial branches only:
 - a. integrity of the sound amplification and audio visual systems,
 - b. interfacing the committee meeting to the computer network,
 - c. set up any speaker phone connections to the committee room, where available,
 - d. any audio recording on the OLRGC file server, and
 - e. any broadcasting (Intranet) from these committee rooms.
2. At least 24 hours notice shall be given to OLRGC by the legislative, executive, and judicial branch using any of these committee rooms if any of these entities need the technical assistance provided under Subsection (1).
- 3.

- a. There is no charge for technical assistance as provided in Subsection (1) for committee room use by the legislative branch.
 - b. There is a \$50 base charge for the first hour and a \$50 per hour for any additional time spent for technical assistance as provided in Subsections (1) (b) through (e) for committee room use by the executive or judicial branch.
4. This technical service is not available to other public or private individuals or entities.
5. Internet broadcasting of meetings held in these committee rooms is limited to legislative sessions; legislative standing committees; legislative appropriation committee and subcommittees; legislative interim committees; or statutorily created committees, commissions, or task forces where legislative participation is required by law and legislative staff to those committees, commissions, or task forces is also required by law or authorized by Legislative Management Committee.

Physical Facilities

The Capitol Preservation Board, after consultation with and approval from the Legislative Management Committee, will be responsible for the design and installation of furnishings and equipment and the operating budget needs and any capital expenditures for these committee rooms.

Security Deposit

1. There is no charge for use of committee rooms, that are exclusively legislative, by members of the Legislative, Executive, and Judicial Branch and their respective staffs, however, the Executive and Judicial Branches and their staffs shall be responsible to pay for any special cleaning charge or for damages sustained in using the committee room.
2. For any other user, public or private, a valid credit card is required as a security deposit to pay for any special cleaning charge or for damages sustained in using the committee room. The person reserving the committee room is responsible to pay for any damages.
3. Any special cleaning charge or charge for damages assessed shall be paid to CPB.

Responsibility for Rooms not Listed

All rooms not included on this list will be the responsibility of the individual office or department of state government to whom the room belongs.

Legislative Management Committee Policy Governing Use of Capitol Complex Parking Stalls

Authority

1. Utah Code Ann. Sec. 36-5-1 (2007) provides that the Legislative Management Committee “shall exercise complete jurisdiction over the legislative area.” Section 36-5-1 further provides that the legislative area includes:
 - a. the parking stalls in the underground parking facility known as Lot P located directly east of the House Building and below the central plaza;
 - b. 52 of the parking stalls in the above ground parking lot known as Lot G located north of the House Building and west of the State Office Building;
 - c. 26 of the parking stalls in the underground parking located directly under the Senate Building; and
 - d. 47 of the parking stalls in the underground parking facility known as Lot E located directly east of the Senate Building.
2. The Legislative Management Committee recognizes that in addition to the parking stalls described in Subsection (1), the executive director of the Capitol Preservation Board has directed that additional parking stalls in Lots A, E, and G are designated for use by employees of the Legislature.

Parking Policy

1. Definitions. As used in this policy:
 1. “General Session period” means the period of time beginning on the first Monday of January and ending 77 days later;
 2. “Interim day period” means:
 - i. a day designated by the Legislative Management Committee on which legislative interim committees meet;
 - ii. the day before the day designated in Section (1)(b)(I); and
 - iii. any day so designated by the Speaker of the House of Representatives and President of the Senate.
2.
 1. All members of the Legislature are assigned to a parking stall during a General Session period or interim day period.
 2. Employees of Legislature are assigned to a parking stall during a General Session period or interim day period as the supply of parking stalls allows.
 3. Parking stalls are assigned as follows during a General Session period:

Number of Assigned Parking Stalls During a General Session Period						
	Number of Assigned Parking Stalls by Parking Lot					
Chamber or Staff Office	Lot P	Lot A	Lot G	Lot E	Senate Building Lot	Total
Members and Staff of the Senate	30	0	0	0	10	40
Members and Staff of the House of Representatives	86	0	0	0	0	86
Senate and House of Representatives Session Staff	0	6	59	0	0	65
Office of Legislative Research and General Counsel	9	5	0	32	5	51
Office of the Legislative Fiscal Analyst and Legislative Printing Office	8	0	0	12	5	25
Office of the Legislative Auditor General	7	0	0	14	6	27
Total	140	11	59	58	26	294

4. Parking stalls are assigned as follows during an interim day period:

Number of Assigned Parking Stalls During an Interim Day Period				
	Number of Assigned Parking Stalls by Parking Lot			
Chamber or Staff Office	Lot P	Lot E	Senate Building Lot	Total
Members and Staff of the Senate	30	0	10	40
Members and Staff of the House of Representatives	86	0	0	86
Office of Legislative Research and General Counsel	9	32	5	46
Office of the Legislative Fiscal Analyst and Legislative Printing Office	8	12	5	25
Office of the Legislative Auditor General	7	14	6	27
Total	140	58	26	224

3. The Legislative Management Committee designates the Executive Director of the State Capitol Preservation Board, or his designee, to administer the parking stall assignments described in this policy.

Policy of Legislative Management Committee on Legislative Staff Directors, Chief Clerk, and Secretary of the Senate Pay Plan

As provided in Utah Code Ann. Sec. 36-12-7(3)(b) (1995), Legislative Management Committee establishes this policy for personnel compensation of its legislative staff directors, Chief Clerk of the House of Representatives and Secretary of the Senate.

1. Legislative Staff Director Pay Plan
 - a. As used in this policy, “legislative staff director” means the legislative auditor general for the Office of the Legislative Auditor General, the legislative fiscal analyst for the Office of Legislative Fiscal Analyst, and the director for the Office of Legislative Research and General Counsel.
 - b.
 - i. The salaries for the legislative staff directors shall be fixed at a salary range equivalent to the Executive Compensation Plan for State's appointed executive positions.
 - ii. The specific salary for each legislative staff director shall be set within this range as part of the annual performance review required in Utah Code Ann. Sec. 36-12-8.1 (2005) by the Subcommittee on Oversight.
 - iii. The specific salary for any new legislative staff director shall be made as a recommendation within this range by the subcommittee of Legislative Management Committee over that office and set by Legislative Management Committee.
 - c. Any bonus for any legislative staff director shall be set by the Subcommittee on Oversight.
2. Chief Clerk of the House of Representatives and Secretary of the Senate Pay Plan
 - a. The salaries for the Chief Clerk of the House of Representatives and for the Secretary of the Senate shall be fixed at a salary range of \$55,000 - \$95,000.
 - b. The specific salary for the Chief Clerk of the House of Representatives and for the Secretary of the Senate shall be set as provided in Utah Code Ann. Sec. 36-12-17 (2005) by the presiding officer and the majority and minority leaders of each house.
 - c. Any bonus for the Chief Clerk of the House of Representatives or for the Secretary of the Senate shall be set by the presiding officer and majority and minority leader from their respective house.

Use of Legislative General Counsel in Litigation

The following policy governs the appropriate use of the Legislative General Counsel in litigation:

1. If the Legislature, the majority or minority leadership of the House or Senate, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the professional legislative staff is named as a defendant in, is sought to be made a party to, or is subpoenaed to be a witness in a case or controversy before any court, administrative agency, or tribunal, the legislative general counsel may represent that person or entity if:
 - a. the defendant legislator is a member of the majority or minority leadership of the House or Senate and is sued or subpoenaed in his leadership capacity for an act undertaken or omitted in the performance of his legislative or leadership functions;
 - b. the defendant legislator is sued or subpoenaed in his representative or senatorial capacity for an act undertaken or omitted in the performance of his legislative functions, or
 - c. the defendant legislative staff office or professional legislative staff member is sued or subpoenaed for an act undertaken or omitted within the scope of its or his legislative staff responsibilities.
2. If the Legislature, the majority or minority leadership of the House or Senate, any of the Legislature's committees or subcommittees, individual legislators, or any of the Legislature's staff offices seek voluntary involvement in a case or controversy before a court, administrative agency, or tribunal, as a plaintiff or amicus curiae, the legislative general counsel may represent such party or parties only with the approval of a majority of the members of the Legislative Management Committee.
3. With regard to legislative general counsel's representation of the Legislature, the majority or minority leadership of the Senate or House, any of the Legislature's committees or subcommittees, individual legislators, any of the Legislature's staff offices, or any of the professional legislative staff, if the legislative general counsel questions the appropriateness of rendering legal advice or assistance under the circumstances surrounding any particular case or controversy before a court, administrative agency, or tribunal where those entities or persons are plaintiffs, defendants, or otherwise involved or seeking involvement, the legislative general counsel may make a recommendation and request approval from the Legislative Management Committee prior to legislative general counsel's:
 - a. representation of any of those entities or persons;
 - b. appointment of outside counsel for representation of any of those entities or persons; or
 - c. taking any other action with regard to representation of those entities or persons.

Utah Legislature Policies and Procedures for Handling Records Requests

As authorized by Utah Code Ann. § 63-2-703 (Supp. 2006), the Legislature establishes the following policies and procedures to handle requests for records and classification, designation, fees, access, denials, segregation, appeals, management, retention, and amendment of records. These policies and procedures are designed to establish fair information practices recognizing:

- the right of privacy in relation to personal data gathered by the legislative offices; and
- the public's right of access to information concerning the conduct of the Legislature's business.

These policies and procedures and the attached appendixes supersede all prior policies, procedures, memoranda, or other statements regarding the Legislature's records policy and procedures.

Policies and Procedures

Part 1. General Provisions

Section 1.1. Definitions -- Applicability of the Government Records Access and Management Act.

1. As used in these Policies and Procedures:
 - a. the terms defined in Utah Code Ann. § 63-2-103 (Supp. 2006) have the same meaning; and
 - b. “Draft Legislation” means a draft version of a bill, a resolution, a substitute, an amendment, or a fiscal note, along with a related document that is in the possession of the Office of Legislative Research and General Counsel or the Office of Legislative Fiscal Analyst.
 - c. “Legislative office” means the:
 - i. House of Representative;
 - ii. Senate;
 - iii. Office of Legislative Research and General Counsel;
 - iv. Office of the Legislative Fiscal Analyst;
 - v. Office of the Legislative Auditor General; and
 - vi. Office of Legislative Printing, which includes the Bill Room.
 - d.
 - i. “Legislative sponsor” means the legislator who requests that a bill, a resolution, a substitute, or an amendment be prepared by the Office of Legislative Research and General Counsel or that a fiscal note be prepared by the Office of Legislative Fiscal Analyst.
 - ii. A legislative sponsor of a bill or resolution may be different from a legislative sponsor of a draft substitute or draft amendment.
 - iii. A legislative sponsor may direct the distribution or disclosure of that legislator's bill, resolution, substitute, amendment, or fiscal note.

2. Utah Code Ann. § 63-2-703 (Supp. 2006) reflects the principles of separation of powers and governs the applicability of Title 63, Chapter 2, Government Records Access and Management Act, to requests for records from legislative offices.

Section 1.2. Classification of records as private, controlled, or protected.

1. As authorized by Utah Code Ann. § 63-2-703(1) (Supp. 2006), the Legislature may classify records as private, controlled, or protected.
2.
 - a. An electronic message, including an e-mail, instant message, voice-mail, or other digital message, is presumed to be temporary information between the sender and recipient, not rising to the level of a “record” that would require the Legislature to maintain the information and to disclose it under certain circumstances.
 - b. The Legislature recognizes that an electronic message may contain information that should be classified as a public, private, protected, or controlled record, according to the contents of the electronic message.
 - i. If the information is intended by a legislative recipient or legislative sender to be a classified record, the legislative sender or recipient must either save the information to a file or print the information. Based on the content of the electronic message, the electronic message record will be retained in accordance with Appendix A, Records Retention Schedule.
 - ii. If the information is intended by a governmental entity recipient or sender that is not a legislative office or officer to be a classified record, the governmental entity sender or recipient must either save the information to a file or print the information and retain the item in accordance with that governmental entity's retention schedule.
 - c. The Legislature does not assume responsibility for backups of electronic messages as being maintained on the system.

Section 1.3. Sharing Records.

1. Draft legislation is a protected document under Utah Code Ann. Sec 63-2-304 (22), unless made public by the legislative sponsor, consistent with Section 1.4.
2. As part of the Legislative Branch's deliberative legislative process, a legislative sponsor may make, or direct legislative staff to make, a limited distribution of draft legislation to another legislator, a government entity, a constituent, or another third party without changing the protected classification of the draft legislation, if:
 - a. the legislative sponsor or legislative staff notifies the person to whom the draft legislation is distributed, that the legislative sponsor intends that the draft legislation remain protected; and
 - b. the limited distribution of the draft legislation is for the purpose of allowing review and receiving comment on the draft legislation.
3. A legislator, a member of legislative staff, a government entity, a constituent, or another third party who accepts draft legislation under Subsection (2) may not distribute the draft legislation without the permission of the legislative sponsor.
4. If a governmental entity shares a private, controlled, or protected record with a legislator or legislative staff, the legislator and legislative staff will maintain that record according to the record classification of the governmental entity that shared the record.

Section 1.4. Making proposed legislation public.

1. If a legislative sponsor distributes, or authorizes legislative staff to distribute, draft legislation to a public body as defined in Title 52, Chapter 4, Open and Public Meetings Act, the legislator is considered to have made the distributed draft legislation public.
2. In addition to Subsection (1), a legislative sponsor may also elect to make a draft legislation public under Section 63-2-304(20) or (22).

Section 1.5. Retention schedule for records.

A retention schedule is attached as Appendix A.

Part 2. Requests for Records

Section 2.1. Requests -- Time limit for response and extraordinary circumstances.

1.
 - a. A person making a request for a record shall furnish the records officer of the legislative office with a written request containing:
 - i. that person's name, mailing address, and daytime telephone number; and
 - ii. a description of the record requested that identifies the record with reasonable specificity.
 - b. The records officer of the each legislative office is as follows:
 - i. for the Senate, the Manager of Senate Services;
 - ii. for the House of Representatives, the Administrative Assistant;
 - iii. for the Office of Legislative Research and General Counsel, the Assistant Director;
 - iv. for the Office of the Legislative Auditor General, the Deputy Auditor General;
 - v. for the Office of the Legislative Fiscal Analyst, the Assistant Deputy Director as designated by the Legislative Fiscal Analyst; and
 - vi. for the Office of Legislative Printing, which includes the Bill Room, the Office Manager.
2.
 - a. As soon as reasonably possible, but no later than 10 business days after receiving a written request, or five business days after receiving a written request if the requester demonstrates that expedited response to the record request benefits the public rather than the person, the legislative office shall respond to the request by:
 - i. approving the request and providing the record;
 - ii. denying the request;
 - iii. subject to Subsection (6), notifying the requester that it does not maintain the record and providing, if known, the name and address of the legislative office or governmental entity that does maintain the record;
 - iv. notifying the requester that because the request was made during a general or special session, the legislative office shall respond within the time limits of Subsection (5); or
 - v. notifying the requester that because of one of the extraordinary circumstances listed in Subsection (3), it cannot immediately approve or deny the request.

- b. A notice described by Subsection (2)(a)(iv) or (v) shall describe the circumstances relied upon and specify the date when the records will be available.
 - c. Any person who requests a record to obtain information for a story or report for publication or broadcast to the general public is presumed to be acting to benefit the public rather than a person.
3. The following circumstances constitute extraordinary circumstances that allow a legislative office to delay approval or denial by an additional period of time as specified in Subsection (4) if the legislative office determines that due to the extraordinary circumstances it cannot respond within the time limits provided in Subsection (2):
- a. another legislative office or governmental entity is using the record, in which case the originating legislative office shall promptly request that the legislative office or governmental entity currently in possession return the record;
 - b. another governmental entity or legislative office is using the record as part of an audit, and returning the record before the completion of the audit would impair the conduct of the audit;
 - c. the request is for a voluminous quantity of records;
 - d. the legislative office is currently processing a large number of records requests;
 - e. the request requires the legislative office to review a large number of records to locate the records requested;
 - f. the decision to release a record involves legal issues that require the legislative office to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case law;
 - g. segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing; or
 - h. segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming.
4. If one of the extraordinary circumstances listed in Subsection (3) precludes approval or denial within the time specified in Subsection (2), the following time limits apply to the extraordinary circumstances:
- a. for claims under Subsection (3)(a), the legislative office or governmental entity currently in possession of the record shall return the record to the originating entity within five business days of the request for the return unless returning the record would impair the holder's work;
 - b. for claims under Subsection (3)(b), the originating legislative office shall notify the requester when the record is available for inspection and copying;
 - c. for claims under Subsections (3)(c), (d), and (e), the legislative office shall:
 - i. disclose the records that it has located which the requester is entitled to inspect;
 - ii. provide the requester with an estimate of the amount of time it will take to finish the work required to respond to the request; and
 - iii. complete the work and disclose those records that the requester is entitled to inspect as soon as reasonably possible;
 - d. for claims under Subsection (3)(f), the legislative office shall either approve or deny the request within five business days after the response time specified for the original request has expired;

- e. for claims under Subsection (3)(g), the legislative office shall fulfill the request within 15 business days from the date of the original request; or
 - f. for claims under Subsection (3)(h), the legislative office shall complete its programming and disclose the requested records as soon as reasonably possible.
- 5.
- a. Unless an extraordinary circumstance as described in Subsection (3) exists, if a request for records is made during a general or special legislative session, the legislative office may respond as soon as reasonably possible but no later than 15 business days from the date of the original request.
 - b. If extraordinary circumstances exist, the legislative office may respond within the later of:
 - i. 15 business days from the date of the original request; or
 - ii. the time limits of Subsection (4).
- 6.
- a. Subject to the other provisions of this Subsection (6), a person making a request for a record shall submit the request to the governmental entity that prepares, owns, or retains the record.
 - b. If a request for access is submitted to a legislative office other than the legislative office that maintains the record:
 - i. the legislative office shall promptly forward the request to the appropriate legislative office; and
 - ii. if the request is forwarded promptly, the time limit for response begins when the record is received by the legislative office that maintains the record.
 - c. In response to a request for a record, a legislative office may not provide a record that it has received under Utah Code Ann. § 63-2-206 (Supp. 2006) as a shared record if the record was shared for the purpose of auditing and the legislative office is authorized by state statute to conduct an audit. If a legislative office is prohibited from providing a record under this Subsection (6)(c), the legislative office shall:
 - i. deny the record request; and
 - ii. inform the person making the request that a record request must be submitted to the governmental entity that prepares, owns, or retains the record.
7. If the legislative office fails to provide the requested records or issue a denial within the specified time period, that failure is considered the equivalent of a determination of denial.

Section 2.2. Fees for records requests.

- 1. The Legislature may charge a fee to obtain a record as provided under these Policies and Procedures as attached in Appendix B.
- 2. The Legislature may fulfill a record request without charge if:
 - a. the release of the record primarily benefits the public rather than the person requesting the record; or
 - b. the individual requesting the record is the subject of the record or an individual specified in Utah Code Ann. § 63-2-202(1) or (2) (Supp. 2006).

Part 3. Appeals

Section 3.1. Appeal to the legislative officer.

1.
 - a. Any person aggrieved by a legislative office's access determination may appeal the determination within 30 calendar days from the day on which the access determination is issued by filing a notice of appeal with the appropriate legislative officer. The legislative officers are as follows:
 - i. for the Senate, the Secretary of the Senate;
 - ii. for the House of Representatives, the Chief Clerk of the House;
 - iii. for the Office of Legislative Research and General Counsel, the director of that office;
 - iv. for the Office of Legislative Fiscal Analyst, the Legislative Fiscal Analyst;
 - v. for the Office of Legislative Auditor General, the Legislative Auditor General; and
 - vi. for the Office of Legislative Printing, which includes the Bill Room, the Legislative Printing Supervisor.
 - b. If a legislative office claims extraordinary circumstances and specifies the date when the records will be available, and, if the requester believes that the extraordinary circumstances do not exist or that the time specified is unreasonable, the requester may appeal the legislative office's claim of extraordinary circumstances or date for compliance within 30 calendar days after the day on which written notification of a claim of extraordinary circumstances by the legislative office was issued, despite the lack of a determination or its equivalent under Subsection 2.1(7).
2. The notice of appeal shall contain the following information:
 - a. the petitioner's name, mailing address, and daytime telephone number;
 - b. a copy of any written request for records; and
 - c. the relief sought.
3. The petitioner may file a short statement of facts, reasons, and legal authority in support of the appeal.
4.
 - a. If the appeal involves a record that is the subject of a business confidentiality claim as described in Utah Code Ann. § 63-2-308 (Supp. 2006), the appropriate legislative officer shall:
 - i. send notice of the petitioner's appeal to the business confidentiality claimant within three business days after receiving notice, except that if notice under this Subsection (4)(a)(i) must be given to more than 35 persons, it shall be given as soon as reasonably possible; and
 - ii. send notice of the business confidentiality claim and the schedule for the appropriate legislative officer's determination to the petitioner within three business days after receiving notice of the petitioner's appeal.
 - b. The business confidentiality claimant shall have seven business days after notice is sent by the appropriate legislative officer to submit further support for the claim of business confidentiality.
- 5.

- a. The appropriate legislative officer shall make a determination on the appeal within:
 - i. five business days after the appropriate legislative officer receives the notice of appeal;
 - ii. 12 business days after the legislative officer sends the petitioner's notice of appeal to a person who submitted a claim of business confidentiality;
 - iii. the time limits of Section 2.1(4) if the extraordinary circumstances described in Section 2.1(3) occur; or
 - iv. if a notice of appeal is filed during a general or special legislative session, five business days in addition to the time period specified in this section to comply with any other obligation imposed under this section on the legislative officer.
 - b. If the legislative officer fails to make a determination within the time specified in Subsection (5)(a), the failure shall be considered the equivalent of an order denying the appeal.
 - c. Notwithstanding the provisions of this Subsection (5), the petitioner and appropriate legislative office may agree to extend the time periods specified in this Subsection (5).
6. The appropriate legislative officer may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private or protected if the interests favoring access outweigh the interests favoring restriction of access.
 7. The legislative office shall send written notice of the determination of the appropriate legislative officer to all participants. If the appropriate legislative officer affirms the denial in whole or in part, the denial shall include:
 - a. a statement that the petitioner has the right to appeal the denial to the Legislative Records Committee;
 - b. the time limits for filing an appeal; and
 - c. the name and business address of the director of the Office of Legislative Research and General Counsel.
 8. A person aggrieved by a legislative office's classification or designation determination under these Policies and Procedures and who is not requesting access to the records, may appeal that determination using the procedures provided in these Policies and Procedures. If a nonrequester is the only appellant, the procedures provided in this section shall apply, except that the determination on the appeal shall be made within 30 calendar days after receiving the notice of appeal.

Section 3.2 Appeals to the Legislative Records Committee.

1. A petitioner who participated in the appeal to the appropriate legislative officer may appeal a determination by the appropriate legislative officer to the Legislative Records Committee by filing a notice of appeal with the director of the Office of Legislative Research and General Counsel no later than:
 - a. 30 calendar days after the appropriate legislative officer has granted or denied the records request in whole or in part, including a denial under Subsection 3.1(5)(b) or 3.1(7); or

- b. 45 calendar days after the original request for records if:
 - i. the circumstances described in Section 3.1(1)(b) occur; and
 - ii. the appropriate legislative officer failed to make a determination under Section 3.1.
2. The Legislative Records Committee shall consist of:
 - a. the Speaker of the House of Representatives;
 - b. the Minority Leader of the House of Representatives;
 - c. the President of the Senate; and
 - d. the Minority Leader of the Senate.
3. The notice of appeal shall contain the following information:
 - a. the petitioner's name, mailing address, and daytime telephone number;
 - b. a copy of any denial of the records request; and
 - c. the relief sought.
4. The petitioner may file a short statement of facts, reasons, and legal authority in support of the appeal.
5. No later than five business days after receiving a notice of appeal, the director of the Office of Legislative Research and General Counsel shall:
 - a. schedule a hearing for the Legislative Records Committee to discuss the appeal which shall be held:
 - i. no sooner than 15 business days after the date of the filing of the appeal; and
 - ii. no later than the 52 calendar days from the date of the filing of the appeal;
 - b. send a copy of the notice of hearing to the petitioner; and
 - c. send a copy of the notice of appeal, supporting statement, and a notice of hearing to:
 - i. each member of the Legislative Records Committee;
 - ii. the appropriate legislative officer for the legislative office from which the appeal originated;
 - iii. any person who made a business confidentiality claim as described in Utah Code Ann. § 63-2-308 (Supp. 2006) for a record that is the subject of the appeal; and
 - iv. all persons who were a party to the appeal under Section 3.1 to the appropriate legislative officer.
6.
 - a. No later than 10 business days after receiving the notice of appeal, the legislative office may submit to the director of the Office of Legislative Research and General Counsel a written statement of facts, reasons, and legal authority in support of its position.
 - b. The legislative office shall send a copy of the written statement to the petitioner by first class mail, postage prepaid.
 - c. The director of the Office of Legislative Research and General Counsel shall forward a copy of the written statement to each member of the Legislative Records Committee.
7.
 - a. No later than 10 business days after the notice of appeal is sent by the director of the Office of Legislative Research and General Counsel, a person whose legal

interests may be substantially affected by the proceeding may file a request for intervention before the Legislative Records Committee. Any written statements of facts, reasons, and legal authority in support of the intervener's position shall be filed with the request for intervention.

- b. The person seeking intervention shall provide copies of the statement to all parties to the proceedings before the Legislative Records Committee.
8. The Legislative Records Committee shall hold a hearing as scheduled in accordance with Subsection (5).
9. At the hearing, the Legislative Records Committee shall allow the parties to speak on the issues or present evidence. The Legislative Records Committee may allow other interested persons to comment on the issues.
10. Discovery is prohibited, but the Legislative Records Committee may issue subpoenas in accordance with Title 36, Chapter 14, Legislative Subpoena Powers, or issue other orders to compel production of necessary evidence.
11. The Legislative Records Committee's review shall be de novo.
12.
 - a. The Legislative Records Committee may review the disputed records. The review shall be in camera.
 - b. Members of the Legislative Records Committee may not disclose any information or record reviewed by the committee in camera unless the disclosure is otherwise authorized by these Policies and Procedures.
13.
 - a. No later than five business days after the hearing, the Legislative Records Committee shall issue a signed order either granting the petition in whole or in part or upholding the determination of the legislative officer in whole or in part.
 - b. The Legislative Records Committee may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure, order the disclosure of information properly classified as private, controlled, or protected if the public interest favoring access outweighs the interest favoring restriction of access.
 - c. In making a determination under Subsection (13)(b), the Legislative Records Committee shall consider and, where appropriate, limit the requester's use and further disclosure of the record in order to protect:
 - i. privacy interests in the case of:
 - A. private or controlled records; or
 - B. business confidentiality interests in records classified as protected;and
 - ii. privacy interests or the public interest in the case of other protected records.
14. The order of the Legislative Records Committee shall include:
 - a. a statement of reasons for the decision, including citations to the provisions that govern disclosure of the record if the citations do not disclose private, controlled, or protected information;
 - b. a description of the record or portions of the record to which access was ordered or denied if the description does not disclose private, controlled, or protected

information or information exempt from disclosure under Utah Code Ann. § 63-2-201(3)(b) (Supp. 2006);

- c. a statement that any party to the proceeding before the Legislative Records Committee may appeal the Legislative Records Committee's decision to district court;
 - d. a brief summary of the appeals process;
 - e. the time limits for filing an appeal; and
 - f. a notice that in order to protect the party's rights on appeal, the party may wish to seek advice from an attorney.
15. If the Legislative Records Committee fails to issue a decision within 57 calendar days of the filing of the notice of appeal, that failure shall be considered the equivalent of an order denying the appeal. The petitioner shall notify the Legislative Records Committee in writing if the petitioner considers the appeal denied.
16. Notwithstanding the other provisions of this Section 3.2, if a notice of appeal is filed during a general or special legislative session, a legislative office, a legislative officer, or the Legislative Records Committee may take five business days in addition to any time period specified in this section to comply with any obligation imposed under this section on the legislative office, legislative officer, or Legislative Records Committee.

Section 3.3. Judicial review.

1.
 - a. Any party to a proceeding before the Legislative Records Committee may petition for judicial review by the district court of the Legislative Records Committee's order.
 - b. The petition described in Subsection (1)(a) shall be filed no later than 30 calendar days after the date of the Legislative Records Committee's order.
2. A petition for judicial review shall be a complaint governed by the Utah Rules of Civil Procedure and shall contain:
 - a. the petitioner's name and mailing address;
 - b. a copy of the Legislative Records Committee's order from which the appeal is taken;
 - c. the name and mailing address of the legislative office that issued the initial determination with a copy of that determination;
 - d. a request for relief specifying the type and extent of relief requested; and
 - e. a statement of the reasons why the petitioner is entitled to relief.
3. The complaint shall be served on Legislative General Counsel in the Office of Legislative Research and General Counsel.
4. The proceedings in the district court shall be governed by the provisions of Utah Code Ann. § 63-2-404(3) through (8) (2004).

Utah Legislature Policies and Procedures for Commercial and Free Speech Activities in the Legislative Area of the Capitol Hill Complex

As authorized by Utah Code Ann. § 36-5-1 (2006), which provides the Legislative Management Committee with complete jurisdiction over the legislative area of the Utah state capitol complex, the Legislature establishes the following policies and procedures for managing public access and use of the legislative area of the capitol hill complex.

These policies and procedures supersede all prior policies, procedures, memoranda, or other statements regarding public use of the legislative area of the capitol hill complex.

Policies and Procedures

Part 1. General Provisions

Section 1.1. Definitions.

As used in these Policies and Procedures:

1. “Advanced Planned Free Speech Activity” means a free speech activity that can be reasonably scheduled in advance of its occurrence.
2. “Capitol hill complex” has the same meaning as “capitol hill” in Utah Code Ann. § 36-5-1(1).
3.
 - a. “Commercial solicitation” means any commercial activity conducted for the purpose of advertising, promoting, fund-raising, buying or selling any product or service, encouraging membership in any group, association or organization, or the marketing of commercial activities by distributing handbills, leaflets, circulars, advertising or dispersing printed materials for commercial purposes.
 - b. “Commercial solicitation” does not include:
 - i. a free speech activity;
 - ii. filming or photographic activities, which shall be subject to the provisions of R131-2 et seq., Utah Administrative Code;
 - iii. solicitation by the state or federal government;
 - iv. solicitation related to the business of the state;
 - v. solicitation related to the procurement responsibilities of the state;
 - vi. solicitation allowed as a matter of right under applicable federal or state law; or
 - vii. solicitation made pursuant to a contract or lease with the state.
4. “Demonstration” means the assembly of a group of individuals that join together to express a point of view openly.
5. “Free speech” means the exercise of free speech as protected by the constitutions of the state of Utah and the United States.
6. “Free speech activity” means a demonstration, rally, leafleting, press conference, vigil, march, or parade, in a location that is available for the activity under these policies and

procedures, by one or more persons, for constitutionally protected free speech or assembly.

7. "Freedom of assembly" means the exercise of freedom of assembly as protected by the constitutions of the state of Utah and the United States.
8. "Leafleting" means the unsolicited distribution of leaflets, buttons, handbills, pamphlets, flyers, or any other written or similar materials indiscriminately to pedestrians or passers by.
9. "March" or "Parade" means the organized assembly of individuals who are celebrating or expressing a point of view while moving from one location to another.
10. "Legislative area" has the same meaning as provided in Utah Code Ann. § 36-5-1.
11. "Press conference" means an organized formal assembly called by an individual or group to announce or express a point of view to the public utilizing the press and other media.
12.
 - a. "Public areas" means the hallways and foyers in the legislative area that are open to the public.
 - b. "Public areas" does not include the following locations in the legislative area:
 - i. legislative chambers, including public viewing areas;
 - ii. committee rooms;
 - iii. office space; and
 - iv. parking facilities.
13. "Rally" means an open gathering of a group of individuals of similar purpose to join together to express a point of view openly.
14. "Short-Notice Free Speech Activity" means a free speech activity that arises out of, or is related to events or other public issued which cannot be reasonably anticipated far enough in advance of the occurrence to reasonably allow compliance with the requirements for an advanced planned free speech activity.
15. "Vigil" means an assembly of an individual or individuals who come together to demonstrate their solidarity by an occasion or devotional watching or observance.

Part 2. Commercial Solicitation

Section 2.1. General Restrictions on Commercial Solicitation.

1. Except as allowed under Section 2.2, commercial solicitation is prohibited in the legislative area of the capitol hill complex.
2. Nothing in this part shall be interpreted as to infringe upon any individual's constitutional right of freedom of expression and freedom of association in the legislative area of the capitol hill complex.

Section 2.2. Certain Commercial Solicitation Allowed Under a Facility Use Permit

1. Except as provided in Section 2.3, commercial solicitation may be allowed if:
 - a. a facility use permit is issued by the Capitol Preservation Board under Utah Administrative Rules, rule R131-2; and
 - b. the commercial solicitation complies with the facility use requirements of rule R131-2.

2. All materials allowed to be distributed under a facility use permit shall be displayed only on bulletin boards or in areas that have been approved in advance by the executive director of the Capitol Preservation Board.
3. The issuance of a facility use permit shall not be construed as state or legislative endorsement of the solicitor's product, service, charity, or event.
4. Soliciting activities are subject to all littering laws and regulations.

Section 2.3. Prohibited Commercial Solicitation.

1. The following commercial solicitation activities are prohibited in the legislative area, and no facility use permit shall be issued for:
 - a. door-to-door commercial solicitation of items, services, or donations;
 - b. commercial solicitation to persons in vehicles or leaving any commercial solicitation materials on vehicles or in parking lots;
 - c. any sale of food or beverage products except by an entity under contract with the Legislature or the Capitol Preservation Board; and
 - d. any sale of other products except as allowed under a contract with the Legislature, the Capitol Preservation Board, or as an integral part of governmental business on the capitol hill complex.

Part 3. Free Speech Activities

Section 3.1. Purpose.

1. The purpose of these policies and procedures is to:
 - a. promote and encourage free speech in the legislative area of the capitol hill complex;
 - b. preserve the right of every person to exercise free speech and freedom of assembly as protected by the constitutions of the state of Utah and the United States, within the legislative area of the capitol hill complex subject to lawful time, place, and manner rules necessary to protect the public health, safety and welfare, including safety and security considerations, the rights of others to exercise free speech and freedom of assembly, and to minimize disruption to governmental business;
 - c. facilitate public assembly and communication between people at the legislative area of the capitol hill complex;
 - d. designate areas in the legislative area of the capitol hill complex for free speech activities as specified in these policies and procedures that are necessary to protect the public health, safety and welfare, including safety and security considerations, the rights of others to exercise free speech and freedom of assembly, and to minimize disruption to governmental business; and
 - e. establish guidelines to promote and encourage free speech activities and public assembly in the legislative area of the capitol hill complex.
2. These policies and procedures are intended to further the following governmental interests:
 - a. to promote and encourage free speech activities in the legislative area of the capitol hill complex;

- b. to provide for lawful time, place, and manner rules regarding free speech activities necessary to protect the public health, safety, and welfare;
- c. to provide for the safety and security of individuals;
- d. to minimize disruption to or interruption of the conduct of state and legislative business;
- e. to maintain unobstructed and efficient flow of pedestrian and vehicular traffic between and within the capitol hill complex in order to provide safety and security of individuals, emergency vehicle access, and assure accessibility to public services;
- f. to provide all individuals their guaranteed right of free speech and freedom of assembly without harm or interruption;
- g. to inform individuals of their responsibilities regarding littering, damage to, and vandalism of the legislative area of the Capitol Hill Complex; and
- h. to ensure the health, safety, and welfare of all persons visiting or using the legislative area of the capitol hill complex.

Section 3.2. Free Speech and Freedom of Assembly in General

Except as specifically regulated by these policies and procedures as to time, place, or manner, all free speech and freedom of assembly may occur in all public areas of the legislative area of the Capitol Hill Complex in any lawful form or manner as guaranteed by the constitutions of the state of Utah and the United States.

Section 3.3. Time, Place, and Manner of Free Speech Activities -- Registration Requirements

1.
 - a. Free speech and freedom of assembly, as protected by the constitutions of the state of Utah and United States, are promoted and encouraged in the legislative area of the Capitol Hill Complex.
 - b. Each free speech activity is subject to lawful time, place, and manner rules necessary to protect the public health, safety, and welfare, including safety and security considerations, the rights of others to exercise free speech and freedom of assembly, and to minimize disruption to governmental business.
2.
 - a. Except as provided under Subsection (2)(b), each free speech activity shall be subject to rule R131-2-6 of the Utah Rules of Administrative Procedure, which provides general regulations on the use of the capitol hill complex, including regulations on noise levels, disruption of meetings, and access to buildings, halls, and stairways.
 - b. In the case of a conflict between these policies and procedures and rule R131-2-6 of the Utah Rules of Administrative Procedure, the provisions of these policies and procedures shall control.
3. Each free speech activity shall be subject to the following time requirements:
 - a. Free speech activities held outdoors shall be subject to rule R131-11 of the Utah Rules of Administrative Procedure.
 - b. Free speech activities held indoors in the legislative area may take place:
 - i. during regular business hours; and

- ii. during legislative sessions, and committee and agency meetings, until such meetings are adjourned.
 - c. In order to accommodate as many groups as may make requests to conduct free speech activities on a given day, a free speech activity in a specified public area may be limited to two hours when necessary to accommodate another pre-scheduled group in the same public free speech area. The time of a free speech activity in a specified public area may be shortened to two hours in duration if necessary to accommodate another group in the same public area that has qualified for a short notice free speech activity.
- 4. Each free speech activity shall be subject to the following location requirements:
 - a. Health, safety, and welfare restricted areas that may not be reserved for a free speech activity are:
 - i. the vehicular traveled portions of roads, roadways or parking lots;
 - ii. areas directly in front of or adjacent to parking garage entrances or exits, paths of egress, or access to stairs and emergency egress hallways;
 - iii. areas under construction which are hazardous to non-construction workers; and
 - iv. those specific portions of the legislative area that contain storage, utilities, or technology servicing the capitol hill complex or other areas, which either must be available for prompt repair, are not open for public use, or represent a danger to members of the public.
 - b. In order to protect the public health, safety, and welfare and to allow for public accessibility to and the conduct of state business, a free speech activity that does not use any candles shall be allowed in the main public foyer of the House Building.
- 5.
 - a. With the exception of leafleting activities, which are provided for in Section 3.4, all free speech activities shall comply with the registration requirements of rule R131-11-5, which shall be administered by the executive director of the Capitol Preservation Board.
 - b. Consistent with the protections of the Utah and United States constitutions, and in order to preserve the free speech rights of others, outbursts or similar actions which disrupt or are likely to disrupt any government meeting or proceeding are prohibited.

Section 3.4. Leafleting.

1. Notwithstanding any other provision of these policies and procedures, there is no registration requirement for free speech leafleting.
2. In order to protect the public, health, safety, and welfare and allow for public accessibility to and the conduct of state business, free speech activity leafleting is allowed in the public areas of the legislative area of the capitol hill complex, without interference from capitol security, provided that it is done in a nonaggressive manner and does not prevent other individuals from passing along sidewalks and through doorways.
3. The state is allowed to enforce any and all applicable statutes and ordinances regarding blocking public sidewalks, blocking hallways, disorderly conduct, blocking entrances to

public buildings, garage entries, assault, battery and the like, consistent with the requirements of the constitutions of the state of Utah and the United States.

4. Leafleting is not allowed by placing leaflets on vehicles on the legislative area of the capitol hill complex.

Section 3.5. Contests and Appeals.

1. The following claims regarding a free speech activity in the legislative area of the capitol hill complex shall be appealed according to the procedures of Subsection (2):
 - a. A claim that an action by the state has improperly characterized an event or activity as an impermissible commercial event and not a permissible free speech activity;
 - b. A claim by an applicant that the state's denial, or condition of approval, of a proposed route, time, or location for a free speech activity constitutes:
 - i. a violation of these policies and procedures; or
 - ii. an unlawful time, place, or manner restriction; or
 - c. Any other claim that any action by the state regarding a proposed free speech activity impermissibly burdens constitutionally protected rights of the applicant, sponsor, participants, or spectators.
2.
 - a. Not later than 30 calendar days after the date of occurrence of the state action complained of under Subsection (1), an individual shall file a written complaint with:
 - i. the Speaker of the House;
 - ii. the President of the Senate; and
 - iii. the General Counsel for the Legislature.
 - b. The written complaint shall contain:
 - i. the names of the individual or individuals filing the complaint;
 - ii. a description of the nature of the claims made under the complaint;
 - iii. a description of the dates, facts, and circumstances associated with each claim made in the complaint;
 - iv. a specific description of the relief sought by the complaint;
 - v. a telephone number and address whereby the individual or individuals filing the complaint may be contacted; and
 - vi. the signatures of the individual or individuals filing the complaint.
 - c. As soon as reasonably possible, but no later than two days, not including Saturdays, Sundays, or legal holidays, after receipt of a written complaint, the Speaker of the House and President of the Senate shall:
 - i. issue a written determination, which may include lawful conditions, or notice of denial of the complaint; or
 - ii. make a determination that jurisdiction for the complaint properly lies with the executive director of the capitol preservation board and refer the complaint to the executive director to be determined according to rules R131-11-6 and R-131-11-7, Utah Rules of Administrative Procedure .
 - d. The Speaker of the House of Representatives and President of the Senate may deny a requested activity if:

- i. the requested activity does not comply with the applicable rules or policies and procedures;
 - ii. the registrant attempts to register a free speech activity, but the Speaker of the House of Representatives and the President of the Senate determine that it is a commercial activity;
 - iii. the event would disrupt, conflict, or interfere with a state sponsored activity, a time or place reserved for another free speech activity, or the operation of state business, and the determination is in accordance with constitutional provisions governing free speech and freedom of assembly; or
 - iv. the event poses a safety or security risk to persons or property and the determination is in accordance with constitutional provisions governing free speech and freedom of assembly.
- e. The Speaker of the House of Representatives and President of the Senate may, in approving or partially approving a contested free speech activity, place conditions on the activity that alleviate such concerns in accordance with these policies and procedures and constitutional provisions governing free speech and freedom of assembly.
 - f. If the applicant disagrees with a determination made by the Speaker of the House of Representatives and President of the Senate, the applicant may obtain judicial review of a determination issued under this Section.

Part 4. Public Use of the Legislative Area of the Capitol Hill Complex

Section 4.1. Public Use of Facilities in the Legislative Area.

Public use of the public areas of the legislative area and its facilities that is not a free speech activity shall be regulated by the procedures and requirements of rule R131-2 of the Utah Rules of Administrative Procedure, which provides procedures and guidelines for public use of capitol hill facilities.

Legislative Management Committee Policy for the Legislative Intern Program

This policy of the Utah Legislature's Legislative Management Committee governs the legislative intern program, which is a long standing cooperative effort between the Legislature and the participating institutions of higher education.

1. General Provisions

1.1. Definitions.

1. As used in this policy:
 - a. “Intern” means an individual who:
 - i. is a student at a participating institution in any major, preferably a junior or senior;
 - ii. is selected and qualified by the political science department of the participating institution;
 - iii. receives university credit from the participating institution for participating in the legislative intern program;
 - iv. is employed by OLRGC through the Intern Director; and
 - v. is an at-will employee of OLRGC assigned by the Intern Director to provide intern services for:
 - A. a legislator or group of legislators; and
 - B. a period of time that:
 - I. is subject to Subsection 3.2(3); and
 - II. includes an annual general session.
 - b. “Intern Director” means an employee of OLRGC appointed by the Director of OLRGC to manage the legislative intern program.
 - c. “Intern services” means the activities described as intern services in Section 2.4.
 - d. “Legislative intern program” means the program under which the OLRGC employs, on an at-will basis, interns selected and qualified by a participating institution.
 - e. “OLRGC” means the Office of Legislative Research and General Counsel.
 - f. “Participating institution” means:
 - i. Brigham Young University;
 - ii. Southern Utah University;
 - iii. University of Utah;
 - iv. Utah State University;
 - v. Utah Valley University;
 - vi. Weber State University; and
 - vii. Westminster College.

1.2. Management of Legislative Intern Program in General.

1. Under the supervision of the Director of OLRGC and subject to this policy, the Intern Director may:

- a. hire, terminate employment of, and direct the activities of an intern; and
 - b. otherwise manage the legislative intern program.
2. OLRGC may employ as an intern in the legislative intern program only an individual who meets the qualifications outlined in the definition of an intern under Section 1.1.

2. Employment Status of Interns

2.1. At-Will Status.

1. An intern is an at-will employee of OLRGC.
2. An intern is not guaranteed employment for a set time period and may be terminated at any time with or without prior notice, and with or without cause. The Intern Director shall specify the day on which:
 - a. an intern is hired by OLRGC as an intern; and
 - b. an individual is no longer employed by OLRGC as an intern.
3. An intern shall comply with state and federal laws by providing OLRGC necessary information for income tax withholding and other purposes, including:
 - a. providing OLRGC a completed IRS Form W-4; and
 - b.
 - i. completing the employee portion of the “Employment Eligibility Verification” form issued by the United States Department of Homeland Security, United States Citizenship and Immigration Services; and
 - ii. providing OLRGC the identification and documentation necessary for OLRGC to accurately complete its portion of the form described in Subsection (3)(b)(i).

2.2. Compensation and Benefits.

1. The Intern Director shall inform an intern of the minimum requirements that the intern must meet to be compensated for providing intern services under the legislative intern program.
2.
 - a. OLRGC shall pay an intern \$2,400 if the intern:
 - i. meets the requirements of this policy;
 - ii. completes the hour requirements of an intern as outlined in Subsection 2.3; and
 - iii. provides intern services meeting the requirements described in this Subsection 2.2 and Subsections 2.3 and 2.4.
 - b. OLRGC will pay the compensation through the Division of Finance in two payments beginning no sooner than the first complete pay period of the January in which the annual general session begins.
3. Although as an at-will employee in the legislative branch an intern is covered by certain laws such as workers' compensation, an intern is not eligible for state retirement or state employee benefits, including health insurance, sick or annual leave, or compensatory time.

2.3. Hour Requirements of an Intern.

1. In general, an intern is expected to provide intern services on a full-time basis during the period of employment as an intern. Because of the dynamic nature of an annual general session, it is understood that an intern may not provide intern services a steady 40-hours each week, except that:
 - a. an intern is anticipated to average no more than 40 hours per week for an 8-week period;
 - b. at least 6 of the possible 8 weeks of intern services is required to be fulfilled during the annual general session; and
 - c. during the annual general session and subject to coordination with each legislator to whom the intern is assigned, an intern is expected to generally:
 - i. be on Capitol Hill by no later than 8:00 a.m. each working day of the session; and
 - ii. remain on Capitol Hill each working day of the session until the later of:
 - A. 5:00 p.m.; or
 - B. when the Legislature is no longer on the floor or in an official meeting in which the legislator participates.
2. It is the responsibility of an intern to record the intern's hours providing intern services. An intern shall notify the Intern Director on the day on which the intern has in aggregate worked 280 hours.

2.4. Intern Services – Prohibited Activities.

1. The action of an intern is considered an intern service and in the course and scope of the intern's employment duties only if that intern performs the action:
 - a. consistent with OLRGC practices;
 - b. at the direction of the Intern Director or a legislator to whom an intern is assigned; and
 - c. primarily on Capitol Hill.
2. An intern is not considered to be providing an intern service if an action is part of an effort to support or oppose:
 - a. the election of a candidate for political or public office; or
 - b. a particular political party in an election.
3.
 - a. An intern may not:
 - i. engage in an outside activity during the same hours that the intern is scheduled to provide intern services;
 - ii. disclose information acquired as part of employment for a purpose other than providing intern services;
 - iii. purport to represent OLRGC, the Legislature, a legislator, or a state government entity while performing an action not directly within the intern's responsibility to provide intern services; or
 - iv. speak with a media representative, unless directed to do so by:
 - A. a legislator to whom the intern is assigned; or
 - B. the House or Senate political caucus media representative.
 - b. The prohibition of Subsection (3)(a) includes prohibiting an intern from taking an action to support or oppose a legislative act, except:

- i. in a manner consistent with OLRGC practices or directives; and
 - ii. as directed by a legislator to whom the intern is assigned.
4. Employment with OLRGC is to be the principle vocation of an intern while the intern is employed by OLRGC. If an intern intends to participate in other employment or educational activities while employed by OLRGC, it is the responsibility of the intern to:
 - a. ensure that a conflict of interest does not exist;
 - b. notify each legislator to whom the intern is assigned; and
 - c. notify and receive the approval of the Intern Director.

3. Selection of Interns

3.1. Participating Institutions.

The Intern Director shall work with a participating institution so that the participating institution:

1. ensures that an intern selected and qualified by the participating institution is academically qualified for the position; and
2. provides a faculty advisor to all interns who participate in the legislative intern program for university credit at the participating institution.

3.2. Intern Director.

1. Before each annual general session the Intern Director shall determine the approximate number of hours each legislator intends to use intern services during the upcoming annual general session.
2. The Intern Director may hire up to 75 interns from the pool of students selected and qualified by the participating institutions to meet the demand for intern services.
3. The Intern Director may not hire an intern for:
 - a. a period longer than 8 weeks; or
 - b. more than one annual general session.

4. Assignment of Interns

4.1. Assignment in General.

The Intern Director shall assign interns to legislators based on the following factors:

1. legislator preference;
2. an intern's preference to be assigned to a particular house or political party; and
3. an intern's demonstrated academic interest or skill in a particular subject area or issue.

4.2. Assignment of Full-Time Intern.

1. A legislator may be assigned a full-time intern if:
 - a. the legislator is:
 - i. a member of the Legislative Management Committee;
 - ii. a chair of the House Rules Committee;
 - iii. a chair of the Senate Rules Committee; or
 - iv. a chair of the Executive Appropriations Committee; or
 - b.

- i. the legislator has demonstrated an ability to keep an intern occupied for at least 40 hours a week; and
 - ii. there is a sufficient number of interns to meet each legislator's demand for intern services.
2. If there is an insufficient number of interns to meet every legislator's demand, the Intern Director shall assign the available interns to legislators based on the requesting legislator's seniority in the Legislature.
3. A legislator described in Subsection (1)(a) may coordinate with the Intern Director to interview and select the legislator's intern from the pool of interns provided by the participating institutions.

4.3. Sharing of Interns.

1. In making intern assignments, the Intern Director shall assign legislators to share intern services based on the following factors:
 - a. legislator preference;
 - b. whether the legislators who share intern services are members of the same house and political party; and
 - c. the total number of approximate hours requested by legislators who share intern services.
2. Legislators that share intern services shall cooperate with the Intern Director so that typically the shared intern provides intern services of approximately 35 to 50 hours per week.

5. Miscellaneous

5.1. Intern Training.

1. The Intern Director shall provide an intern orientation before each annual general session at which interns are instructed in the limited scope and nature of the interns' employment as at-will employees of OLRGC.
2. The Intern Director shall ensure that an intern receives:
 - a. instruction on legislative protocol, including dress standards and etiquette;
 - b. instruction on how to interact with pages, secretaries, Sergeant-at-Arms, professional legislative staff, lobbyists, and the press;
 - c. an overview of the legislative rules and procedures governing committee hearings, floor debates, amendments, substitutes, and the passage of legislation;
 - d. instruction on unlawful harassment policies; and
 - e. computer training on the Legislature's web page and specialized programs used by the Legislature to track, place on committee agendas, and calendar legislation.

5.2. Intern Access.

The Intern Director shall ensure that each intern receives:

1. a network identification and password; and
2. a photo identification badge.

Overtime by Professional Legislative Staff

This policy governs overtime accrual and compensation for the Office of the Legislative Auditor General, the Office of the Legislative Fiscal Analyst, the Office of Legislative Printing, and the Office of Legislative Research and General Counsel.

As used in this policy “chief administrator” means the legislative auditor general for the Office of the Legislative Auditor General, the legislative fiscal analyst for the Office of Legislative Fiscal Analyst, the director for the Office of Legislative Printing, and the director for the Office of Legislative Research and General Counsel.

Compensatory time may be accrued on the following basis, subject to the approval of the chief administrator:

1. Written records must be kept of time worked in such a way as to provide a proper audit trail.
2. To accrue compensatory time a minimum of one hour must be added to an eight-hour day. Any accrual must be in complete ½ hour increments and will be credited on a straight-time basis.
3. Any compensatory time accrued must have the written approval of the chief administrator.
4.
 - a. Compensatory time may be compensated with straight time off.
 - b. At the beginning of each budget year, subject to budget constraints within each office, the chief administrator may designate a maximum amount of hours or dollar figure that each employee within the office may have the option of taking as straight pay in lieu of straight time off. When available, this option must be exercised by the employee at the time the compensatory time is submitted.
5. Any claim of compensatory time must be submitted no later than two weeks after the compensatory time is earned.
6. No more than 80 hours of compensatory leave may be carried forward from October 31 of each year. Any employee's time in excess of that will be forfeited to that legislative employee's office.

Internal Legislative Procedures

1. Review note language has been eliminated from bills that do not have a high probability of being held unconstitutional.
2. Bills that do receive a legislative review note will include an educational paragraph about what the note means and does not mean.
3. To request an in-depth constitutional review letter, a legislator is required to obtain written approval for the request from the majority leader of the legislator's house, if the legislator is a member of the majority party, or from the minority leader, if the legislator is a member of the minority party. A copy of the approved request must also be sent to the speaker or the president.

Legislative Management Committee Policy for the Disposal of Surplus Property by the Legislature

As authorized by Utah Code Section 63A-2-409, the Legislative Management Committee establishes the following rules for the disposal of surplus property that is information technology equipment or a personal handheld device.

Part 1. General Provisions

Section 1.1 Definitions

As used in this policy:

1. “Designated officer” means:
 - a. for the House of Representatives, the Chief Clerk of the House;
 - b. for the Senate, the Secretary of the Senate;
 - c. for a staff office of the Legislature, the director of the staff office.
2. “Fair market value” means the value at which the surplus property may be sold on the open market, as determined by the designated officer, based on:
 - a. Internet research;
 - b. discussions with a person who is knowledgeable regarding the value of the surplus property; or
 - c. any other reasonable means selected by the designated officer.
3. “Information technology equipment” means equipment that is designed to electronically manipulate, store, or transfer a form of data.
4. “Qualifying equipment” means:
 - a. information technology equipment; or
 - b. a personal handheld electronic device.
5. “Legislative unit” means the Legislature, the House of Representatives, the Senate, or a staff office of the Legislature.
6. “Personal handheld electronic device”:
 - a. means an electronic device that is designed for handheld use and permits the user to store or access information, the primary value of which is specific to the user of the device; and
 - b. includes a mobile phone, pocket personal computer, personal digital assistant, or similar device.
7. “Surplus property” means property that a legislative unit:
 - a. intends for disposal; and
 - b. has acquired by purchase or donation.

Part 2. Disposal of Qualifying Equipment

Section 2.1 Disposal of qualifying equipment

1. A legislative unit may dispose of surplus property that is qualifying equipment as follows:
 - a. by selling the surplus property at fair market value;

- b. by trading the surplus property for goods or services at fair market value; or
 - c. destroying the surplus property, if the designated officer in the legislative unit determines that the surplus property should be destroyed for security or safety reasons.
2. A legislative unit that decides to sell surplus property under this policy may, after determining the fair market value of the property, sell the surplus property, for the fair market value, to the legislative employee who was assigned to use the surplus property before it became surplus property.

Part 3. Records

Section 3.1 Record keeping

1. A legislative unit that disposes of surplus property under this policy shall, for at least three years from the day on which the surplus property is disposed of, keep a record of the surplus property disposed of.
2. The record described in Subsection (1) shall include:
 - a. a description of the surplus property disposed of;
 - b. a description of the manner of disposal;
 - c. if the surplus property is sold:
 - i. the fair market value of the surplus property at the time it was sold;
 - ii. a description of the method used to determine the fair market value;
 - iii. the amount for which the surplus property was sold;
 - iv. the name of the person or entity to whom the surplus property was sold; and
 - v. the date on which the surplus property was sold.
 - d. if the surplus property is traded:
 - i. the fair market value of the surplus property at the time it was traded;
 - ii. a description of the method used to determine the fair market value;
 - iii. a description of the property for which the surplus property was traded;
 - iv. the name of the person or entity to whom the surplus property was traded; and
 - v. the date on which the surplus property was traded.
 - e. if the surplus property is destroyed:
 - i. the method by which it was destroyed;
 - ii. a description of the security or safety reason for which it was destroyed; and
 - iii. the date on which the surplus property was destroyed.

Part 4. Proceeds of sale

Section 4.1 Proceeds of sale of surplus property

1. If surplus property is sold under this policy, the money received in exchange for the surplus property shall be paid to the legislative unit that originally purchased the surplus property.
2. A legislative unit to which the money described in Subsection (1) is paid may use the money:

- a. to purchase additional qualifying equipment or accessories for qualifying equipment; or
- b. for other expenses of the legislative unit.

Legislative Management Committee Policy on Legislative Procurement

In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the Legislative Management Committee establishes the following rules for procurement by the Legislature, the Senate, the House of Representatives, a legislative staff office, or an office, committee, subcommittee, or other organization within the state legislative branch.

Part 1. General Provisions

Section 1.1. Definitions.

As used in this policy:

1. “Annual cumulative threshold” means the maximum total annual amount, stated in Section 2.1 of this policy, that a legislative procurement unit may expend to obtain procurement items from the same source under Utah Code Section 63G-6a-408 and Section 2.1 of this policy.
2. “Individual procurement threshold” means the maximum amount, stated in Section 2.1 of this policy, that a legislative procurement unit may spend to purchase a procurement item under Utah Code Section 63G-6a-408 and Section 2.1 of this policy.
3. “Legislative procurement unit” means:
 - a. the Legislature;
 - b. the Senate;
 - c. the House of Representatives;
 - d. the Office of the Legislative Fiscal Analyst;
 - e. the Office of the Legislative Auditor General;
 - f. the Office of Legislative Research and General Counsel; or
 - g. the Office of Legislative Printing, including the bill room.
4. “Procurement item” means a supply, service, or technology.
5. “Single procurement aggregate threshold” means the maximum total amount, stated in Section 2.1 of this policy, that a legislative procurement unit may expend to obtain multiple procurement items from one source at one time under Utah Code Section 63G-6a-408 and Section 2.1 of this policy.
6. “Small purchase” means a procurement under Utah Code Section 63G-6a-408 and Section 2.1 of this policy.

Section 1.2. Designation of heads of legislative procurement units.

For purposes of procurement under Utah Code Title 63G, Chapter 6a, Utah Procurement Code, and this policy, the following are designated as the head of the applicable legislative procurement unit:

1. with respect to the Legislature, the president of the Senate and the speaker of the House of Representatives;
2. with respect to the Senate, the president of the Senate;
3. with respect to the House of Representatives, the speaker of the House of Representatives;

4. with respect to a legislative committee, subcommittee, task force, commission, or other body, the Legislative Management Committee;
5. with respect to the Office of the Legislative Fiscal Analyst, the legislative fiscal analyst;
6. with respect to the Office of the Legislative Auditor General, the legislative auditor general;
7. with respect to the Office of Legislative Research and General Counsel:
 - a. for the procurement of legal services, legislative general counsel; or
 - b. for all other procurements, the director of the Office of Legislative Research and General Counsel; and
8. with respect to the Office of Legislative Printing, the manager of the Office of Legislative Printing.

Part 2. Procurement Provisions

Section 2.1. Small purchases.

1. As provided in Utah Code Section 63G-6a-408 and this section, a legislative procurement unit may make a small purchase without following the bidding process described in Utah Code Title 63G, Chapter 6a, Part 6, Bidding, or the request for proposals process described in Utah Code Title 63G, Chapter 6a, Part 7, Request for Proposals.
2.
 - a. The annual cumulative threshold for a legislative procurement unit is \$50,000.
 - b. The individual procurement threshold for a legislative procurement unit is \$25,000.
 - c. The single procurement aggregate threshold for a legislative procurement unit is \$50,000.
3. A legislative procurement unit may make a small purchase by following whatever method the procurement officer considers to be adequate and reasonable if the small purchase is of:
 - a. a single procurement item costing no more than \$5,000; or
 - b. multiple procurement items:
 - i. from one source at one time;
 - ii. none of which is estimated to cost more than \$5,000; and (iii) estimated to cost in the aggregate no more than \$25,000.
4.
 - a. This Subsection (4) applies to a legislative procurement unit's purchase of:
 - i. an individual procurement item estimated to cost over \$5,000 but no more than \$25,000; or
 - ii. multiple procurement items:
 - A. from one source at one time;
 - B. none of which is estimated to cost more than \$25,000; and (C) estimated to cost in the aggregate over \$25,000 but no more than \$50,000.
 - b. For a small purchase described in Subsection (4)(a), a legislative procurement unit shall:
 - i. obtain at least two competitive quotes from vendors of the procurement item or items; and

- ii. subject to Subsection (4)(c), accept the lowest acceptable quote and purchase the procurement item or items from the responsible vendor giving the lowest acceptable quote.
 - c. Subsection (4)(b) does not prohibit a legislative procurement unit from rejecting all quotes and abandoning the small purchase.
- 5.
 - a. A legislative procurement unit may not exceed the annual cumulative threshold, the individual procurement threshold, or the single procurement aggregate threshold unless the head of the legislative procurement unit gives written authorization to exceed the threshold.
 - b. A written authorization under Subsection (5)(a) shall include the reasons for exceeding the threshold.

Section 2.2. Procurement requiring Legislative Management Committee approval.

- 1. Except as provided in Subsection (2), a legislative procurement unit may not purchase, or enter an agreement to purchase, a procurement item estimated to cost over \$250,000 without prior approval from the Legislative Management Committee.
- 2. Subsection (1) does not apply if the legislative procurement unit is the Utah Senate, the House of Representatives, or the Legislature.

Grievance Procedure under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Utah Legislature will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If a person with a disability requires an accommodation, please notify the appropriate legislative office or contact the ADA coordinator at the address below for assistance. If after contacting the appropriate legislative office or ADA coordinator, a person believes that his or her accommodation request has not been satisfied or that he or she has been discriminated against, the person may file a complaint in accordance with this Grievance Procedure.

This Grievance Procedure is established to meet the requirements of the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision or benefit of services, activities, or programs by the Utah Legislature or its offices. The Utah Legislature's Personnel Policy governs employment-related complaints of disability discrimination.

A complaint should be in writing and contain the following information:

- the complainant's contact information, including a name, address, e-mail address, and phone number;
- a description of the action or accommodation that was requested of the Legislature, to whom it was requested, and the date of that request;
- a description of the Legislature's alleged discriminatory action in sufficient detail to inform the Legislature of the nature and date of the alleged violation;
- the date that the complaint is filed; and
- the complainant's or the complainant's legal representative's signature.

Alternative means of filing complaints, such as a personal interview or an audio recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the complainant or the complainant's designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Victoria S. Ashby, Associate General Counsel and ADA Coordinator
Office of Legislative Research and General Counsel
W210 Utah State Capitol Complex
Salt Lake City, UT 84114
Phone: (801) 538-1032
Fax: (801) 538-1712

Within 15 calendar days after receipt of the complaint, Victoria Ashby or her designee will meet with the complainant to discuss the complaint, relevant evidence, and a possible resolution, if any. Within 15 calendar days after meeting with the complainant, Victoria Ashby or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant. The

response will explain the position of the Utah Legislature and offer options for substantive resolution of the complaint.

If the response by Victoria Ashby or her designee does not satisfactorily resolve the issue, the complainant or the complainant's designee may appeal the decision within 15 calendar days after receipt of the response to the director of the Office of Legislative Research and General Counsel.

Within 15 calendar days after receipt of the appeal, the director of the Office of Legislative Research and General Counsel or other designee will meet with the complainant to discuss the complaint, relevant evidence, and a possible resolution, if any. Within 15 calendar days after the meeting, the director or other designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

A record, as defined in U.C.A. 63G-2-103, created in accordance with this process is subject to the provisions of Title 63G, Chapter 2, Government Records Access and Management Act. This complaint procedure neither prohibits nor limits a lawful remedy available to an individual. A file created under this policy will be retained according to the policies of the Office of Legislative Research and General Counsel.

The ADA is enforced by the U.S. Department of Justice, www.ada.gov.

Appendix A

Records Retention Schedule

Appendix A

Records Retention Schedule

The following is a retention schedule for records maintained by legislative offices. The retention schedule is divided into three types of records -- permanent, scheduled for destruction/deletion, and temporary (review and discard when no longer needed). To the extent that a record is in the control of a legislative office and is listed as permanent or scheduled for destruction/deletion by this retention schedule, the record will be treated as such from the effective date of the retention schedule forward and retroactively when possible.

PERMANENT	House	Senate	OLRGC	Fiscal	Auditors
Journals	✓	✓	✓		
Laws of Utah			✓		
Utah Constitution			✓		
Bill files including introduced bills, amendments, substitutes, and enrolled copies of bills	✓	✓			
Bill files including drafts, research, amendments, introduced and substituted legislation, and enrolled legislation			✓		
Bill status			✓		
Interim committee histories including notices, agendas, minutes, handouts, and audio recordings of meetings			✓		
Standing committee histories including notices, agendas, minutes, handouts, and audio recordings of meetings	✓	✓			
Legal opinions of the OLRGC			✓		
Litigation files			✓		
Fiscal notes and fiscal note research				✓	
Appropriations committee histories including notices, agendas, minutes, and handouts				✓	
Appropriations bill files including drafts, research, and amendments				✓	

PERMANENT	House	Senate	OLRGC	Fiscal	Auditors
Auditors committee histories including notices, agendas, minutes, and handouts					✓
Audits including master files of audit reports with working papers, requests for audits, outlines or parts of any audit survey plans or audit programs with working papers, and final audit reports					✓
Publications, <i>e.g.</i> , items published for the public	✓	✓	✓	✓	✓
Audio recordings and video of House and Senate floor debates	✓	✓			

SCHEDULED FOR DELETION/DESTRUCTION	House	Senate	OLRGC	Fiscal	Printing	Auditors
Utah Code Unannotated (1 year)	✓	✓	✓	✓	✓	✓
General correspondence, including constituent letters (shorter of 3 years or when the legislative need ends)	✓	✓	✓	✓	✓	✓
General accounting ledgers including accounts payable ledger, accounts receivable ledger, or other general ledgers (7 years)	✓	✓	✓	✓	✓	✓
Bank deposits, bank statements, check registers, and checks (3 years)	✓	✓	✓	✓	✓	✓
Invoices and warrants (3 years)	✓	✓	✓	✓	✓	✓
Inventory ledger (3 years)	✓	✓	✓	✓	✓	✓
Payroll records (4 years)	✓	✓	✓	✓	✓	✓
Petty cash records (3 years)	✓	✓	✓	✓	✓	✓
Travel expense records (3 years)	✓	✓	✓	✓	✓	✓
Employee records, including promotion reports, retirement, and pension records (65 years after termination)	✓	✓	✓	✓	✓	✓
Accident reports, claims, and statements (5 years)	✓	✓	✓	✓	✓	✓

SCHEDULED FOR DELETION/DESTRUCTION	House	Senate	OLRGC	Fiscal	Printing	Auditors
Disability and illness reports (5 years)	✓	✓	✓	✓	✓	✓
Employee applications (shorter of 6 months or when the administrative need ends)	✓	✓	✓	✓	✓	✓
Employee time records (3 years)	✓	✓	✓	✓	✓	✓
Bids and awards (3 years)	✓	✓	✓	✓	✓	✓
Contracts (6 years from date contract is completed)	✓	✓	✓	✓	✓	✓
Research (shorter of 3 years or when administrative need ends)			✓	✓		✓

TEMPORARY	House	Senate	OLRGC	Fiscal	Printing	Auditors
Research requests and results			✓	✓		✓
Electronic messages, including e-mail, voice mail, instant messages, as provided for electronic messages in Subsection 1.2(2) of the Policies and Procedures	✓	✓	✓	✓	✓	✓
Internal policy, procedural, or training documents	✓	✓	✓	✓	✓	✓
Mailing lists	✓	✓	✓	✓	✓	✓
Press releases	✓	✓				
Papers which have short-term use and comprise the background records such as preliminary studies, drafts, analysis, and notes	✓	✓	✓	✓	✓	✓

Appendix B

Fees for Legislative Information

Appendix B

Fees for Legislative Information

The following information is available to the public at the prices noted:

1. Photocopying costs:
\$.10 per sheet (self serve) non-color copies
\$.40 per side for color copies (limited quantities only)
2. Faxing documents:
\$1 per page
3. Staff time for providing the record, information, or service
Up to \$25 per hour
4. Mailing all interim committee agendas, minutes, and enclosures
\$50 per interim
5. Mailing a task force's minutes and agendas
\$20 per year
6. Utah Constitutions
\$2 each
7. Utah Legislative Directory
\$6 each
8. Utah State Government: A Citizen's Guide
\$10 each
9. Rules of the Legislature
\$3 each
10. Redistricting Committee Report
\$5 for CD version
\$25 for hard copy
11. Legislative Drafting Manual
\$15

12. Copies of public legislative committee meetings or floor debates
\$2 for tape, plus staff time to run copy
\$5 for CD, plus staff time to run copy
\$7 for VHS, plus staff time to run copy
\$10 for DVD, plus staff time to run copy
13. Computer-based version of the Utah Code
\$1,000 for the entire Utah Code
\$50 minimum for a title of the Utah Code
14. Copies of printed, numbered bills
\$.10 per sheet
\$300 for all original and substitute bills filed during the 45-day session
15. Copies of printed amendments
\$.10 per sheet
16. Daily printed bill status
\$2 for each day or
\$65 for the 45-day session
17. Bound version of Senate or House journal
\$45 each per year
18. House and Senate daily journal
\$1.50 for each journal per day or
\$85 for the set for the 45-day session
19. General Session package of printed numbered bills, daily bill status, and House and Senate daily journals
\$450
20. Laws of Utah
\$50 per year
21. Mailing costs
\$2 minimum
22. Briefing Papers (for copies in addition to one free copy to a person or state agency)
\$5 each
23. Digest of Legislation (for copies in addition to one free copy to a person or state agency)
\$10 each
24. Pocket Guide of Legislative Directory
\$2 each

25. Utah State Government Organization Summary Chart (for copies in addition to one free copy to a person or state agency)
\$3 each
26. Legislative Interim Report (for copies in addition to one free copy to a person or state agency)
\$5 each

A person or a state agency may have one free copy of the following documents:

House of Representatives

A Young Citizen's Guide to the Utah State Legislature
Activities Book
Citizen's Guide to the Utah State Legislature
Commercial and Free Speech Activities in the Legislative Area of the Capitol Hill Complex
Daily Agenda
Guidelines for Lobbyists
How a Bill Becomes Law
Roster of Senators and Representatives
Take the Challenge

Utah State Senate

A Young Citizen's Guide to the Utah State Legislature
Activities Book
Citizen's Guide to the Utah State Legislature
Commercial and Free Speech Activities in the Legislative Area of the Capitol Hill Complex
Daily Agenda
Guidelines for Lobbyists
How a Bill Becomes Law
Roster of Senators and Representatives
Take the Challenge

Office of Legislative Printing

Commercial and Free Speech Activities in the Legislative Area of the Capitol Hill Complex
Committee schedules
How a Bill Becomes Law
Roster of Senators and Representatives

Office of the Legislative Fiscal Analyst

Annual Appropriations Report
Appropriations Summary and Budget Highlights

Office of the Legislative Auditor General

Annual Report to the Utah State Legislature
Legislative Audit Reports